

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text**

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE REGULATION FOR  
THE AVAILABILITY OF CALIFORNIA MOTOR VEHICLE SERVICE INFORMATION**

Public Hearing Dates: January 22, 2004  
May 20, 2004

Internet Posting Date: August 3, 2004

Public Availability Date: August 6, 2004

Deadline for Public Comment: August 23, 2004

At its January 22, 2004, public hearing, the Air Resources Board (the "Board" or "ARB") adopted amendments to the regulation in Title 13, California Code of Regulations (CCR), section 1969, which sets forth requirements for the availability of emission-related service information and tools in California. The amendments primarily expand the applicability of the regulation to cover heavy-duty vehicles equipped with on-board diagnostic systems and address service information requirements for on-board computers equipped with passive anti-theft devices. Other minor amendments were also adopted to clarify and increase the effectiveness of the requirements. The staff provided an informational update to the Board on May 22, 2004, on its efforts to further address issues and questions remaining from the January hearing.

The Board adopted Resolution 04-5 on January 22, 2004. A copy of the adopted resolution is attached hereto as Attachment 1 approving the amended regulation. Within the resolution, the Board directed the Executive Officer to adopt the amendments after making available for public comment any other necessary changes to the regulatory language. The Board further directed that the Executive Officer make available for review any additional supporting documents and information relied upon by the ARB in adopting these regulations.

All modifications to Title 13, CCR, section 1969 proposed after the release of the Notice of Public Hearing (Mail-out MSO #2003-06) are set forth in Attachment 2. The more substantial proposed amendments are summarized below.

- Global Document Modifications:

- All references to franchised dealerships have been modified to also include heavy-duty manufacturers' authorized service networks.

- Title 13, California Code of Regulations

**§1969(a)(1):** This section has been modified to more specifically reference the on-board diagnostic (OBD) requirements to which the applicability of the service information requirements are tied.

**§1969(a)(2):** This paragraph has been added to specify when the amendments to the service information regulation must be implemented. Motor vehicle manufacturers would have 90 days after California Secretary of State approval to comply.

**§1969(c)(6):** The definition of “days” has been modified so that Saturdays are not counted when computing the time within which a right may be exercised or an act must be performed. The modification would lessen the burden on motor vehicle manufacturers by eliminating the need for its employees or agents to work on Saturdays.

**§1969(c)(14)(B):** The definition of motor vehicle manufacturer has been modified to make clear that it includes any heavy-duty engine or transmission manufacturer that certifies and engine or transmission to California OBD requirements.

**§1969(c)(16):** A definition for “on-board diagnostic system” has been added to reflect both the OBD systems used in light- and medium-duty vehicles, and the EMD systems to be used in heavy-duty vehicles. The definition also includes future diagnostic requirements adopted by the ARB.

**§1969(d)(1) and §1969 (e)(2)(G):** To assist in determining what training materials need to be made available for purchase, the language in these paragraphs has been modified to clarify that only materials that may be useful for self-study outside of a motor vehicle manufacturer’s training classroom must be available to covered persons. Subparagraph 1969(d)(1) has also been modified to clarify that motor vehicle manufacturers must only provide service information for the engines, vehicles, and transmissions that they have certified with the ARB.

**§1969(d)(2)(C):** The section has been modified to clarify that only existing drive cycle information must be made available by manufacturers of diesel vehicles or engines.

**§1969(d)(2)(F):** Language has been added to permit motor vehicle manufacturers, with Executive Officer approval, to consolidate typical OBD parameter values in cases where it would be unduly burdensome to list every typical value.

**§1969(d)(2)(G):** The last sentence of the paragraph has been deleted because “mode 6” data is not currently required under OBD requirements for heavy-duty vehicles.

**§1969(d)(3)(C):** The language has been modified to extend the deadline for full compliance with the immobilizer information availability requirements until model year 2009. An additional condition has been added which now requires motor vehicle manufacturers to demonstrate a technical and economic need for the extension.

**§1969(e)(2)(B):** The term “direct online access” has been clarified to mean online viewing and/or file download.

**§1969(e)(2)(D):** The section has been modified to clarify that service information must be searchable by either engine, transmission, or vehicle model, whichever applies.

**§1969(e)(2)(E):** Consistent with the proposed modification to §1969(c)(6), this paragraph has been modified to exclude Saturdays as a day during which motor vehicle manufacturers must receive or process website inquiries.

**§1969(e)(2)(K):** The section has been modified to delete the requirement for heavy-duty manufacturers to convert service information to use standardized nomenclature. The ARB will revisit this issue at the time that it considers new on-board diagnostic system requirements for heavy-duty vehicles.

**§1969(e)(2)(L)(iv):** The language has been modified to provide greater flexibility regarding how motor vehicle manufacturers must define on their service information websites acronyms and abbreviations that are specific to their products.

**§1969(e)(6):** Language has been added that would require motor vehicle manufacturers to include commonly used Internet statistics in their annual reports regarding service website performance. The language has also been modified to provide motor vehicle manufacturers an additional 30 days from the end of the calendar year to submit annual reports.

**§1969(f):** The language has been modified throughout the section to exempt heavy-duty manufacturers from requirements for the availability of enhanced diagnostic tools, reprogramming equipment and information, and enhanced data stream and bi-directional control information. All other emission-related data stream information is still required by the section. The ARB will revisit the deleted requirements for heavy-duty engines and transmissions at the time that it considers new on-board diagnostic system requirements for heavy-duty vehicles.

**§1969(f)(3)(A):** The revision date of the referenced Society of Automotive Engineers (SAE) Paper J2534 used for light- and medium-duty reprogramming methods has been updated to September 2004. This future date reflects when the final SAE review process for the paper will be completed.

**§1969(i)(3)(E):** The amount of time a motor vehicle manufacturer has to petition the Superior Court to declare that certain information is a trade secret has been increased from 21 days to 30 days from the date that the information was initially requested. This change would provide motor vehicle manufacturers with extra time to complete and file the petition once the motor vehicle manufacturer has reaffirmed that it considers the information to be a trade secret. Further, if a motor vehicle manufacturer and covered person are still working informally toward resolving the release of the information, they may, upon mutual agreement, extend this time beyond the allotted 30 days.

All documents referenced in the regulatory language are available for public inspection from the Clerk of the Board at 1001 "I" Street, 23rd floor, Sacramento, California 95814.

All of the aforementioned attachments and other regulatory documents for this rulemaking may be obtained from the Internet at the address below:

<http://www.arb.ca.gov/regact/cmvsip04/cmvsip04.htm>

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt the amendments to Title 13, CCR, section 1969, after making them available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the modifications must be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail must be sent to:

Clerk of the Board  
Air Resources Board  
1001 "I" Street, 23<sup>rd</sup> Floor  
Sacramento, California 95814

Electronic mail is to be sent to: [cmvsip04@listserv.arb.ca.gov](mailto:cmvsip04@listserv.arb.ca.gov)

Facsimile submissions are to be transmitted to the Clerk of the Board at: (916) 322-3928.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above described modifications to the regulation shall be considered by the Executive Officer.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please go to <http://inside.arb.ca.gov/as/eoo/languageaccess.htm> or contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Attachments