

PART 218**EMISSION STANDARDS FOR MOTOR VEHICLES AND MOTOR VEHICLE ENGINES**

(Statutory authority: Environmental Conservation Law, §§ 3-0301[2][N], 19-0301[1][a]-[c], 19-0301[2][a], 19-0305[2][k])

- Subpart 218-1 Applicability and Definitions
- Subpart 218-2 Certification and Prohibitions
- Subpart 218-3 Fleet Average
- Subpart 218-4 Zero Emission Vehicle Sales Mandate
- Subpart 218-5 Testing
- Subpart 218-6 Surveillance
- Subpart 218-7 Aftermarket Parts
- Subpart 218-8 Severability

Historical Note

Part filed April 28, 1972; renum. Subpart 217-3, new Part (Subparts 218-1—218-10) filed Oct. 23, 1990; repealed, new (Subparts 218-1—218-11) filed April 28, 1992 eff. 30 days after filing.

§ 218.1-218.2**Historical Note**

Secs. filed April 28, 1972; renum. 217-3.1—217-3.2, filed Oct. 23, 1990 eff. 30 days after filing.

§ 218.3**Historical Note**

Sec. filed April 28, 1972; amd. filed April 10, 1981; renum. 217-3.3, filed Oct. 23, 1990 eff. 30 days after filing.

SUBPART 218-1**APPLICABILITY AND DEFINITIONS**

- | | |
|---------|---------------|
| Sec. | |
| 218-1.1 | Applicability |
| 218-1.2 | Definitions |

Historical Note

Subpart (§§ 218-1.1—218-1.2) filed Oct. 23, 1990; repealed, new filed April 28, 1992 eff. 30 days after filing.

§ 218-1.1 Applicability.

(a) This Part applies to all 1993, 1994, 1996 and subsequent model-year motor vehicles that are passenger cars and light-duty trucks, motor vehicle engines, and air contaminant emission control systems; and to all 2004 and subsequent model-year motor vehicles which are medium-duty vehicles, motor vehicle engines, and air contaminant emission control systems offered for sale or lease, or sold or leased, for registration in this State. In the 1993 model-year, this regulation will only be effective against those engine families that are first produced more than two years from November 22, 1990.

(b) The provisions of this Part also apply to motor vehicles of the United States or its agencies.

§ 218-1.1

TITLE 6 ENVIRONMENTAL CONSERVATION

Historical Note

Sec. filed: Oct. 23, 1990; Nov. 20, 1990; repealed, new filed April 28, 1992; amd. filed Nov. 28, 2000 eff. 30 days after filing. Amended (a).

§ 218-1.2 Definitions.

The following definitions govern the provisions of this Part:

- (a) *Add-on part* means any aftermarket part which is not a modified part or a replacement part.
- (b) *Aftermarket part* means any part of an air contaminant emission control system sold for installation on a vehicle after the original retail sale of the vehicle.
- (c) *Air contaminant emission control system* means equipment designed for installation on a motor vehicle or motor vehicle engine for the purpose of reducing the air contaminants emitted from the motor vehicle or motor vehicle engine, or a system or engine modification on a motor vehicle or motor vehicle engine which causes a reduction of air contaminants emitted from the motor vehicle or motor vehicle engine, including but not limited to exhaust control systems, fuel evaporation control systems and crankcase ventilating systems.
- (d) *California Standards* means those standards for motor vehicle and motor vehicle engines that the State of California has adopted and is permitted to adopt under 42 USC 7543 (see Table 1, section 200.9 of this Title) and that other states are permitted to adopt under 42 USC 7507 (see Table 1, section 200.9 of this Title).
- (e) *CARB* means the California State Air Resources Board as defined in California's Health and Safety Code, section 39003 (1999). (See Table 1, section 200.9 of this Title.)
- (f) *Certification* means a finding by the California Air Resources Board that a motor vehicle, motor vehicle engine, or air contaminant emission control system has satisfied the criteria adopted by CARB for the control of specified air contaminants from motor vehicles.
- (g) *Certified device* means an air contaminant emission control system for which a certification has been issued by CARB or the department.
- (h) *Consolidated part* means a part which is designed to replace a group of original equipment parts.
- (i) *Diesel-cycle* means powered by an engine where the primary means of controlling power output is by limiting the amount of fuel that is injected into the combustion chambers of the engine.
- (j) *Emergency vehicle* means a vehicle as defined in section 165 of the California Vehicle Code (see Table 1, section 200.9 of this Title).
- (k) *Emissions-related part* means any automotive part which affects any regulated emissions from a motor vehicle or motor vehicle engine which is subject to California or Federal emissions standards, as set forth in California Code of Regulations, title 13, section 1900(b)(3) (see Table 1, section 200.9 of this Title).
- (l) *Emission standards* means specified limitations on the discharge of air contaminants into the atmosphere.
- (m) *Engine family* means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection.
- (n) *Established place of business*, as used in this part, means a place actually occupied either continuously or at regular periods for business use.
- (o) *Fuel evaporative emissions* means vaporized fuel emitted into the atmosphere from the fuel system of a motor vehicle.
- (p) *Fuel system* means the combination of fuel tank(s), fuel lines and carburetor, or fuel injector, and includes all vents and fuel evaporative emission control systems or devices.
- (q) *Intermediate volume manufacturer* means any pre-2001 manufacturer with California sales between 3,001 and 35,000 new light- and medium-duty vehicles per model-year based on the average number of vehicles sold by the manufacturer each model-year from 1989 to 1993; any

2001 through 2002 model-year manufacturer with California sales between 4,501 and 35,000 new light- and medium-duty vehicles per model-year based on the average number of vehicles sold by the manufacturer each model-year from 1989 to 1993; and any 2003 and subsequent model-year manufacturer with California sales between 4,501 and 35,000 new light- and medium-duty vehicles based on the average number of vehicles sold for the three previous consecutive model-years for which a manufacturer seeks certification. For a manufacturer certifying for the first time in California, model-year sales shall be based on projected California sales.

(r) *Large volume manufacturer* means any 2000 and subsequent model-year manufacturer that is not a small volume manufacturer or an intermediate volume manufacturer.

(s) *LEV* means a low-emission vehicle.

(t) *Light-duty truck* means any 2000 and subsequent model-year motor vehicle certified to the standards in California Code of Regulations, title 13, section 1961(a)(1) (see Table 1, section 200.9 of this Title) rated at 8,500 pounds gross vehicle weight or less, and any other motor vehicle, rated at 6,000 pounds gross vehicle weight or less, that is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

(u) *Medium-duty vehicle* means any 1992 through 2006 model-year heavy-duty, low-emission, ultra-low emission, super-ultra-low emission or zero-emission vehicle certified to the standards in Code of Regulations, title 13, section 1960.1(h)(2) (see Table 1, section 200.9 of this Title) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; any 1995 through 2002 model-year heavy-duty vehicle certified to the standards in section 1960.1(h)(1) (see Table 1, section 200.9 of this Title) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less, and any 2000 and subsequent model heavy-duty, low-emissions, ultra-low-emission, super-ultra-low emission or zero-emission vehicle certified to the standards in California Code of Regulations, title 13, section 1961(a)(1) (see Table 1, section 200.9 of this Title) or 1962 (see Table 1, section 200.9 of this Title) having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.

(v) *Military tactical vehicles and equipment* means those vehicles defined by California Code of Regulations, title 13, section 1905 (see Table 1, section 200.9 of this Title).

(w) *Model-year* means the manufacturer's annual production period for each engine family which includes January 1st of such calendar year or, if the manufacturer has no annual production period, the calendar year. In the case of any motor vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

(x) *Modified part* means any aftermarket part intended to replace an original equipment emissions-related part and which is not functionally identical to the original equipment part in all respects which in any way affect emissions, excluding a consolidated part.

(y) *Motor vehicle* is a vehicle which is self-propelled.

(z) *New motor vehicle* means a motor vehicle, the equitable or legal title to which has never been transferred to the ultimate purchaser.

(aa) *New motor vehicle engine* means a new engine in a motor vehicle.

(ab) *Offset vehicle* means a vehicle that has been certified by the State of California as set forth in the California Code of Regulations, title 13, section 1960.5 (see Table 1, section 200.9 of this Title).

(ac) *Passenger car* means any motor vehicle designed with a capability for transportation of persons and having a design capacity of twelve persons or less.

(ad) *Quarterly reporting* means reporting based upon the following calendar periods: January 1-March 31, April 1-June 30, July 1-September 30, October 1-December 31.

(ae) *Replacement part* means any aftermarket part which is intended to replace an original equipment emissions-related part and which is functionally identical to the original equipment part in all respects which in any way affect emissions (including durability), or a consolidated part.

§ 218-1.2

TITLE 6 ENVIRONMENTAL CONSERVATION

(af) *Sale* means the transfer of title to a motor vehicle or motor vehicle engine to the ultimate or subsequent purchaser.

(ag) *Small volume manufacturer* means, except as otherwise provided in California Code of Regulations, title 13, sections 1960.1(g)(2), 1960.1(h)(2) and 1960.1(n) (see Table 1, section 200.9 of this Title), any 2001 and subsequent model-year manufacturer with California sales less than 4,500 new passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles and heavy-duty engines based on the average number of vehicles sold for the three previous consecutive model-years for which a manufacturer seeks certification; however, for manufacturers certifying for the first time in California, model-year sales shall be based on projected California sales.

(ah) *Subgroup* means a set of motor vehicles within an engine family distinguishable by characteristics contained in the manufacturer's application for certification of the California standards.

(ai) *SULEV* means a super-ultra-low-emission vehicle.

(aj) *Test group* means a grouping of vehicles as defined by 40 C.F.R. section 86.1827-01 (see Table 1, section 200.9 of this Title).

(ak) *TLEV* means a transitional-low-emission vehicle.

(al) *ULEV* means an ultra-low-emission vehicle.

(am) *Ultimate purchaser* means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases a new motor vehicle or new motor vehicle engine for purposes other than resale.

(an) *Used motor vehicle* means any motor vehicle which is not a new motor vehicle.

(ao) *Useful life* means a period of use to be determined by the Department consistent with the requirements of the California Code of Regulations, title 13, section 2112 (see Table 1, section 200.9 of this Title).

(ap) *Vehicle* means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(aq) *ZEV* means a zero-emission-vehicle.

Historical Note

Sec. filed Oct. 23, 1990; repealed, new filed April 28, 1992; amd. filed Nov. 28, 2000 eff. 30 days after filing.