

Office of Mobile Sources

EPA Environmental Fact Sheet

If Your Car Just Failed An Emissions Test...
You May Be Entitled To Free Repairs

- * If your 1981 or later model year car or light truck just failed an approved emissions tests; and
- * Your State or local government requires that you repair the car; and
- * The test failure did not result from misuse of the vehicle or a failure to follow the manufacturer's written maintenance instructions; and
- * You present the vehicle to a warranty-authorized manufacturer representative, along with evidence of the emissions test failure, during the relevant warranty period; then...

...for the first 2 years or 24,000 miles, whichever comes first, the manufacturer must pay for all repairs necessary to pass the emissions test and...

...for the first 5 years or 50,000 miles (8 years or 80,000 miles for 1995 and newer vehicles), the manufacturer must pay for all repairs to primary emission control parts (only the catalytic converter, the electronic Control Unit and the On-board Diagnostic Device for 1995 and newer vehicles) which are necessary to pass the emissions test (1995 and newer vehicles have slightly different warranty coverage time/mileage/parts limitations).

Emissions control warranties protect you, the vehicle owner, from the cost of repairs for some emission related failures that are beyond your control. Manufacturers are required by Federal law to provide broad emission warranty coverage for vehicles that are less than 5 years old and have been operated for less than 50,000 miles (8 years/80,000 miles for 1995 and newer vehicles). As a resident of an area with an Inspection/Maintenance program that meets Federal guidelines, you may be eligible for a special form of the protection called the Emissions Performance Warranty.

The Environmental Protection Agency has designed this Performance Warranty pamphlet to help you save money-whether you passed or failed your Inspection/Maintenance test this year. This will help you determine if you are eligible for Performance Warranty coverage. Next, we will explain which repairs the warranty will cover, which ones it will not, and how to make a warranty claim. We will also show you how to lower your fuel and maintenance bills, while protecting against repair costs from a future I/M test failure.

The first thing you should know is that there are two emission control warranties, the "Design and Defect Warranty" and the "Performance Warranty." The Design and Defect Warranty covers the

repair of certain emission control related parts which become defective during the first 5 years or 50,000 miles of vehicle use (8 years/80,000 for 1995 and newer vehicles). The Performance Warranty, described in this pamphlet, covers repairs which are required because the vehicle failed an emission test. You should know that even if you don't qualify for coverage under the Performance Warranty, you may still qualify under the Design and Defect Warranty. Ask your local Inspection/Maintenance program or write the EPA for a copy of the pamphlet "What You Should Know About Your Auto Emissions Warranty," which describes the Design and Defect Warranty in detail. (1995 and newer vehicles have slightly different warranty coverage time/mileage/parts limitations.)

What Vehicles Are covered by the Performance Warranty?

The Performance Warranty covers cars and light duty trucks beginning with the 1981 model year. However, for vehicles that are specifically equipped for operation at high altitude (over 4000 feet), coverage begins with the 1982 model year.

Does the Performance Warranty Apply to Used Cars?

Yes. It does not matter if you bought your car new or used, from a dealer or anyone else. As long as your vehicle has not exceeded the warranty time or mileage limitations and has been properly maintained, this warranty applies.

What Repairs Are Covered?

There are two categories of coverage under the Performance Warranty, and they depend on the age of your vehicle.

- 1) Any repair or adjustment which is necessary to make your vehicle pass an approved locally required emissions test is covered if your vehicle is less than 2 years old and less than 24,000 miles. [Coverage for 1995 and newer vehicles is limited to the catalytic converter(s), the Electronic Control Unit (ECU) and the On-Board Diagnostic (OBD) device (or computer), although coverage for these parts is 8 years or 80,000 miles.]
- 2) Any repair or adjustment of a primary emission control part which is necessary to make your vehicle pass an approved locally required emission test is covered if your vehicle is less than 5 years old and has less than 50,000 miles.

Although coverage is limited after 2 yrs./24,000 miles to primary emission control parts (or certain parts for 1995 or newer vehicles), repairs must still be complete and effective. If the complete and effective repair of a primary part requires that non-primary parts be repaired or adjusted, these repairs are also covered if they are not maintenance items normally requiring repair.

Primary emission control parts for 1994 and newer vehicles are listed below. Please note that some manufacturers may use different names for these parts.

Primary Emission Control Parts

Examples of parts installed for the primary purpose of controlling vehicle emissions.

Evaporative Emission Control System

- * purge valve
- * purge solenoid
- * fuel filter cap
- * vapor storage canister and filter

Positive Crankcase Ventilation (PCV) System

- * PCV valve
- * PCV solenoid

Air Injection System

- * diverter, bypass or gulp valve
- * reed valve
- * air pump
- * anti-backfire or deceleration valve

Early Fuel Evaporative (EFE) System

- * EFE valve
- * thermal vacuum switch

Fuel Metering System

- * electronic control module or computer command module
- * deceleration controls
- * fuel injectors, fuel injection units and fuel injection bars developed for feedback EFI or TBI systems
- * EFI air flow meter, module or mixture control unit
- * mixture settings on sealed carburetors
- * mixture control solenoid, diaphragm or other fuel metering components that achieve closed-loop operation
- * electronic choke
- * altitude compensator sensor
- * other feedback control sensors, switches and valves
- * thermostatic air cleaner

Ignition Systems

- * electronic spark valves
- * high energy electronic ignition
- * timing advance/retard systems

Miscellaneous Parts

- * Hoses, gaskets, brackets, claims, and other accessories used in the above systems.

What If the Dealer Claims that my Vehicle Can Pass the I/M Test without Repair?

The law does not require that you fail every I/M test in order to trigger the warranty. If a valid test shows that you have a emissions problem, you should get it fixed, while your vehicle is still within

the warranty period. Otherwise, you might fail a future test because of the same problem - and have to pay for the repair yourself. If you doubt your original test results or the dealer's results, you can always get another opinion from your I/M program to support your claim.

What Reasons Can The Manufacturer Use to Deny a Claim?

If your car is within the age or mileage limits explained above, the manufacturer can only deny Performance Warranty coverage if you have failed to properly maintain and use your car. Proper use and maintenance of the vehicle are your responsibilities. The manufacturer may deny your claim if the evidence shows that your I/M test failure resulted from:

- * vehicle abuse such as off-road driving or overloading; or
- * tampering with emission control parts, including removal or intentional damage; or
- * improper maintenance, including failure to follow maintenance schedules and instructions, or use of replacement parts which are not equivalent to the originally installed part; or
- * misfueling: the use of leaded fuel in a vehicle requiring "unleaded fuel only" or use of other improper fuels.

If any of the above have taken place, and seem likely to have caused the particular problem which you seek to have repaired, then the manufacturer can deny coverage.

If your claim is denied for a valid reason, you may have to pay the costs of the diagnosis. Therefore, you should always ask for an estimate for the diagnosis before work starts.

Are Dealers the Only Facilities Allowed to Perform Scheduled Maintenance Recommended by the Manufacturer?

No. Scheduled maintenance may be performed by anyone who has the knowledge and ability to perform the repair. For your protection, you should use your owner's manual to specify the necessary items to your mechanic. In addition, you should obtain an itemized receipt or work order for your records.

You may also maintain the car yourself, as long as the maintenance is performed according to the manufacturer's instructions provided with the car. However, you should keep receipts for parts and a maintenance log to verify your work.

(Note: While maintenance can be performed by any qualified person, the manufacturer's representative must be given the opportunity to diagnose and repair items expected to be covered under warranty.)

Why Is Maintenance Important to Emission Control?

Emission control has led to many changes in engine design. As a result, cars don't require tune-ups and other maintenance as often. But some of the maintenance that is required allows your emission

controls to do their job. For example, failure to change your spark plugs during a 30,000-mile tune-up can lead to misfiring and eventually damage to your catalytic converter and an expensive repair.

Well-maintained and non-tampered vehicles don't just pollute less, they get better gas mileage, and that saves you money. Regular maintenance can also give you better performance and catch engine problems early, before they get serious - and costly. Also, pay attention to your dashboard warning lights and gauges which are to notify you of problems before serious damage occurs.

How Do I Make a Performance Warranty Claim?

Bring your vehicle to a dealer or any other facility authorized by the manufacturer to perform warranty repairs to the vehicle or its emission control system. Notify them that you wish to obtain a repair under the Performance Warranty. You should have with you a copy of your I/M test report as proof of your emissions test failure. Also, bring this "fact sheet" and your vehicle's warranty statement for reference. The warranty statement can be found in your owner's manual or in a separate booklet provided by the manufacturer with the vehicle.

How Will I Know If My Claim Has Been Accepted as Valid?

After you present your vehicle for a Performance Warranty claim, the manufacturer has 30 days to either repair the vehicle or notify you that the claim has been denied. If your I/M program imposes a shorter repair deadline for repair, the manufacturer must meet that shorter deadline. Because of the significance of these deadlines you should get written verification when you present your vehicle for a Performance Warranty claim.

A manufacturer may accept your claim and repair the vehicle. On the other hand, the manufacturer may deny the claim outright, or deny it after examining the vehicle. In either case, the reason for a denial must be provided in writing with the notification.

What Happens if the Manufacturer Misses the Deadline for a Written Claim Denial?

You may agree to extend the deadline, or it will be automatically extended if the delay was beyond the control of the manufacturer. Otherwise, a missed deadline means the manufacturer forfeits the right to deny the claim. You may then have the repair performed at a facility of your choice, at the manufacturer's expense.

If My Claim Is Accepted, Will I Have to Pay for Either the Diagnosis or Repair?

You cannot be charged for any costs for diagnosis of a valid warranty claim. In addition, when a manufacturer repairs, replaces or adjusts any part under the Performance Warranty, you may not be charged for any parts, labor or miscellaneous items that are necessary to complete the repair. Of course, if your vehicle needs other repairs that are not covered by your emissions warranty, you may have that work performed at any facility you choose.

Why Might My Warranty Be Affected if I Have Used Leaded Gasoline?

When leaded gas is used in vehicles requiring unleaded, some emission controls (particularly the catalyst) are rapidly deactivated. Lead deposits will also form inside the engine, which can decrease spark plug life and increase maintenance costs. If the use of leaded fuel leads to an emissions test failure, your warranty will not cover the repair cost. In other words, use of leaded fuel can ruin your emission controls while costing you money.

May I Have my Regular Repair Facility Perform Warranty Repairs?

If you plan to have the manufacturer pay for a repair under the Performance Warranty, you must bring the vehicle to a facility authorized by the vehicle manufacturer to repair either the vehicle or its emission control systems. Note that if your regular facility is not an authorized one, you should instruct your mechanic to get your "go ahead" before performing any repair that might be covered by the Performance Warranty.

Do I Have to Provide Receipts or a Maintenance Log When I Make a Performance Warranty Claim?

You are not automatically required to show maintenance receipts when you make a warranty claim. However, if the manufacturer has reason to believe your failure to perform scheduled maintenance has caused your emissions failure, you may be required to show your receipts or log as proof that the work was in fact performed.

If I Buy A Used Car, How Do I Know Whether It Has Been Maintained According To the Manufacturer's Schedule?

When you purchase a used vehicle, obtain the maintenance receipts or log book from the previous owner. You should also ask the seller for the owner's manual, warranty or maintenance booklet, and any other information that came with the vehicle when it was new. If the seller does not have these documents, you can obtain them from the manufacturer.

In order to guarantee future warranty protection for your vehicle, you should continue to conform to the maintenance schedule provided by the manufacturer.

Does the Warranty Cover Parts That Need Replacement Under Scheduled Maintenance?

Parts with a scheduled replacement interval that is less than the length of the warranty, such as "replace at 15,000 miles or 12 months" are warranted up to the first replacement point only. Parts with a maintenance instruction that requires them to be "checked and replaced if necessary," or any similar requirement, receive full coverage under the warranty. Note, though, that if you fail to check a part when you are instructed to and that part causes another part to fail, the second part will not be covered cause your malmaintenance caused the failure.

The manufacturer may not require that these replacement parts be a specific brand. However, the manufacturer may deny your warranty claim if your I/M test failure was caused by the use of a part which was not of equal quality to the original equipment part.

What Do I Do If the Manufacturer Will Not Honor a Performance Warranty Claim that I Believe Is Valid?

First, use the information here to make your case to the dealer. Then, follow the appeals procedure outlined in your vehicle's warranty statement or owner's manual. Every manufacturer employs warranty representatives who handle such appeals.

Remember that the manufacturer must either allow your claim or give you a written denial, including specific reasons for denying your claim, within 30 days or you are entitled to free repairs.

In addition, the Environmental Protection Agency is authorized to investigate the failure of manufacturers to comply with the terms of this warranty. If you have followed the manufacturer's procedures, have received a written denial and remain dissatisfied with the reason for the denial, you may submit a letter to EPA providing details of the situation, a copy of the denial, and copies of any receipts for emissions control repairs you have paid for to:

U.S. Environmental Protection Agency
Vehicle Programs & Compliance Division (6405J)
Attn: Warranty Complaints
401 M Street, SW
Washington, DC 20460

You are also entitled to pursue any independent legal actions you consider appropriate to obtain coverage under the Performance Warranty.

What If It Turns Out I Really Don't Qualify for Performance Warranty Coverage?

There is another emissions warranty, called the Design and Defect Warranty, which provides additional protection to many vehicle owners who may not qualify for Performance Warranty coverage. To obtain information on the Defect and Design Warranty, you may write to the above listed EPA address, or ask your inspection program personnel. In addition, some manufacturers now provide extended coverage for engine components under their regular vehicle warranties. Check your owner's manual or warranty booklet to see if you qualify for this coverage.

In Summary

If you fail your I/M test:

Use this pamphlet and your vehicle's warranty statement to determine if you qualify for Performance Warranty coverage.

If a covered part causes an I/M test failure:

Present a warranty claim to an authorized warranty representative.

If you feel your warranty claim is valid but the manufacturer denies the claim:

Follow the appeals procedures in your owner's manual.

If you still not satisfied with the manufacturer's decision:

You are encouraged to contact EPA at the above address.

Even if you pass your I/M test:

Use and maintain your vehicle properly to ensure continued warranty coverage.