

§ 2425. Defects Warranty Requirements for 1996 and Later Off-Road Compression-Ignition Engines.

(a) *Applicability.* This section shall apply to new 1996-1999 model year heavy-duty off-road compression-ignition engines and new 2000 and later model year compression-ignition engines. The warranty period shall begin on the date the engine or equipment is delivered to an ultimate purchaser. The use of alternative fuels shall not void the warranties on any engine certified to use such fuel.

(b) *General Emissions Warranty Coverage.* The manufacturer of each off-road compression-ignition engine shall warrant to the ultimate purchaser and each subsequent purchaser that the engine is:

(1) Designed, built, and equipped so as to conform with all applicable regulations adopted by the Air Resources Board pursuant to its authority in Chapters 1 and 2, Part 5, Division 26 of the Health and Safety Code; and

(2) Free from defects in materials and workmanship which cause the failure of a warranted part to be identical in all material respects to the part as described in the engine manufacturer's application for certification for a period of five years or 3,000 hours of operation, whichever occurs first, for all engines rated at 19kW and greater, except as noted below. In the absence of a device to measure hours of use, the engine shall be warranted for a period of five years. For all engines rated less than 19kW, and for constant-speed engines rated under 37kW with rated speeds higher than or equal to 3,000 rpm, the period of two years or 1,500 hours of operation, whichever occurs first, shall apply. In the absence of a device to measure hours of use, the engine shall be warranted for a period of two years.

(c) The warranty on emissions-related parts shall be interpreted as follows:

(1) Any warranted part which is not scheduled for replacement as required maintenance in the written instructions required by Subsection (e) shall be warranted for the warranty period defined in Subsection (b)(2). If any such part fails during the period of warranty coverage, it shall be repaired or replaced by the engine manufacturer according to Subsection (4) below. Any such part repaired or replaced under the warranty shall be warranted for the remaining warranty period.

(2) Any warranted part which is scheduled only for regular inspection in the written instructions required by Subsection (e) shall be warranted for the warranty period defined in Subsection (b)(2). A statement in such written instructions to the effect of "repair or replace as necessary" shall not reduce the period of warranty coverage. Any such part repaired or replaced under warranty shall be warranted for the remaining warranty period.

(3) Any warranted part which is scheduled for replacement as required maintenance in the written instructions required in Subsection (e) shall be warranted for

the period of time prior to the first scheduled replacement point for that part. If the part fails prior to the first scheduled replacement, the part shall be repaired or replaced by the engine manufacturer according to Subsection (4) below. Any such part repaired or replaced under warranty shall be warranted for the remainder of the period prior to the first scheduled replacement point for the part.

(4) Repair or replacement of any warranted part under the warranty provisions of this article shall be performed at no charge to the owner at a warranty station.

(5) Notwithstanding the provisions of Subsection (4) above, warranty services or repairs shall be provided at all manufacturer distribution centers that are franchised to service the subject engines.

(6) The owner shall not be charged for diagnostic labor that leads to the determination that a warranted part is in fact defective, provided that such diagnostic work is performed at a warranty station.

(7) The engine manufacturer shall be liable for damages to other engine components proximately caused by a failure under warranty of any warranted part.

(8) Throughout the engine's warranty period defined in Subsection (b)(2), the engine manufacturer shall maintain a supply of warranted parts sufficient to meet the expected demand for such parts.

(9) Any replacement part, as defined in Section 1900(b)(13), Title 13, may be used in the performance of any maintenance or repairs and must be provided without charge to the owner. It is not necessary for replacement parts to be the same brand or by the same manufacturer as the original part sold with the engine. Such use shall not reduce the warranty obligations of the engine manufacturer.

(10) Add-on or modified parts, as defined in Section 1900(b)(1) and (b)(10), Title 13, that are not exempted by the Air Resources Board may not be used. The use of any non-exempted add-on or modified parts shall be grounds for disallowing a warranty claim made in accordance with this article. The engine manufacturer shall not be liable under this article to warrant failures of warranted parts caused by the use of a non-exempted add-on or modified part.

(11) The Executive Officer may request and, in such case, the engine manufacturer shall provide, any documents which describe that manufacturer's warranty procedures or policies.

(d) Each manufacturer shall include a copy of the following emission warranty parts list with each new engine, using those portions of the list applicable to the engine.

(1) Fuel Metering System

(A) Fuel injection system.

- (B) Air/fuel ratio feedback and control system.
- (C) Cold start enrichment system.
- (2) Air Induction System
 - (A) Controlled hot air intake system.
 - (B) Intake manifold.
 - (C) Heat Riser Valve and Assembly.
 - (D) Turbocharger/Supercharger Systems.
 - (E) Charge Air Cooling Systems.
- (3) Exhaust Gas Recirculation (EGR) System
 - (A) EGR valve body, and carburetor spacer if applicable.
 - (B) EGR rate feedback and control system.
- (4) Air injection System
 - (A) Air pump or pulse valve.
 - (B) Valves affecting distribution of flow.
 - (C) Distribution manifold.
- (5) Catalyst or Thermal Reactor System
 - (A) Catalytic converter.
 - (B) Thermal reactor.
 - (C) Exhaust manifold.
- (6) Particulate Controls
 - (A) Traps, filters, precipitators, and any other device used to capture particulate emissions.
 - (B) Regenerators, oxidizers, fuel additive devices, and any other device used to regenerate or aid in the regeneration of the particulate control device.
 - (C) Control Device Enclosures and Manifolding.
 - (D) Smoke Puff Limiters.
- (7) Advanced Oxides of Nitrogen (NOx) Controls
 - (A) NOx Adsorbers
 - (B) Lean NOx Catalysts
 - (C) Selective Catalyst Reduction
 - (D) Reductant (urea/fuel) containers/dispensing systems
- (78) Positive Crankcase Ventilation (PCV) System.
 - (A) PCV Valve.
 - (B) Oil Filler Cap.
- (89) Miscellaneous items Used in Above Systems
 - (A) Vacuum, temperature, and time sensitive valves and switches.
 - (B) Electronic control units, sensors, solenoids, and wiring harnesses.
 - (C) Hoses, belts, connectors, assemblies, clamps, fittings, tubing, sealing gaskets or devices, and mounting hardware.
 - (D) Pulleys, belts and idlers.
 - (E) Emission Control Information Labels.

(F) Any other part with the primary purpose of reducing emissions or that can increase emissions during failure without significantly degrading engine performance.

(e) Each manufacturer shall furnish with each new engine written instructions for the maintenance and use of the engine by the owner. The instructions shall be consistent with this article and applicable regulations contained herein.

(f) Each manufacturer shall submit the documents required by Subsections (d) and (e) with the manufacturer's preliminary application for engine certification for approval by the Executive Officer. Approval by the Executive Officer of the documents required by Subsections (d) and (e) shall be a condition of certification. The Executive Officer shall approve or disapprove the documents required by Subsections (d) and (e) within 90 days of the date such documents are received from the manufacturer. (Title 17, California Code of Regulations (CCR), Section 60030.) Any disapproval shall be accompanied by a statement of the reasons therefore. In the event of disapproval, the manufacturer may file for an adjudicative hearing pursuant to Title 17, California Code of Regulations Division 3, Chapter 1, Subchapter 1.25, Articles 1 and 2, to review the decision of the Executive Officer.

(g) In the application, each manufacturer shall include a statement concerning proper maintenance of the engine to maximize emissions performance. The statement shall include, but not be limited to, information on air filter care and replacement schedule, proper fueling and fuel mixing, engine maintenance, and a maintenance schedule to ensure that the owner returns to a servicing center to check for deposits, debris build-up, etc.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 43104 and 43105, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102 and 43205.5, Health and Safety Code.