



Advisory

**To: Owners, Installers, Distributors and
Manufacturers of Verified Diesel
Emission Control Strategies (DECS)**

Number 389

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FILLING OUT A WARRANTY CARD IS NOT REQUIRED FOR WARRANTY COVERAGE

Manufacturers and installers of verified diesel emission control strategies (DECS) are required by State law to honor a warranty for the protection of DECS owners (owners). The minimum requirements for the DECS warranty are described in section 2707 of the *Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines* (California Code of Regulations (CCR), title 13, sections 2700-2710).

In accordance with California Civil Code section 1793.1, the DECS warranty must be honored by manufacturers and installers regardless of whether the owner fills out and returns a warranty information card, form, or other such document. Manufacturers and installers may in no way restrict or limit warranty coverage because an owner fails to return the requested information. Manufacturers and installers that restrict or deny warranty coverage or service due to the failure of an owner to return a warranty information card, form or other such document may be liable for civil penalties, as described below.

Non-Compliance by DECS Manufacturers and Installers:

Health and Safety Code, section 39674 (a) authorizes civil penalties for the violation of the programs for the regulation of toxic air contaminants not to exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

Health and Safety Code, section 39674 (b) authorizes civil penalties for the violation of the programs for the regulation of toxic air contaminants not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

The Air Resource Board (ARB) enforcement will immediately pursue complaints and cases against violators of the warranty requirements (CCR, title 13, section 2707). If the ARB is not able to reach a mutually agreed upon settlement with the violator, the case will be referred to the Attorney General for prosecution.

For further information about the *Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines* regulation, please visit our website at: <http://www.arb.ca.gov/diesel/verdev/verdev.htm>. For questions about the verification program, please contact Ms. Susan Reed at (626) 575-6847 or sreed@arb.ca.gov. For questions regarding enforcement of the regulation, please contact Mr. Tajinder Gill at (626) 459-4304 or tgill@arb.ca.gov.