

SUBPART 218-5

TESTING

Sec.	
218-5.1	Assembly-line quality audit testing and reporting for 1993, 1994, 1996 and subsequent model-years
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Historical Note

Subpart (§§ 218-5.1—218-5.8) filed Oct. 23, 1990; repealed, new (§§ 218-5.1—218-5.4) filed April 28, 1992; amd. filed Nov. 28, 2000 eff. 30 days after filing. Amended Subpart title.

§ 218-5.1 Assembly-line quality audit testing and reporting for 1993, 1994, 1996 and subsequent model-years.

(a) All manufacturers of new vehicles subject to this Part, certified for sale in California and produced and delivered for sale in New York, shall conduct quality audit testing until model-year 2000 in accordance with California Code of Regulations, title 13, sections 2061, 2062, 2106 and 2107 (see Table 1, section 200.9 of this Title).

(b) All manufacturers of new vehicles subject to this Part, certified for sale in California and produced and delivered for sale in New York, shall conduct inspection testing in accordance with California Code of Regulations, title 13, sections 2061 and 2062 (see Table 1, section 200.9 of this Title).

(c) The department shall accept the results of quality audit testing and inspection testing determinations and findings made by CARB.

(d) *Quality audit testing reporting.* Vehicle manufacturers are required to provide quarterly reports on all quality audit and functional test results obtained as a result of compliance with this Subpart. Reports must be provided to the department or to the department's designee which will provide copies of such reports to the department upon request.

Historical Note

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 filed Oct. 23, 1990; repealed, new filed April 28, 1992; amd.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

§ 218-5.2 Remedial action plans for model-years 1993, 1994, 1996 and subsequent model-years.

(a) *Remedial action plans for facilities covered under California's reporting requirement.* If the State of California requires a remedial action plan based upon full calendar or partial calendar quarter testing, under the California Code of Regulations, title 13, sections 2109 and 2110, (see Table 1, section 200.9 of this Title), such plan will apply to all vehicles certified to the California standards intended for sale in New York State. Such plan will not apply to vehicles that have previously been sold to ultimate purchasers in New York.

(b) *Facilities not audited under California's reporting requirements.* (1) New vehicle assembly-line inspection testing. If reports required by an assembly-line test procedure under section 218-5.1 of this Subpart are not in accordance with reporting requirements or if surveillance under section 218-5.4 of this Subpart indicates that assembly-line inspection testing is being improperly performed, or that vehicles are being manufactured that do not comply with the assembly-line emission standards or functional test requirement at facilities which manufacture cars certified to California standards, but do not ship cars to California, the department may require corrections of reporting or test procedures in accordance with California Code of Regulations, title 13, section 2106 (see Table 1, section 200.9 of this Title).

(2) Remedial action plans for facilities not audited under California's reporting requirement.

(i) Remedial action for assembly-line quality audit testing of a full or combined calendar quarter.

(a) When required by the department, the manufacturer must submit a remedial action plan to bring all new motor vehicles in possession of the manufacturer, distributors and dealers into compliance. The manufacturer must submit the plan within 30 calendar days after notification. The department may require execution of the plan with such changes and additions as necessary, including additional testing and reporting, consistent with the applicable assembly-line test procedures. The plan must include a schedule for implementing actions to be taken, including identified increments of progress towards implementation, and deadlines for completing each such increment.

(b) The manufacturer may, within 15 calendar days of its receipt of the department's demand for remedial action, request a public hearing, pursuant to Part 622 of this Title on the necessity for or scope of any corrective action required by the department.

(c) Failure by a manufacturer to carry out all corrective actions required by the department pursuant to the remedial action plan constitutes a violation of that plan and of section 218-2.1 of this Part. The department may extend any deadline in the plan if it finds in writing that a manufacturer has demonstrated that such a deadline will create an unreasonable technological burden upon the manufacturer. Each vehicle required by the plan issued by the department (including any modifications made by the department) to receive remedial action that does not receive such action by the deadline(s) included in the plan constitutes a separate violation of the plan.

(d) Failure to comply with the remedial action plan or any part of such plan required pursuant to this Subpart may result in penalties as permitted under article 71 of the Environmental Conservation Law.

(ii) Remedial action for assembly-line quality audit testing of less than a full calendar quarter of production.

(a) When required by the department, the manufacturer must submit a remedial action plan to bring all new motor vehicles in possession of the manufacturer into compliance. The manufacturer must submit the plan within 30 calendar days after notification. The department may require execution of the plan with such changes and additions as necessary, including additional testing and reporting, consistent with the applicable assembly-line test procedures. The plan must include a schedule for implementing actions to be taken, including identified increments of progress towards implementation, and deadlines for completing each such increment.

(b) The manufacturer may, within 15 calendar days of its receipt of the department's demand for remedial action, request a public hearing, pursuant to Part 622 of this Title on the necessity for or scope of any corrective action required by the department.

(c) Failure by a manufacturer to carry out all corrective actions required by the department pursuant to the remedial action plan constitutes a violation of that plan and of section 218-2.1 of this Part. The department may extend any deadline in the plan if it finds in writing that a manufacturer has demonstrated that such a deadline will create an unreasonable technological burden upon the manufacturer. Each vehicle required by the plan issued by the department (including any modifications made by the department) to receive remedial action that does not receive such action by the deadline(s) included in the plan constitutes a separate violation of the plan.

(d) Failure to comply with the remedial action plan or any part of such plan required pursuant to this Subpart may result in penalties as permitted under article 71 of the Environmental Conservation Law.

Historical Note

Sec. filed April 28, 1992; amd. filed Nov. 28, 2000 eff. 30 days after filing.

§ 218-5.3 Compliance testing and inspection—new vehicle selection, evaluation, and compliance action.

(a) The department may, with respect to any new vehicle engine family, test group or subgroup being sold, offered for sale, or manufactured for sale in New York, require a vehicle manufacturer to make available for compliance testing and/or inspection a reasonable number of vehicles, and may direct that the vehicles be delivered to a specific location. Vehicles must be selected at random from sources specified by the department, which insofar as practical must exclude:

- (1) vehicles manufactured pursuant to a specific requirement of an ultimate purchaser; and
- (2) vehicles, the selection of which, if not excluded, would result in an unreasonable disruption of the manufacturer's distribution system. A subgroup may be selected for compliance testing only if the department has reason to believe that the emissions characteristics of that subgroup are substantially in excess of the emissions of the engine family as a whole.

(b) Selection and testing of vehicles and the evaluation of data must be made in accordance with the California Code of Regulations, title 13, section 2101 (see Table 1, section 200.9 of this Title).

Historical Note

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

§ 218-5.4 Assembly-line surveillance.

(a) Each manufacturer offering new vehicles for sale in New York must make available to the department at reasonable times and upon reasonable written notice its facilities for the purpose of observing assembly-line testing conducted pursuant to section 218-5.1 of this Subpart.

(b) Upon request facilities at the assembly-line must be made available for the department to conduct its own assembly-line tests with the manufacturer's or the department's own equipment.

Historical Note

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

§ 218-5.5-218-5.6**Historical Note**

Secs. filed Oct. 23, 1990; repealed, filed April 28, 1992 eff. 30 days after filing.

§ 218-5.8**Historical Note**

Sec. filed Oct. 23, 1990; amd. filed Nov. 1, 1991; repealed, filed April 28, 1992 eff. 30 days after filing.