

AMENDATORY SECTION (Amending WSR 05-24-044, filed 11/30/05, effective 12/31/05)

**WAC 173-423-070 Emission standards, warranty, recall and other California provisions adopted by reference.** Each manufacturer and each new 2009 and subsequent model year passenger car, light duty truck and medium duty passenger vehicle subject to this chapter shall comply with each applicable standard set forth in Table 070(1) and incorporated by reference:

**Table 070(1)**  
**California Code of Regulations (CCR)**  
**Title 13**  
**Provisions Incorporated by Reference**  
**Effective in Washington January (~~1, 2006~~) 14, 2009**

<u>Title 13 CCR</u> <u>Division 3</u> <u>Air</u> <u>Resources</u> <u>Board</u>	Title	California Effective Date
<b>Chapter 1 Motor Vehicle Pollution Control Devices</b>		
<b>Article 1 General Provisions</b>		
Section 1900	Definitions	1/01/06
<b>((Article 2 Approval of Motor Vehicle Pollution Control Devices (New Vehicles))</b>		
Section 1956.8 (g) and (h)	Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy Duty Engines and Vehicles	<del>((1/31/05))</del> <u>10/11/07</u>
Section 1960.1	Exhaust Emission Standards and Test Procedures - 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles	3/26/04
Section 1961	Exhaust Emission Standards and Test Procedures - 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	<del>((1/01/06))</del> <u>6/16/08</u>

<b>Title 13 CCR Division 3 Air Resources Board</b>	<b>Title</b>	<b>California Effective Date</b>
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2009 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	1/01/06
Section 1965	Emission Control <del>((and))</del> , Smog Index, <u>and Environmental Performance Labels</u> - 1979 and Subsequent Model-Year <u>Motor Vehicles</u>	<del>((12/04/03))</del> <u>6/16/08</u>
Section 1968.2	Malfunction and Diagnostic System Requirements - 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty <u>Vehicles and Engines</u>	<del>((4/21/03))</del> <u>11/09/07</u>
Section 1968.5	Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty <u>Vehicles and Engines</u>	<del>((4/21/03))</del> <u>11/09/07</u>
Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	<del>((11/27/99))</del> <u>1/04/08</u>
Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	<del>((12/04/03))</del> <u>1/04/08</u>
<b>Article 6 Emission Control System Warranty</b>		
Section 2035	Purpose, Applicability and Definitions	<del>((12/26/96))</del> <u>11/09/07</u>

<b>Title 13 CCR Division 3 Air Resources Board</b>	<b>Title</b>	<b>California Effective Date</b>
<u>Section 2036</u>	<u>Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles</u>	<u>5/15/99</u>
Section 2037	Defects Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	<del>((11/27/99))</del> <u>11/09/07</u>
Section 2038	Performance Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	<del>((11/27/99))</del> <u>11/09/07</u>
Section 2039	Emission Control System Warranty Statement	12/26/90
Section 2040	Vehicle Owner Obligations	12/26/90
Section 2046	Defective Catalyst	<del>((11/16/79))</del> <u>2/15/79</u>
<b>Chapter 2 Enforcement of Vehicle Emission Standards and Enforcement Testing</b>		
<b>Article 2 Enforcement of New and In-Use Vehicle Standards</b>		
Section 2109	New Vehicle Recall Provisions	<del>((11/30/83))</del> <u>12/30/83</u>

<b>Title 13 CCR Division 3 Air Resources Board</b>	<b>Title</b>	<b>California Effective Date</b>
<b>Article 2.1 Procedures for In-Use Vehicle Voluntary and Influenced Recalls</b>		
Section 2111	Applicability	<del>((8/21/02))</del> 1/04/08
Section 2112	Definitions	<del>((11/15/03))</del> 8/15/07
	Appendix A to Article 2.1	<del>((11/15/03))</del> 8/15/07
Section 2113	Initiation and Approval of Voluntary and Influenced <u>Emission-Related</u> Recalls	1/26/95
Section 2114	Voluntary and Influenced Recall Plans	11/27/99
Section 2115	Eligibility for Repair	1/26/95
Section 2116	Repair Label	1/26/95
Section 2117	Proof of Correction Certificate	1/26/95
Section 2118	Notification	1/26/95
Section 2119	Recordkeeping and Reporting Requirements	11/27/99
Section 2120	Other Requirements Not Waived	1/26/95
<b>Article 2.2 Procedures for In-Use Vehicle Ordered Recalls</b>		
Section 2122	General Provisions	<del>((1/26/95))</del> 1/04/08
Section 2123	Initiation and Notification of Ordered Emission-Related Recalls	1/26/95
Section 2124	Availability of Public Hearing	1/26/95
Section 2125	Ordered Recall Plan	1/26/95
Section 2126	Approval and Implementation of Recall Plan	1/26/95
Section 2127	Notification of Owners	1/26/95
Section 2128	Repair Label	1/26/95
Section 2129	Proof of Correction Certificate	1/26/95
Section 2130	Capture Rates and Alternative Measures	11/27/99

<b>Title 13 CCR Division 3 Air Resources Board</b>	<b>Title</b>	<b>California Effective Date</b>
Section 2131	Preliminary Tests	1/26/95
Section 2132	Communication with Repair Personnel	1/26/95
Section 2133	Recordkeeping and Reporting Requirements	1/26/95
Section 2135	Extension of Time	1/26/95
<b>Article 2.4 Procedures for Reporting Failure of Emission-Related Components</b>		
Section 2141	General Provisions	<del>((12/28/00))</del> 1/04/08
Section 2142	Alternative Procedures	2/23/90
Section 2143	Failure Levels Triggering Recall	11/27/99
Section 2144	Emission Warranty Information Report	11/27/99
Section 2145	Field Information Report	11/27/99
Section 2146	Emissions Information Report	11/27/99
Section 2147	Demonstration of Compliance with Emission Standards	8/21/02
Section 2148	Evaluation of Need for Recall	11/27/99
Section 2149	Notification ((of)) and Subsequent Action	2/23/90
<b>Article 5 Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action</b>		
<u>Section 2166</u>	<u>General Provisions</u>	<u>1/04/08</u>
<u>Section 2166.1</u>	<u>Definitions</u>	<u>1/04/08</u>
<u>Section 2167</u>	<u>Emission Warranty Information Report</u>	<u>1/04/08</u>
<u>Section 2168</u>	<u>Supplemental Emissions Warranty Information Report</u>	<u>1/04/08</u>
<u>Section 2169</u>	<u>Recall and Corrective Action for Failures of Exhaust After- Treatment Devices</u>	<u>1/04/08</u>

<b>Title 13 CCR Division 3 Air Resources Board</b>	<b>Title</b>	<b>California Effective Date</b>
<u>Section 2170</u>	<u>Recall and Corrective Action for Other Emission-Related Component Failures (On-Board Diagnostic-Equipped Vehicles and Engines)</u>	<u>1/04/08</u>
<u>Section 2171</u>	<u>Recall and Corrective Action for Vehicles Without On-Board Diagnostic Systems, Vehicles with Noncompliant On-Board Diagnostic Systems, or Vehicles with On-Board Computer Malfunction</u>	<u>1/04/08</u>
<u>Section 2172</u>	<u>Notification of Required Recall or Corrective Action by the Executive Officer</u>	<u>1/04/08</u>
<u>Section 2172.1</u>	<u>Ordered or Voluntary Corrective Action Plan</u>	<u>1/04/08</u>
<u>Section 2172.2</u>	<u>Approval and Implementation of Corrective Action Plan</u>	<u>1/04/08</u>
<u>Section 2172.3</u>	<u>Notification of Owners</u>	<u>1/04/08</u>
<u>Section 2172.4</u>	<u>Repair Label</u>	<u>1/04/08</u>
<u>Section 2172.5</u>	<u>Proof of Correction Certificate</u>	<u>1/04/08</u>
<u>Section 2172.6</u>	<u>Preliminary Tests</u>	<u>1/04/08</u>
<u>Section 2172.7</u>	<u>Communication with Repair Personnel</u>	<u>1/04/08</u>
<u>Section 2172.8</u>	<u>Recordkeeping and Reporting Requirements</u>	<u>1/04/08</u>
<u>Section 2172.9</u>	<u>Extension of Time</u>	<u>1/04/08</u>
<u>Section 2173</u>	<u>Penalties</u>	<u>1/04/08</u>
<u>Section 2174</u>	<u>Availability of Public Hearing</u>	<u>1/04/08</u>

<b>Title 13 CCR Division 3 Air Resources Board</b>	<b>Title</b>	<b>California Effective Date</b>
<b>Chapter 4.4 Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks</b>		
Section 2235	Requirements	9/17/91

AMENDATORY SECTION (Amending WSR 05-24-044, filed 11/30/05, effective 12/31/05)

**WAC 173-423-110 Warranty requirements.** (1) For all 2009 and subsequent model year vehicles subject to the provisions of this chapter, each manufacturer shall provide, to the ultimate purchaser and each subsequent purchaser, a warranty that complies with the requirements set forth in the California Code of Regulations, Title 13, sections 2035 through 2038, 2040, and 2046.

(2) For all 2009 and subsequent model year vehicles subject to the provisions of this chapter, each manufacturer shall include the emission control system warranty statement that complies with the requirements in the California Code of Regulations, Title 13, section 2039. Manufacturers may modify this statement as necessary to inform Washington vehicle owners of the applicability of the warranty. The manufacturer shall provide a telephone number appropriate for Washington residents.

(3) All manufacturers shall submit to the department of ecology Failure of Emission-Related Components reports as defined in the California Code of Regulations, Title 13, section 2144 for vehicles subject to this regulation. For purposes of compliance with this requirement, manufacturers may submit copies of the Failure of Emission-Related Components reports that are submitted to the California Air Resources Board, in lieu of submitting reports for vehicles subject to this chapter. Manufacturers may discontinue submitting these reports if so notified by the department of ecology.

(4) Upon request, all manufacturers shall submit to the department of ecology Emission Warranty Information Reports (EWIRs) and Supplemental Emission Warranty Information Reports (SEWIRs) as defined in the California Code of Regulations, Title 13, sections 2167 and 2168 for vehicles subject to this regulation. For purposes of compliance with this requirement, manufacturers may submit copies of the EWIRs and SEWIRs that are submitted to the California Air Resources Board, in lieu of submitting reports for vehicles subject to this chapter.

AMENDATORY SECTION (Amending WSR 05-24-044, filed 11/30/05, effective 12/31/05)

**WAC 173-423-120 Recalls.** (1) Any order or enforcement action taken by the California Air Resources Board to correct noncompliance with any section of Title 13, which results in the recall and/or corrective action of any vehicle pursuant to the California Code of Regulations, Title 13, sections 2109 through 2135 or sections 2166 through 2172.9, shall be applicable to vehicles registered in the state of Washington. If the manufacturer can demonstrate to the department of ecology's satisfaction that the action is not applicable to vehicles registered in Washington, the action shall not apply in Washington.

(2) Any voluntary or influenced emission-related recall campaign or corrective action initiated by any manufacturer pursuant to the California Code of Regulations, Title 13, sections 2113 through 2121 or sections 2166 through 2172.9, shall extend to all applicable vehicles registered in Washington. If the manufacturer can demonstrate to the department of ecology's satisfaction that said campaign is not applicable to vehicles registered in Washington, the campaign shall not apply in Washington.

(3) For vehicles subject to an action pursuant to subsection (1) or (2) of this section, each manufacturer shall send to owners of vehicles registered in the state of Washington a notice that complies with the requirements in the California Code of Regulations, Title 13, sections 2118 (~~(or)~~), 2127, or 2172.3. Such notice shall contain a telephone number appropriate for Washington residents.