## ATTACHMENT A

**PROPOSED SECOND 15-DAY MODIFICATIONS TO THE PROPOSED REGULATION ORDER**

**AMENDMENTS TO THE HEAVY-DUTY VEHICLE INSPECTION PROGRAM AND THE PERIODIC SMOKE INSPECTION PROGRAM**

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Amend section 2180.1, 2181, 2182, 2183, 2185, 2186, and 2187 and 2195, title 13, California Code of Regulations. Adopt new section 2195, title 13, California Code of Regulations, to read as follows:

(Note: The originally proposed modifications to the regulatory language are shown in underline to indicate additions and strikethrough to indicate deletions. The suggested modifications to the proposed regulations under the First 15-Day Notice of Modifications are shown in double underline to indicate additions and double strikethrough to indicate deletions. New deletions and additions to the proposed language that are made public with the Second 15-Day Notice of Modifications are shown in bold double strikethrough and bold double underline format, respectively. Text that has both bold double underline and bold double strikethrough is additional text that staff proposed during the First 15-Day Notice period but is now proposed for retraction under this Second 15-Day Notice.) Various portions of the regulations that are not modified by the proposed amendments are omitted from the text shown and indicated by “* * * * *.”

§ 2190. Vehicles Subject to the Periodic Smoke Inspection Requirements.

These regulations shall be applicable as follows:

(a) Except as provided in subsections (b), (c), (d), (e), (f) and (g), the requirements of this chapter apply to all heavy-duty diesel-powered vehicles with gross vehicle weight ratings greater than 6,000 pounds which operate on the streets or highways within the State of California and diesel vehicles 1998 model year and newer with gross vehicle weight ratings of 6,000 to 14,000 pounds which are registered in areas of California not designated for the biennial smog check program.

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§ 2191. Definitions.

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(5) “Post-repair smoke test” means a smoke test following a vehicle repair, conducted using the procedures described in section 2193 de.
(7) “Smoke test” or “smoke opacity test” means a test of a vehicle’s emissions for smoke opacity level conducted using the procedures described in section 2193(de).

Note: Authority cited: Sections 39600, 39601 and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43018, 43701(a), and 44011.6, Health and Safety Code.

§ 2192. Vehicle Inspection Responsibilities.

(a) Inspection. Conduct an annual smoke test using the procedures set forth in section 2193(de). Alternatively, an owner may elect to conduct an annual review of OBD data for fault codes, as described in sections 2193(e), (f), for model year 2013 and newer vehicles.

(b) Repair. Have the vehicle repaired if either it exceeds the applicable smoke opacity standard specified in section 2193(ea), or, for vehicles conducting an annual review of OBD data, if the OBD data review revealed fault codes described in section 2193(ef). Repairs must be done within 45 days of the smoke opacity test or the OBD data review. After repairing the vehicle, the owner shall:

(2) Conduct a post-repair smoke test to determine if the vehicle complies with the applicable smoke opacity standard as specified in section 2193(a), or, for vehicles tested complying via an submission of OBD review data, confirm the vehicle has been repaired and submit a post-repair OBD scan that shows those fault codes have been cleared. OBD data fault codes have been repaired as specified in section 2193(ef).
(9)(c) Recordkeeping.

(d) Reporting. Report vehicle information along with smoke test results or OBD data to CARB as specified in section 2195.

(10)(de) Auditing. Permit an California Air Resources Board inspector to review the inspection records specified in section 2194 at owner/operator designated fleet locations by appointment.

Note: Authority cited: Sections 39600, 39601 and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43016, 43018, 43701(a), and 44011.6, Health and Safety Code.

§ 2193. Smoke Opacity Standards, Inspection Intervals, Standards, and Test Procedures.

(a) Initial phase-in. Vehicles which are Standards.

(b) Inspection intervals.

(c) New vehicle acquisition. Vehicle Sale. Upon sale of a vehicle subject to the Periodic Smoke Inspection Requirements of this chapter, the seller shall provide evidence of a successful smoke opacity test to the new owner. Record of OBD data review, as described in section 2193(f), is sufficient if the vehicle is eligible. The successful test must have been completed within 90 days of the sale date. The new owner shall maintain a record of the smoke opacity test or OBD data review provided by the seller. This test record is sufficient to meet the annual testing requirements of section 2193(b)(1) for the year of sale. The new owner is responsible for complying with sections 2194 and 2195 for the given vehicle. The seller shall maintain a record of the vehicle sale and opacity test for two years after the sale.

The following types of vehicle sales are exempt from section 2193(c):

A. Vehicle sales to dealers, financing companies, brokers, or other entities who do not intend to operate the vehicle or offer the
vehicle for hire, and would only operate the vehicle to
demonstrate functionality to potential buyers, to move short
distances while awaiting sale, or for maintenance purposes.

B. Vehicle sales to new owners who intend to register the vehicle
in a state other than California.

C. Vehicle sales for the purpose of dismantling the vehicle sold.

D. The sale of a leased vehicle by a dealer to a lessee that has
been in possession of the vehicle immediately prior to the time
of sale.

E. A vehicle sale in which the seller is the parent, grandparent,
sibling, child, grandchild, or spouse of the new owner.

(d) Exemption for vehicles powered by 1994 or subsequent...
* * * * *

(e) Smoke opacity standards and test procedures.
* * * * *

(cd) Smoke test Equipment.
* * * * *

(Cd) Smoke test Procedures.
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(e) OBD submission alternative.

In lieu of performing a smoke test as specified in section 2193(de), for 2013
and newer model year engines, fleets may review OBD data and submit the
data to CARB as specified in section 2193(f) 2195(e)(2) or (3).

(1) If the OBD data submission shows any OBD fault codes that the
malfunction indicator light (MIL) status is commanded on or that any
permanent fault code is stored are related to components specified
below, the vehicle is considered to have failed the test. The fleet owner shall
then repair the vehicle and submit a post-repair OBD scan result that shows
the MIL status is commanded off and that there are no permanent those
fault codes have been repaired. The fleet owner shall keep vehicle repair
information as specified in section 2194(b) for two years.

- Fuel system monitoring
• Misfire monitoring
• Exhaust gas recirculation system monitoring
• Boost pressure control system monitoring
• Non-methane hydrocarbon converting catalyst monitoring
• PM filter monitoring
• Exhaust gas sensor monitoring
• Variable valve timing and/or control system monitoring
• Cold start emission reduction strategy monitoring
• Engine cooling system monitoring
• Crankcase ventilation system monitoring
• Comprehensive component monitoring

(2) The owner shall submit to CARB the following information in accordance with section 2195(f):

A. Owner information specified in section 2195(c)(1).
B. Total number of vehicles in the fleet.
C. Total number of vehicles equipped with 2013 MY and newer engines in the fleet.

(3) The requirements of section 2193(f)(2) sunset on January 1, 2022.

(f) OBD submission alternative procedure. If a fleet owner chooses to submit OBD data in accordance with section 2193(e), the owner shall submit the data to CARB using a form approved by the Executive Officer for electronic data reporting, to be made available on CARB’s website, https://www.arb.ca.gov.

(1) Owner information. The owner shall submit to CARB the following information:

• Owner's name
• Name of company or agency
• Name of responsible person
• Title of responsible person
• Contact phone number
• Contact email address (if applicable)
• Street Address and Mailing Address

(2) Vehicle information. For each vehicle subject to the requirements of
this chapter for which a fleet owner elects to conduct an annual review of OBD data, the fleet owner shall submit to CARB the following information:

- License plate number
- Engine model year
- Engine make

(3) OBD information. For each vehicle subject to the requirements of this chapter for which a fleet owner elects to conduct an annual review of OBD data, the fleet owner shall submit to CARB the following data from an OBD data scan which are available from vehicles pursuant to Title 13, California Code of Regulations, Section 1971.1(h)(4), “On-Board Diagnostic System Requirements--2010 and Subsequent Model -Year Heavy-Duty Engines” for vehicles with gross vehicle weight rating greater than 14,000 pounds, and Title 13, California Code of Regulations, Section 1968.2(g)(4), “Malfunction and Diagnostic System Requirements--2004 and Subsequent Model -Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines” for vehicles with GVWR 6001 pounds to 14,000 pounds.

- MIL status
- All stored emission-related fault codes:
  - Active (MIL on) fault codes
  - Previously active fault codes (if available)
  - Pending fault codes
  - Permanent fault codes
- Vehicle Identification Number
- Engine Serial Number (if available)
- Status of each readiness indicator
- Calibration Verification Number (CVN)
- OBD requirements to which the engine is certified
- Distance traveled/engine run time while MIL activated
- Distance traveled/engine run time since fault memory last cleared
- Number of warm-up cycles since fault memory last cleared

(g) Smoke Tester Training Requirements

* * * * *
(h) Smoke Tester Training Course Requirements

(2) Hands-on training on how to properly calibrate a smoke meter to meet the specifications of SAE procedure J1667 and the requirements of section 2193(cd)(1).

(3) Instructional curriculum on the requirements and responsibilities of both the fleet owner and the smoke tester to meet the requirements of sections 2190-21945.

Note: Authority cited: Sections 39600, 39601, 43013 and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43013, 43018, 43701(a), and 44011.6, Health and Safety Code.

§ 2194. Record Keeping Requirements.

(a) The owner of a vehicle subject to the requirements…

(b) The owner of a vehicle subject to the requirements of this chapter shall record the following information when performing a review of the OBD system:

(3) A copy of the OBD data submission meeting the requirements of 2193(ef).

(6) The post-repair OBD data submission meeting the requirements of 2193(ef).

(c) The owner of a vehicle subject to the requirements...

(d) Upon request, the owner of a vehicle subject to the requirements...

Note: Authority cited: Sections 39600, 39601, 43013, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43018, 43701(a), and 44011.6, Health and Safety Code.
§ 2195. Reporting Requirements.

(a) Annual Reporting Submittal Dates

Fleet owners shall submit the information outlined in sections 2195(b), (c), (d), and (e) if applicable, by the following reporting dates for testing done in the previous calendar year (for example, smoke testing done in 2022 must be submitted by March 1, 2023 for fleets of 50 vehicles or more). Fleet owners shall report owner and vehicle information outlined in section 2195(c) as it was on December 31 of the year prior to the reporting year:

(A) The reporting date for fleets of 50 vehicles or more is March 1.
(B) The reporting date for fleets of 10 to 49 vehicles is May 1.
(C) The reporting date for fleets of 2 to 9 vehicles is July 1.

(b) Initial reporting year. The initial reporting year for fleets conducting annual tests is 2023, for tests conducted in 2022.

(c) Fleet information. For each fleet subject to the requirements of this chapter, the fleet owner shall submit to CARB the following information:

(1) Owner Information

A. Fleet owner’s name
B. Corporate parent name (if applicable)
C. Corporate payer taxpayer identification number (if applicable)
D. Company taxpayer number
E. Address
F. Contact phone number
G. Fleet owner’s email address (if applicable)

(2) Vehicle Information. For each vehicle subject to the requirements of this chapter, the fleet owner shall submit to CARB the following information:

A. VIN number
B. License plate
C. Engine family designation
D. Engine model year
E. Engine make
F. Vehicle manufacturer

(d) Smoke test result information. For each vehicle subject to the requirements of this chapter for which a fleet owner elects to conduct a smoke test, the fleet owner shall submit to CARB the following information:

(1) Average opacity percentage of the three SAE J1667 snap-acceleration test cycles conducted per the requirements of this chapter.

(2) Smoke tester identification number for the trained smoke tester who performed the smoke opacity test.

(3) A legible copy of the SAE J1667 opacity test strip generated per the requirements of this chapter using forms approved by the Executive Officer for submittal of the required reporting information.

(e) OBD information. For each vehicle subject to the requirements of this chapter for which a fleet owner elects to conduct an OBD review, the fleet owner shall submit to CARB the following information:

(1) The following SAE documents are incorporated herein by reference:

- SAE J1939 consisting of:
  - J1939 Recommended Practice for a Serial Control and Communications Heavy Duty Vehicle Network—Top Level Document, April 2011.
  - J1939/13 Off-Board Diagnostic Connector, October 2011.
  - J1939/15 Reduced Physical Layer, 250K bits/sec, UN-Shielded Twisted Pair (UTP), August 2008.
- J1939/71 Vehicle Application Layer (Through May 2010), March 2011.
- J1939/84 OBD Communications Compliance Test Cases for Heavy Duty Components and Vehicles, December 2010.


(2) For engines demonstrating OBD compliance using the SAE J1939 protocol, a minimum of all data as required by Title 13, California Code of Regulations, Section 1971.1(h), “On-Board Diagnostic System Requirements—2010 and Subsequent Model—Year Heavy-Duty Engines” is to be submitted.

(3) For engines demonstrating OBD compliance using the SAE J1979 protocol, a minimum of all data as required by Title 13, California Code of Regulations, Section 1968.2(g), “Malfunction and Diagnostic System Requirements—2004 and Subsequent Model—Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines” is to be submitted.

(f) Submission procedure. All information required to be reported under section 2193 (de)(2) and section 2195(c), (d), or (e) shall be submitted using a form approved by the Executive Officer for electronic data reporting, to be made available on CARB’s website, https://www.arb.ca.gov/msprog/hdim/hdim.htm.

Note: Authority cited: Sections 39600, 39601, 43013, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43018, 43701(a), and 44011.6, Health and Safety Code.