*1. The terms* ***[OTC STATE]*** *and* ***[OTC STATE STATUTE],*** *are placeholders for the appropriate terms for individual States. The terms in [brackets] show options that an individual State may or may not want to adopt.*

*2. Please note that States opting to promulgate rules based on this model rule must comply with State specific administrative requirements and procedures as well as state specific statutes/laws that may govern the scope of the rules, as well as State specific compliance and enforcement regulations.*

**Model Rule for Sale and Installation of Aftermarket Catalytic Converters**

Section 1: Definitions

(1) “Advertise for sale or installation in **[OTC STATE]**” means provide any notice, announcement, information, publication, catalog, listing for sale, or other statement concerning a catalytic converter communicated to the public for the purpose of furthering the sale of the catalytic converter in **[OTC STATE]**.

(2) “Aftermarket catalytic converter” means a replacement catalytic converter, that is not an original equipment manufacturer catalytic converter.

(3) “California Aftermarket Catalytic Converter Evaluation Procedures” means the California Evaluation Procedures for New Aftermarket Catalytic Converters (as amended Sept. 28, 2017). See <http://ww2.arb.ca.gov/sites/default/files/barcu/regact/2017/amcat2017/amcatfinaleval.pdf> and <http://ww2.arb.ca.gov/sites/default/files/barcu/regact/2007/amcat07/approvalamcat.pdf>.

(4) “CARB” means California Air Resources Board as defined in California's Health and Safety Code, Section 39003.

(5) “CARB-certified vehicle” means a vehicle that has been certified and issued an Executive Order by CARB under standards for motor vehicles ~~and motor vehicle engines~~ that California has adopted, and is permitted to adopt, under 42 U.S.C. 7543 and that other states are permitted to adopt under 42 U.S.C. 7507.

(6) “Cross-marketed catalytic converter” means an aftermarket catalytic converter for which the manufacturer holds an exemption by a CARB Executive Order issued under California Code of Regulations, Title 13, **§ 2222(h)(1) or (2),** but that is marketed by another person under a formal distribution agreement between the manufacturer and that person. [Such a converter is labeled with the information of the original manufacturer’s exemption and must have the same CARB compliant warranty].

(7) “Distributor” means a person who purchases or obtains a catalytic converter from a manufacturer or other person and sells the catalytic converter for resale. A distributor may also be a manufacturer, retailer, or installer.

(8) “Exempt by a CARB Executive Order”” means, with regard to an aftermarket catalytic converter, such a catalytic converter that is exempt from the prohibitions of Cal. VEH **§** 27156(c) and (h), **§**38391, and **§**38395 by a CARB Executive Order issued under California Code of Regulations, Title 13, **§ 2222(h)(1) or (2).** Information on catalytic converters exempt by CARB Executive Order may be obtained from the California Air Resources Board, 1001 “I” Street, PO Box 2815, Sacramento, CA 95812 or at

[https://ww2.arb.ca.gov](https://ww2.arb.ca.gov/).

(9) “Federal-only certified vehicle” means a new vehicle that is certified to U.S. EPA vehicle standards set by the U.S. EPA and has not been certified by CARB

(10) “Federal-compliant” means, with regard to an aftermarket catalytic converter, a catalytic converter that has met the criteria of EPA's interim enforcement policy entitled 'Sale and Use of Aftermarket Catalytic Converters'\* published on August 5, 1986 and effective January 1, 1988.

(11) “Gross vehicle weight rating” means the maximum weight, specified by the manufacturer, that a vehicle is designed to carry including the net weight of the vehicle with accessories, plus the weight of passengers, fuels, and cargo.

(12) “Heavy-duty vehicle” means as defined in California Code of Regulations, Title 13, **§1900(b)(6).** [means any motor vehicle having a gross vehicle weight rating greater than 8,500 pounds, except passenger cars. [14,000 pounds]

(13) “Installer” means a person who puts a catalytic converter in place and ready for use in a vehicle. An installer may also be a manufacturer, distributer, or retailer.

(14) “Light duty truck” means as defined in California Code of Regulations, Title 13, **§1900(b)(11)** means any 2000 and subsequent model year motor vehicle certified to the standards in California Code of Regulations, Title 13, **§**1961(a)(1), **§**1961.2, or **§**1961.4 having a gross vehicle weight rating of 8,500 pounds or less, and any other motor vehicle, having a gross vehicle weight rating of 6,000 pounds or less, which 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.]

(15) “Manufacturer” means any party engaged in the business of manufacturing, assembling, or producing aftermarket catalytic converters for sale and use on motor vehicles.. A manufacturer may also be a distributer, retailer, or installer.

(16) “Medium duty vehicle” means as defined in California Code of Regulations, Title 13, **§1900(b)(13)** means any

pre-1995 model year heavy-duty vehicle having a gross vehicle weight rating of 8,500 pounds or less;

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 California Code of Regulations, Title 13, **§1**960.1(h)(2) having a gross vehicle weight rating of 14,000 pounds or less;

any 1995 through 2003 model year heavy-duty vehicle certified to the standards in California Code of Regulations, Title 13, **§**1960.1(h)(1) having a gross vehicle weight rating of 14,000 pounds or less; and

any 2000 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in California Code of Regulations, Title 13, **§**1961(a)(1), **§**1961.2, **§**1961.4, **§**1962, **§**1962.1, or **§**1962.2 having a gross vehicle weight rating between 8,501 and 14,000 pounds.

**(17) “Motor vehicle” or “vehicle” means a self-propelled** device by which any person or property may be propelled, moved, or drawn upon a highway, except for a device used exclusively upon stationary rails or tracks.

(18) “New aftermarket catalytic converter” means an aftermarket catalytic converter that is constructed of all new materials.

(19) “Non-OBDII” means, with regard to a motor vehicle, a vehicle designed and certified prior to the applicability of the on-board diagnostic requirements of California Code of Regulations, Title 13, **§**1968.1 and **§**1968.2.

(20) “OBDII” means, with regard to a motor vehicle, a vehicle designed and certified to the on-board diagnostic system requirements of California Code of Regulations, Title 13, **§**1968.1 and **§**1968.2.

(21) “Original equipment catalytic converter” means a catalytic converter originally installed in a new motor vehicle before transfer of the vehicle to a person for use.

(22) “Passenger car” means any motor vehicle designed primarily for transportation of persons and having a design capacity of twelve persons or less.

(23) “Person” means any individual, public or private corporation, partnership, association, firm, limited liability corporation, trust, or estate, government agency, department, or bureau, political subdivision, municipality, or any legal entity whatsoever.

(24) “Replacement part” means, with regard to a catalytic converter, a catalytic converter that is constructed of all new materials, is intended to replace an original equipment catalytic converter, and is functionally identical to the original equipment catalytic converter in all respects that in any way affect emissions (including durability).

(25) “Retailer” means a person who, as part of its business (including any on-line operations), sells a catalytic converter to another person for use, A retailer may also be a manufacturer, distributer, or installer.

(26) “Sell or offer for sale in **[OTC STATE]**” means transfer or offer to transfer, in **[OTC STATE]**, ownership of a catalytic converter.

(27) “Vehicle identification number” means the motor number, serial number, or other distinguishing number, letter, mark, character, or datum, or any combination thereof, required or employed by the manufacturer or **[OTC STATE]** for the purpose of uniquely identifying a motor vehicle or motor vehicle part or for the purpose of registration.

Section 2: General Aftermarket Catalytic Converter Requirements

(a) No person shall install in **[OTC STATE]**, sell or offer to sell in **[OTC STATE]** for installation in **[OTC STATE]** any new aftermarket catalytic converter for any gasoline powered passenger car, light-duty truck, or medium-duty vehicle**,** including CARB-certified vehicles and federal-only certified vehicles, unless the aftermarket catalytic converter is:

1. Exempt by a CARB Executive Order; **or**
2. **Covered by a waiver issued by** **[OTC STATE]** under subparagraph (c)(3)(iii) of this section.

(b) No person shall install, sell, offer for sale or advertise for sale or installation in **[OTC STATE]** any used, recycled, or salvaged catalytic converter.

(c) A new aftermarket catalytic converter shall not be installed on any gasoline powered passenger car, light-duty truck, or medium-duty vehicle in **[OTC STATE]** if any of the following requirements are not met:

(1) The vehicle must be beyond its original emissions warranty coverage period. The installer may reference the vehicle owner’s manual/warranty booklet or contact the vehicle manufacturer or its representative to verify the warranty coverage period.

(2) A legitimate need for replacing the existing catalytic converter must be established and documented on the repair invoice. The installer must determine that the converter has failed an emissions inspection and/or is not functioning properly.

(3) The installer must verify that the vehicle involved is specifically included in the vehicle application list of the aftermarket catalytic converter being installed. The vehicle application list must be in:

1. CARB’s online database, <https://ssl.arb.ca.gov/AftermarketParts/catalysts>; or
2. The **[OTC STATE]**-specific vehicle application catalogue created by the manufacturer of the aftermarket catalytic converter consistent with the requirements of subsection (e) of this section; provided that;
3. If no aftermarket catalytic converter specified for such vehicle on such vehicle application list, no original equipment catalytic converter, and no replacement part catalytic converter is available for the vehicle, the installer may request by telephone or email, and the **[OTC STATE]** may grant in its sole discretion, a waiver allowing installation of a federal-certified aftermarket catalytic converter or, if no federal-certified aftermarket catalytic converter is available, installation of another new aftermarket catalytic converter determined to be appropriate in the vehicle;

(4) The aftermarket catalytic converter must be installed in the same location as the original equipment manufacturer catalytic converter that it replaces and in the proper exhaust flow direction. The front face of the installed catalytic converter shall be no more than three inches further upstream or downstream in the exhaust from where the front face of the original equipment catalytic converter was located;

(5) The installation must not alter the location, position, number, or orientation of upstream and downstream oxygen sensors and must not disable other emission control devices;

(6) The aftermarket catalytic converter must be installed on a one-for-one catalytic converter (not substrate) basis and must be installed with all other and required catalytic converters and no consolidation of catalytic converters, nor addition of extra catalytic converters;

(7) A permanent, non-destructible label or stamp showing the identification number of the CARB Executive Order exempting the aftermarket catalytic converter, the catalytic converter part number, the date (month and year) of manufacture, and a directional flow arrow must be visible on the aftermarket catalytic converter from the underside of the vehicle. The information must be in a format, and the label or stamp must be at a location, consistent with the labeling requirements under California Code of Regulations, Title 13, **§ 2222(h)(2) and** California Aftermarket Catalytic Converter Evaluation Procedures, section (f)(1); and

(8) A warranty card, required under subsection (d) of this section, has been filled out by the installer, signed by the customer, attached to the repair invoice, and a copy returned to the manufacturer.

(d) Each manufacturer of a new aftermarket catalytic converter intended for sale in **[OTC STATE]** shall provide a warranty card with each such catalytic converter that:

1. Shall include:
2. The general terms and conditions of the catalytic converter warranty;
3. A statement that the catalytic converter has been designed and manufactured to meet the warranty requirements;
4. A place for the customer’s signature in acknowledgement of the catalytic converter warranty;
5. The catalytic converter part number;
6. The vehicle year, make, model, vehicle identification number, and odometer reading of the vehicle on which the catalytic converter was installed;
7. The date of installation; and
8. The name of the installation shop or facility.

(2) Shall be provided and filled out in triplicate, with the original for the customer, one copy for the installer to keep, and one copy to be sent back to the manufacturer. The copy to be returned to the manufacturer shall have pre-paid postage and be of sufficient size to allow for mailing without the use of a separate envelope.

(e) Each manufacturer of a new aftermarket catalytic converter exempt by a CARB Executive Order, shall submit to the **[OTC STATE]** or make publicly available on the internet a **[OTC STATE]**-specific vehicle application catalog identifying on which, if any, gasoline powered passenger cars, light-duty trucks, or medium-duty vehicles, in addition to those identified in the CARB Executive Order, such aftermarket catalytic converter can be used to demonstrate compliance with **[OTC STATE STATUTE ]**.

(1) In the case of a cross-marketed catalytic converter, the manufacturer that holds the CARB Executive Order shall be the person subject to the requirements of this subsection unless the cross-marketing agreement provides that another person covered by the agreement is responsible for meeting these requirements. The **[OTC STATE]** must be notified of any cross-marketing agreement applicable to the catalytic converter, any changes to any such agreements, and the persons covered by any such agreement.

(2) The manufacturer shall rely on engineering principles based on equivalence in vehicle type, exhaust configuration, certification limit, and vehicle weight between such vehicle application and the vehicle applications covered by the CARB Executive Order and shall use, as applicable, the processes set forth in Appendix A of this section, to identify in the catalogue on which vehicles the aftermarket catalytic converter can be used.

(3) Consistent with the requirements of paragraph (2) of this subsection, the manufacturer shall revise the online and submitted catalogue to keep it up to date and accurate.

1. If an aftermarket catalytic converter is listed as appropriate for a vehicle application and demonstrates excessive failure rates, excessive performance complaints, or other evidence that it is not appropriate for the vehicle, the manufacturer shall remove that application from the catalogue until the performance issue is resolved.
2. If an aftermarket catalytic converter is listed as appropriate for a vehicle application and the **[OTC STATE]** notifies the manufacturerthat the aftermarket catalytic converterdemonstratesexcessive failure rates, excessive performance complaints, or other evidence that it is not appropriate for the vehicle, the manufacturer shall remove that application from the catalog until the performance issue is resolved.

(4) The content and organization of the catalogue shall meet the requirements in Appendix B of this section.

(f) Each manufacturer subject to the requirements of subsection (e) of this section shall:

1. Provide a technical representative for, and submit his/her updated telephone number and email address to**, [OTC STATE]** to contact with questions regarding its **[OTC STATE]**-specific vehicle application catalogue and in-use performance of the aftermarket catalytic converter;
2. Inform installers of its aftermarket catalytic converters in **[OTC STATE]** of the installation requirements of subsection (c) of this section through its normal means of communicating with installers, including, but not limited to, its **[OTC STATE]**-specific vehicle application lists, its website, responses to requests by installers by phone or email for technical help, and other documentation distributed to installers; and
3. Review the warranty claim records for its aftermarket catalytic converters exempt by a CARB Executive Order and sold in **[OTC STATE]** on a production year basis for a period of five years following the production year and submit a warranty information report semi-annually to **[OTC STATE]**, during the five-year period.
4. The warranty information report shall contain the following information: the manufacturer’s name, a description of each class or category of such catalytic converters, including model year and catalytic converter series, the cumulative number and percentage of such catalytic converters for which a warranty replacement or other warranty work was identified, and the number of such catalytic converters produced for sale in **[OTC STATE]**.
5. If, after screening out improper claims, the cumulative number of warranty claims exceeds the greater of four percent or 100 claims for such catalytic converters exempt by an individual CARB Executive Order and produced for sale in **[OTC STATE]**, the manufacturer shall include in the report a description of the type(s) of failure that have occurred, the probable causes of failure, and data or an engineering evaluation of the impact of the failures on vehicle emissions.

(g) Manufacturers, distributors, and retailers of new aftermarket catalytic converters delivered or sold in **[OTC STATE]** on or after January 1, [2026] shall retain records pertaining to such delivery and sale for a minimum of four years from the date of the delivery or sale. Records shall be either hardcopy or electronic and shall be produced upon request from the **[OTC STATE]** or his/her designee.

(h) Installers of new aftermarket catalytic converters in **[OTC STATE]** shall retain records pertaining to the sale and installation of the aftermarket catalytic converters on or after January 1, [2026] for a minimum of four years from the date of such installation. Records shall be kept onsite at the installation location, either in hardcopy or electronically, and shall be produced upon request from the **[OTC STATE**] or his/her designee.

(i) Any violation of the requirements of this section is subject to civil and criminal penalties according to **[OTC STATE STATUTE]**.

**Appendix A: Manufacturers’ Processes for Identifying Vehicle Applications for Aftermarket Catalytic Converters**

Manufacturers of aftermarket catalytic converters shall use the following processes for identifying, in their **[OTC STATE]**-specific vehicle application catalogues, on which gasoline powered passenger cars, light-duty trucks, or medium-duty vehicles (in addition to those identified in applicable CARB Executive Orders) their aftermarket catalytic converters can be used to demonstrate compliance with **[OTC STATE STATUTE]**.

**1. For CARB-certified OBD II vehicles**

a. Determine the specific emission certification tier of each CARB-certified vehicle, using the CARB emission certification tiers listed below.

b. Determine the weight class of each CARB-certified vehicle, using the CARB weight classes listed below.

c. Match the catalytic converter configuration of each CARB-certified vehicle to a CARB standard catalytic converter configuration, which may include, but is not limited to:

1. Inlet and outlet pipe diameters.
2. Number and position of oxygen sensor or other fittings.
3. Location, number of converters, and converter body shape and size.

d. Determine which of the CARB-only certified vehicles, if any, meet the requirements of emission certification tier, vehicle weight, and catalytic converter configuration from the applicable CARB Executive Order so that the aftermarket catalytic converter is physically suitable for the vehicles.

e. Based on the determination in paragraph d of this section, list the correct CARB-certified vehicle applications in the **[OTC STATE]**-specific vehicle application catalogue for the aftermarket catalytic converter by model year, make, model, engine size, and weight class.

**2. For federal-only certified OBD II vehicles**

a. Determine the specific emission certification tier of each federal-only certified vehicle.

b. Identify the ~~CARB~~ applicable emission certification tier, from the applicable CARB Executive Order, that is equivalent to or more stringent than federal-only certified vehicle’s emission certification tier, using the following table that lists the CARB emission tier that is equivalent to each federal-only emission tier:

|  |  |
| --- | --- |
| **Federal-Only Emission Tier** | **CARB Emission Tier** |
| Tier 0 | Tier 1 |
| Tier 1 | Tier 1 |
| NLEV | LEV1 LEV |
| Tier2 Bin2 | LEV2 SULEV |
| Tier2 Bin3 | LEV2 ULEV |
| Tier2 Bin4 | LEV2 ULEV |
| Tier2 Bin5 | LEV2 LEV |
| Tier2 Bin6 | LEV2 LEV |
| Tier2 Bin7 | LEV2 LEV |
| Tier2 Bin8 | LEV2 LEV/LEV1 ULEVE |
| Tier2 Bin9 | LEV1 LEV |
| Tier2 Bin10 | LEV1 LEV |
| Tier2 Bin11 | LEV1 LEV |
| HDV, HDV1, HDV2 | LEV2 LEV |
| All Tier3 | Equivalent LEV3 |

c. Determine the weight class of each federal-only certified vehicle and its equivalent CARB weight class in the applicable CARB Executive Order, using the following CARB standards for vehicle weight classes:

1. Passenger Cars (All weights)
2. Light Duty Trucks:

LDT1 = 0- 6000 lb. GVWR and test weight 0-3750 lb.

LDT2 = 0- 6000 lb. GVWR and test weight 3751-5750 lb.

LDT3 = 6001-8500 lb. GVWR and test weight 3751-5750 lb.

LDT4 = 6001-8500 lb. GVWR and test weight 5751-8500 lb.

1. Medium Duty Trucks:

MDV2 = 6000-14000 lb. GVWR, and test weight 3751-5750 lb.

MDV3 = 6000-14000 lb. GVWR, and test weight 5751-8500 lb.

MDV4 = 6000-14000 lb. GVWR, and test weight 8501-10000 lb.

MDV5 = 6000-14000 lb. GVWR, and test weight 10001-14000 lb.

d. Match the catalytic converter configuration of each federal-only certified vehicle to a CARB standard catalytic converter configuration, which may include, but is not limited to:

i. Inlet and outlet pipe diameters.

ii. Number and position of oxygen sensor or other fittings.

iii. Location, number of converters, and converter body shape and size.

e. Determine which of the federal-only certified vehicles, if any, meet the requirements of emission certification tier, vehicle weight, and catalytic converter configuration from the applicable CARB Executive Order so that the aftermarket catalytic converter is physically suitable for the vehicles.

f. Based on the determination in paragraph e of this section, list the correct federal-only certified vehicle applications in the **[OTC STATE]**-specific vehicle application catalogue for the aftermarket catalytic converter by model year, make, model, engine size, and weight class.

g. For federal vehicles without a CARB approved aftermarket catalyst listed in any manufacturer’s catalog installers must use the OE catalyst.

h. If an OE catalyst or CARB approved aftermarket catalyst is not available from any manufacturers installers should contact [applicable state department] staff at (xxx) xxx-xxx or email to xxxxxxx@xxxx.xxx

**3. Non-OBD II Vehicles (generally, model year 1995 or older)**

a. Determine which of the following vehicle categories is the appropriate category for each non-OBD II vehicle:

i. (PC-1): passenger car/light duty truck with test weight 0-3750 lb. single exhaust configuration

ii. (T-1): light-duty truck with test weight of greater then 3,750 pounds/ medium-duty vehicle single exhaust configuration

iii. (PC-2): passenger car/light duty truck with test weight 0-3750 lb. dual exhaust configuration

iv. (T-2): light-duty truck with test weight of greater then 3,750 pounds/ medium-duty vehicle dual exhaust configuration, where

v. “Single configuration” refers to vehicles with an original equipment manufacturer catalytic converter configuration of a single catalytic converter (per engine or per bank), and “dual configuration” refers to vehicles with an original equipment manufacturer catalytic converter configuration with two or more catalytic converters in series (per engine or per bank).

b. Based on the determination in paragraph a of this section, list the correct non-OBD II vehicle applications in the **[OTC STATE]-**specific vehicle application catalogue for the aftermarket catalytic converter by model year, make, model, and vehicle category.