

APPENDIX A

PROPOSED REGULATION ORDER

AMENDMENTS TO THE HEAVY-DUTY VEHICLE INSPECTION PROGRAM AND
THE PERIODIC SMOKE INSPECTION PROGRAM

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TITLE 13. MOTOR VEHICLES DIVISION
3. CALIFORNIA AIR RESOURCES BOARD
CHAPTER 3.5 HEAVY-DUTY DIESEL SMOKE EMISSION TESTING, AND
HEAVY-DUTY VEHICLE EMISSION CONTROL SYSTEM INSPECTIONS

Amend section 2180.1, 2181, 2182, 2183, 2185, 2186, 2187 and 2195, title 13, California Code of Regulations. Adopt new section 2195, title 13, California Code of Regulations, to read as follows:

(Note: The preexisting regulation text is set forth below in normal type. The amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text.)

§ 2180. Applicability.

Unless otherwise noted, this chapter applies to all diesel-powered and gasoline-powered heavy-duty vehicles, including pre-1974 model-year vehicles, operating in the State of California.

Note: Authority cited: Sections 39600, 39601, 43013, 43701 and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, 43701 and 44011.6, Health and Safety Code; and Section 505, Vehicle Code.

§ 2180.1. Definitions.

(a) The definitions of this section supplement and are governed by the definitions set forth in Chapter 2 (commencing with section 39010), Part 1, Division 26 of the Health and Safety Code. The following definitions shall govern the provisions of this chapter.

(1) "Authorized dealer" means a group of independent service and repair facilities that are recognized by the motor vehicle or engine manufacturer as being capable of performing repairs to factory specifications; including warranty repair work.

(2) "CARB post-repair inspection" means a repeat emission control system inspection, conducted by the California Air Resources Board at a California Air Resources Board-specified site, for the purpose of clearing a Citation issued under section 2185(a)(1)(C).

(3) "CARB post-repair test" means a repeat test, conducted by the California Air Resources Board at a California Air Resources Board-specified site, for the purpose of clearing a Citation issued under section 2185(a)(1)(C).

(4) "Basic penalty" means the civil penalty of (\$500) for a test procedure or emission control system inspection violation that is to be deposited in the Vehicle Inspection and Repair Fund.

(5) "Citation" means a legal notice issued by the California Air Resources Board to the owner of a heavy-duty vehicle requiring the owner to repair the vehicle and to pay a civil penalty.

(6) "Day" means calendar day.

(7) "Defective" means a condition in which an emission control system or an emission control system component is malfunctioning due to age, wear, malmaintenance, improper installation, or design defects.

(8) "Demonstration of correction" means the documents identified in section 2186.

(9) "Driver" has the same meaning as defined in California Vehicle Code section 305.

(10) "Emission control label (ECL)" or "ECL" means the label required by the "California Motor Vehicle Emission Control Label Specifications", incorporated by reference in 13 CCR, section 1965, or Title 40, Code of Federal Regulations (CFR), Part 86, Subpart A.

(11) "Emission control system" means the pollution control components on an engine at the time its engine family is certified, including, but not limited to, the emission control label.

(12) "Engine control module (ECM)" means the computer system responsible for providing fuel to the engine and controlling a vehicle's emissions.

(13) "Engine manufacturer diagnostic (EMD) system" means any system certified to meet the requirements of title 13, California Code of Regulations, section 1971.

~~(14)~~ "Executive Officer" means the Executive Officer of the California Air Resources Board or his or her designee.

~~(15)~~ "Federal emission standards" means the emission standards adopted by the U.S. Environmental Protection Agency, pursuant to Title 42 United States Code, section 7521(a), that are required to be met for the certification of heavy-duty vehicles or engines.

~~(16)~~ "Fleet" means two (2) or more heavy-duty vehicles.

~~(17)~~ "Heavy-duty commercial vehicle" means a "motor truck" designed, used, or maintained primarily for the transportation of property, as defined in section 410 of the California Vehicle Code, and having a gross vehicle weight rating (GVWR) greater than 10,000 pounds.

~~(18)~~ "Heavy-duty vehicle" means a motor vehicle having a manufacturer's

maximum gross vehicle weight rating (GVWR) greater than 6,000 pounds, except passenger cars.

(~~17~~19) "Inspection procedure" means the test procedure specified in section 2182 and the emission control system inspection specified in section 2183.

(~~18~~20) "Inspection site" means an area including a random roadside location, a weigh station, or a fleet facility used for conducting the heavy-duty vehicle test procedure, emission control system inspection, or both.

(~~19~~21) "Inspector" means an California Air Resources Board employee with the duty of enforcing Health and Safety Code sections 43701(a) and 44011.6 and title 13, CCR sections 2180 through 2194.

(22) "Interrogation" refers to a thorough examination of any and all relevant digital records for the purposes of the inspection.

(~~20~~23) "Issuance" means the act of mailing or personally delivering a Citation or Notice of Violation to the owner.

(~~21~~24) "Minimum penalty" means the (\$300) penalty that is to be deposited in the Diesel Emission Reduction Fund pursuant to Health and Safety Code section 44011.6(l).

(~~22~~25) "Notice of Violation" means a legal notice issued to the owner of a heavy-duty vehicle powered by a ~~pre-1991 model-year~~ diesel engine with a measured smoke opacity exceeding ~~55 percent but not exceeding 69 percent~~ the applicable opacity standard, requiring the owner to repair the vehicle and submit a demonstration of correction.

(~~23~~26) "Officer" means a uniformed member of the Department of the California Highway Patrol.

(~~27~~) On Board Diagnostics (OBD) means any system certified to meet the requirements of title 13, California Code of Regulations, sections 1968.1, 1968.2, 1971.1, or future OBD requirements adopted by the California Air Resources Board.

(~~24~~28) "Opacity" means the percentage of light obstructed from passage through an exhaust smoke plume.

(~~25~~29) "Owner" means either (A) the person registered as the owner of a vehicle by the California Department of Motor Vehicles (DMV), or its equivalent in another state, province, or country; or (B) a person shown by the registered owner to be legally responsible for the vehicle's maintenance. The person identified as the owner on the registration document carried on the vehicle at the time a Citation is issued shall be

deemed the owner unless that person demonstrates that another person is the owner of the vehicle.

(30) "Payment" means a financial transaction intended as a recompense or restitution by bank check, money order, electronic bank transfer or credit card.

~~(2631)~~ "Removal from service" means the towing and storage of a vehicle under California Vehicle Code section 27159 and under the auspices of the Department of the California Highway Patrol.

~~(2732)~~ "Repair facility" means any place where heavy-duty vehicles are repaired, rebuilt, reconditioned, or in any way maintained for the public at a charge, and fleet maintenance facilities.

~~(2833)~~ "SAE J1667" means Society of Automotive Engineers (SAE) Recommended Practice SAE J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles," as issued February 1996 ("1996-02"), which is incorporated herein by reference.

~~(2934)~~ "Schoolbus" means the same as defined in California Vehicle Code section 545.

~~(3035)~~ "Smokemeter" means a detection device used to measure the opacity of smoke in percent opacity.

~~(3136)~~ "Tampered" means missing, modified, or disconnected, or, as it applies to emission control labels, permanently obscured.

~~(3237)~~ "Test procedures," for the purpose of chapter 3.5, means the test procedures set forth in SAE J1667.

~~(3338)~~ "Uncleared Citation" means a Citation for which demonstration of correction and, if required, payment of any civil penalty, has not been made.

(39) "Verified Diesel Emissions Control Strategy (VDECS)" means a verified diesel emission control strategy or system that has received approval from the Executive Officer according to the "Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines" in title 13, California Code of Regulations, commencing with section 2700. Level 2 VDECS means the strategy reduces engine diesel particulate matter emissions by between 50 and 84 percent. Level 3 VDECS means the strategy reduces engine particulate matter emissions by 85 percent or greater, or reduces engine emissions to less than or equal to 0.01 grams diesel particulate matter per brake horsepower-hour.

Note: Authority cited: Sections 39600, 39601, 43013, 43701 and 44011.6, Health and Safety Code; Section 312, Corporations Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, 43701 and 44011.6, Health and Safety Code; Sections 410 and 505, Vehicle Code; title 42 United States Code, section 7521(a); and title 40, Code of Federal Regulations Part 86, Subpart A.

§ 2181. Responsibilities of the Driver and Inspector during the Inspection Procedure.

(a) Driver of heavy-duty diesel-powered vehicle. The driver of a heavy-duty diesel-powered vehicle selected to undergo the inspection procedure shall do all of the following:

- (1) Drive the vehicle to the inspection site upon direction of an officer.
- (2) Show proof of driver's license and vehicle registration to the inspector or officer upon request.
- (3) Perform the test procedure upon request by an inspector.
- (4) Open the vehicle door so that the inspector can observe the driver depress the accelerator pedal.
- (5) Permit an emission control system inspection and open the hood of the vehicle upon the request of the inspector.
- (6) As applicable, sign the Citation or Notice of Violation to acknowledge its receipt and sign the smoke test report to acknowledge performance of the test procedure.

(b) Driver of heavy-duty gasoline-powered vehicle. The driver of a heavy-duty gasoline-powered vehicle selected to undergo the inspection shall do all of the following:

- (1) Drive the vehicle to the inspection site upon direction of an officer.
- (2) Show proof of driver's license and vehicle registration to the inspector or officer upon request.
- (3) Permit an emission control system inspection and open the hood of the vehicle upon request of the inspector.
- (4) As applicable, sign the Citation or Notice of Violation to acknowledge its receipt.

(c) Inspector. The inspector in performing the inspection procedures shall do all of the following:

- (1) Advise the driver that refusal to submit to the inspection procedure is a violation of

these regulations.

(2) Obtain engine identification information from the vehicle when tested pursuant to section 2182 to determine which opacity standard specified in section 2182 applies.

(3) Except as otherwise provided in section 2181(c)(4), issue a Citation to the driver of a vehicle that fails the test procedure applicable opacity standard as specified in section 2182, ~~or the emission control system inspection or is missing an emission control label.~~

(4) ~~For the first 6 months from the effective date of the amended regulation, issue a Notice of Violation to the driver of a vehicle powered by a pre-1991 model-year diesel engine with a measured smoke opacity exceeding 55 percent but not exceeding 69 percent that fails the applicable smoke opacity standard as specified in section 2182(a). If the same vehicle has already been issued a Notice of Violation for failing the applicable smoke standard in section 2182(a) subsequent to the effective date of the amended regulation, issue a Citation, except where a Notice of Violation or Citation has been issued for the vehicle in the preceding 12 months. This provision sunsets [six (6) months from the effective date of the amended regulation].~~

(5) ~~Issue a warning to the owner of a heavy-duty diesel-powered vehicle missing its emission control label that the label must be replaced and the engine number identification must be provided to the ARB within 45 days of written notification or receipt of a Citation under section 2183 from the ARB, or it will be conclusively presumed in any subsequent smoke opacity test where the emission control label remains missing that the vehicle is subject to the 40 percent smoke opacity standard in section 2182(a)(1), unless at the time of the subsequent test it is plainly evident from a visual inspection that the vehicle is powered by a pre-1991 model-year engine.~~

Note: Authority cited: Sections 39600, 39601, 43013, 43701 and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, 43701 and 44011.6, Health and Safety Code; and Sections 260 and 305, Vehicle Code.

§ 2182. Heavy-Duty Diesel Vehicle Smoke Opacity Standards and Test Procedures; Excessive Smoke.

(a) Standards. All heavy-duty vehicles operating within the State of California, when tested in accordance with the test procedures specified in section 2182(b), shall not exceed a smoke opacity percentage of:

1. 5% for any heavy-duty vehicle powered by a 2007 or subsequent model-year diesel engine.
2. 5% for any heavy-duty vehicle required to be equipped or retrofitted with a Level 3 VDECS, regardless of its diesel engine model-year.

3. 20% for any heavy-duty vehicle equipped or retrofitted with a Level 2 VDCES, regardless of its diesel engine model-year.
4. 20% for any heavy-duty vehicle powered by a 1997 to 2006 model-year diesel engine.
5. 30% for any heavy-duty vehicle powered by a 1991 to 1996 model-year diesel engine.
6. 40% for any heavy-duty vehicle powered by a pre-1991 model-year diesel engine.
7. 40% for any heavy-duty two-engine crane that has been reported to CARB per title 13 section 2449(g) and that is powered by an off-road propulsion engine without a diesel particulate filter.

~~(1) No heavy-duty vehicle powered by a 1991 or subsequent model-year diesel engine operating within the State of California shall exceed 40 percent smoke opacity when tested in accordance with this section unless its engine is exempted under subsection (c) or (d) below.~~

~~(2) No heavy-duty vehicle powered by a pre-1991 model-year diesel engine, operating on the highways within the State of California, shall exceed 55 percent smoke opacity when tested in accordance with this section unless its engine is exempted under subsection (c) or (d) below.~~

(b) Exemptions

~~(1) The Executive Officer shall exempt from subsections (a)(1) and (2) any engine family that is shown by the engine manufacturer to the satisfaction of the Executive Officer to exhibit smoke opacity greater than 40 percent or 55 percent respectively when in good operating condition and adjusted to the manufacturer's specifications. Such engine family(s) must comply with any technologically appropriate less stringent opacity standard identified by the Executive Officer based on a review of the data obtained from engines in good operating condition and adjusted to manufacturer's specifications.~~

~~(2) The Executive Officer shall exempt from subsections (a)(1) and (2) any 1991 and earlier model-year heavy-duty diesel engines that are equipped with carryover add-on aftermarket turbocharger kits approved by the ARB, and are shown by the kit or engine manufacturer to the satisfaction of the Executive Officer to exhibit smoke opacity greater than 40 percent or 55 percent respectively when in good operating condition and adjusted to manufacturer's specifications. Such engines must comply~~

~~with any technologically appropriate less stringent opacity standard identified by the Executive Officer based on a review of the data obtained from engines in good operating condition and adjusted to manufacturer's specifications.~~

~~(3) Exemptions previously issued and in effect on January 1, 1996 shall remain in effect under the amendments to this section adopted on March 2, 1998 and effective on May 4, 1998.~~

~~(4) A manufacturer seeking an exemption under subsection (b) shall provide the ARB with the engine emissions data needed to exempt the engine family and determine technologically appropriate less stringent opacity standards.~~

Test Procedures: The test procedures set forth in Society of Automotive Engineers (SAE) Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles," as issued February 1996 ("1996-02"), which is incorporated herein by reference.

(c) Effect of missing emission control label on applicable standard. When the owner of a heavy-duty diesel-powered vehicle receives a Citation ~~or written notification~~ from the CARB that the emission control label was missing during an inspection, the owner must replace the emission control label and provide the engine number identification to the CARB within 45 days of receipt of the ~~notification~~ Citation in addition to paying applicable penalties under section 2185(a)(3). If the owner fails to comply with this requirement, it will be conclusively presumed in any subsequent smoke opacity test where the emission control label remains missing that the vehicle is subject to the 405 percent smoke opacity standard in section 2182(a)(1), ~~(2)~~, ~~unless at the time of the subsequent test it is plainly evident from a visual inspection that the vehicle is powered by a pre-1991 model-year engine.~~

(d) Excessive Smoke. A heavy-duty vehicle has excessive smoke, as that term is used in the California Health and Safety Code section 44011.6, if it fails to comply with the applicable smoke opacity standard ~~applicable under this section 2182(a)~~.

Note: Authority cited: Sections 39600, 39601, 43013, 43701 and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, 43701 and 44011.6, Health and Safety Code.

§ 2183. Inspection of the Emission Control System on a Heavy-Duty Vehicle.

(a) Heavy-duty diesel-powered vehicles. No heavy-duty diesel-powered vehicle shall operate in California with tampered, inadequately maintained, or defective emission control components. The CARB shall conduct a visual inspection of heavy-duty diesel-powered vehicles to determine whether emission control components have been tampered with, inadequately maintained, or are defective. The inspection shall include, but is not limited to, the following:

(1) The engine governor.

- (2) Any seals ~~and/or~~ covers protecting the air-fuel ratio adjustments.
- (3) Any fuel injection pump seals and covers.
- (4) The air cleaner and flow restriction indicator.
- (5) The exhaust gas recirculation valve.
- (6) The particulate matter trap system or catalytic converter system, including all related sensors, actuators, and monitors~~pipes and valves~~.
- (7) Related hoses, connectors, brackets, and hardware for these components.
- (8) Engine computer controls, related sensors, and actuators.
- (9) Emission control label (ECL).
- (10) Any other emissions-related components for a particular vehicle/engine as determined from the manufacturer's specifications, emission control label, certification data, or published vehicle parts manuals.
- (11) An interrogation or visual inspection of a malfunction indicator light (MIL) of the on-board diagnostics (OBD) system, engine manufacturer diagnostic system (EMD), or emission control module (ECM) system, where applicable.

(b) Heavy-duty gasoline-powered vehicles. No heavy-duty gasoline-powered vehicle shall operate in California with tampered or defective emission control components. The CARB shall conduct a visual inspection of heavy-duty gasoline-powered vehicles to determine whether emission control components have been tampered with or are defective. The inspection shall include, but is not limited to, the following:

- (1) The air injection system.
- (2) The positive crankcase ventilation system.
- (3) The exhaust gas recirculation system.
- (4) The catalytic converter, including pipes and valves.
- (5) The evaporative emission control system.
- (6) Related hoses, connectors, brackets, and hardware for these components.
- (7) Engine computer controls, related sensors, and actuators.

(8) On-Board Diagnostic (OBD) systems for 1994 and subsequent model year vehicles, if so equipped.

(9) Emission control label (ECL).

(10) Any other emissions-related component for a particular vehicle/engine as determined from the manufacturer's specifications, emission control label, certification data, or published vehicle parts manuals.

(11) An interrogation or visual inspection of a malfunction indicator light (MIL) of the on-board diagnostics (OBD) system.

(c) No 1974 or newer diesel powered heavy-duty commercial vehicle shall operate in California without evidence that, at the time of manufacture, the installed engine met emission standards at least as stringent as applicable federal emission standards for the model year of the engine. The CARB shall base its determination on whether an engine meets the above requirements by inspecting the emission control label (ECL) affixed to the vehicle's engine.

Note: Authority cited: Sections 39600, 39601, 43013, 43701 and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, 43701 and 44011.6, Health and Safety Code.

§ 2184. Refusal to Submit to Inspection Procedure.

The refusal by an owner or driver of a vehicle to submit to the test procedure in section 2182 or to the emission control system inspection in section 2183 constitutes a failure of the test procedure or inspection, unless the driver is cited by the California Highway Patrol for a violation of California Vehicle Code section 2813.

Note: Authority cited: Sections 39600, 39601, 43013, 43701 and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, 43701 and 44011.6, Health and Safety Code. Sections 305, 505 and 2813, Vehicle Code.

§ 2185. Civil Penalty Schedule.

(a) The owner of a heavy-duty vehicle that fails the test procedure or the emission controls system inspection, including by refusal to submit, is subject to the following penalty schedule:

(1) Heavy-Duty Vehicle Opacity and Tampering Penalties for Violating Sections 2182 and 2183(a) and (b), Except for Violations Involving a Tampered ECL.

(A) Except as provided below, the owner of a heavy-duty vehicle, that is cited for the first time pursuant to section 2182 or 2183 (a) and (b), other than for a tampered ECL, and for which demonstration of correction is provided and payment is made within 45 days from personal or certified mail receipt of the Citation, shall pay the minimum penalty of \$300. An owner who fails to correct the vehicle or pay the minimum penalty within 45 days of receipt of the Citation shall be assessed a penalty of \$800.

(B) The above penalty shall not apply to the first Citation received by an owner of a school bus, but the owner shall be subject to the penalty provisions of paragraphs 2185(a)(1)(A) and (C) respectively for second and any subsequent violations. A second violation shall be subject to the penalty in section 2185(a)(1)(A) and any subsequent violations shall be subject to the penalty in section 2185(a)(1)(C).

(C) The owner of a vehicle that is cited pursuant to section 2182 or 2183(a) and (b), other than for a tampered ECL, for a second time within a 12 month period for the same vehicle shall within 45 days from personal or certified mail receipt of the current Citation provide demonstration of correction and pay the penalty of \$1,500 and the minimum penalty of \$300 for a total of \$1,800, notwithstanding section 2185(e**b**).

~~(D) The owner of a heavy-duty vehicle that violates section 2184 by refusing to submit to an inspection conducted under sections 2182 or 2183(a) and (b), including inspections for a tampered ECL, shall be assessed a penalty of \$800 for a first time violation. Subsequent violations of section 2184 for refusing to submit to an inspection under 2182 shall be subject to a penalty of \$1800.~~

(2) Penalties for a Tampered ECL under section 2183

~~(A) An owner of any heavy-duty vehicle shall receive a Citation each time that ARB finds that the vehicle has a tampered ECL. For the first year following the effective date of the amended regulation, February 15, 2007, if the owner demonstrates to ARB that a new label has been affixed to the vehicle's engine within 45 days of receipt of the Citation pursuant to section 2186(a)(3) below, no penalty shall be assessed. An owner of a heavy-duty vehicle who has been issued a Citation for a tampered ECL label and who has failed to have a replacement label affixed to the engine within 45 days of service of the Citation as set forth in section 2186(a)(3) below shall be subject to a \$300 penalty.~~

~~(B) After the first year from the effective date of the amended regulation, February 15, 2007, The owner of a vehicle with a tampered ECL shall receive a citation Citation assessing the owner a \$300 penalty. The fine penalty shall only be waived if, at the time of inspection, the owner provides other documentation from the engine manufacturer or an authorized dealer that demonstrates compliance with section 2183(c), and provided the ECL is replaced within 45 days pursuant to paragraph (A) above. The documentation shall identify the engine by serial number.~~

(3) Penalties for Violations of Section 2183(c). The owner of a heavy-duty commercial vehicle that is cited for a violation of section 2183(c) shall be subject to

the following penalties:

(A) The owner shall be subject to a penalty of \$500 for each violation.

(B) For the purposes of section 2185(a)(3), it shall be presumed that a heavy-duty commercial vehicle with a tampered ECL is not in compliance with section 2183(c) and is subject to a \$500 penalty for each violation in addition to the penalties provided for under section 2185(a)(2). If the owner demonstrates to CARB that a new ECL has been affixed to the vehicle's engine within 45-days of receipt of the Citation, pursuant to section 2186(a)(3) below, and the ECL demonstrates that the vehicle's engine was designed to at least meet U.S. EPA promulgated emission standards for the year of the engine's manufacture, the penalty for violation of section 2183(c) shall be waived.

~~(b)(1) No Citation shall be issued to the owner of a heavy-duty vehicle powered by a pre-1991 model-year diesel engine on the basis of a measured smoke opacity exceeding 55 percent but not exceeding 69 percent, unless:~~

~~(A) the owner fails to provide a demonstration of correction within 45 days from personal or certified mail receipt of the Notice of Violation, or~~

~~(B) a Notice of Violation or Citation has been issued for the vehicle in the preceding 12 months.~~

~~(2) The owner of a heavy-duty vehicle that is the subject of a Notice of Violation and for which demonstration of correction is provided within 45 days from personal or certified mail receipt of the Notice of Violation shall not be subject to a penalty for the violation.~~

~~(3) The owner of a heavy-duty vehicle that is initially subject to a Notice of Violation, but is cited after a demonstration of correction is not provided within 45 days from personal or certified mail receipt of a Notice of Violation, shall be subject to the penalty in section 2185(a)(1)(A).~~

~~(4)~~

~~(A) Where a heavy-duty vehicle with a pre-1991 engine inspected in accordance with section 2181 has a measured opacity exceeding 55 percent but not exceeding 69 percent within 12 months of issuance of a Notice of Violation for which a demonstration of correction was timely provided within the applicable 45-day period, a Citation shall be issued and the owner shall be subject to the penalty in section 2185(a)(1)(A).~~

~~(B) Where a heavy-duty vehicle with a pre-1991 engine inspected in accordance with section 2181 has a measured opacity exceeding 55 percent but not exceeding 69 percent within 12 months of issuance of a Notice of Violation for which a demonstration of correction was not timely provided within the applicable 45-day period, a Citation shall be issued and the owner shall be subject to the penalty in~~

section 2185(a)(1)(C).

~~(c) If a heavy-duty vehicle fails the test procedure or an emission control system inspection one year or more after the date of its most recent failure, the owner of that vehicle shall be subject to the penalty schedule in section 2185(a)(1)(A) and (a)(1)(C).~~

(db) When a heavy-duty vehicle is cited after a bona fide change of ownership between non-related persons or entities, the new owner shall not be subject to the penalty schedule in section 2185(a)(1)(A) and (C) if the only Citations issued for the vehicle within the previous 12 months were issued prior to the change of ownership to the new owner.

Note: Authority cited: Sections 39600, 39601, 43013, 43016, 43701 and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43016, 43018, 43701 and 44011.6, Health and Safety Code. Sections 305, 505 and 545, Vehicle Code.

§ 2186. Demonstration of Correction and Post-Repair Test or Inspection.

(a) Demonstration of Correction. The owner must demonstrate correction of the vehicle by submitting to the California Air Resources Board documents demonstrating compliance with (1) or (2) or (3):

(1) Where repairs are made at a repair facility, a repair receipt or a completed work order which contains the following information:

(A) Name, address, and phone number of the facility.

(B) Name of mechanic.

(C) Date of the repair.

(D) Description of component replacement(s), repair(s), and/or adjustment(s).

(E) Itemized list of replaced component(s), including description of part, part number, and cost.

(2) Where the owner makes his or her own repairs outside of a repair facility.

(A) An itemized receipt for the parts used in the repair.

(B) A statement identifying that date and nature of the repairs made.

(3) The owner of the heavy-duty vehicle who has received a Citation for a tampered ECL shall:

(A) Have the engine manufacturer through its authorized dealer, affix an emission control label identical to the label that was installed on the engine at the time of its original manufacturer.

(B) Provide written verification from the heavy-duty vehicle/engine manufacturer or its authorized dealer that the label has been replaced. The written verification must include identification of the engine serial number.

(b) Statement of Correction. The owner must also submit to the California Air Resources Board documents demonstrating compliance with (1) or (2):

(1) ~~Where~~If the Citation or Notice of Violation was based on a failure to meet the opacity standard applicable under section 2182, a smoke test report from a subsequent test showing that the repaired vehicle passed the applicable section 2182 standard along with a statement to that effect made under penalty of perjury by the person who conducted the subsequent test.

(A) The person performing the smoke test in section 2186(b)(1) is required to be a trained smoke tester as defined in section 2191(a)(4).

(2) ~~Where~~If the Citation or Notice of Violation was based on a failure to pass an emission control system inspection as specified in section 2183, a statement by a person, under penalty of perjury, that the person has reinspected any components identified in the Citation or Notice of Violation as defective or tampered and has determined that these components are correct, are installed, and are in good working order.

(c) The California Air Resources Board shall require an CARB post-repair test or an CARB post-repair inspection whenever:

(1) A submitted repair receipt or work order does not comply with (a) above.

(2) A repair receipt, work order or authorized dealer verification appears to be falsified.

(3) A second and subsequent failures of the test procedure or an emission control system inspection on the vehicle occur within a one year period.

Note: Authority cited: Sections 39600, 39601, 43013, 43701 and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, 43701 and 44011.6, Health and Safety Code. Section 505, Vehicle Code.

§ 2187. Vehicles Removed from Service.

(a) Vehicles are subject to removal from service by the Department of the California Highway Patrol pursuant to California Vehicle Code section 27159 if requested by the California Air Resources Board inspector, and if one or more uncleared Citations issued under section 2182 exist at the time of inspection.

(b) Upon payment ~~by bank check, money order, or credit card~~ of all unpaid penalties for a vehicle that has been removed from service, the California Air Resources Board shall provide the owner, or designee, a release form for presentation to the Department of the California Highway Patrol.

(c) The release of the vehicle shall be subject to the condition that it be repaired and post- repair tested or inspected within 15 days.

Note: Authority cited: Sections 39600, 39601, 43013 and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018 and 44011.6, Health and Safety Code. Section 505, Vehicle Code.

§ 2188. Contesting a Citation.

The owner of a vehicle cited under these regulations may request a hearing pursuant to section 60075.1 et seq., title 17, California Code of Regulations.

Note: Authority cited: Sections 39600, 39601, 43013 and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, 43701 and 44011.6, Health and Safety Code.

§ 2189. Severability of Provisions.

If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this Chapter is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the regulation.

Note: Authority cited: Sections 39600, 39601, 43013 and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, 43701 and 44011.6, Health and Safety Code.

TITLE 13. MOTOR VEHICLES
DIVISION 3. AIR RESOURCES BOARD
CHAPTER 3.6. PERIODIC SMOKE INSPECTIONS OF HEAVY-DUTY
DIESEL-POWERED VEHICLES

§ 2190. Vehicles Subject to the Periodic Smoke Inspection Requirements.

These regulations shall be applicable as follows:

(a) Except as provided in subsections (b), ~~(c), (d), (e), (f) and (g)~~, the requirements of this chapter apply to all heavy-duty diesel-powered vehicles with gross vehicle weight ratings greater than 6,000 pounds ~~which~~ that operate on the streets or highways within the State of California and diesel vehicles 1998 model year and newer with gross vehicle weight ratings of 6,000 to 14,000 pounds ~~which~~ that are registered in areas of California not designated for the biennial smog check program.

(b) Exemptions. The following vehicles are exempt from the requirements of this chapter:

(1) Heavy-duty diesel-powered vehicles ~~which~~ that are not part of a fleet or are employed exclusively for personal use ~~are excluded from the requirements of this chapter.~~

~~(c)~~(2) Heavy-duty diesel-powered vehicles ~~which~~ that are registered under the International Registration Plan as authorized by Article 4 (commencing with section 8050), Chapter 4, Division 3 of the California Vehicle Code and ~~which~~ that have established a base state other than California (non-California based vehicles) ~~are excluded from the requirements of this chapter.~~

~~(d)~~(3) Heavy-duty diesel-powered vehicles ~~which~~ that operate in California under the terms of Interstate Reciprocity Agreements as authorized by Article 3 (commencing with section 8000), Chapter 4, Division 3 of the California Vehicle Code and ~~which~~ that belong to fleets that are not based in California ~~are excluded from the requirements of this chapter.~~

~~(e)~~(4) Heavy-duty diesel-powered vehicles operating in California under the terms of any other apportioned registration, reciprocity, or bilateral prorate registration agreement between California and other jurisdictions and ~~which~~ that belong to fleets that are not based in California ~~are excluded from the~~

requirements of this chapter.

~~(f)(5)~~ Heavy-duty diesel-powered vehicles operating in California under short-term vehicle registrations or permits of 90 days or less (including but not limited to 90-day temporary registrations and 4-day permits under California Vehicle Code section 4004) ~~are excluded from the requirements of this chapter.~~

~~(g)(6)~~ Diesel vehicles 1998 model year and newer with gross vehicle weight ratings of 6,000 to 14,000 pounds that are registered within an area designated for biennial smog check program coverage, ~~are exempt from the Periodic Smoke Inspection Program (PSIP) requirements; however, if~~ the vehicle is registered in areas of California designated for smog check inspections only upon initial registration in this state or during change of ownership, however, then the requirements of this chapter shall apply on a biennial basis as determined by the last digit of the Vehicle Identification Number (VIN). VIN's ending with an even digit would be subject to the PSIP in even calendar years (2010, 2012, 2014 . . .) and VIN's ending with an odd number would be subject to the PSIP in odd calendar years (2011, 2013, 2015 . . .).

(7) Heavy-duty vehicles equipped with engines less than four years of age. Any heavy-duty vehicle is exempt from this chapter until January 1 of the calendar year that is four years after the model year of the engine. All vehicles are to be treated as having been acquired by the owner on January 1 of the engine model year. For example, a 1995 model year engine will be exempt until January 1, 1999, and testing must first be done for a 1995 model year engine in 1999.

Note: Authority cited: Sections 39600, 39601 and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43018, 43701(a), 44011 and 44011.6, Health and Safety Code.

§ 2191. Definitions.

(a) The definitions of this section supplement and are governed by the definitions set forth in Chapter 2 (commencing with Section 39010), Part 1, Division 26 of the Health and Safety Code. The provisions of this chapter shall also be governed by the definitions set forth in section 2180.1, Title 13, California Code of Regulations including the following modifications:

(1) "Executive Officer" means the Executive Officer of the California Air

Resources Board (CARB) or his or her authorized representative.

~~(24)~~ “Fleet” means any group of 2 or more heavy-duty diesel-powered vehicles which are owned or operated by the same agency or entity.

~~(2)~~ “Test opacity” means the opacity of smoke from a vehicle when measured in accordance section 2193(e).

(3) “Individual directly employed by the owner of the fleet” means a person hired by the fleet having a direct employee/employer relationship, excluding individuals either employed by a third-party or self-employed who contract with a fleet to perform smoke testing for that fleet.

(4) “OBD data review” means a check of the On Board Diagnostics system for fault codes using the procedures described in section 2193(f).

(5) “Post-repair smoke test” means a smoke test following a vehicle repair, conducted using the procedures described in section 2193(e).

(6) “Smoke tester identification number” means the identification number provided by CARB given to a trained smoke tester following the successful completion of an approved training class.

(7) “Smoke test” or “smoke opacity test” means a test of a vehicle’s emissions for smoke opacity level conducted using the procedures described in section 2193(e).

(8) “Trained Smoke Tester” means a person who has successfully completed the smoke tester training requirements in accordance with section 2193(g).

Note: Authority cited: Sections 39600, 39601 and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43018, 43701(a), and 44011.6, Health and Safety Code.

§ 2192. Vehicle Inspection Responsibilities.

~~(a)~~ The owner of a heavy-duty diesel-powered vehicle subject to the requirements of this chapter shall do all of the following:

(a) Inspection. Conduct an annual smoke test using the procedures set forth in

section 2193(e). Alternatively, an owner may elect to conduct an annual review of OBD data for fault codes, as described in section 2193(f), for model year 2013 and newer vehicles.

~~(1) Test the vehicle for excessive smoke emissions periodically according to the inspection intervals specified in section 2193(a), (b), and (c). Record the vehicle test information as specified in section 2194.~~

~~(2) Measure the smoke emissions for each test using the test procedure specified in section 2193(e).~~

~~(3) Record the smoke test opacity levels and other required test information as specified in section 2194.~~

(4)(b) Repair. Have the vehicle repaired if either it exceeds the applicable smoke opacity standard specified in section 2193(ea), or, for vehicles conducting an annual review of OBD data, if the review revealed fault codes described in section 2193(f). Repairs must be done within 45 days of the smoke opacity test or the OBD data review. After repairing the vehicle, the owner shall:

~~(5)(1) Record the vehicle repair information as specified in section 2194.~~

~~(6)(2) Conduct a post-repair smoke test to determine if the vehicle complies with the applicable smoke opacity standard as specified in section 2193(a), or, for vehicles tested via an OBD review, confirm the OBD data fault codes have been repaired as specified in section 2193(f).~~

~~(7)(3) Record the post-repair smoke test results or OBD review results as specified in section 2194.~~

~~(8)(4) If the vehicle does not comply with the applicable smoke opacity standard after the test required by section 2192(a)(7), ~~m~~Make additional repairs to achieve compliance if the vehicle remains out of compliance, and record the smoke test results as specified in section 2194 repeat the post-repair smoke test procedure or OBD review procedure under section 2193 as necessary to ensure compliance.~~

(9)(c) Recordkeeping. Comply with the recordkeeping requirements set forth in section 2194. Keep the specified records ~~specified in section 2194~~ for two

years after the date of inspection.

(d) Reporting. Report vehicle information along with smoke test results or OBD data to CARB as specified in section 2195.

~~(40)(e) Auditing. Permit an California Air Resources Board inspector to review the inspection records specified in section 2194 at owner/operator designated fleet locations by appointment.~~

Note: Authority cited: Sections 39600, 39601 and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43016, 43018, 43701(a), and 44011.6, Health and Safety Code.

§ 2193. Smoke Opacity Standards, Inspection Intervals, ~~Standards~~, and Test Procedures.

~~(a) Initial phase-in. Vehicles which are Standards. For any vehicle subject to the requirements of this chapter, on the operative date of these regulations shall be tested for the maximum smoke opacity standard when tested (and repaired if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2192 pursuant to the applicable following schedule test procedures specified in section 2193(d) is:~~

~~(1) Fleets of five or more vehicles subject to this chapter:~~

~~(A) At least 25 percent of the fleet's vehicles within 180 calendar days of the effective date of these regulations;~~

~~(B) At least 50 percent of the fleet's vehicles within 270 calendar days of the effective date of these regulations;~~

~~(C) At least 75 percent of the fleet's vehicles within 365 calendar days of the effective date of these regulations; and~~

~~(D) The fleet's remaining vehicles no later than 455 calendar days after the effective date of these regulations.~~

~~(2) For fleets of 2 to 4 vehicles, at least one vehicle must be tested in the initial 180 day period, and in each subsequent 90 calendar day period, until all vehicles in the fleet have been tested.~~

(1) 5% for any heavy-duty vehicle powered by a 2007 or subsequent model year diesel engine.

(2) 5% for any heavy-duty vehicle required to be equipped or retrofitted with a Level 3 VDECS, regardless of its diesel engine model year.

(3) 20% for any heavy-duty vehicle equipped or retrofitted with a Level 2 VDECS, regardless of its diesel engine model year.

(4) 20% for any heavy-duty vehicle powered by a 1997 to 2006 model year diesel engine.

(5) 30% for any heavy-duty vehicle powered by a 1991 to 1996 model year diesel engine.

(6) 40% for any heavy-duty vehicle powered by a pre-1991 model year diesel engine.

(7) 40% for any heavy-duty two-engine crane that has been reported to CARB per title 13 section 2449(g) and that is powered by an off-road propulsion engine without a diesel particulate filter.

(b) Inspection intervals.

(1) Annual testing. A fleet, as defined in section 2191(a)(2), shall comply with the requirements of this chapter. A vehicle subject to the requirements must be tested annually (on or before December 31 of each year) for smoke opacity (and repaired if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2193. An owner may elect instead to review annually an eligible vehicle's OBD data using the procedure set forth in section 2193(f).

(b)(2) New fleets. Fleets which that first become subject to the requirements of this chapter subsequent to the effective date of these regulations must be tested in accordance with section 2192~~3~~ within the applicable time intervals reflected in subsection (a) above, beginning on or before December 31 of the next calendar year from the date the fleet first becomes subject to these regulations the requirements of this chapter.

(c) Annual testing. Once a vehicle subject to the requirements of this chapter

~~has been tested in accordance with subsection (a) or (b), or has been acquired by a fleet owner after the effective date of these regulations, the vehicle must periodically be tested for smoke opacity (and repaired if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2192. On or before December 31 of each year, a fleet, as defined in section 2191(a)(1), shall comply with the regulations and standards for that calendar year.~~

(c) New vehicle acquisition. Upon sale of a vehicle subject to the Periodic Smoke Inspection Requirements of this chapter, the seller shall provide evidence of a successful smoke opacity test to the new owner. Record of OBD data review, as described in section 2193(f), is sufficient if the vehicle is eligible. The successful test must have been completed within 90 days of the sale date. The new owner shall maintain a record of the smoke opacity test or OBD data review provided by the seller. This test record is sufficient to meet the annual testing requirements of section 2193(b)(1) for the year of sale. The new owner is responsible for complying with sections 2194 and 2195 for the given vehicle.

~~(d) Exemption for vehicles powered by 1994 or subsequent model-year engines. Any heavy-duty vehicle powered by a 1994 or subsequent model-year engine is exempt from the testing requirements of this section until January 1 of the calendar year that is four years after the model year of the engine, and is to be treated as having been acquired by the owner on that January 1. For example, 1995 model-year engine will be exempt until January 1, 1999.~~

~~(e) Smoke opacity standards and test procedures.~~

~~(1) Except as otherwise provided in subsection (e)(2) below, the smoke opacity standards are those specified in section 2182, Title 13, California Code of Regulations. The smoke opacity test procedures are those set forth in the Society of Automotive Engineers (SAE) Recommended Practice SAE J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles," as issued February 1996 ("1996-02"), which is incorporated herein by reference.~~

~~(2) Prior to July 1, 1999, if a repair facility is not equipped with an operable SAE J1667 smokemeter, vehicles may be tested at the repair facility in accordance with the smoke opacity test procedures and opacity standards set forth in section (e)(3). These are the test procedures and~~

~~opacity standards originally established for the heavy-duty diesel vehicle roadside inspection program in 1991.~~

~~(3) Optional smoke opacity and standards prior to July 1, 1999.~~

~~(A) Standards.~~

~~1. The maximum smoke opacity standard for a 1991 or subsequent model year heavy-duty diesel-powered vehicle with a Federal peak smoke engine certification level of 35 percent peak opacity or less is 40 percent when tested in accordance with section 2193(e)(3)(B) and (C).~~

~~2. The maximum smoke opacity standard for any other heavy-duty diesel-powered vehicle is 55 percent when tested in accordance with section 2193(e)(3)(B) and (C).~~

~~3. The above standards do not apply to an engine exempted under section 2182(b).~~

~~(dB) Smoke test Equipment. The smoke opacity measurement equipment shall consist of a full-flow end-of-line or a sampling type light extinction type smoke meter which includes an optical detection unit, a control/indicator unit, and a strip chart recorder, a data-processing unit, and a printer and/or electronic storage medium to record and output the test results.~~

~~(1.) The smoke meter shall comply with the specifications provided in the Society of Automotive Engineers (SAE) procedure J1243, "Diesel Emission-Production Audit Test Procedure," May 1988, J1667, "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Powered Vehicles," February 1996, section 6, which is incorporated herein by reference, ~~section 7.4~~ and shall be calibrated in accordance with specifications in SAE procedure J1243, ~~section 8.2~~ J1667, section 7.~~

~~(2.) The strip chart recorder shall comply with specifications in SAE procedure J1243, section 7.5, subsection 1-4 (May 1988) data-processing unit shall be capable of performing the functions described in SAE procedure J1667, Appendices A and C (February 1996).~~

~~(Ce) Smoke test Procedures. The test procedure shall consist of preparation, preconditioning, and test phases:~~

The smoke opacity test procedures are those set forth in the SAE Recommended Practice SAE J1667 as issued February 1996 ("1996-02"), which is incorporated herein by reference. The test procedure shall consist of preparation, preconditioning, and test phases:

~~1.~~(1) In the preparation phase, the ~~vehicle tester shall be~~ ensure the vehicle is placed at rest, verify that the transmission ~~shall be~~ is placed in neutral, and ensure the vehicle wheels ~~shall be~~ are properly restrained to prevent any rolling motion, in accordance with specifications in SAE procedure J1667, section 5.1 (February 1996).

~~2.~~(2) In the preconditioning phase, the ~~vehicle tester shall perform~~ be put through a at least three preliminary snap-idle acceleration test cycles ~~two or more times until two successive measured smoke levels are within ten (10) opacity percent of each other. The smokemeter shall be rechecked prior to the preconditioning sequence to determine that its zero and span setting are adjusted according to specifications in SAE procedure J1243, section 8.1 (May 1988)~~ on the vehicle using the sequence described in SAE procedure J1667, section 5.3 (February 1996). Prior to conducting smoke measurements, the zero and full scale readings of the smoke meter shall be verified by the tester in accordance with specifications in SAE procedure J1667, section 5.4.2 (February 1996).

~~3.~~(3) In the test procedure phase, the ~~vehicle tester shall be~~ put the vehicle through three snap-idle acceleration test cycles ~~three times.~~

~~4.~~(4) The ~~tester shall measure the opacity shall be measured~~ during the preconditioning and test phases with a smoke meter and shall ~~be recorded~~ the opacity measurements continuously on the chart recorder during each snap-idle acceleration test cycle. ~~The maximum instantaneous value recorded by the chart recorder shall be the opacity reading.~~

~~5.~~(5) The smoke test opacity level to determine the compliance with ~~(A)1. and (A)2. above section 2193(a)~~ shall be the average of the ~~two meter readings with the least difference in opacity values. If all three readings have successive equivalent differences between them, the test opacity shall be the average of the three readings~~ corrected maximum 0.5-second average smoke values from the three snap-acceleration test cycles.

(6) The testing shall be performed by a “Trained Smoke Tester” as defined in section 2191(a)(8).

(f) OBD submission alternative.

In lieu of performing a smoke test as specified in section 2193(e), for 2013 and newer model year engines, fleets may review OBD data and submit the data to CARB as specified in section 2195(e)(2) or (3).

(1) If the OBD submission shows any OBD fault codes that are related to components specified below, the vehicle is considered to have failed the test. The fleet owner shall then repair the vehicle and submit a post-repair OBD scan result that shows those fault codes have been repaired. The fleet owner shall keep vehicle repair information as specified in section 2194(b) for two years.

- Fuel system monitoring
- Misfire monitoring
- Exhaust gas recirculation system monitoring
- Boost pressure control system monitoring
- Non-methane hydrocarbon converting catalyst monitoring
- PM filter monitoring
- Exhaust gas sensor monitoring
- Variable valve timing and/or control system monitoring
- Cold start emission reduction strategy monitoring
- Engine cooling system monitoring
- Crankcase ventilation system monitoring
- Comprehensive component monitoring

(2) The owner shall submit to CARB the following information in accordance with section 2195(f):

A. Owner information specified in section 2195(c)(1).

B. Total number of vehicles in the fleet.

C. Total number of vehicles equipped with 2013 MY and newer engines in the fleet.

(3) The requirements of section 2193(f)(2) sunset on January 1, 2022.

(g) Smoke Tester Training Requirements

A smoke tester must have a CARB-approved smoke tester identification number to perform the testing requirements in section 2193. To receive a smoke tester identification number through CARB, an individual that is not the owner and that is not directly employed by the fleet must submit a copy of the certificate of completion upon successful completion of one of the following training courses specified in section 2193(g)(1) or (2). An owner or an individual directly employed by the owner of the fleet may instead complete an on-line training course developed and distributed by CARB.

(1) The California Council on Diesel Education and Technology HDVIP/PSIP Course (CCDET I), or

(2) A training course meeting the requirements of section 2193(h), which has received Executive Officer approval as an approved smoke tester training.

(h) Smoke Tester Training Course Requirements

An entity offering a smoke tester training course must apply to the Executive Officer for approval to become a CARB-approved smoke tester training course provider. A smoke tester training course must include, but is not limited to, the following:

(1) Hands-on training on how to properly perform the testing requirements of this chapter following the equipment and procedure specifications required in section 2193.

(2) Hands-on training on how to properly calibrate a smoke meter to meet the specifications of SAE procedure J1667 and the requirements of section 2193(d)(1).

(3) Instructional curriculum on the requirements and responsibilities of both the fleet owner and the smoke tester to meet the requirements of sections 2190-2195.

(4) A requirement that potential smoke testers successfully pass a written examination and the hands-on training specified in sections 2193(h)(1) and (2).

(5) Issuance of a certificate of completion for smoke testers who have successfully passed the smoke tester training examinations as specified in

section 2193(h)(4).

Note: Authority cited: Sections 39600, 39601, 43013 and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43013, 43018, 43701(a), and 44011.6, Health and Safety Code.

§ 2194. Record Keeping Requirements.

(a) The owner of a vehicle subject to the requirements of this chapter shall record the following information when performing the smoke opacity testing:

(1) The brand name and model of the opacity meter.

(2) The dates of last calibration of the opacity meter ~~and chart recorder.~~

(3) The name ~~of~~ and the smoke meter operator ~~tester identification number of~~ the trained smoke tester who conducted the test.

(4) The name and address of the contracted smoke test facility or vehicle repair facility that conducted the test (if applicable).

(5) The applicable smoke opacity standard for the tested vehicle.

(6) Vehicle identification number, ~~vehicle's engine~~ model year, engine make, ~~and engine model, and test date. Fleet designated vehicle identification numbers are also acceptable.~~

(7) The initial smoke test opacity levels (for three successive test readings) and the J1667 standards including the average of the three snap-acceleration test cycles and the range.

(8) An indication of whether the vehicle passed or failed the initial smoke test.

(9) The post-repair test date.

(10) The post-repair smoke test opacity levels (for three successive test readings).

(11) An indication of whether the vehicle passed or failed the post-repair smoke

test.

(12) For vehicles that have failed the smoke test and have been repaired, the vehicle repair information specified in section 2186(a), Title 13, California Code of Regulations.

(b) The owner of a vehicle subject to the requirements of this chapter shall record the following information when performing a review of the OBD system:

(1) Vehicle identification number, engine model year, engine make, engine model, and test date.

(2) The name and address of the test facility or vehicle repair facility that conducted the test (if applicable).

(3) A copy of the OBD data submission meeting the requirements of 2193(f).

(4) An indication of whether the vehicle passed or failed the initial OBD review.

(5) The post-repair test date.

(6) The post-repair OBD data submission meeting the requirements of 2193(f).

(7) For vehicles that have failed the OBD review test and have been repaired, the vehicle repair information specified in section 2186(a), Title 13, California Code of Regulations.

(c) The owner of a vehicle subject to the requirements of this chapter shall maintain an accurate list of vehicles in the fleet including model year, make, model, manufacturer, chassis, engine, engine serial number, vehicle identification number and license plate number.

(d) Upon request, the owner of a vehicle subject to the requirements of this chapter shall provide to CARB, as applicable, a copy of the vehicle OBD data submission in a comma separated value (CSV), Excel, or hypertext markup language (html) electronic file format, or smoke opacity records in a legible meter print out strip signed by the trained smoke tester.

Note: Authority cited: Sections 39600, 39601 43013, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43018,

43701(a), and 44011.6, Health and Safety Code.

§ 2195. Reporting Requirements.

(a) Annual Reporting Submittal Dates

Fleet owners shall submit the information outlined in sections 2195(b), (c), (d), and (e) if applicable, by the following reporting dates for testing done in the previous calendar year (for example, smoke testing done in 2022 must be submitted by March 1, 2023 for fleets of 50 vehicles or more). Fleet owners shall report owner and vehicle information outlined in section 2195(c) as it was on December 31 of the year prior to the reporting year:

(A) The reporting date for fleets of 50 vehicles or more is March 1.

(B) The reporting date for fleets of 10 to 49 vehicles is May 1.

(C) The reporting date for fleets of 2 to 9 vehicles is July 1.

(b) Initial reporting year. The initial reporting year for fleets conducting annual tests is 2023, for tests conducted in 2022.

(c) Fleet information. For each fleet subject to the requirements of this chapter, the fleet owner shall submit to CARB the following information:

(1) Owner Information

A. Fleet owner's name

B. Corporate parent name (if applicable)

C. Corporate payer taxpayer identification number (if applicable)

D. Company taxpayer number

E. Address

F. Contact phone number

G. Fleet owner's email address (if applicable)

(2) Vehicle Information – For each vehicle subject to the requirements of this chapter, the fleet owner shall submit to CARB the following information:

A. VIN number

B. License plate

C. Engine family designation

D. Engine model year

E. Engine make

F. Vehicle manufacturer

(d) Smoke test result information. For each vehicle subject to the requirements of this chapter for which a fleet owner elects to conduct a smoke test, the fleet owner shall submit to CARB the following information:

- (1) Average opacity percentage of the three SAE J1667 snap-acceleration test cycles conducted per the requirements of this chapter.
- (2) Smoke tester identification number for the trained smoke tester who performed the smoke opacity test.
- (3) A legible copy of the SAE J1667 opacity test strip generated per the requirements of this chapter using forms approved by the Executive Officer for submittal of the required reporting information.

(e) OBD information. For each vehicle subject to the requirements of this chapter for which a fleet owner elects to conduct an OBD review, the fleet owner shall submit to CARB the following information:

(1) The following SAE documents are incorporated herein by reference:

- SAE J1939 consisting of:
 - J1939 Recommended Practice for a Serial Control and Communications Heavy Duty Vehicle Network – Top Level Document, April 2011.
 - J1939/1 On-Highway Equipment Control and Communication, Network, May 2011.
 - J1939/11 Physical Layer, 250K bits/s, Twisted Shielded Pair, September 2006.
 - J1939/13 Off-Board Diagnostic Connector, October 2011.
 - J1939/15 Reduced Physical Layer, 250K bits/sec, UN-Shielded Twisted Pair (UTP), August 2008.
 - J1939/21 Data Link Layer, December 2010.
 - J1939/31 Network Layer, May 2010.
 - J1939/71 Vehicle Application Layer (Through May 2010), March 2011.
 - J1939/73 Application Layer—Diagnostics, February 2010.

- J1939/81 Network Management, June 2011.
- J1939/84 OBD Communications Compliance Test Cases for Heavy Duty Components and Vehicles, December 2010.
- SAE J1979 "E/E Diagnostic Test Modes," February 2012 (SAE J1979).
 - SAE J1979-DA "Digital Annex of E/E Diagnostic Test Modes," October 2011.

(2) For engines demonstrating OBD compliance using the SAE J1939 protocol, a minimum of all data as required by Title 13, California Code of Regulations, Section 1971.1(h), "On-Board Diagnostic System Requirements--2010 and Subsequent Model -Year Heavy-Duty Engines" is to be submitted.

(3) For engines demonstrating OBD compliance using the SAE J1979 protocol, a minimum of all data as required by Title 13, California Code of Regulations, Section 1968.2(g), "Malfunction and Diagnostic System Requirements--2004 and Subsequent Model -Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines" is to be submitted.

(f) Submission procedure. All information required to be reported under section 2193 (e)(2) and section 2195(c), (d), or (e) shall be submitted using a form approved by the Executive Officer for electronic data reporting, to be made available on CARB's website, <https://www.arb.ca.gov/msprog/hdim/hdim.htm>.

Note: Authority cited: Sections 39600, 39601 43013, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43018, 43701(a), and 44011.6, Health and Safety Code.