

## **Appendix F-11**

### Section 1969

#### Purpose and Rationale

##### **Subsection 1969(a)(1)**

###### **Purpose**

The purpose of the proposed amendment to subsection (a)(1) is to apply the requirements for making available service information to all manufacturers of light-duty trucks and passenger cars that meet the definition of a ZEV, per CCR, title 13, sections 1962.1 and 1962.2 and proposed CCR, title 13, section 1962.4, beginning with the 2011 model year. This amendment also reorganizes subsection (a)(1) by moving the last sentence into a list of the vehicles and engines to which this section applies.

###### **Rationale**

This amendment is necessary to apply the requirements of CCR, title 13, section 1969, for manufacturers to make available service information for passenger cars and light-duty truck ZEVs of 2011 and subsequent model years. As further explained in Section IV.D.4. of the ISOR, current service information rules apply to vehicles with emissions, and therefore have not applied to ZEVs. To ensure the purpose of the proposed regulations are met to ensure ZEVs are viable transportation options that will almost completely displace emissions from conventional vehicles, service information and tools must similarly be available to the aftermarket repair industry. These amendments require that, for vehicles previously certified, information previously developed by the manufacturer be made available. No new information is required to be developed for vehicles previously certified. The requirement is to make the repair information available to independent repair facilities. The 2011 model year was selected to establish the beginning date for this requirement because that is the model year of the first widely available battery electric vehicles were delivered for sale in California, predominately the Nissan Leaf.

This amendment is also necessary to improve readability of the applicability section of the section 1969.

##### **Subsection 1969(a)(2)**

###### **Purpose**

The purpose of this proposed amendment to subsection (a)(2) is to update the name and location of the CARB Division responsible for tracking and enforcing section 1969. The name of the responsible Division is the Emissions Certification and Compliance Division which is now located at 4001 Iowa Avenue, Riverside, California 92507.

**Rationale**

This amendment is necessary to update information related to the Division responsible for tracking and enforcing compliance with section 1969, as the name and address has been modified since the last amendment to this section.

**Subsection 1969(b)**

**Purpose**

The purpose of this amendment is to add more information to the title of this subsection to be explicit that this subsection is optional for manufacturers of medium- and heavy-duty engines and vehicles.

**Rationale**

This amendment is necessary to improve readability of section 1969. It does not change the meaning of this subsection.

**Subsection 1969(d)(2)**

**Purpose**

The purpose of this amendment is to change the definition of “authorized service network” to be more inclusive of service networks that would not have met the original definition.

**Rationale**

This amendment is necessary to make explicit the definition of “authorized service network” to apply in cases where there is only one provider, and in cases in which facilities are not present, to include repair technicians that operate solely through mobile operations and do not have a permanent building.

**Subsection 1969(d)(4)**

**Purpose**

The purpose of this amendment is to update the definition of “covered person” to include battery service or repair technicians, and persons involved in the manufacturing or remanufacturing of propulsion-related parts for ZEVs.

**Rationale**

This amendment is necessary to be inclusive of individuals who would be covered in cases of repair or servicing ZEVs, particularly traction batteries, as well as in the manufacturing of propulsion related parts for ZEVs. This amendment is necessary to apply CCR, title 13, section 1969 to passenger cars and light-duty truck ZEVs for 2026 and subsequent model years. As further explained in Section IV.D.4. of the ISOR, current service information rules apply to vehicles with emissions, and therefore have not applied to ZEVs. Including persons who would be involved in the service or repair of such vehicles or propulsions related parts for such vehicles is an essential amendment to applying CCR, title 13, section 1969 to ZEVs, to ensure that the anticipated emission reductions are achieved by these amended regulations.

**Subsection 1969(d)(5)**

**Purpose**

The purpose of this amendment is to update the definition of “data stream information” to reflect current technology.

**Rationale**

This amendment is necessary to update the definition of “data stream” information to reflect current technology available in vehicles. The prior definition was specific to a technology that existed at the time of adoption (2001). Current technology supersedes this definition and therefore the definition has been updated.

**Subsection 1969(d)(19)**

**Purpose**

The purpose of this amendment is update the definition of “motor vehicle manufacturer” to include manufacturers of passenger cars and light-duty trucks that are certified as ZEVs under CCR, title 13, sections 1962.1, 1962.2 and proposed section 1962.4.

**Rationale**

This subsection is necessary to be inclusive of manufacturers that produce ZEVs. This amendment is necessary to apply CCR, title 13, section 1969 to passenger cars and light-duty trucks that are ZEVs for the 2026 and subsequent model years. As further explained in Section IV.D.4. of the ISOR, current service information rules apply to vehicles with emissions, and therefore have not applied to ZEVs. Including manufacturers who deliver for sale in California ZEVs is an essential amendment to applying CCR, title 13, section 1969 to ZEVs to ensure emissions are reduced as intended.

**Subsection 1969(d)(22)**

**Purpose**

The purpose of this subsection is to add a definition of “propulsion-related information”.

**Rationale**

This subsection is necessary to add a definition for the type of information that would be required to be disclosed for ZEVs. As further explained in Section IV.D.4. of the ISOR, current service information rules apply to vehicles with emissions, and therefore have not applied to ZEVs. Defining propulsion-related information for ZEVs is necessary to ensure this section 1969 applies to ZEVs and the intended information is disclosed to independent repair shops.

### **Subsection 1969(d)(23)**

#### **Purpose**

The purpose of this subsection is to define “propulsion-related parts”, including specifying that these parts are inclusive of parts that recharge, refuel, store fuel or energy, propel the vehicle, or recover or recoup energy. The definition includes a list of parts that would fall under this definition to illustrate its application.

#### **Rationale**

Further explained in Section IV.D.4. of the ISOR, current service information rules apply to vehicles with emissions, and therefore have not applied to ZEVs. As written, section 1969 requires the disclosure of information on “emission related parts”. In order to apply this section 1969, this subsection is necessary to define the parts that information is required to be disclosed on for ZEVs. Propulsion-related parts are essential to include all the parts of the vehicle which enable it to be driven, and therefore displace emissions from a petroleum-fueled vehicle. The list of parts is appropriate to illustrate the definition under the maxim of jurisprudence that particular expressions, like those listed, qualify the general, being the definition, under Civil Code section 3534, and the canon of construction *noscitur a sociis* that associated words bear on the meaning.

### **Subsection 1969(d)(22) through (24)**

#### **Purpose**

The purpose of this amendment is to renumber subsection (d)(22) through (24) to (d)(24) through (26).

#### **Rationale**

This amendment is necessary to be inclusive of the new definitions for “propulsion-related information” and “propulsion-related part” and maintain alphabetical order.

### **Subsection 1969(e)**

#### **Purpose**

**The purpose of this amendment is to give a title to subsection (e).**

#### **Rationale**

This subsection is necessary to increase the readability of section 1969, and to describe what is included in subsection (e). Each of the provisions are related to service information requirements, and therefore is proposed to be titled as such.

### **Subsection 1969(e)(1)**

#### **Purpose**

The purpose of this amendment is to include propulsion-related information in the list of information disclosure requirements for manufacturers.

**Rationale**

This subsection is necessary to require manufacturers to make available for purchase propulsion-related information. Further explained in Section IV.D.4. of the ISOR, current service information rules apply to vehicles with emissions, and therefore have not applied to ZEVs. As written, section 1969 requires the disclosure of information on “emission related parts”. In order to apply this section 1969, this subsection is necessary to require such information to be disclosed. Propulsion-related parts, and information thereof, are essential to include all the parts of the vehicle which enable it to be driven, and therefore displace emissions from a petroleum-fueled vehicle.

**Subsection 1969(e)(3)(C) and (D)**

**Purpose**

The purpose of amending subsection (e)(3)(C) and (D) is to remove a provision that is no longer applicable.

**Rationale**

This amendment is necessary to remove a subsection that was only applicable to manufacturers through 2009 model year. Because manufacturers are producing model year 2022 and 2023 vehicles at the time of adoption, this subsection is no longer applicable and will be removed.

**Subsection 1969(f)(2)(K)1.**

**Purpose**

The purpose of this subsection is to require that for 2003 and subsequent model-year passenger cars, light-duty trucks, and medium-duty engines and vehicles, the internet website(s) that provides the service information complies with the terms, definitions, abbreviations, and acronyms in the SAE Recommended Practice J1930, “Electrical/Electronic Systems, Diagnostic Terms, Definitions, Abbreviations, and Acronyms - Equivalent to ISO/TR 15031-2: April 30, 2002,” April 2002 to March 2017, for all emission-related motor vehicle information. The title and of the applicable SAE document and the date of the document have been revised, as noted, to incorporate the current version of the document.

**Rationale**

It is necessary to incorporate the current version of the applicable SAE Recommended Practice J1930 to align the requirements of this subsection with the diagnostic terms, definitions, abbreviations, and acronyms that are currently used within the motor vehicle industry to avoid confusion and undue burden.

**Subsection 1969(f)(2)(K)2.**

**Purpose**

The purpose of this subsection is to require that for 2010 and later model year heavy-duty engines, the emission-related nomenclature used on the Internet website(s) complies with SAE J2403, “Medium/Heavy-Duty E/E Systems Diagnosis

Nomenclature," August 2004 to February 2014. The version date of applicable SAE document has been revised, as noted, to incorporate the current version of the document.

**Rationale**

It is necessary to incorporate the current version of SAE J2403 to align the requirements of this subsection with the emission-related nomenclature that is currently used within the automotive industry to avoid potential confusion and undue burden.

**Subsection 1969(g)(1)**

**Purpose**

The purpose of this amendment is add propulsion-related enhanced diagnostic tools and reprogramming tools that are made available to franchised dealers or authorized service networks to those tools that must be made available for purchase to all covered persons.

**Rationale**

This subsection is necessary to require manufacturers to make available for purchase propulsion-related enhanced diagnostic and reprogramming tools. As further explained in Section IV.D.4. of the ISOR, current service information rules apply to vehicles with emissions, and therefore have not applied to ZEVs. As written, section 1969 requires the emission-related enhanced diagnostic tools and reprogramming tools to be made available for purchase. In order to apply this section 1969 to manufacturers of ZEVs and help ensure emissions are reduced as intended, this amendment is necessary to require such tools to be made available to promote service and repair of ZEVs so that they displace conventional vehicles.

**Subsection 1969(g)(2)**

**Purpose**

The purpose of this amendment is add propulsion-related data stream information and all information needed to activate propulsion-related bi-directional controls that is made available to manufacturer owned dealerships, franchised dealers or authorized service networks to those tools that must be made available for purchase to all covered persons.

**Rationale**

This subsection is necessary to require manufacturers to make available for purchase information necessary to read and format all propulsion-related data stream information, as well as all information needed to activate propulsions-related bi-directional controls to all covered persons. Further explained in Section IV.D.4. of the ISOR, current service information rules apply to vehicles with emissions, and therefore have not applied to ZEVs. As written, section 1969 requires information necessary to read and format all emission-related data stream information, as well as all information

needed to activate emission-related bi-directional controls to all covered persons. In order to apply this section 1969 to manufacturers of ZEVs and help ensure emissions are reduced as intended, this amendment is necessary to require such information be made available to promote service and repair of ZEVs so that they displace conventional vehicles.

### **Subsection 1969(g)(3)(B)**

#### **Purpose**

The purpose of this amendment is to ensure covered persons can purchase all vehicle reprogramming information necessary to install motor vehicle manufacturer's software and calibration data to authorized service networks in addition to the information provided to franchised dealers.

#### **Rationale**

This amendment is necessary to ensure all information requirement to be made available to purchase under section 1969 is included in such a requirement. Some newer manufacturers have sales and service business structures that do not fit into the traditional dealership model. Some manufacturers have manufacturer-specific service stations, with the sole purpose of servicing vehicles and not selling new vehicles. The intent is to ensure information provided to these types of manufacturer-run service stations is made available to independent repair shops to promote service and repair of ZEVs so that they reduce emissions by displacing conventional vehicles.

### **Subsection 1969(h)(1)**

#### **Purpose**

The purpose of this amendment is to give a title to subsection (h)(1), which is "diagnostic tools".

#### **Rationale**

This subsection is necessary to increase the readability of section 1969, and to describe what is included in subsection (h)(1). Each of the subsequent provisions are related to diagnostic tools, and therefore is proposed to be titled as such.

### **Subsection 1969(j)**

#### **Purpose**

The purpose of this amendment is to ensure manufacturers shall not utilize any access code, recognition code, or encryption of preventing parts, including propulsion-related parts that were not manufacturer by the original manufacturer or equipment supplier.

#### **Rationale**

This amendment is necessary to ensure in addition to emission-related parts, manufacturers cannot program vehicles in such a way that they prevent replacement

parts made by entities other than the original manufacturer or equipment supplier, which would frustrate consumer acceptance of ZEVs and the associated emission reductions. Minor edits were also needed to increase readability of the subsection.

**Subsection 1969(l)(1) and (l)(1)(A)**

**Purpose**

The purpose of this amendment is to renumber subsection (l)(1) to (l)(1)(A) and add a title for the subsection.

**Rationale**

This subsection is necessary to increase the readability of section 1969, and to describe what is included in subsection (l)(1). Each of the subsequent provisions are related to compliance and certification, and therefore is proposed to be titled as such.

**Subsection 1969(l)(1)(B) and (l)(1)(C)**

**Purpose**

The purpose of this subsection is to require information at the time of zero emission vehicle certification a list of all parts on the vehicle that are not propulsions-related, including a description and rationale, engineering analysis, or data for why those parts should not be defined as such. Subsection (C) gives an alternative to manufacturers to make information for all components available (as opposed to just information on propulsions-related parts) and will exempt such manufacturers from reporting requirements in subsections (l)(1)(B) and (f)(6).

**Rationale**

These subsections are necessary to track compliance of manufacturers of ZEVs with this section 1969. CARB must be able to have the information necessary to determine all propulsion-related information has been made available, and the list of parts that do and do not qualify under the definition of propulsion-related is necessary to determine such compliance. Subsection (l)(1)(C) is necessary to provide an alternative approach of making information for all components available, which currently most manufacturer choose to do. In doing so, manufacturers would be exempted from having to show compliance with the definition of propulsions-related parts and be exempt from annual website reporting requirements required in this section 1969.

**Subsection 1969(l)(2), (l)(3), (l)(3)(C), (l)(4),(l)(5), (l)(6),(l)(7)**

**Purpose**

The purpose of these amendments is to change Division Chief to Executive Officer for audit authority.

**Rationale**

The existing language in subsection (l)(2) specifies a division within CARB that no longer exists. These amendments not only address that inaccuracy but also are



needed for consistency with the amendments to subsection (l)(8), explained below.

**Subsection 1969(l)(8)**

**Purpose**

The purpose of this amendment is to remove the text of subsection (l)(8) and replace with [Reserved].

**Rationale**

This amendment serves to better align CARB's administrative processes regarding auditing and enforcing availability of service information with the industry practice that has emerged since original promulgation of this section in 2002. The existing process of appealing to the Executive Officer to review a Division Chief's determination not to issue a notice to comply has never been used; instead, servicers and manufacturers have handled information availability issues through the National Automotive Service Task Force. There is no need for a specific intra-agency review process in this section of a determination not to issue a notice to comply. Note that decisions of the Executive Officer are still able to be petitioned for administrative review pursuant to CCR, title 17, section 60055.1 et seq.

Replacing the text of subsection (l)(8) with [Reserved] retains the numbering of the remaining (l) subsections as well as the cross-references to those subsections in other subsections.

**Subsection 1962.9 (o) Address**

**Purpose**

The purpose of this subsection is to provide manufacturers the location to submit reports, documents, and requests under the proposed regulations.

**Rationale**

This subsection is necessary to provide manufacturers with a designated address to send required or optional information, documentation, and requests (hereinafter, "information") under the proposed regulations. This subsection provides the mailing address for information to be submitted to CARB, which is the default method of submission unless otherwise specified. It also provides an option for a manufacturer to agree with CARB to submit information electronically, as provided under Civil Code sections 1633.7 and 1633.8. Civil Code section 1633.2 defines electronic and electronic record to define how the information may be submitted. CARB intends to readily agree to receive information electronically and to provide details for optional electronic submittal as requested. CARB does not propose to prescribe specific procedures for electronic submissions because the optimal means of electronic submissions may change over the regulation's timeframe, as may particular email addresses or websites. It would be unduly burdensome and potentially confusing to regulated entities for CARB to identify specific contact information in the regulation that may then necessitate repeated regulatory amendments to update.