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13 CAADC § 2222

Barclays Official California Code of Regulations

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Title 13. Motor Vehicles (Refs & Annos)

Division 3. Air Resources Board

Chapter 4. Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives

Article 2. Aftermarket Parts

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§ 2222. Add-On Parts and Modified Parts.[Currentness](#)

(a) As used in this section, the terms “advertise” and “advertisement” include, but are not limited to, any notice, announcement, information, publication, catalog, listing for sale, or other statement concerning a product or service communicated to the public for the purpose of furthering the sale of the product or service.

(b)(1) Except for publishers as provided in subsection 3, no person or company doing business solely in California or advertising only in California shall advertise any device, apparatus, or mechanism which alters or modifies the original design or performance of any required motor vehicle pollution control device or system unless such part, apparatus, or mechanism has been exempted from Vehicle Code section 27156, and the limitations of the exemption, if any, are contained within the advertisement in type size to give reasonable notice of such limitations.

(2) Except for publishers as provided in subsection 3, no person or company doing business in interstate commerce shall advertise in California any device, apparatus, or mechanism which alters or modifies the original design or performance of any required motor vehicle pollution control device or system and not exempted from Vehicle Code section 27156 unless each advertisement contains a legally adequate disclaimer in type size adequate to give reasonable notice of any limitation on the sale or use of the device, apparatus, or mechanism.

(3) No publisher, after receipt of notice from the state board or after otherwise being placed on notice that the advertised part is subject to and has not been exempted from the provisions of Vehicle Code section 27156, shall make or disseminate or cause to be made or disseminated before the public in this state any advertisement for add-on or modified parts subject to the provisions of this article, which have not been exempted from Vehicle Code section 27156, unless such advertisement clearly and accurately states the legal conditions, if any, on sale and use of the parts in California.

(4) The staff of the state board shall provide, upon request, model language which satisfies these requirements.

(c) No person shall advertise, offer for sale, or install a part as a motor vehicle pollution control device or as an approved or certified device, when in fact such part is not a motor vehicle pollution control device or is not approved or certified by the state board.

(d) No person shall advertise, offer for sale, sell, or install an add-on or modified part as a replacement part.

(e) The executive officer may exempt add-on and modified parts based on an evaluation conducted in accordance with the “Procedures for Exemption of Add-on and Modified Parts,” adopted by the state board on November 4, 1977, as amended June 1, 1990, for exemption applications submitted before January 1, 2022, or the “Procedures for Exemption of Add-On and Modified Part(s) for On-Road Vehicles/Engines,” adopted by the state board on June 29, 2021, hereby incorporated by reference, for exemption applications received on or after January 1, 2022.

(f) Each person engaged in the business of retail sale or installation of an add-on or modified part which has not been exempted from Vehicle Code section 27156 shall maintain records of such activity which indicate date of sale, purchaser name and address, vehicle model and work performed if applicable. Such records shall be open for reasonable inspection by the Executive Officer or his/her representative. All such records shall be maintained for four years from the date of sale or installation.

(g) A violation of any of the prohibitions set forth in this section shall be grounds for the Executive Officer to invoke the provisions of section 2225.

(h)(1) Prior to January 1, 2009, the Executive Officer shall exempt new aftermarket catalytic converters from the prohibitions of California Vehicle Code sections 27156 and 38391 based on an evaluation conducted in accordance with the "California Evaluation Procedures for New Aftermarket Non-Original Equipment Catalytic Converters" as adopted by the state board on August 19, 1988.

(2) On or after January 1, 2009, the Executive Officer shall exempt new aftermarket catalytic converters from the prohibitions of California Vehicle Code sections 27156 and 38391 based on an evaluation conducted in accordance with the "California Evaluation Procedures for New Aftermarket Catalytic Converters" as amended by the state board on September 28, 2017, incorporated by reference herein.

(3) No person shall install, sell, offer for sale or advertise, any new aftermarket catalytic converter in California unless it has been exempted pursuant to the procedures as provided in this subsection.

(4) For the purposes of this regulation, a new aftermarket catalytic converter is a catalytic converter which is constructed of all new materials, is not a replacement part as defined in Title 13, California Code of Regulations, section 1900, and is not an original equipment catalytic converter. A catalytic converter which includes any new material or construction not equivalent to the materials or construction of the original equipment catalytic converter (e.g., an original equipment catalytic converter can with a new non-original equipment substrate) shall also be considered a new aftermarket catalytic converter.

(i)(1) On or after July 1, 2008, or after 30 days from the date of filing of this subsection with the Secretary of State, whichever is later, no person shall install, sell, offer for sale, or advertise any used, recycled, or salvaged catalytic converter in California.

(2) Prior to July 1, 2008, or 30 days from the date of filing of this subsection with the Secretary of State, whichever is later, no person shall install, sell, offer for sale or advertise, any used, recycled, or salvaged catalytic converter in California unless the catalytic converter has been exempted pursuant to the "Procedures for Exemption of Add-On Parts and Modified Parts," adopted by the state board on November 4, 1977, as amended June 1, 1990.

(3) For the purposes of this regulation, a "used catalytic converter" is a catalytic converter which is not a new aftermarket catalytic converter as defined in Subsection (h)(4), or a replacement part as defined in section 1900.

(j) The Executive Officer shall exempt aftermarket critical emission control parts on highway motorcycles from the prohibitions of California Vehicle Code sections 27156 and 38391 based on an evaluation conducted in accordance with the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles," as adopted on January 22, 2009, which is incorporated by reference herein.

(k)(1) The Executive Officer shall exempt new aftermarket diesel particulate filters for on-road heavy-duty diesel engines from the prohibitions of California Vehicle Code section 27156 based on an evaluation conducted in accordance with the "California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended as Modified Parts For 2007 Through 2009 Model Year On-Road Heavy-Duty Diesel Engines," as adopted on March 1, 2017, which is incorporated by reference herein.

(2) No person shall install, sell, offer for sale, or advertise any new aftermarket diesel particulate filter for on-road heavy-duty diesel engines in California unless it has been exempted pursuant to the procedures as provided in this subsection.

(3) For the purposes of this subsection, a new aftermarket diesel particulate filter is a diesel particulate filter which is constructed of all new materials, is not a replacement part as defined in section 1900, and is not an original equipment diesel particulate filter. A diesel particulate filter which includes any new material or construction not equivalent to the materials or construction of the original equipment diesel particulate filter (e.g., an original equipment diesel particulate filter can with a new, non-original equipment substrate) shall also be considered a new aftermarket diesel particulate filter.

(4) For the purposes of this subsection, the term "original equipment diesel particulate filter" is a new diesel particulate filter that is originally installed in a new on-road heavy-duty diesel engine's certified emission control system.

(5) No person shall install, sell, offer for sale, or advertise any used, remanufactured, refurbished, recycled, or salvaged diesel particulate filter in California.

(6) For the purposes of this subsection, a "used diesel particulate filter" is a diesel particulate filter, which is not a new aftermarket diesel particulate filter, as defined in subsection (k)(3), or a replacement part as defined in section 1900.

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NOTE: Authority cited: Sections 39600, 39601, 43000, 43000.5, 43011 and 43107, Health and Safety Code; and Sections 27156, 38391 and 38395, Vehicle Code. Reference: Sections 39002, 39003, 39500, 43000, 43000.5, 43009.5, 43011, 43107, 43204, 43205, 43205.5 and 43644, Health and Safety Code; and Sections 27156, 38391 and 38395, Vehicle Code.

HISTORY

1. Amendment filed 7-6-81; effective thirtieth day thereafter (Register 81, No. 28).
2. Amendment filed 11-30-83; effective thirtieth day thereafter (Register 83, No. 49).
3. New subsections (h) and (i) filed 2-15-89; operative 3-17-89 (Register 89, No. 8).

4. Amendment of subsection (e) filed 7-17-90; operative 8-16-90 (Register 90, No. 35).
5. Amendment of section and NOTE filed 6-10-2008; operative 7-10-2008 (Register 2008, No. 24).
6. New subsection (j) and amendment of NOTE filed 9-1-2009; operative 10-1-2009 (Register 2009, No. 36).
7. New subsections (k)(1)-(6) filed 4-17-2017; operative 4-17-2017 pursuant to Government Code section 11343.4(b)(3) (Register 2017, No. 16).
8. Amendment of subsection (h)(2) filed 9-24-2018; operative 1-1-2019 (Register 2018, No. 39).
9. Amendment of subsection (e) filed 8-26-2021; operative 10-1-2021 (Register 2021, No. 35).

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