

## UPDATED INFORMATIVE DIGEST

### AMENDMENTS TO REGULATIONS FOR THE AVAILABILITY OF CALIFORNIA MOTOR VEHICLE SERVICE INFORMATION

**Sections Affected:** Amendments to title 13, California Code of Regulations (“CCR”), section 1969, Motor Vehicle Service Information – 1994 and Subsequent Model Passenger Cars, Light-Duty and Medium-Duty Vehicles, and 2007 and Subsequent Model Heavy-Duty Vehicles, and amendments to title 17, CCR, sections 60060.1 through 60060.34, Administrative Procedures for Review of Executive Officer Determinations Regarding Service Information for 1994 and Subsequent Model Year Vehicles.

#### Background

The service information regulation was developed in accordance with Senate Bill 1146 (SB 1146), which was enacted in September 2000. This statute created Health and Safety Code section 43105.5, directing the Air Resources Board (Board or ARB) to develop service information access regulations no later than January 1, 2002, that apply to manufacturers of 1994 and later model year passenger cars, light-duty trucks, and medium-duty vehicles equipped with on-board diagnostic (OBD) systems. The ARB approved the regulation on December 13, 2001 and implementation of the requirements began on March 30, 2003.

The regulation requires motor vehicle manufacturers to make dealership-quality, emission-related service information and tools available over the Internet to independent service providers, tool and equipment companies, and aftermarket parts companies. Manufacturers must also make available emission-related diagnostic tools and on-board computer reprogramming equipment under the regulation.

On January 22, 2004, the Board approved amendments to the service information regulation that primarily required the regulation to also be applicable to 2007 model year and later heavy-duty engines and vehicles equipped with OBD systems.

#### Description of the Regulatory Action

On June 22, 2006, the Board approved further amendments to the service information regulation that included requirements for the availability of heavy-duty tools and information to the aftermarket industry beginning with the 2013 model year. Such tool provisions were excluded when heavy-duty vehicles were originally

included under the applicability of the regulation. Other amendments included optional compliance provisions for manufacturers of medium- and heavy-duty engines, updated heavy-duty references and definitions, and the deletion of heavy-duty transmission manufacturers from the applicability of the regulation.

At the hearing itself, staff proposed further modifications to the original proposal. These included the following: 1) clarification that heavy-duty engine manufacturers would be required to make transmission diagnostics and repair information available if they voluntarily elect to monitor transmission inputs as part of their on-board diagnostic strategy; 2) additional information requirements for engine manufacturers choosing to use the optional compliance provisions, and; 3) the option for engine manufacturers to include indemnity or "hold harmless" clauses as a condition of sale of their data stream and bi-directional control information. These additional changes were also approved by the Board and further explained in ARB's Notice of Public Availability of Modified Text that was issued on November 30, 2006.

Very minor changes were made to the existing administrative hearing procedures contained in title 17, CCR, sections 60060.1 through 60060.34 to globally reference heavy-duty engine manufacturers rather than heavy-duty vehicle manufacturers. The change reflected the fact that there are no major heavy-duty vehicle manufacturers in the industry due to its non-vertically integrated production nature.

In amending the regulation, staff worked cooperatively with both light-/medium- and heavy-duty vehicle manufacturers and associations, aftermarket trade associations, and other interested parties in various meetings and via phone calls during the 2005 and 2006 calendar years. The staff held a public workshop on February 16, 2005, to discuss ARB's initial intent to amend the regulation. On May 5, 2006, staff issued its Initial Statement of Reasons which presented the proposed amendments. Several written comments were submitted to the ARB in response to that document, which were considered in further development of the amended regulation. On June 22, 2006, the regulation was approved by the Board with the additional modifications described above.

### **Comparable Federal Regulations**

The United States Environmental Protection Agency (U.S. EPA) currently implements its own service information regulation for light- and medium-duty vehicles. It is comparable to California's service information with respect to most of the provisions. ARB staff worked closely with the U.S. EPA during the development of each agency's regulations to ensure that both California and federal requirements were harmonized as much as possible. The purpose of the harmonization was to minimize the regulatory burden on motor vehicle manufacturers. Some differences exist with regards to more specific enforcement actions in the state regulation, but these are required by SB 1146.

On January 24, 2007, the U.S. EPA published its own proposed service information requirements for heavy-duty vehicles in the Federal Register. The provisions in that regulation again mirror many of the heavy-duty requirements that currently exist in ARB's recently amended regulation, but several differences do exist, most notably in regards to compliance flexibility and tool availability dates. Staff from the U.S. EPA though has indicated an ongoing desire to continue harmonization with ARB's heavy-duty provisions for service information wherever possible. The comment period for the proposal ended on May 4, 2007.