



A Dealer Guide to CARB's Tire Inflation Regulation

In 2006, the California legislature enacted AB 32 to require the California Air Resources Board (CARB) to reduce Greenhouse Gas (GHG) emissions to 1990 levels by 2020. As part of its "scoping plan" to achieve these emissions reduction, CARB declared that under-inflated tires significantly reduce a vehicle's fuel efficiency and that GHG emissions could be reduced if the frequency of tire inflation was increased. Thereafter, CARB initiated a rulemaking proceeding to mandate that vehicle service providers to check and inflate tires whenever servicing a vehicle. The rulemaking process has lasted two years and CARB filed several different sets of regulatory proposals, the last of which was recently approved to take effect *September 1, 2010.*

The goal of the regulation is simple: every time a vehicle is serviced, the service provider must check and inflate the tires to the recommended tire pressure. Working this regulation into California's complicated Automotive Repair Act is a bit trickier. This Guide was drafted by CNCDA to assist new car dealers in complying with the new regulatory requirements. This Guide has been reviewed by CARB and the Bureau of Automotive Repair (BAR) to ensure consistency with their interpretation of how dealers should implement the new law.

CARB Tire Inflation Regulations

Who Is Covered by the Regulation? The regulation applies to all automotive service providers, defined as "any business or government or private vehicle fleet maintenance provider that performs or offers to perform automotive maintenance or repair services" The regulation specifically mentions car dealerships, maintenance or repair garages, government or publicly maintained or operated fleets, oil change facilities, tire centers, and smog check facilities. While the regulation specifically excludes auto body and paint facilities, auto glass installers, auto parts distributors or retailers, and auto wreckers and dismantlers, any of these entities performing automotive repair services, described below, must fulfill all requirements of the regulation related to those services.

What Services Trigger Compliance? "Automotive maintenance or repair services" include, but are not limited to, the performance of any automotive diagnostics of or repairs made to a motor vehicle. Effectively, any time a vehicle comes in for service and is diagnosed (even if no repair is performed) or repaired, the regulations apply. A consumer may decline to have a tire pressure check and inflate service performed by affirming they had one within the last 30 days or will have one within the next 7 days.

Can a Dealer Charge for the Required Check and Inflate Service? *Yes*, automotive service providers can charge for the service. Keep in mind, however, that the normal written estimating and invoicing requirements also apply to check and inflate services performed under the regulation.

When does the Regulation Take Effect? The regulation is effective September 1, 2010. However, CARB has advised CNCDA that enforcement during the first two months will primarily focus on assisting automotive service providers in complying with the regulation. BAR has also agreed to provide a period of non-enforcement for documentary violations related to the new regulation. We recommend that you immediately disseminate this Guide and attached regulation to your service personnel and start complying with the regulation as soon as possible.

Basic Regulatory Requirements:

The regulation imposes four basic requirements on automotive service providers: check and inflate tires when servicing a vehicle; document the inflation on the repair invoice; have access to tire inflation reference materials; and retain records relating to tire inflation for three years. The requirements are further outlined below.

1. **Check and Inflate:** The regulation requires all automotive service providers to check and inflate each tire on a vehicle to the *vehicle* manufacturer's recommended tire pressure rating when performing any automotive maintenance or repair service, unless the tires or wheels installed on the vehicle do not meet the vehicle manufacturer's tire specifications (i.e., aftermarket wheels and tires installed on a vehicle), or one of the few exceptions to the requirement apply (see below).
 - **Where Can I Find the Recommended Tire Pressure Rating?** The source of the recommended tire pressure rating will differ depending upon whether the tires and wheels meet the vehicle manufacturer's specifications (OE Tires and Wheels) or do not meet these specifications (non-OE Tires and Wheels):
 - **Vehicles with OE Tires and Wheels:** The recommended tire pressure rating will be found on the vehicle's tire placard, generally found on the driver's side door jamb or glove box, and in the owner's manual. If you can't find the recommended tire pressure, you will need to look in a Tire Inflation Reference to determine the correct pressure rating. Information on obtaining an acceptable Tire Inflation Reference is described below.
 - **Vehicles with Non-OE Tires and Wheels:** Federal law requires that any person installing new tires or wheels (or performing most other alterations) on a *new* vehicle (prior to the initial sale to a consumer) who modifies the vehicle's load carrying capacity or tire pressure rating must re-placard the vehicle to indicate the correct pressure. When servicing a vehicle with a replaced placard, you should inflate the tires to the tire pressure rating described on the replacement tire placard. If you have reason to believe that non-OE tires and wheels have been installed and the placard has *not* been replaced (i.e., on a used vehicle), you will need to check a Tire Inflation Reference for the proper inflation rating. The Tire Inflation Reference should allow you to match the vehicle and the non-OE tires and wheels to determine the correct tire pressure rating (see discussion below).

- **Inflation Accuracy (Gauge Requirements):** The regulation requires that tire inflation services be performed using a tire pressure gauge with a total permissible error of no more than ± 2 PSI. CARB has informed CNCDA that it will check tire gauges for accuracy using a calibrated master gauge during enforcement audits. With this in mind, dealers should take steps to ensure the accuracy of their tire gauges, and may want consider purchasing a calibrated master gauge from which to periodically test the accuracy of gauges.
- **Over-Inflated Tires Permissible, Under-Inflated Tires Not-Permissible:** Customers occasionally request to have their tires inflated to a tire pressure that differs from the recommended pressure rating.
 - Under-Inflate Requests: Customers (particularly full-size pickup owners) occasionally request that tires be inflated below the tire pressure rating for a more comfortable ride. For instance, a large pickup may have a tire pressure rating of 80PSI for the rear tires to account for a load that the truck may carry, but which will lead to an uncomfortable ride when unloaded. Unless the vehicle has a separate tire pressure rating for trucks under load and trucks not under load, you must inflate the tires to the recommended tire pressure rating.
 - Over-Inflate Requests: Some customers ask dealers to over-inflate their tires in order to achieve greater fuel efficiency. We urge dealers to exercise caution before over-inflating a tire because it raises serious safety concerns and liability issues. In addition, the regulation requires service providers to record the over-inflated pressure on the invoice (see discussion below), which raises further liability concerns.
 - Tire Inflation v. Tire Deflation: Although not specifically addressed in the regulation, during a recent meeting with CARB staff, we were informed that CARB takes the position that the regulation only mandates that tires be *inflated* if under-inflated, but does not require dealers to *deflate* over-inflated tires. For instance if a customer's vehicle has a tire pressure rating of 30 PSI, and you check the tires and find that they are inflated to 35 PSI, you are not required to deflate the tires (but you would have to record the inflated pressure amount on the invoice). While doing so may be permissible, we recommend that dealers always inflate or deflate tires to the recommended tire pressure and record that pressure on the invoice.
 - Hot or Cold Tires: CARB acknowledges that the temperature of a vehicle's tire can make a significant real-world difference when inflating the tire. Despite this fact, the regulation requires that tires be inflated to the recommended pressure regardless of tire temperature. Dealers are not required to wait until the tires reach a cool temperature before performing the service.
- **Circumstances When Inflation Service Is Not Required:** Under the following circumstances, you are not required to check and inflate the tires, *but must indicate*

the reason for not performing the service on the service invoice (see “Documentation” discussion below).

- Vehicle with a GVWR Exceeding 10,000 lbs: The tire inflation requirements do not apply to vehicles with a Gross Vehicle Weight Rating exceeding 10,000 lbs.
- Unsafe Tires: If you as an automotive service provider determine that the customer’s tires are unsafe, you are not required to perform the service. The regulation cites specific examples by defining an “unsafe tire” as “any tire considered unsafe in accordance with standard industry practices, due to tire tread wear, age, tread irregularity, or damage. Examples include any tire with exposed ply or cord, sidewall crack, bulge, knob, or ply separation. Checking the tire pressure is not required if you or your technician determines that the tire is unsafe.
- Customer Declines AND Makes Affirmation: A customer *may* decline the service if he or she “affirms” that the vehicle tires were checked and inflated within the last 30 days, or that they will be checked and inflated in the next 7 days. While the regulation does not specify how this “affirmation” is to be made, CNCDA recommends getting this in writing on the face of the service invoice, as described below.
- Nitrogen-Inflated Tires AND Nitrogen Not Available: The regulation allows a customer to refuse a tire inflation service if the customer’s tires are inflated with nitrogen and the service provider does not have a nitrogen inflation system.

2. **Documentation:** The regulation requires an automotive service provider to “indicate on the vehicle service invoice that a tire inflation service was completed and the tire pressure measurements after the services were performed.” While the primary goal of the regulation is to check and inflate customer tires (which most dealers perform currently), a dealer’s primary compliance concern should be documenting compliance with the regulation to *prove* that the service was performed.

- **Start with the Estimate:** We have been advised by BAR that compliance with the new regulation does not relieve an automotive repair dealer of its separate duty to comply with the Automotive Repair Act. This means that you must adhere to standard written estimating and invoicing requirements regardless of the new regulation. ***When you prepare a written estimate, you must include any charge to be made for tire inflation services (if any) on the written estimate. As always, be sure to receive customer approval of the estimate before commencing service.*** BAR has confirmed that it *will* take disciplinary action against any automotive service provider that charges for tire pressure services when that service has not been approved on a written estimate.

IMPORTANT NOTE: Unless one of a small number of exceptions applies, the customer *may not* simply refuse to allow an automotive service provider to perform tire pressure service. We understand that this puts dealers in an awkward position: effectively, the regulation prohibits you from checking tire pressure on a vehicle unless the customer approves of the service or one of the exceptions described above applies. A consumer may decline to have a tire pressure check and inflate service by affirming they had one within the last 30 days or will have one within the next 7 days. CNCDA recommends the automotive service provider have the consumer affirm on the invoice or separate document their decision to decline the service.

- **Invoicing Requirements:** For the most part, a repair invoice will be the primary document used to comply with the regulations’ documentation requirements.
 - **Inflation Service Performed:** The primary documentation requirements under the regulation mandate that an automotive service provider must “indicate on the vehicle service invoice that a tire inflation service was completed and the tire pressure measurements after the services were performed.” Accordingly, automotive service providers must record the fact that the inflation service was provided, indicate the charge for the service (if any), *and the pressure to which each tire was inflated*. The following example of invoice itemization describes one manner in which this requirement can be fulfilled.

<u>Parts</u>		<u>Cost</u>
New Ajax semi-metallic brake pad kit, part #ABPK-14		\$50.00
4 quarts Ajax 10w40 motor oil		\$5.00
New Ajax oil filter, part #AOF-10		\$5.00
<u>Labor</u>		
Front Brake Service:		\$50.00
Remove and replace front brake pads and resurface front rotors		
Engine Oil and Filter Change:		\$30.00
Replace engine oil and oil filter		
Tire Pressure Check and Inflate Service:		\$1.00
Tires Inflated to (PSI):		
<u>Right Front:</u>	30	
<u>Left Front:</u>	30	
<u>Right Rear:</u>	30	
<u>Left Rear:</u>	30	
Subtotals:	Labor	\$81.00
	Parts	\$60.00
	Tax (8.75%)	\$5.25
TOTAL		\$146.25

Note: CNCDA has confirmed with CARB that automotive service providers that disclose the tire pressure information on a separate document (e.g., service summary form) will comply with the documentary requirements of the

regulation, but reminds automotive service providers that they will need to keep a copy of any such document with the repair invoice for inspection by CARB enforcement personnel. If doing so, be sure to reflect any charges for the service on the written estimate and invoice to ensure compliance with automotive repair laws.

- **Inflation Service Not Performed:** As described above, certain circumstances exist under which you are not required to perform the inflation service. Under such circumstances, automotive service providers must record the fact that the check and inflate service was not performed, and *indicate the reason for non-performance on the invoice*. We suggest that automotive service providers use a stamp, or pre-printed box on the front of the invoice to make this disclosure, similar to the following example (including customer initials):

Tire Pressure Service Not Performed for the Following Reason:	
<input type="checkbox"/> Vehicle > 10,000 lbs GVWR	<input type="checkbox"/> Dealership Determined Tires to be Unsafe
<input type="checkbox"/> Nitrogen-Inflated Tires and Nitrogen Unavailable My tires are currently inflated with nitrogen, and I refused to allow the repair dealer to inflate my tires with air.	
<input type="checkbox"/> Customer Declines and Affirms Past or Future Inflation I declined to have my tires checked and inflated because my tires were either checked and inflated in the past thirty (30) days, or I will check and inflate my tires in the next seven (7) days.	
Customer Initials:	

- **What if a Dealer Only Provides a Tire Inflation Service at No Charge?**
An automotive service provider that checks and inflates a customer’s tires at no charge and performs no other repair or maintenance service does not have to comply with the regulation. However, if you provide tire inflations in addition to any other service the regulation does apply. For example, if a customer asks a dealer to check and inflate her tires, the dealer performs this service without charge, and no other service is performed, the regulation does not apply. If, however, the customer has any other service provided (e.g., brake service), the regulation will apply even if the tire inflation service is provided without charge.

3. **Tire Inflation Reference:** The regulation requires all automotive service providers to have access to standard industry Tire Inflation Reference materials that are current within three years of publication. Tire Inflation Reference materials contain tables that allow automotive service providers to determine the correct tire pressure for non-OE tires and wheels using the vehicle’s load and tires.

While CARB has made it clear that several reference books are currently available on the market and others will be in the future (including electronic programs). One comprehensive and relatively inexpensive tire inflation reference manual that complies with the regulation is “The Tire Guide,” available for \$17.95 at <http://tireguides.com/>.

4. **Record Retention:** The regulation requires that service providers retain a copy of the invoice for a minimum of three years, and that you make the invoice available to CARB or CARB’s authorized representative, upon request.

Additional Issues:

Does the Regulation Apply to Fleet Vehicles and Inventory? Yes. CARB introduced late changes to the regulation to make it clear that the regulation does apply to vehicles in government and business fleets. Accordingly, when an automotive service provider services any fleet or inventory vehicles (e.g., parts trucks or new or used vehicle inventory), it must check and inflate the tires, record the inflation pressure on its internal service invoice, and retain the records for three years. CNCDA asked CARB about the following special circumstances:

- **Used Vehicle Safety/Smog Check:** When performing a safety or smog test on a vehicle taken in trade, or purchased at auction, an automotive service provider must make sure to perform an inflation service and record the inflation pressure on some form of internal documentation.
- **Rental/Loaner Vehicles:** The regulation also applies to vehicles in a rental or loaner fleet.
- **Pre-Delivery Inspection (PDI):** Automotive service providers performing PDI on a new vehicle are *not* required to comply with the invoicing requirements of the regulation.

Penalties for Non-Compliance: As with most other CARB regulatory violations, the penalties are extremely steep. An automotive service provider that fails to comply with the regulation is punishable by fines of up to \$25,000 per day, and nine months imprisonment if the violation was the result of negligence and up to \$75,000 per day and one year imprisonment if the violation was intentional.

Further Guidance: At present, CARB is putting together a “suggested practices” guidance document for automotive service providers. This document should be completed in the coming months, and will be periodically updated by CARB. CARB has also put together a Frequently Asked Questions page on the regulation, available at: <http://www.arb.ca.gov/cc/tire-pressure/faq.pdf>. CARB staff will update this page frequently. If you have a question not addressed in the FAQ, feel free to contact CNCDA for clarification at (916) 441-2599. Alternatively, you may contact the following CARB representatives: Theresa Anderson (916) 445-2159 - tmanders@arb.ca.gov. or, Jesica Johnston (916) 327-5609 – jjohnsto@arb.ca.gov.

Final Regulation Order

REGULATION TO REDUCE GREENHOUSE GAS EMISSIONS FROM VEHICLES OPERATING WITH UNDER INFLATED TIRES

Adopt new section 95550 in the new subarticle 8 of article 4, subchapter 10, chapter 1, division 3, title 17, California Code of Regulations, to read as follows: *(Note: All of the text shown below is new language to be added to the California Code of Regulations.)*

Subarticle 8. Regulation for Under Inflated Vehicle Tires § 95550. Regulation for Under Inflated Vehicle Tires

(a) Purpose. The purpose of this regulation is to reduce greenhouse gas emissions from vehicles operating with under inflated tires by inflating them to the recommended tire pressure rating.

(b) Applicability.

(1) This regulation applies to all automotive service providers performing or offering to perform automotive maintenance or repair services in California.

(2) This regulation does not apply to:

(A) auto body and paint facilities;

(B) auto glass installers;

(C) auto parts distributors or retailers; or

(D) auto wreckers or dismantlers.

(c) Definitions.

(1) "ARB" means the California Air Resources Board.

(2) "Auto Body and Paint Facility" means a business that reconstructs, or paints motor vehicles and does not perform or offer to perform automotive maintenance or repair services.

(3) "Auto Glass Installer" is a business that repairs or replaces damaged automotive windshields and windows and does not perform or offer to perform automotive maintenance or repair services.

(4) "Auto Parts Distributer or Retailer" is a business that sells replacement parts or performance accessories for cars, trucks, vans and sport utility vehicles and does not perform or offer to perform automotive maintenance or repair services.

(5) "Auto Wrecker or Dismantler" means an automobile dismantler, as defined in section 220 of the Vehicle Code and does not perform or offer to perform automotive maintenance or repair services.

(6) "Automotive Maintenance or Repair Services" includes, but is not limited to, the performance of any automotive diagnostics of or repairs made to a motor vehicle.

(7) "Automotive Service Provider (ASP)" is any business, or government or private vehicle fleet maintenance provider that performs or offers to perform automotive maintenance or repair services (including, but not limited to, automotive dealerships, maintenance or repair garages, government or publicly maintained or operated fleets, oil change facilities, tire centers, and smog check facilities).

(8) "Gross Vehicle Weight Rating (GVWR)" shall have the same meaning as defined in Vehicle Code Section 350.

(9) "Recommended Tire Pressure Rating" is the specification recommended by the vehicle manufacturer. The vehicle manufacturer's recommended tire pressure rating specifications can be found on the vehicle's door placard, glove box door, or owner's manual. If the vehicle manufacturer's recommended tire pressure rating is not available or the vehicle is equipped with a tire not meeting the vehicle manufacturer's tire specifications for that vehicle, then Recommended Tire Pressure Rating shall mean the Tire Inflation Reference.

(10) "Tire Inflation Reference" is any industry recognized resource, book or electronic, that contains tire pressure inflation specifications for original equipment tires and wheels and non-original equipment sized tires and wheels.

(11) "Tire Pressure Gauge" means a device that is capable of measuring the air pressure of passenger vehicle tires.

(12) "Total Permissible Error" means the allowable accuracy error indicated by the total difference in the true value and the indicated value during measurement.

(13) "Under Inflated Tire" means a tire that is one pound per square inch (psi) or more below the recommended tire pressure rating.

(14) "Unsafe Tire" means any tire considered unsafe in accordance with standard industry practices, due to tire tread wear, age, tread irregularity, or damage. Examples include any tire with exposed ply or cord, sidewall crack, bulge, knot, or ply separation.

(15) "Vehicle Fleet" is one or more vehicles that is owned, leased, or managed as a unit within or by a business or government agency.

(16) "Vehicle Service Invoice" is a document issued by the ASP to the customer in the normal course of business that identifies all service repairs performed by the ASP, as well as the associated costs, and is maintained by the ASP as provided in subsection (d).

(17) "Vehicle Tires" means the operating tires on the vehicle.

(d) Requirements and Compliance Deadlines. Automotive service providers must meet the following requirements:

(1) By September 1, 2010, all automotive service providers are required to:

(A) check and inflate each vehicle's tires to the recommended tire pressure rating, with air or nitrogen, as appropriate, at the time of performing any automotive maintenance or repair service; and

(B) indicate on the vehicle service invoice that a tire inflation service was completed and the tire pressure measurements after the services were performed; and

(C) perform the tire pressure service using a tire pressure gauge with a total permissible error no greater than \pm two (2) pounds per square inch (psi); and

(D) have access to a Tire Inflation Reference that is current within three years of publication; and

(E) keep a copy of the vehicle service invoice for a minimum of three years, and make the vehicle service invoice available to ARB, or its authorized representative upon request.

(2) Notwithstanding subsection (d)(1), an automotive service provider need not meet the requirements set out therein if the automotive service provider is performing only a free check and inflate service at the customer's request.

(3) Notwithstanding subsection (d)(1)(A), an automotive service provider need not perform the check and inflate service if:

- (A) the tires are on a vehicle with a GVWR over 10,000 lbs.; or
 - (B) the tires are determined by the automotive service provider to be unsafe, as defined in subsection (c)(14); or
 - (C) the customer declines the check and inflate service pursuant to subsection (d)(5).
- (4) Customers with vehicle tires inflated with nitrogen gas are subject to the requirements in subsection (d)(1)(A-E), but may refuse the inflation portion of the service if a nitrogen inflation system is not available at the time of the service.
- (5) A customer may decline the check and inflate service if the customer affirms one of the following:
- (A) He or she has performed (or had performed) a tire pressure check and inflate service within the last 30 days, or
 - (B) He or she will perform (or will have performed) a tire pressure check and inflate service within the next 7 days.
- (6) If a tire inflation service was not performed as provided in subsections (d)(3)-(5), the automotive service provider must indicate on the vehicle service invoice why the service was not completed.

(e) Penalties and Injunctions.

(1) **Penalties.** Penalties may be assessed for any violation of this article pursuant to Health and Safety Code section 38580. Each day during any portion of which a violation occurs is a separate offense.

(2) **Injunctions.** Any violation of this article may be enjoined pursuant to Health and Safety Code section 41513.

(f) Relationship To Other Law. Nothing in this section allows automotive service providers to operate in violation of other applicable laws, including but not limited to:

- (1) California Vehicle Code.
- (2) Health and Safety Code.
- (3) Business and Professions Code.
- (4) any other applicable law, ordinance, rule or requirement as stringent as, or more stringent than the requirements in section (d) of this regulation.

(g) Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion will be deemed as a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of the regulation.

Note: Authority cited: Sections 38510, 38560, 39600, and 39601, Health and Safety Code.

Reference: Sections 38510, 38560, 39600, Health and Safety Code.