

Appendix D

**Proposed Regulation Order,
HD OBD Enforcement Regulation
Title 13, California Code of Regulations,
Section 1971.5, Enforcement of Malfunction and
Diagnostic System Requirements for 2010 and
Subsequent Model-Year Heavy-Duty Engines**

**Proposed Revisions to the On-Board Diagnostic System
Requirements and Associated Enforcement Provisions
for Passenger Cars, Light-Duty Trucks, Medium-Duty
Vehicles and Engines, and Heavy-Duty Engines**

Date of Release: June 1, 2021

Date of Hearing: July 22, 2021

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Appendix D

Proposed Regulation Order

Amend section 1971.5, title 13, California Code of Regulations, to read as follows:

(Note: The proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text. Various portions of the regulations that are not modified by the proposed amendments are omitted from the text shown and indicated with “* * * *”.)

§ 1971.5. Enforcement of Malfunction and Diagnostic System Requirements for 2010 and Subsequent Model-Year Heavy-Duty Engines.

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(b) Testing Procedures for ARB-Conducted Testing.

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(6) *Finding of Nonconformance after Enforcement Testing.*

After conducting enforcement testing pursuant to section (b)(4) above, the Executive Officer shall make a finding of nonconformance of the OBD system in the identified engine class under the respective tests for the applicable model year(s) as follows:

* * * *

(C) All Other OBD Testing.

- (i) Engines shall be considered nonconforming if the results of the testing indicate that at least 30 percent of the engines in the test sample group do not comply with the same requirement of Cal. Code Regs., title 13, section 1971.1.
- (ii) Engines shall be considered nonconforming if the results of the testing indicate that at least 30 percent of the engines in the test sample group do not comply with one or more of the requirements of Cal. Code Regs., title 13, section 1971.1 while the engine is running and while in the key on, engine off position such that off-board equipment designed to access the following parameters via the standards referenced in Cal. Code Regs., title 13, section 1971.1 for 2013 and subsequent model year engines cannot obtain valid and correct data for the following parameters:
 - a. The current readiness status from all on-board computers required to support readiness status in accordance with SAE International (SAE) J1979 (SAE J1979), J1979-2 (SAE J1979-2), or J1939 (SAE J1939) as

incorporated by reference in Cal. Code Regs., title 13, section 1971.1(h)(1) and section 1971.1(h)(4.1);

- b. The current MIL command status while the MIL is commanded off and while the MIL is commanded on in accordance with SAE J1979/J1979-2/J1939 and Cal. Code Regs., title 13, section 1971.1(h)(4.2), and in accordance with SAE J1979/J1979-2/J1939 and Cal. Code Regs., title 13, section 1971.1(d)(2.1.2) during the MIL functional check and, if applicable Cal. Code Regs., title 13, section 1971.1(h)(4.1.6)(G) or (h)(4.1.2)(E) during the MIL readiness status check;
 - c. The current permanent fault code(s) in accordance with SAE J1979/J1979-2/J1939 and Cal. Code Regs., title 13, section 1971.1(h)(4.4);
 - d. The data stream parameters for: engine speed and OBD requirements to which the engine is certified as required in Cal. Code Regs., title 13, section 1971.1(h)(4.2) and in accordance with SAE J1979/J1979-2/J1939;
 - e. The CAL ID, CVN, ESN, and VIN as required in Cal. Code Regs., title 13, sections 1971.1(h)(4.6), (h)(4.7), and (h)(4.8) and in accordance with SAE J1979/J1979-2/J1939; or
 - f. The proper identification of all data identified in (b)(6)(C)(ii)a. through (b)(6)(C)(ii)e. as supported or unsupported as required in Cal. Code Regs., title 13, section 1971.1(h)(4) and in accordance with SAE J1979/J1979-2/J1939.
- (iii) If the finding of nonconformance under section (b)(6)(C)(i) above concerns engines that do not comply with the requirements of Cal. Code Regs., title 13, section 1971.1(d)(4) or (d)(5.1) through (d)(5.6) (e.g., numerators or denominators are not properly being incremented), it shall be presumed that the nonconformance would result in an OBD ratio enforcement test result that would be subject to an ordered OBD-related recall in accord with the criterion in section (d)(3)(A)(i). The manufacturer may rebut such a presumption by presenting evidence in accord with section (b)(7)(C)(iii) below that demonstrates to the satisfaction of the Executive Officer that the identified nonconformance would not result in an ordered OBD- related recall under section (d)(3)(A)(i).

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(d) Remedial Action.

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(6) Notice to Manufacturer for an Ordered Remedial Action.

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- (B) For remedial actions other than the assessment of monetary penalties, the notice must:

* * * *

- (iv) designate a date at least 45 days from the date of receipt of such notice by which the manufacturer shall submit a plan, pursuant to section (e)(1)

below, outlining the remedial action to be undertaken consistent with the Executive Officer's order. Except as provided in section (d)(7)(C) below, all plans shall be submitted to the Chief, Emissions Certification and Compliance Division, ~~9480 Telstar Avenue, Suite 4, El Monte, California 91731~~ (or the mailing address indicated in the notice) CA Air Resources Board, P.O. Box 55009, Riverside, California 92517, within the time limit specified in the notice. The Executive Officer may grant the manufacturer an extension of time for good cause.

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(e) *Requirements for Implementing Remedial Actions.*

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(6) *Record Keeping and Reporting Requirements.*

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(B) Unless otherwise specified by the Executive Officer, the manufacturer shall report on the progress of the remedial action campaign by submitting reports for eight consecutive quarters commencing with the quarter immediately after the recall campaign begins. The reports shall be submitted no later than 25 days after the close of each calendar quarter to: Chief, Emissions Certification and Compliance Division, ~~9480 Telstar Avenue, Suite 4, El Monte, California 91731~~ (or the mailing address indicated in the notice in section (d)(6)) CA Air Resources Board, P.O. Box 55009, Riverside, California 92517. For each recall campaign, the quarterly report must contain the following:

* * * *

NOTE: Authority cited: Sections 39010, 39600, 39601, 39602.5, 43000.5, 43013, 43018, 43100, 43101, 43104, 43105, 43105.5, 43106, 43154, 43211, and 43212, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39018, 39021.5, 39024, 39024.5, 39027, 39027.3, 39028, 39029, 39031, 39032, 39032.5, 39033, 39035, 39037.05, 39037.5, 39038, 39039, 39040, 39042, 39042.5, 39046, 39047, 39053, 39054, 39058, 39059, 39060, 39515, 39600, 39601, 39602.5, 43000, 43000.5, 43004, 43006, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43105.5, 43106, 43150, 43151, 43152, 43153, 43154, 43155, 43156, 43204, 43211, and 43212, Health and Safety Code.