

# Appendix A

## Proposed Regulation Order

### **Amendments to On-Road Motorcycle Emission Standards and Test Procedures and Adoption of New On-Board Diagnostics and Zero-Emission Motorcycle Requirements**

Note: This version of the Proposed Regulation Order complies with Government Code section 11346.2 subdivision (a)(3). The proposed amendments are shown in underline to indicate additions and ~~striketrough~~ to indicate deletions from the existing regulatory text. Subsections for which no changes are proposed in this rulemaking are indicated with “\* \* \* \*”.

A Table of Contents and page numbers are included in this draft to assist reviewers with navigating the document. These items are not part of the proposed regulation and will not be included in the final Proposed Regulation Order.

The following Chapters and Sections of the California Code of Regulations, title 13, division 3 are being amended by this regulatory proposal.

Chapter 1. Motor Vehicle Pollution Control Devices

Section 1958. Exhaust Emission Standards and Test Procedures—Motorcycles and Motorcycle Engines Manufactured on or After January 1, 1978.

Section 1976. Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions.

Section 2036. Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light–Duty Trucks, and Medium–Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy–Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers.

Chapter 2. Enforcement of Vehicle Emission Standards and Surveillance Testing

Section 2112. Definitions.

Chapter 16. Certification Fees for Mobile Sources

Section 2903. Definitions.

Section 2904. Certification Fees for On-Road Mobile Sources.

The following Chapters and Sections of the California Code of Regulations, title 13, division 3 are being proposed for adoption by this regulatory proposal.

Chapter 1. Motor Vehicle Pollution Control Devices

Section 1958.1. End of Model Year Reporting of Street-Use Motorcycle Sales.

Section 1958.2. Malfunction and Diagnostic System Requirements--2028 and Subsequent Model-Year Motorcycles.

Section 1958.3. Enforcement of Malfunction and Diagnostic System Requirements for 2028 and Subsequent Model-Year Motorcycles.

Section 1958.4. Zero-Emission Motorcycle Standards and Certification Procedures for 2028 and Subsequent Model Years.

Section 1958.5. Zero-Emission Motorcycle (ZEM) Credit Generation, Transfer, and Expiration.

Section 1958.6. Zero-Emission Motorcycle Credit Obligations.

Section 1958.7. Enforcement Testing, Corrective Action and Recall Protocols for 2028 and Subsequent Model Year Zero-Emission Motorcycles.

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## Proposed Regulation Order

Title 13 California Code of Regulations (CCR)

Amend Sections 1958, 1976, 2036, 2112, 2903, and 2904, and Adopt Sections 1958.1, 1958.2, 1958.3, 1958.4, 1958.5, 1958.6, and 1958.7 of Title 13, CCR, to read as follows:

1. Amend Title 13, CCR, Chapter 1, Article 2, Section 1958 to read as follows:

### **§ 1958. Exhaust Emission Standards and Test Procedures - Motorcycles and Motorcycle Engines Manufactured on or After January 1, 1978.**

(a) This section shall be applicable to motorcycles, motorcycle engines, and the manufacturers of either motorcycles or motorcycle engines produced on or after January 1, 1978. Motorcycles and motorcycle engines are excluded from the requirements of this section if:

(1) The engine displacement is less than 50 cubic centimeters and the motorcycle is produced for model year 2027 and prior, or

(2) The motorcycle is a Zero-Emission Motorcycle as described in title 13, California Code of Regulations (CCR) section 1958.4(b), or

~~(23) An 80 kilogram (176 pound) driver cannot~~

~~(A) start from a dead stop using only the engine, or~~

~~(B) exceed a maximum speed of 40 kilometers per hour (24.9 miles per hour) on a level paved surface.~~

(b) Exhaust emissions from new street-use motorcycles and motorcycle engines produced for model years 1978 through 2027 and delivered for sale in California or, for small volume manufacturers only, produced for model years 2008 and subsequent, subject to registration and sold and registered in this state and delivered for sale in California, shall not exceed:

**Table of Standards for Model Years 1978 Through 2027, and for Small Volume  
Manufacturers**

Model-Year	Engine Displacement (in cubic centimeters)	Exhaust Emission Standards (grams per kilometer)	
		Hydrocarbon (HC) + Oxides of Nitrogen (NOx)	Carbon Monoxide
1978 to 1979	50 to less than 170	5.0 (HC only)	17
	170 to less than 750	5.0+0.0155(D-170)* (HC only)	17
	750 or greater	14 (HC only)	17
1980 to 1981	All (50 cc or larger)	5.0 (HC only)	17
1982 and subsequent <u>through 2027, and Small Volume Manufacturers 2008 and subsequent</u>	50 cc to 279 cc	1.0 (HC only)	12
1982 through 1985 (manufactured prior to March 1, 1985)	280 cc or greater	2.5 (HC only)	12
1985 (manufactured after February 28, 1985) through 1987	280 cc or greater	1.4 (HC only), applied as a corporate average,** provided that each engine family shall have only one applicable standard	12
1988 through 2003	280 cc to 699 cc	1.0 (HC only), applied as a corporate average,** provided that each engine family shall have only one applicable standard	12

Model-Year	Engine Displacement (in cubic centimeters)	Exhaust Emission Standards (grams per kilometer)	
1988 through 2003	700 cc or greater	1.4 (HC only), applied as a corporate average,** provided that each engine family shall have only one applicable standard	12
2004 through 2007	280 cc or greater	1.4 (HC + NOx), applied as a corporate average,** provided that each engine family shall have only one applicable standard	12
2008 and subsequent through 2027	280 cc or greater	0.8 (HC + NOx), applied as a corporate average,** provided that each engine family shall have only one applicable standard	12

\* D = engine displacement of motorcycles in cubic centimeters.

\*\* Compliance with a standard to be applied as a "corporate average" shall be determined as follows:

$$\frac{\sum_{j=1}^n (\text{PROD}_{jx}) (\text{STD}_{jx})}{\sum_{j=1}^n (\text{PROD}_{jx})} = \text{STD}_{ca}$$

where,

n = Class III motorcycle engine families (engines with displacement of 280 cc or greater manufactured after February 28, 1985).

PROD<sub>jx</sub> = Number of units of Class III engine family j produced and delivered for sale in California in model year x.

STD<sub>jx</sub> = The manufacturer designated HC or HC + NO<sub>x</sub> emission standard, whichever applies, for engine family j in model year x, which shall be determined by the manufacturer subject to the following conditions:

(1) for Model Year 1988 through 2003 motorcycle engines and motorcycles with engine displacement of 280 cc or greater, no individual engine family exhaust emission standard shall exceed 2.5 g/km HC, ~~and~~

(2) for Model Year 2004 ~~and subsequent~~ through 2027 motorcycle engines and motorcycles with engine displacement of 280 cc or greater, no individual engine family exhaust emission standard shall exceed 2.5 g/km HC+NO<sub>x</sub>, ~~and~~

(3) no engine family designation or engine family exhaust emission standard shall be amended in a model year after the engine family is certified for the model year, and

(4) prior to sale or offering for sale in California, each engine family shall be certified in accordance with Section 1958(c) and shall be required to meet the manufacturer's designated HC or HC + NO<sub>x</sub> standard, whichever applies, as a condition of the certification Executive Order. Prior to certification the manufacturer shall also submit estimated production volumes for each engine family to be offered for sale in California.

STDC<sub>a</sub> = A manufacturer's corporate average HC or HC + NO<sub>x</sub> exhaust emissions, whichever applies, from those California motorcycles or motorcycle engines subject to the California corporate average HC or HC + NO<sub>x</sub> exhaust emission standard, as established by an Executive Order certifying the California production for the model year. This order must be obtained prior to the issuance of certification Executive Orders for individual engine families for the model year and shall include but not be limited to the following requirements:

(1) During the manufacturer's production year, for each engine family, the manufacturer shall provide the following information to the Executive Officer within 30 days after the last day in each calendar quarter:

(A) vehicle identification numbers and an explanation of the identification code;



(B) the total number of vehicles or motorcycle engines produced and delivered for sale in California and their applicable designated emissions standards.

(2) The manufacturer's average HC or HC + NO<sub>x</sub> exhaust emissions, whichever applies, shall meet the applicable corporate average standard at the end of the manufacturer's production for the model year.

(3) Production and sale of vehicles which result in non-compliance with the California standard for the model year shall cause a manufacturer to be subject to civil penalties, per vehicle, pursuant to Health and Safety Code Section 43154. All excess emissions resulting from final non-compliance with the California standard shall be made up in the following model year.

(4) For a period of up to one year following the end of the model year, for each model the manufacturer shall submit California sales and registration data as it becomes available.

(c) The test procedures for determining compliance with these standards are set forth in Subparts E and F, Part 86, Title 40, Code of Federal Regulations, as they existed on April 15, 1978, for 1978 through 1987 model years, and they existed on July 7, 1986, for 1988 ~~and subsequent through 2027~~ model years and, for small volume manufacturers, for 2008 and subsequent model years, which are incorporated by reference.

\* \* \* \* \*

(e) Motorcycle manufacturers shall submit to the Executive Officer a complete copy of the application for certification submitted to the U.S. Environmental Protection Agency (U.S. EPA) together with a copy of the Certificate of Conformity.

(1) This information shall be submitted through the electronic filing system, E-File, available through the website: <https://login.arb.ca.gov/>.

(2) The above information shall be submitted for each engine family prior to sale or offering for sale of 1978 through 1981 model-year motorcycles.

(3) The motorcycle manufacturers shall submit directly to the Executive Officer a complete copy of the application for certification for 1982 and subsequent model years.

(f) Small Volume Manufacturers

(1) ~~Small Volume Manufacturers~~: Exhaust emission standards for Class III motorcycles and motorcycle engines produced by small volume manufacturers are as follows:

(A) For Model Years through 2007, Class III motorcycles and motorcycle engines shall meet the applicable HC-only and CO emission limits specified in the Table of Standards in subsection 1958(b).

(B) For Model Year 2008 and subsequent, Class III motorcycles and motorcycle engines shall emit no more than 12 grams of CO per kilometer and 1.4 grams per kilometer HC + NO<sub>x</sub>, applied as a corporate average, provided that no engine family shall emit greater than 2.5 grams per kilometer HC + NO<sub>x</sub>.

\* \* \* \* \*

(3) For purposes of subsection 1958(f)(4), the following provisions apply:

<b>For Model Years (MY)</b>	<b>Small Volume Manufacturer (SVM) definition is</b>	<b>Applicable Exhaust Emissions Requirements</b>
prior to 1984	not applicable	For all manufacturers, Section 1958(f)(1)(A) and 1958(b) apply.
1984 through 1987	one which sells less than 5,000 new Class I, II, and III motorcycles per model year in California	For SVMs, 2.5 grams per kilometer HC-only and 12 grams per kilometer CO apply only to Class III motorcycles. For all other manufacturers and Class I and II motorcycles, Section 1958(f)(1)(A) and 1958(b) apply.
1988 through 2007	not applicable	For all manufacturers, Section 1958(f)(1)(A) and 1958(b) apply.

2008 and subsequent	one which sells no more than 300 (combined) new Class I, II, and III motorcycles per model year in California, starting with the 2004 MY.	For SVMs, Section 1958(f)(1)(B) applies only to Class III motorcycles.
		<del>For all other manufacturers and Class I and II motorcycles, Section 1958(b) applies.</del>
		<u>For SVMs, Section 1958(b) applies to Class I and II motorcycles.</u>

(g) *Early-Compliance Credits*

(1) Manufacturers which sell Class III motorcycles or motorcycle engines in California certified as meeting either a 0.8 g/km or 0.4 g/km HC+NOx level prior to Model Year 2008 can receive credits for use in the Model Year 2008 corporate average upon written approval by the Executive Officer. Each unit of Class III motorcycle or motorcycle engine sold between Model Years 1999 and 2008 and which meets the requirements of this subsection shall be multiplied by whichever X multiplier applies, as shown in the following table:

**Table of Multipliers to Encourage Early Compliance with the 0.8 g/km HC + NOx Standard and Beyond**

Model Year Sold	Multiplier (X) for Use in MY 2008 Corporate Averaging	
	Certified at 0.8 g/km HC + NOx or below	Certified at 0.4 g/km HC+NOx or below
1999 through 2004	1.5	3.0
2005	1.375	2.5
2006	1.250	2.0
2007	1.125	1.5
2008 and subsequent through 2027	1.0	1.0

\* \* \* \* \*

(h) Sunset Review

~~Within five years from the effective date of adoption or date of implementation, which ever comes later, the Air Resources Board, in consultation with the Secretary for Environmental Protection, shall review the provisions of this section to determine whether it should be retained, revised, or repealed.~~

(h) This subsection shall be applicable to motorcycles, motorcycle engines, and the manufacturers of either motorcycles or motorcycle engines produced for the 2028 and subsequent model years, except those excluded pursuant to section 1958, subsections (a)(1) through (a)(3) and those manufactured by small volume manufacturers as noted in subsections (b) and (f).

(1) Exhaust emissions from new street-use motorcycles and motorcycle engines produced for model years 2028 and subsequent, and delivered for sale in California, shall not exceed the limits listed in the following table. Corporate averaging pursuant to section 1958, subsection (b) may not be used to satisfy this requirement.

**Standards for Model Year 2028 and Subsequent Motorcycles**

<b><u>Model Year</u></b>	<b><u>Engine Type</u></b>	<b><u>Exhaust Emission Standards (grams per kilometer)</u></b>				
		<b><u>CO</u></b>	<b><u>Total Hydrocarbons (THC)</u></b>	<b><u>Non-methane Hydrocarbons (NMHC)</u></b>	<b><u>NOx</u></b>	<b><u>PM</u></b>
<u>2028 and subsequent</u>	<u>Positive Ignition (50 cc or larger)</u>	<u>1.00</u>	<u>0.10</u>	<u>0.068</u>	<u>0.060</u>	<u>0.0045*</u>
	<u>Compression Ignition (50cc or larger)</u>	<u>0.50</u>	<u>0.10</u>	<u>0.068</u>	<u>0.090</u>	<u>0.0045</u>

\* Applicable to gasoline direct injection engines only.

(2) The engine shall be constructed to prevent any fuel, lubrication oil, or crankcase gases from escaping to the atmosphere from the crankcase gas ventilation system.

(3) Carbon dioxide emissions shall be measured during all tests where emissions are measured to demonstrate compliance with the standards of section 1958, subsection (h)(1) and reported to the Executive Officer along with the complete application for certification. This information shall be submitted through the electronic filing system, E-File, available through the website: <https://login.arb.ca.gov/>.

(4) The test procedures for determining compliance with the standards of section 1958, subsection (h)(1) are “California 2028 and Subsequent Model Year Exhaust Emission Standards and Test Procedures for On-Road Motorcycles,” adopted [INSERT ADOPTION DATE], which is incorporated by reference herein.

(5) Manufacturers, except small volume manufacturers, shall certify at least the following percentage of their street-use motorcycles produced and delivered for sale in California to the standards in section 1958, subsection (h)(1) according to the following phase-in schedule:

<b><u>Model Year</u></b>	<b><u>Total Percent (%) of Street-Use Motorcycles certified to the Standards of Section 1958(h)(1)</u></b>
<u>2028</u>	<u>30%</u>
<u>2029</u>	<u>60%</u>
<u>2030 and subsequent</u>	<u>100%</u>

(6) All model year 2028 and 2029 motorcycles that are not part of the required phase-in to meet the standards in section 1958, subsection (h)(1), and all motorcycles manufactured by small volume manufacturers in model year 2028 and subsequent, shall be subject to the requirements in section 1958, subsections (b) through (f) applicable to model year 2027 motorcycles. For purposes of the corporate average calculation of section 1958, subsection (b) for Class III motorcycles, the calculation shall utilize only standards and production volumes of engine families that are not part of the required phase-in for section 1958, subsection (h)(5).

(i) In addition to the information required to be submitted in the application for certification pursuant to section 1958, subsection (e), for model years 2028 and subsequent, manufacturers of motorcycles subject to the requirements of section 1958, subsection (h) shall submit to the Executive Officer a subset of the information required

by Article 27 of "Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles, 02013R0168 - EN - 14.11.2020," (EU 168/2013) which is incorporated by reference. Unless otherwise approved by the Executive Officer, this information shall be provided as described in "Commission Implementing Regulation (EU) No 901/2014 of 18 July 2014 Implementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to the administrative requirements for the approval and market surveillance of two- or three-wheel vehicles and quadricycles, 02014R0901 - EN - 12.03.2020," (EU 901/2014) which is incorporated by reference. Specifically, the manufacturer shall provide the following subset of information specified in EU 901/2014, Annex I, Part B, section 2.8:

(A) Item Numbers 0 through 3.5.4.2;

(B) Item Numbers 4. through 4.4.4; and

(C) Item Numbers 7.5 through 7.5.3.1.

(j) This information shall be submitted through the electronic filing system, E-File, available through the website: <https://login.arb.ca.gov/>.

(k) For model year 2028 and subsequent, street-use motorcycles with internal combustion engines less than 50cc displacement that are produced and delivered for sale, offered for sale, or sold in California shall be certified as zero-emission motorcycles pursuant to title 13, CCR, section 1958.4.

Note: Authority cited: Sections 39600, 39601, 39602.5, 43013, 43018, 43100, 43101, 43104, 43105, 43106 and 43107, Health and Safety Code.

Reference: Sections 38562, 39002, 39003, 39010, 39018, 39600, 39601, 39602.5, ~~43000~~, 43013, 43016, 43018, 43018.5, 43100, 43101, 43104, 43105, 43106, and 43107, 43151, 43152, 43153, 43154, 43211 and 43212, Health and Safety Code; and Cal. Stats. 83, Ch. 103.

2. Add New Title 13, CCR, Chapter 1, Article 2, Section 1958.1 to read as follows:

**§ 1958.1. End of Model Year Reporting of Street-Use Motorcycle Sales.**

(a) For each model year, all manufacturers shall submit to the Executive Officer an "end of model year report" with the number of street-use motorcycles produced and delivered for sale in California for that model year. This end of model year report shall be submitted by April 1 after the end of the model year, starting with reporting of model year 2024 by April 1, 2025, in accordance with section 1958.1, subsection (f).

(b) A manufacturer's California sales shall consist of all street-use motorcycles or motorcycle engines produced by the manufacturer and delivered for sale in California, except that street-use motorcycles or motorcycle engines produced by the manufacturer and marketed for sale in California by another manufacturer under the other manufacturer's nameplate shall be treated as California sales of the marketing manufacturer.

(c) The end of model year report shall include all information required pursuant to Part I, Subpart C, section 11.1.2 of "California 2028 and Subsequent Model Year Exhaust Emission Standards and Test Procedures for On-Road Motorcycles," adopted [INSERT ADOPTION DATE].

(d) In addition to the requirements of section 1958.1, subsection (c), the end of model year report shall include the following information:

(1) The number of Class I (50 - 169cc displacement) conventional internal combustion street-use motorcycles produced and delivered for sale in California.

(2) The number of Class II (170 - 279cc displacement) conventional internal combustion street-use motorcycles produced and delivered for sale in California.

(3) The number of Class III (280 cc displacement and larger) conventional internal combustion street-use motorcycles produced and delivered for sale in California.

(4) The number of Tier I zero-emission motorcycles produced and delivered for sale in California, as defined in title 13, California Code of Regulations (CCR) section 1958.4, subsection (d).

(5) The number of Tier II zero-emission motorcycles produced and delivered for sale in California, as defined in title 13, CCR section 1958.4, subsection (d).

(6) The number of Tier III zero-emission motorcycles produced and delivered for sale in California, as defined in title 13, CCR section 1958.4, subsection (d).

(7) All information required to calculate annual ZEM credits earned and annual ZEM credit obligations pursuant to subsections 1958.5, subsection (f) and 1958.6, subsection (h).

(e) The number of motorcycles produced and delivered for sale in California from different manufacturers shall be aggregated in the following situations:

(1) motorcycles produced by two or more manufacturers, one of which owns 33.4% or greater of the other(s);

(2) motorcycles produced by any two or more manufacturers if a third party has equity ownership of 33.4% or more in each of the manufacturers;

(3) motorcycles produced by two or more manufacturers having a common corporate officer(s) who is (are) responsible for the overall direction of the companies; or

(4) motorcycles imported or distributed by any entity where the vehicles are manufactured by the same entity and the importer or distributor is an authorized agent of the entity.

(f) The manufacturer shall submit end of model year reports to the California Air Resources Board through the electronic filing system, E-File, available through the website: <https://login.arb.ca.gov/>.

(g) Severability. Each provision of this section is severable, and in the event that any provision of this section is held to be invalid, the remainder of this section and this article remains in full force and effect.



Note: Authority cited: Sections 39600, 39601, 39602.5, 43013, 43018, 43100, 43101, 43104, 43105, 43106 and 43107, Health and Safety Code.

Reference: Sections 38562, 39002, 39003, 39010, 39018, 39600, 39601, 39602.5, 43013, 43016, 43018, 43018.5, 43100, 43101, 43104, 43105, 43106, 43107, 43151, 43152, 43153, 43154, 43211 and 43212, Health and Safety Code.

3. Add New Title 13, CCR, Chapter 1, Article 2, Section 1958.2 to read as follows:

**§ 1958.2. Malfunction and Diagnostic System Requirements--2028 and Subsequent Model-Year Class III Motorcycles.**

(a) *Applicability*

(1) Manufacturers, except small volume manufacturers, shall equip at least the following percentage of their 2028 and subsequent model year Class III street-use motorcycles produced and delivered for sale in California with an On-Board Diagnostics (OBD) system and shall meet all requirements of this section, in accordance with the phase-in schedule in the table below:

**Phase-In Schedule for OBD**

<b><u>Model Year</u></b>	<b><u>Minimum % of Class III Street-Use Motorcycles Equipped with OBD</u></b>
<u>2028</u>	<u>30%</u>
<u>2029</u>	<u>60%</u>
<u>2030</u>	<u>100%</u>

(2) *Eligibility for Exemption from OBD Requirements.* Eligibility as determined in section 1958.2, subsection (a)(2) shall be based on the total number of street-use motorcycles produced and delivered for sale in California in a model year as reported pursuant to title 13, CCR section 1958.1. To be eligible for exemption from the OBD requirements specified in title 13, CCR sections 1958.2 and 1958.3, the manufacturer's average total number of street-use motorcycles produced and delivered for sale in California for the three most recent consecutive model years must remain below 300. If a manufacturer's average for the three most recent consecutive model years exceeds 299 motorcycles, the manufacturer will no longer be eligible for exemption and must meet applicable OBD requirements as follows:

(A) If a manufacturer's average for three consecutive model years exceeds 299 motorcycles, and if the increase is the result of corporate acquisitions, mergers, or purchase by another manufacturer, the manufacturer shall comply with the OBD requirements described in section 1958.2, subsections (a)(1) and (b) through (h), as

applicable, beginning with the first model year after the last year of the three consecutive model years.

(B) If section 1958.2, subsection (a)(2)(A) does not apply and if a manufacturer's average for three consecutive model years exceeds 299 motorcycles and is less than 500, the manufacturer shall comply with the OBD requirements described in section 1958.2, subsections (a)(1) and (b) through (h), as applicable, beginning with the second model year after the last year of the three consecutive model years.

(C) If section 1958.2, subsection (a)(2)(A) does not apply and if a manufacturer's average for three consecutive model years exceeds 500 motorcycles, the manufacturer shall comply with the OBD requirements described in section 1958.2, subsections (a)(1) and (b) through (h), as applicable, beginning with the first model year after the last year of the three consecutive model years.

(D) For manufacturers seeking certification for the first time in California, exemption from OBD requirements in their first year shall be based on an average of their projected California sales for their first three years. Manufacturers with projected sales exceeding 299 per year are not eligible for exemption. If actual produced and delivered for sale in California numbers are available for a model year(s), projected California sales cannot be used for that model year(s) when calculating the average of the three consecutive model years in subsequent years.

(b) *Functional Requirements for 2028 and Subsequent Class III Motorcycles*

(1) 2028 and subsequent model year Class III street-use motorcycles shall be equipped with an OBD system as specified in "Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles, 02013R0168 - EN - 14.11.2020," (EU 168/2013) which is incorporated by reference, pursuant to Annex XII (Requirements for functional On-Board Diagnostics) of "Commission Delegated Regulation (EU) No 44/2014 of 21 November 2013 supplementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to the vehicle construction and general requirements for the approval of two- or three-wheel vehicles and quadricycles. 02014R0044 - EN - 20.03.2018," (EU 44/2014) which is incorporated by reference. This requirement includes only the OBD monitors and functions that are

related to emissions control systems and associated components, not those associated exclusively with functional safety or other items unrelated to emissions.

(A) Class III Enduro (L3e-AxE) and Trial motorcycles (L3e-AxT) as described in Annex I of EU 168/2013 shall be equipped with an OBD stage I system as specified in EU 168/2013, and are not subject to fuel system monitoring requirements in section 1958.2, subsection (b)(2) or the readiness requirements in section 1958.2, subsection (b)(3).

(B) All other Class III street-use motorcycles shall be equipped with a stage II OBD system as specified in EU 168/2013, and are subject to all applicable OBD requirements in section 1958.2.

(2) Fuel System Monitoring requirements for Class III motorcycles.

(A) Requirement.

1. The OBD system shall monitor the fuel delivery system to determine its ability to provide compliance with emission standards specified in 13 CCR section 1958, subsection (h).

(B) Malfunction Criteria.

1. The OBD system shall detect a malfunction of the fuel delivery system when:

a. The fuel delivery system is unable to maintain a motorcycle's emissions at or below the OBD threshold limits specified in EU 168/2013, Annex VI, section (B2).

b. If equipped, the feedback control based on a secondary oxygen or exhaust gas sensor is unable to maintain a motorcycle's emissions at or below OBD threshold limits specified in EU 168/2013, Annex VI, section (B2).

2. Except as provided for in section 1958.2, subsection (b)(2)(B)3 below, if the motorcycle is equipped with adaptive feedback control, the OBD system shall

detect a malfunction when the adaptive feedback control has used up all of the adjustment allowed by the manufacturer.

3. If the motorcycle is equipped with feedback control that is based on a secondary oxygen (or equivalent) sensor, the OBD system is not required to detect a malfunction of the fuel system solely when the feedback control based on a secondary oxygen sensor has used up all of the adjustment allowed by the manufacturer. However, if a failure or deterioration results in motorcycle emissions that exceed the malfunction criteria in subsection (b)(2)(B)1, the OBD system is required to detect a malfunction.

4. The OBD system shall detect a malfunction whenever the fuel control system fails to enter closed-loop operation (if employed) within a manufacturer specified time interval.

5. Manufacturers may adjust the criteria and limit(s) to compensate for changes in altitude, for temporary introduction of large amounts of purge vapor, or for other similar identifiable operating conditions when they occur.

(C) *Monitoring Conditions.*

1. The fuel system shall be monitored continuously for the presence of a malfunction.

(D) *MIL Illumination and Fault Code Storage.* For all fuel system malfunctions, the MIL illumination and fault code storage requirements are set forth in section 1958.2, subsections (b)(2)(D)1 through (b)(2)(D)6 below.

1. A pending fault code shall be stored immediately upon the fuel system exceeding the malfunction criteria established pursuant to section 1958.2, subsection (b)(2)(B).

2. Except as provided below, if a pending fault code is stored, the OBD system shall immediately illuminate the MIL and store a confirmed fault code if a fuel system malfunction is again detected during either of the following two events:

a. The next two driving cycles immediately following the storage of the pending fault code, regardless of the conditions encountered during the driving cycle; or

b. On the next two driving cycles in which similar conditions (engine speed within 375 rpm, load conditions within 20 percent, and the same warm-up status (i.e., cold or hot)) to those that occurred when the pending fault code was stored are encountered.

3. The pending fault code may be erased at the end of the next driving cycle in which similar conditions have been encountered without an exceedance of the specified fuel system malfunction criteria. The pending code may also be erased if similar conditions are not encountered during the 40 driving cycles immediately after the initial detection of a malfunction for which the pending code was set.

#### 4. Storage of Freeze Frame Conditions.

a. The OBD system shall store and erase freeze frame conditions either in conjunction with storing and erasing a pending fault code or in conjunction with storing and erasing a confirmed fault code.

b. Freeze frame storage priority for misfire and fuel system malfunction is specified in EU 44/2014, Annex XII, Appendix 1, Section 3.1.2.

#### 5. Storage of Fuel System Conditions for Determining Similar Conditions of Operation.

a. Upon detection of a fuel system malfunction under section 1958.2, subsection (b)(2)(B), the OBD system shall store the engine speed, load, and warm-up status of the first fuel system malfunction that resulted in the storage of the pending fault code.

b. For fuel system faults detected using feedback control that is based on a secondary oxygen (or equivalent) sensor, the manufacturer may request Executive Officer approval to use an alternate definition of similar conditions (engine speed within 375 rpm, load conditions within 20 percent, and the same warm-up status (i.e., cold or hot)). The Executive Officer shall approve the alternate definition upon the manufacturer providing data or analysis

demonstrating that the alternate definition provides for equivalent robustness in detection of fuel system faults that vary in severity depending on engine speed, load, or warm-up status.

6. *Extinguishing the MIL.* The MIL may be extinguished after three sequential driving cycles in which similar conditions have been encountered without a malfunction of the fuel system.

(3) *Required Emission Related Functions.* The following standardized functions for readiness status shall be implemented in accordance with the specifications in SAE International (SAE) J1979 "E/E Diagnostic Test Modes", February 2017 (SAE J1979), incorporated by reference, or SAE J1979-2 "E/E Diagnostic Test Modes:OBDonUDS," April 2021 (SAE J1979-2), incorporated by reference, to allow for access to the required information by a scan tool meeting SAE J1978 "OBDonUDS - Equivalent to ISO/DIS 15031-4: December 14, 2001", April 2002 (SAE J1978) specifications, incorporated by reference:

(A) In accordance with SAE J1979 or J1979-2 specifications, the OBD system shall indicate "complete" or "not complete" since the fault memory was last cleared for the following installed monitored components and systems as specified in Annex XII, Table 12-1 of EU 44/2014: catalytic converter monitor, misfire detection monitor, EGR efficiency/flow monitor, comprehensive component monitors (as specified in Annex XII, appendix 2, section 2.1 of EU 44/2014), and the fuel system monitor (as specified in 1958.2, subsection (b)(2). All components or systems that are monitored continuously shall always indicate "complete." Those components or systems that are not subject to continuous monitoring shall immediately indicate "complete" upon the respective diagnostic(s) being fully executed and determining that the component or system is not malfunctioning. A component or system shall also indicate "complete" if after the requisite number of decisions necessary for determining MIL status have been fully executed, the monitor indicates a malfunction for the component or system. The status for each of the monitored components or systems shall indicate "not complete" whenever fault memory has been cleared or erased by a means other than that allowed in EU 44/2014, Annex XII, Section 3.8. Normal vehicle shut down (i.e., key off, engine off) may not cause the status to indicate "not complete".

(B) Subject to Executive Officer approval, if monitoring is disabled for a multiple number of driving cycles due to the continued presence of extreme operating conditions (e.g, cold ambient temperatures, high altitudes), readiness status for the subject monitoring system may be set to indicate "complete" without

monitoring having been completed. Executive Officer approval shall be based on the conditions for monitoring system disablement and the number of driving cycles specified without completion of monitoring before readiness is indicated as "complete."

(C) If the manufacturer elects to additionally indicate readiness status through the MIL in the key on, engine off position, the readiness status shall be indicated in the following manner:

1. If the readiness status for all monitored components or systems is "complete," the MIL shall remain continuously illuminated in the key on, engine off position for at least 15-20 seconds.

2. If the readiness status for one or more of the monitored components or systems is "not complete," after 15-20 seconds of operation in the key on, engine off position with the MIL illuminated continuously, the MIL shall blink once per second for 5-10 seconds.

*(c) Certification Requirements*

*(1) Testing Requirements.*

(A) For 2028 and subsequent model year street-use motorcycles, manufacturers must test their OBD systems according to the type VIII test specified in Annex VIII, sections 1, 2, 3, 4, 5.1, 5.2, 6, 7, and 8 of "Commission Delegated Regulation (EU) No 134/2014 of 16 December 2013 supplementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to environmental and propulsion unit performance requirements and amending Annex V thereof, 02014R0134 - EN - 20.03.2018" (EU 134/2014), which is incorporated by reference.

1. The test fuel used for all testing required by section 1958.2, subsection (c)(1), unless otherwise specified, shall be gasoline meeting the fuel properties and specifications for "California Certification Gasoline" in Part II, section A.3.1 of the "California 2026 and Subsequent Model Year Criteria Pollutant Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted August 25, 2022, which is incorporated by reference.



2. The test fuel specified in EU 134/2014, Annex VIII, section 5.3 may be used at the manufacturer's discretion as an alternative test fuel to meet the requirements of section 1958.2, subsection (c)(1)(A), unless otherwise specified. However, even if a manufacturer elects to use this alternative fuel, CARB may conduct confirmatory testing or enforcement testing in accordance with section 1958.2, subsection (c)(2) or title 13, CCR section 1958.3(b)(4), respectively, using California certification gasoline.

(B) Manufacturers must also test the following failure mode to demonstrate compliance with the Fuel System Monitoring requirements of section 1958.2, subsection (b)(2).

1. Required Testing for Fuel System Monitor:

a. When performing the Fuel System Monitor test as specified below, the requirements of EU 134/2014, Annex VIII, Sections 1, 3, 4, 5.1, 5.2, 6, 7, 8.1, 8.2, and 8.4 must be followed.

b. In addition to the requirements of EU 134/2014, Annex VIII, Section 3.2, the OBD system shall indicate the failure of the Fuel System when that failure results in emissions exceeding the OBD thresholds specified in subsection (b)(2)(B)1.a. Testing of the Fuel System Monitor shall be conducted using California certification gasoline.

c. For motorcycles with adaptive feedback based on the primary fuel control sensor(s) (e.g., front oxygen sensor), the manufacturer shall perform a test with the adaptive feedback based on the primary fuel control sensor(s) at the rich limit(s) and a test at the lean limit(s) established by the manufacturer in section 1958.2, subsection (b)(2)(B)1. to detect a malfunction before emissions exceed the malfunction thresholds specified in EU 168/2013, Annex VI, section (C2).

d. For motorcycles with feedback based on a secondary fuel control sensor(s) and subject to the malfunction criteria in section 1958.2, subsection (b)(2)(B)1., the manufacturer shall perform a test with the feedback based on the secondary fuel control sensor(s) at the rich limit(s) and a test at the lean limit(s) established by the manufacturer in subsection (b)(2)(B)1. to detect a

malfunction before emissions exceed the malfunction thresholds specified in EU 168/2013, Annex VI, section (C2).

e. For other fuel metering or control systems, the manufacturer shall perform a test at the criteria limit(s).

(2) Confirmatory Testing:

(A) CARB may perform confirmatory testing to verify the emission test data submitted by the manufacturer under the requirements of section 1958.2, subsection (c) comply with the requirements of subsection (c) and the malfunction criteria identified in section 1958.2, subsection (b). This confirmatory testing is limited to the motorcycle configuration represented by the demonstration motorcycle(s).

(B) CARB may install appropriately deteriorated or malfunctioning components in an otherwise properly functioning test motorcycle of an OBD family represented by the demonstration test motorcycle(s) (or simulate a deteriorated or malfunctioning component) in order to test any of the components or systems required to be tested in section 1958.2, subsection (c). Upon request by the Executive Officer, the manufacturer shall make available motorcycles and all test equipment (e.g., malfunction simulators, deteriorated components, etc.) necessary to duplicate the manufacturer's testing.

(C) Motorcycles with OBD systems which fail to meet the requirements of subsection (c) may be recalled for corrective action pursuant to title 13, CCR section 1958.3.

(d) Certification Documentation

(1) For 2028 and subsequent model year street-use motorcycles, manufacturers must submit documentation which provides details of their OBD system as specified in Annex 1, appendix 3, Item No. 7.6 of the "Commission Implementing Regulation (EU) No 901/2014 of 18 July 2014 Implementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to the administrative requirements for the approval and market surveillance of two- or three-wheel vehicles and quadricycles, 02014R0901 - EN - 12.03.2020," (EU 901/2014) which is incorporated by reference.

(A) For the required documentation not standardized across all engine families, the manufacturer may propose to the Executive Officer that documentation covering a specified combination of engine families be used. These combinations shall be known as "OBD families." Executive Officer approval shall be granted for those groupings that meet the criteria specified in EU 44/2014, Annex XII, Appendix 5. If approved by the Executive Officer, the manufacturer may submit one set of documentation from one or more representative engine family(ies) that are a part of the OBD family. The Executive Officer shall determine whether a selected engine family(ies) is representative of the OBD family as a whole. To be approved as representative, the engine family(ies) must possess the most stringent exhaust emission standards and OBD monitoring requirements and include all of the emission control devices within the OBD family.

(B) With Executive Officer approval, one or more of the documentation requirements of section 1958.2, subsection (d) may be waived or modified if the information required would be redundant or unnecessarily burdensome to generate.

(2) In addition to the requirements of section 1958.2, subsection (d)(1) above, manufacturers must provide a written description of the general working principles of their Fuel System Monitor. Additionally, all reporting requirements specified in EU 901/2014, Annex 1, appendix 3, Item No. 7.6 shall also apply to the Fuel System Monitor and all of its components. Such information shall include, for the fuel system monitor testing required per section 1958.2, subsection (c)(1)(B): emission test data, a description of the testing sequence (e.g., the number and types of preconditioning cycles), approximate time (in seconds) of MIL illumination during the test, fault code(s) and freeze frame information stored at the time of detection, corresponding SAE J1979 or J1979-2 test results (e.g. Mode/Service \$06) stored during the test, and a description of the modified or deteriorated components used for fault simulation with respect to the demonstration tests specified in subsection (c).

(3) This information shall be submitted to: Chief, Emissions Certification and Compliance Division, 4001 Iowa Avenue, Riverside, California 92507 or electronically at MotorcycleOBD@arb.ca.gov.

(4) The Executive Officer may approve conditional certification of an OBD family prior to the submittal of the test data required by section 1958.2, subsection (c)(1). Factors to be considered by the Executive Officer in approving the conditional certification as a result of the late submission of the test data shall include the reason for

the delay in the data collection, the length of time until data will be available, and the demonstrated previous success of the manufacturer in submitting the data prior to certification.

(e) *In-Use Performance*

(1) *Functional In-Use Performance Monitoring Requirements.* Model year 2028 and subsequent Class III motorcycles shall meet the In-Use Performance requirements of EU 44/2014, Annex XII, Appendix 1, section 4 applicable to motorcycles produced on or after January 1, 2024. Such requirements include tracking, storing, and reporting in-use monitoring performance data accessible in a standardized format.

(2) *Verification and Reporting of In-Use Monitoring Performance (IUMPR).*

(A) Manufacturers are required to collect and report in-use monitoring performance data representative of every OBD family certified by the manufacturer and equipped with in-use monitoring performance tracking software in accordance with section 1958.2, subsection (e)(1) to CARB within twelve months from either the time motorcycles in the engine family were first introduced into commerce or the start of normal production for such motorcycles, whichever is later.

(B) For each OBD family, the data must include all of the in-use performance tracking data reported through SAE J1979 or SAE J1979-2, the date the data was collected, the odometer reading, the motorcycle Vehicle Identification Number (VIN), and the Engine Control Module (ECM) software calibration identification number.

(C) Manufacturers shall submit a sampling method plan to the Executive Officer for review and approval of the sampling method, number of motorcycles to be sampled, timeline to collect the data, and reporting format. The Executive Officer shall approve the plan upon determining that it provides for effective collection of data from a representative sample of motorcycles that includes, at a minimum, the number of motorcycles outlined in the table below based on annual sales in California in a given model year that are part of the same certified OBD family as defined in section 1958.3, subsection (d)(1)(A). "Annual sales" means the total number of street-use motorcycles produced and delivered for sale in California in a given model year. The sampling method plan shall include as many engine families from the OBD family as possible, shall be likely to result in the collection and submittal of data within the required twelve month time frame, shall generate data that are representative of

California motorcycle usage patterns and ambient temperatures, and shall not, by design, exclude or include specific motorcycles in an attempt to collect data only from motorcycles with the highest in-use performance ratios.

**Minimum Sample Size for IUMPR**

<b><u>Annual Sales of OBD Family</u></b>	<b><u>Minimum IUMPR Sample Size</u></b>
<u>&lt;100</u>	<u>No IUMPR Data Submittal Required</u>
<u>100-249</u>	<u>3 motorcycles</u>
<u>250-499</u>	<u>6 motorcycles</u>
<u>500+</u>	<u>10 motorcycles</u>

(D) Upon request of the manufacturer, the Executive Officer may reduce the minimum sample size set forth in the table above for OBD Families where the manufacturer is unable to collect the minimum number of motorcycles required. In granting approval of a sampling plan with a reduced minimum sample size, the Executive Officer shall consider, among other things, information submitted by the manufacturer to justify the smaller sample size, sales volume of the OBD family(-ies), the sampling mechanism utilized by the manufacturer to procure motorcycles, and the availability of additional data from other jurisdictions.

(E) The in-use monitoring performance data and sampling method plan shall be submitted to: Chief, Emissions Certification and Compliance Division, 4001 Iowa Avenue, Riverside, California 92507 or electronically at MotorcycleOBD@arb.ca.gov.

(f) Deficiencies

(1) For 2028 and subsequent model year motorcycles, the Executive Officer, upon receipt of an application from the manufacturer, may certify motorcycles even if the OBD system does not comply with one or more of the requirements of title 13, CCR section 1958.2. In granting the certification, the Executive Officer shall consider the following factors:

(A) the extent to which the requirements of section 1958.2 are satisfied overall based on a review of the application in question.

(B) the relative performance of the resultant OBD system compared to systems fully compliant with the requirements of section 1958.2, and

(C) a demonstrated good-faith effort on the part of the manufacturer to:

1. meet the requirements in full by evaluating and considering the best available monitoring technology; and

2. come into compliance as expeditiously as possible.

(D) The Executive Officer may not grant certification to a motorcycle in which the reported noncompliance for which a deficiency is sought would be subject to ordered recall pursuant to title 13, CCR section 1958.3, subsections (c)(3)(A).

(2) Manufacturers of non-complying systems are subject to fines. The specified fines apply to the third and subsequently identified deficiencies, with the exception that fines shall apply to all monitoring system deficiencies wherein a required monitoring strategy is completely absent from the OBD system.

(3) Fines for deficiencies are in the amount of \$30 per deficiency per motorcycle for non-compliance with the requirements for Catalytic converter monitoring, EGR efficiency/flow monitoring, Misfire detection, NOx aftertreatment system monitoring, Particulate filter monitoring, or Particulate matter (PM) emission monitoring, as specified in Annex XII, Table 12-1 of EU 44/2014, or the Fuel system monitoring requirement specified in subsection (b)(2), and \$15 per deficiency per motorcycle for non-compliance with any other requirement of title 13, CCR section 1958.2. In determining the identified order of deficiencies, deficiencies subject to a \$30 fine are identified first. Total fines per motorcycle under section 1958.2, subsection (f) may not exceed \$300 per motorcycle and are payable to the California Air Resources Board for submittal to the State Controller's Office for deposit in the Air Pollution Control Fund.

(4) Manufacturers shall re-apply for Executive Officer approval of a deficiency each model year. In considering the request to carry-over a deficiency, the Executive Officer shall consider the factors identified in section 1958.2, subsection (f)(1) including the manufacturer's progress towards correcting the deficiency. The Executive Officer may not allow manufacturers to carry over monitoring system deficiencies for more than two model years unless it can be demonstrated that substantial motorcycle hardware modifications and additional lead time beyond two years would be necessary to correct

the deficiency, in which case the Executive Officer shall allow the deficiency to be carried over for three model years.

(5) Except as allowed in section 1958.2, subsection (f)(6), deficiencies may not be retroactively granted after certification.

(6) Request for retroactive deficiencies

(A) Manufacturers may request that the Executive Officer grant a deficiency and amend a motorcycle's certification to conform to the granting of the deficiencies during the first 6 months after commencement of normal production for each aspect of the monitoring system: (a) identified by the manufacturer (during testing required by section 1958.2, subsection (g)(1) or any other testing) to be functioning different than the certified system or otherwise not meeting the requirements of any aspect of title 13, CCR section 1958.2; and (b) reported to the Executive Officer. If the Executive Officer grants the deficiencies and amended certification, their approval would be retroactive to the start of production.

(B) Executive Officer approval of the request for a retroactive deficiency shall be granted provided that the conditions necessary for a pre-certification deficiency determination are satisfied (see section 1958.2, subsection (f)(1)) and the manufacturer could not have reasonably anticipated the identified problem before commencement of production.

(C) In granting the amended certification, the Executive Officer shall include any approved post-production deficiencies together with all previously approved deficiencies in computing fines in accordance with section 1958.2, subsection (f)(2).

(7) Any OBD system installed on a production motorcycle that fails to conform with the certified OBD system for that motorcycle or otherwise fails to meet the requirements of title 13, CCR section 1958.2 and has not been granted a deficiency pursuant to the provisions of section 1958.2, subsections (f)(1) through (f)(6) is considered non-compliant. The motorcycles are subject to enforcement pursuant to applicable provisions of the Health and Safety Code and title 13, CCR section 1958.3.

(g) Production Motorcycle Evaluation Testing

(1) Verification of Monitoring Requirements.

(A) For 2028 and subsequent model year motorcycles, within the first six months after normal production begins, manufacturers shall conduct a complete evaluation of the OBD system of one or more production motorcycles (test motorcycles) and submit the results of the evaluation to the Executive Officer. The results shall be submitted to: Chief, Emissions Certification and Compliance Division, 4001 Iowa Avenue, Riverside, California 92507 or electronically at MotorcycleOBD@arb.ca.gov.

*(B) Selection of Test Motorcycles.*

1. Prior to submitting any applications for certification for a model year, a manufacturer shall notify the Executive Officer of the OBD families planned for that model year. The Executive Officer will then select the engine family(ies), in accordance with section 1958.2, subsections (g)(1)(B)2. and (g)(1)(B)3, below, that the manufacturer shall use to provide evaluation test results. This selection process may take place during durability demonstration test motorcycle selection specified in EU 168/2013, Article 23, Section 3.

2. A manufacturer shall conduct the monitoring system evaluation as described in section 1958.2, subsection (g)(1)(C) on one production motorcycle per engine family selected.

3. The Executive Officer may waive the requirements for submittal of evaluation results from one or more of the OBD families if data has been previously submitted for all of the engine families within that OBD family.

4. The Executive Officer shall not require more than two motorcycles to be tested per model year under this requirement and shall not require more than one motorcycle to be tested per OBD family.

*(C) Evaluation Requirements.*

1. The evaluation shall demonstrate the ability of the OBD system on the selected production motorcycle to detect a malfunction, illuminate the MIL, and store a confirmed fault code when a malfunction is present and the monitoring conditions have been satisfied for each individual diagnostic required by title 13, CCR section 1958.2.



2. The evaluation shall verify that malfunctions detected by non-MIL illuminating diagnostics of components used to enable any other OBD system diagnostic (e.g., fuel level sensor) will not inhibit the ability of other OBD system diagnostics to properly detect malfunctions.

3. On motorcycles so equipped, the evaluation shall verify that the software used to track the numerator and denominator for purposes of determining in-use monitoring frequency correctly increments as required in EU 44/2014, Annex XII, Appendix 1, section 4.

4. Malfunctions may be mechanically implanted or electronically simulated, except as noted in section 1958.2, subsection (g)(1)(C)5., internal on-board computer hardware or software changes may not be used to simulate malfunctions. Emission testing to confirm that the malfunction is detected before the appropriate emission standards are exceeded is not required.

5. In conducting the fuel system demonstration tests, the manufacturer may use computer modifications to cause the fuel system to operate at the malfunction limit if the manufacturer can demonstrate that the computer modifications produce test results equivalent to an induced hardware malfunction.

6. Manufacturers shall submit a proposed test plan for Executive Officer approval prior to evaluation testing being performed in accordance with section 1958.2, subsection (g)(1)(E). The test plan shall identify the method used to induce a malfunction in each diagnostic. If the Executive Officer determines that the requirements of section 1958.2, subsection (g)(1) are satisfied, the proposed test plan shall be approved.

7. Subject to Executive Officer approval, manufacturers may omit demonstration of specific diagnostics. The Executive Officer shall approve a manufacturer's request if the demonstration cannot be reasonably performed without causing physical damage to the motorcycle (e.g., on-board computer internal circuit faults) or jeopardizing the safety of personnel performing the demonstration.

8. Where feasible, manufacturers should conduct required verification testing on-road under normal driving conditions. If the manufacturer cannot conduct the required testing on-road, the manufacturer shall provide the Executive

Officer with justification for conducting testing on a chassis dynamometer in lieu of on-road testing.

(D) Manufacturers shall submit a report of the results of all testing conducted pursuant to section 1958.2, subsection (g)(1) to the Executive Officer for review in accordance with section 1958.2, subsection (g)(1)(E). This report shall identify the method used to induce a malfunction in each diagnostic, the MIL illumination status, and the confirmed fault code(s) stored.

(E) The proposed test plan and report of the results shall be submitted to: Chief, Emissions Certification and Compliance Division, 4001 Iowa Avenue, Riverside, California 92507 or electronically at MotorcycleOBD@arb.ca.gov.

(F) In accordance with section 1958.2, subsection (f)(6), manufacturers may request Executive Officer approval for a retroactive deficiency to be granted for items identified during this testing.

(h) *Communications to a Scan Tool.*

(1) For 2028 and subsequent model year motorcycles, manufacturers shall use one of the following standardized options for communication of all required emission related messages from on-board to off-board network communications to a scan tool meeting SAE J1978 specifications:

(A) SAE J1979-2 with ISO 15765-4:2016 "Road Vehicles-Diagnostic communication over Controller Area Network (DoCAN) - Part 4: Requirements for emissions-related systems", April 2016, which is incorporated by reference herein.

(B) SAE J1979 with ISO 15765-4:2016 "Road Vehicles-Diagnostic communication over Controller Area Network (DoCAN) - Part 4: Requirements for emissions-related systems", April 2016.

(i) *Severability.* Each provision of this section is severable, and in the event that any provision of this section is held to be invalid, the remainder of this section and this article remains in full force and effect.

NOTE: Authority cited: Sections 39600, 39601, 39602.5, 43013, 43018, 43100, 43101, 43104, 43105, 43105.5, 43106 and 43107, Health and Safety Code.

Reference: Sections 38562, 39002, 39003, 39010, 39018, 39600, 39601, 43013, 43016, 43018, 43018.5, 43100, 43101, 43104, 43105, 43105.5, 43106, 43107, 43151, 43152, 43153, 43154, 43205.5, 43211 and 43212, Health and Safety Code.

4. Add New Title 13, CCR, Chapter 1, Article 2, Section 1958.3 to read as follows:

**§ 1958.3. Enforcement of Malfunction and Diagnostic System Requirements for 2028 and Subsequent Model-Year Class III Motorcycles.**

(a) *General.*

(1) *Applicability.*

These procedures shall be used to assure compliance with the requirements of title 13, California Code of Regulations (CCR) section 1958.2 for all 2028 and subsequent model year Class III motorcycles equipped with OBD systems that have been certified for sale in California.

(2) *Purpose.*

The purpose of this section is to assure that motorcycles certified for sale in California are equipped with OBD systems that properly function and meet the purposes and requirements of title 13, CCR section 1958.2.

(3) *Definitions.*

Unless otherwise specified in title 13, CCR section 1958.3, the definitions applicable to these rules include those set forth in Health and Safety Code section 39010 et seq., and in title 13, CCR section 1900(b). The following definitions are specifically applicable to title 13, CCR section 1958.3 and take precedence over any contrary definitions.

"Break-in-Period" means the period during which new motorcycle engines may experience higher internal friction between components, and manufacturers may recommend that owners operate the motorcycle in a limited fashion for some period

or distance so these components can wear and polish themselves to the proper operating clearances. This may include avoiding use of full throttle, high engine speeds, high loads, constant engine speed, aggressive starts, and rapid accelerations, etc.

“Days” means normal business days that a manufacturer is open for business and will be used for computing any time period, unless otherwise noted.

“Deficient Emission Threshold Monitor” means a component/system monitor certified with a deficiency (in accordance with title 13, CCR section 1958.2(f)) for not detecting a malfunction before emissions exceeded the malfunction criteria referenced in title 13, CCR section 1958.2(b), which are specified in EU 168/2013, Annex VI, section (C2).

“Deficient In-Use Performance Monitor” means a component/system monitor certified with a deficiency (in accordance with title 13, CCR section 1958.2(f)) for not meeting the minimum acceptable in-use monitor performance ratio specified under title 13, CCR section 1958.2(e)(1).

“EU 44/2014” means “Commission Delegated Regulation (EU) No 44/2014 of 21 November 2013 supplementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to the vehicle construction and general requirements for the approval of two- or three-wheel vehicles and quadricycles. 02014R0044 – EN – 20.03.2018,” which is incorporated by reference herein.

“EU 168/2013” means “Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles, 02013R0168 - EN - 14.11.2020,” which is incorporated by reference herein.

“Executive Officer” means the Executive Officer of CARB or his or her authorized representative.

“Influenced OBD-Related Recall” means an inspection, repair, adjustment, or modification program initiated and conducted by a manufacturer as a result of enforcement testing conducted by CARB, or any other information presented by CARB, for the purpose of correcting any nonconforming OBD system for which direct notification of motorcycle owners is necessary.

"Major Monitor" means Catalytic converter monitoring, EGR efficiency/flow monitoring, Misfire detection, NOx aftertreatment system monitoring, Particulate filter monitoring, or Particulate matter (PM) emission monitoring, as specified in Annex XII, Table 12-1 of EU 44/2014, and Fuel system monitoring as specified in title 13, CCR section 1958.2(b)(2).

"Manufacturer" means the manufacturer granted certification to sell street-use motorcycles in the State of California.

"Motorcycle Enforcement Group" means a group or set of motorcycles subject to enforcement testing that have been determined by the Executive Officer to share common or similar hardware, software, OBD monitoring strategy, or emission control strategy.

"Nonconforming OBD System" means an OBD system on a production motorcycle that has been determined not to comply with the requirements of title 13, CCR section 1958.2. For purposes of title 13, CCR section 1958.3, a motorcycle enforcement group shall be considered nonconforming irrespective of whether motorcycles in the motorcycle enforcement group, on average, meet applicable tailpipe or evaporative emission standards.

"OBD Emission Testing" refers to testing conducted to determine compliance with the malfunction criteria referenced in title 13, CCR section 1958.2(b), which are specified in EU 168/2013, Annex VI, section (C2).

"OBD Ratio Testing" refers to testing conducted to determine compliance with the required in-use monitor performance ratio in title 13, CCR section 1958.2(e)(1).

"Ordered OBD-Related Recall" means an inspection, repair, adjustment, or modification program required by CARB to be conducted by the manufacturer to correct any nonconforming OBD system for which direct notification of motorcycle owners is necessary.

"Quarterly Reports" refer to reports that manufacturers must submit in the following calendar periods: January 1 -- March 31; April 1 -- June 30; July 1 -- September 30; October 1 -- December 31.

“Test Sample Group” means a group of production motorcycles in a designated motorcycle enforcement group that are equipped with OBD systems and are selected and tested as part of the enforcement testing program set forth in section 1958.3, subsections (b) and (c).

“Voluntary OBD-Related Recall” means an inspection, repair, adjustment, or modification program voluntarily initiated and conducted by a manufacturer to correct any nonconforming OBD system for which direct notification of motorcycle owners is necessary.

“World Harmonized Motorcycle Test Cycle (WMTC)” refers to the chassis-dynamometer test cycle referred to in Annex II, Appendix 6, section (3) of “Commission Delegated Regulation No 134/2014 of 16 December 2013 supplementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to environmental and propulsion unit performance requirements and amending Annex V thereof, 02014R0134 - EN - 20.03.2018,” (EU 134/2014), which is incorporated by reference.

(b) Testing Procedures for CARB-Conducted Testing.

(1) Purpose.

To assure that OBD systems on production motorcycles comply with the requirements of title 13, CCR section 1958.2, CARB may periodically evaluate motorcycles from a motorcycle enforcement group. For OBD systems that fail to meet requirements of title 13, CCR section 1958.2 and for which the noncompliance has been granted a deficiency pursuant to the provisions of title 13, CCR section 1958.2(f), CARB may evaluate motorcycles with such OBD systems to confirm that the details of the noncompliance are the same as those disclosed by the manufacturer at the time the deficiency was granted.

(2) Preliminary Testing and Evaluation.

(A) As part of his or her evaluation of motorcycles to determine compliance with the requirements of title 13, CCR section 1958.2, the Executive Officer may routinely conduct testing on any production motorcycles that have been certified for sale in California.

(B) Based upon such testing or any other information, including data from warranty information reports and field information reports, the Executive Officer may conduct enforcement testing pursuant to section 1958.3, subsections (b)(3) through (b)(5) below.

(3) Motorcycle Selection for CARB-Conducted Enforcement Testing.

(A) Determining the Motorcycle Enforcement Group.

1. Upon deciding to conduct enforcement testing, the Executive Officer shall determine the motorcycle enforcement group to be tested. In determining the scope of the motorcycle enforcement group to be tested, the Executive Officer shall consider the similarities and differences in the OBD systems of potentially affected motorcycles. Among other things, the Executive Officer shall consider whether motorcycles share similar hardware, software, OBD monitoring strategy, or emission control strategy.

2. The default motorcycle enforcement group is the engine family or OBD family used by the manufacturer to certify the motorcycles to be tested. However, upon concluding that a subgroup of motorcycles differs from other motorcycles in the identified engine family or OBD family and that a reasonable basis exists to believe that the differences may directly impact the type of testing that will be performed, the Executive Officer may determine that a subgroup of the engine family or OBD family is the appropriate motorcycle enforcement group for testing.

3. Similarly, upon concluding that motorcycles from several engine families or OBD families (which may include engine families or OBD families from different model years) share such common characteristics that a reasonable basis exists to believe that results of enforcement testing may be applicable to a motorcycle enforcement group larger than a specific engine family or OBD family, the Executive Officer may determine that the appropriate motorcycle enforcement group includes more than one engine family or OBD family.

(B) Size of Test Sample Group. After determining the motorcycle enforcement group to be tested, the Executive Officer shall determine the appropriate number of motorcycles to include in the test sample group for enforcement testing in accordance with the following guidelines:

1. For OBD emission and OBD ratio testing, the Executive Officer shall follow the provisions of title 13, CCR section 2137 regarding test sample size. In accordance with section 2137, the Executive Officer shall test a minimum of 10 motorcycles that have been procured following the protocol of section 1958.3, subsection (b)(3)(C) below and meet the selection criteria of section 1958.3, subsection (b)(3)(D)1. below to determine the emissions characteristics of the motorcycle enforcement group being tested.

2. In determining compliance with any other requirements of title 13, CCR section 1958.2 (e.g., diagnostic connector location, communication protocol standards, MIL illumination protocol, etc.), the Executive Officer shall determine, on a case-by-case basis, the number of motorcycles meeting the selection criteria of section 1958.3, subsection (b)(3)(D)2 needed to assure that the results of such testing may be reasonably inferred to the motorcycle enforcement group. The Executive Officer's determination shall be based upon the nature of the nonconformance and the scope of the motorcycle enforcement group. The test sample group could be as few as two test motorcycles.

*(C) Protocol for Procuring Motorcycles for Test Sample Group.*

1. For OBD emission and ratio testing, the Executive Officer shall determine the appropriate manner for procuring motorcycles. In making their determination, the Executive Officer shall consider the nature of the nonconformance and the scope of the motorcycle enforcement group. The method used shall ensure that motorcycles are recruited from more than one source. Methods used may include obtaining lists of motorcycle owners from specific sources (e.g., manufacturers, motorcycle registration records) and soliciting participation from owners, or discussing with fleet or rental operations to locate motorcycles in the motorcycle enforcement group. In selecting motorcycles for OBD emission testing and OBD ratio testing, the Executive Officer shall include only motorcycles meeting the criteria set forth in section 1958.3, subsection (b)(3)(D)1 below.

2. For all other testing (e.g., OBD functionality testing, verification of readiness status requirements, verification of compliance with OBD communications protocols), the Executive Officer shall, on a case-by-case basis, determine the appropriate manner for procuring motorcycles. In making their determination, the Executive Officer shall consider the nature of the nonconformance and the scope of the motorcycle enforcement group. The Executive Officer may procure motorcycle(s) by any means that assures effective



collection and testing of motorcycles (e.g., rental car agencies, fleet motorcycles, etc.), but shall not include any motorcycle for which a reasonable basis exists that a motorcycle operator's driving or maintenance habits would substantially impact test results to determine nonconformance. In all cases, however, the selection process must ensure proper selection of motorcycles in accord with section 1958.3, subsection (b)(3)(D)2. below.

(D) Motorcycles to be included in a Test Sample Group.

1. In selecting motorcycles to be included in a test sample group for enforcement of OBD emission testing and OBD ratio testing, the Executive Officer shall include only motorcycles that:

a. Are certified to the requirements of title 13, CCR section 1958.2 and California exhaust emission standards.

b. Are registered for operation in California.

c. Have mileage that is less than 75 percent of the certified full useful life mileage and have an age of less than the certified full useful life age for the subject motorcycles. For OBD ratio testing, test motorcycles shall have traveled at least 1,000 miles beyond the manufacturer's recommended break-in period (a.k.a running-in period), if applicable, to ensure the motorcycles have collected sufficient vehicle operation data for the monitor to be tested.

d. Have not been tampered with or equipped with add-on or modified parts as described in title 13, CCR, section 27156, that would cause the OBD system not to comply with the requirements of title 13, CCR section 1958.2 or would have a permanent effect on exhaust emission performance.

e. Have not been subjected to abuse (e.g., racing, overloading, misfueling), neglect, improper maintenance, or other factors that would cause the OBD system not to comply with the requirements of title 13, CCR section 1958.2 or would have a permanent effect on exhaust emission performance.

f. Have no detected or known malfunction(s) unrelated to the monitor or system being evaluated that would affect the performance of the OBD system. At its discretion, CARB may elect to repair a motorcycle with a detected

or known malfunction and then include the motorcycle in the test sample group.

g. Have had no major repair to the motorcycle resulting from a collision.

h. Have no problem that might jeopardize the safety of laboratory personnel.

2. In selecting motorcycles to be included in a test sample group for enforcement testing of any other requirement of title 13, CCR section 1958.2 (not covered by section 1958.3, subsection (b)(3)(D)1.), the Executive Officer shall include only motorcycles that:

a. Are certified to the requirements of title 13, CCR section 1958.2.

b. Have not been tampered with or equipped with add-on or modified parts as described in title 13, CCR, section 27156, that would cause the OBD system not to comply with the requirements of title 13, CCR section 1958.2.

c. Have no detected or known malfunction(s) unrelated to the monitor or system being evaluated that would affect the performance of the OBD system. At its discretion, CARB may elect to repair a motorcycle with a detected or known malfunction and then include the motorcycle in the test sample group.

d. Have mileage and age that are less than or equal to the certified full useful life mileage and age for the subject motorcycles.

3. If the Executive Officer discovers, by either evidence presented by the manufacturer as provided in section 1958.3, subsection (b)(7) or on their own, that a motorcycle fails to meet one or more of the applicable criteria of section 1958.3, subsections (b)(3)(D)1. through (b)(3)(D)2., the Executive Officer shall remove the motorcycle from the test sample group. The Executive Officer may replace any motorcycle removed with an additional motorcycle selected in accordance with section 1958.3, subsections (b)(3)(C) and (b)(3)(D) above. Test results relying on data from the removed motorcycle shall be recalculated without using the data from the removed motorcycle.

(4) Enforcement Testing Procedures.

(A) Prior to conducting any testing under section 1958.3, subsection (b)(4), the Executive Officer may replace components monitored by the OBD system with components that are sufficiently deteriorated or simulated to cause malfunctions that exceed the malfunction criteria established pursuant to title 13, CCR section 1958.2(b) in a properly operating system. The Executive Officer may not use components deteriorated or simulated to represent failure modes that could not have been foreseen to occur by the manufacturer (e.g., the use of leaded gasoline in an unleaded gasoline engine, etc.). Upon request by the Executive Officer, the manufacturer shall make available any of the following:

1. All test equipment used by the manufacturer in development, calibration, or demonstration testing (e.g., malfunction simulators, deteriorated "threshold" components, etc.) necessary to duplicate testing done by the manufacturer to determine the malfunction criteria used for major monitors (Catalytic converter monitoring, EGR efficiency/flow monitoring, Misfire detection, NOx aftertreatment system monitoring, Particulate filter monitoring, or Particulate matter (PM) emission monitoring, as specified in Annex XII, Table 12-1 of EU 44/2014, and Fuel system monitoring as specified in title 13, CCR section 1958.2(b)(2)) subject to OBD emission testing.

2. Complete software design description documentation, specifications, and source code of the engine control unit and any other on-board electronic powertrain control unit. The manufacturer shall provide the descriptions and specifications in English.

3. A complete list and description of all control unit variables available for real-time display and data logging, as well as all calibration maps, curves, and constants used in the software. The manufacturer shall provide the list and descriptions in English.

4. A data acquisition device with real-time display and data logging capability of any and all control unit variables used in calibration. These variables shall be provided in the same engineering units used during calibration. The data acquisition device shall include, but may not be limited to, an engineering and calibration tool used during control unit software development and calibration.

5. A method to unlock any production or prototype control unit to allow real-time display and data logging of any and all variables used during calibration.

(B) OBD Emission Testing. After the test sample group has been selected and procured, the Executive Officer may perform one or more of the following tests:

1. Emission testing with the test procedures used by the Executive Officer for in-use testing of compliance with exhaust emission standards in accordance with title 13, CCR sections 2138 and 2139.

2. Chassis dynamometer or on-road testing with the motorcycle being operated in a manner that reasonably ensures that all of the monitoring conditions disclosed in the manufacturer's certification application for the tested monitor are encountered.

(C) OBD Ratio Testing. For OBD ratio testing of monitors required to meet the in-use monitor performance ratio and track and report ratio data pursuant to title 13, CCR section 1958.2(e), after the test sample group has been selected and procured, the Executive Officer shall download the data from monitors required to track and report such data.

(D) Testing for compliance with any other requirement of title 13, CCR section 1958.2. After the test sample group has been selected and procured, the Executive Officer may perform one or more of the following tests:

1. On-road or dynamometer testing with the vehicle being driven in a manner that reasonably ensures that all of the monitoring conditions disclosed in the manufacturer's certification application for the tested monitor are encountered;  
or

2. Any other testing determined to be necessary by the Executive Officer. This may include, but is not limited to, the use of special test equipment to verify compliance with standardization requirements.

(5) Additional Testing.

(A) Based upon testing of the motorcycle enforcement group in section 1958.3, subsection (b)(4) above and after review of all evidence available at the conclusion of such testing, the Executive Officer may elect to conduct further testing of a subgroup of motorcycles from the motorcycle enforcement group if the Executive Officer has determined that:

1. A subgroup of tested motorcycles differs sufficiently enough from other motorcycles in the tested motorcycle enforcement group, and

2. A reasonable basis exists to believe that the identified differences may indicate that the subgroup may be nonconforming whereas the tested motorcycle enforcement group as a whole is not.

(B) All references to motorcycle enforcement group shall be applicable to the subgroup meeting the conditions of section 1958.3, subsection (b)(5)(A) above.

(C) In any testing of a subgroup of motorcycles under 1958.3, subsection (b)(5), the Executive Officer shall follow the motorcycle selection and testing procedures set forth in section 1958.3, subsections (b)(3) and (b)(4) above.

(6) *Finding of Nonconformance after Enforcement Testing.* After conducting enforcement testing pursuant to section 1958.3, subsection (b)(4) and (b)(5) above, the Executive Officer shall make a finding of nonconformance of the OBD system in the identified motorcycle enforcement group under the respective tests for the applicable model year(s) if:

(A) OBD Emission Testing.

1. For 2028 and subsequent model year motorcycles:

a. For motorcycles certified under the requirements of title 13, CCR section 1958.2, the emission test results indicate that 50 percent or more of the motorcycles in the test sample group do not properly illuminate the MIL when emissions exceed the OBD emissions thresholds referenced in section 1958.2, subsection (b).

b. In determining a motorcycle to be nonconforming, the Executive Officer shall use the test cycle and standard specified for certification in title 13, CCR sections 1958, subsection (h) and 1958.2.

2. The Executive Officer may not consider an OBD system nonconforming solely due to a failure or deterioration mode of a monitored component or system that could not have been reasonably foreseen to occur by the manufacturer.

(B) OBD Ratio Testing. For 2028 and subsequent model year motorcycles certified to a ratio of 0.100 in accordance with title 13, CCR section 1958.2(e), the data collected from the motorcycles in the test sample group indicate either that the average in-use monitor performance ratio for one or more of the monitors in the test sample group is less than 0.088 or that 66.0 percent or more of the motorcycles in the test sample group have an in-use monitor performance ratio of less than 0.100 for the same monitor.

(C) All Other OBD Testing.

1. The results of the testing indicate that at least 30 percent of the motorcycles in the test sample group do not comply with one or more of the requirements of title 13, CCR section 1958.2.

2. The results of the testing indicate that at least 30 percent of the motorcycles in the test sample group do not comply with one or more of the requirements of title 13, CCR section 1958.2 while the motorcycle 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 title 13, CCR section 1958.2 for 2028 and subsequent model year motorcycles 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) as incorporated by reference in title 13, CCR section 1958.2, or SAE International (SAE) J1979-2 (SAE J1979-2) as incorporated by reference in title 13, CCR section 1958.2;

b. The current fault code(s) in accordance with EU 44/2014 Annex XII, Appendix 1, Section 3.11;

c. All other applicable OBD parameters required by title 13, CCR section 1958.2 and EU 44/2014.

3. If the finding of nonconformance under section 1958.3, subsection (b)(6)(C)1. above concerns motorcycles that do not comply with the requirements of title 13, CCR section 1958.2(e) (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 accordance with the criterion in 1958.3, subsection (c)(3)(A)1. The manufacturer may rebut such a presumption by presenting evidence in accordance with section 1958.3, subsection (b)(7)(C)3. below that demonstrates to the satisfaction of the Executive Officer that the identified nonconformance would not result in an ordered OBD- related recall under subsection (c)(3)(A)1.

(7) Executive Officer Notification to the Manufacturer Regarding Determination of Nonconformance.

(A) Upon making the determination of nonconformance in section 1958.3, subsection (b)(6) above, the Executive Officer shall notify the manufacturer in writing.

(B) The Executive Officer shall include in the notice:

1. A description of each group or set of motorcycles in the motorcycle enforcement group covered by the determination;

2. The factual basis for the determination, including a summary of the test results relied upon for the determination;

3. A statement that the Executive Officer shall provide to the manufacturer, upon request and consistent with the California Public Records Act, Government Code section 7920.000 et seq., all records material to the Executive Officer's determination;

4. A provision allowing the manufacturer no less than 90 calendar days from the date of issuance of the notice to provide the Executive Officer with any information contesting the findings set forth in the notice; and

5. A statement that if a final determination is made that the motorcycle enforcement group is equipped with a nonconforming OBD system, the manufacturer may be subject to appropriate remedial action, including recall and monetary penalties.

(C) Within the time period set by the Executive Officer in section 1958.3, subsection (b)(7)(B)4. and any extensions of time granted under section 1958.3, subsection (b)(7)(H), the manufacturer shall provide the Executive Officer, consistent with section 1958.3, subsections (b)(7)(C)1. Through (b)(7)(C)3. Below, with any test results, data, or other information derived from motorcycle testing that may rebut or mitigate the results of CARB testing, including any evidence that a motorcycle enforcement group, if determined to be nonconforming, should be exempted from mandatory recall. (See section 1958.3, subsection (c)(3) below.)

1. For OBD emission testing and OBD ratio testing:

a. The manufacturer may submit evidence to demonstrate that motorcycles in the test sample group used by the Executive Officer were inappropriately selected, procured, or tested in support of a request to have motorcycles excluded from the test sample group in accordance with 1958.3, subsection (b)(3)(D)3;

b. If the manufacturer elects to conduct additional testing of motorcycles in the motorcycle enforcement group and submit the results of such testing to the Executive Officer, the manufacturer shall:

i. Present evidence that it has followed the procurement and test procedures set forth in section 1958.3, subsections (b)(3) and (b)(4) above, or

ii. If the manufacturer elects to use different procurement and testing procedures, submit a detailed description of the procedures used and evidence that such procedures provide an equivalent level of assurance that the results are representative of the motorcycle enforcement group.

2. If the manufacturer objects to the size of the test sample group or the method used to procure motorcycles in the test sample group used by the



Executive Officer pursuant to section 1958.3, subsection (b)(3)(B)1. or (b)(3)(C)1., the manufacturer shall set forth what it considers to be the appropriate size and procurement method, the reasons for its assertion, and test data from motorcycles that confirm the manufacturer's position.

3. If the manufacturer elects to present evidence to overcome the presumption of nonconformance in section 1958.3, subsection (b)(6)(C)3. above, the manufacturer shall demonstrate that the motorcycles in the motorcycle enforcement group comply with in-use monitor performance ratio requirements of title 13, CCR section 1958.2(e) by presenting:

a. Evidence in accord with the procurement and testing requirements of section 1958.3, subsections (b)(3) and (b)(4).

b. Any other evidence that provides an equivalent level of proof that motorcycles operated in California comply with the in-use monitor performance ratio requirements.

(D) The Executive Officer may accept any information submitted by a manufacturer pursuant to section 1958.3, subsection (b)(7)(C) above after the time established for submission of such information has passed if the manufacturer could not have reasonably foreseen the need for providing the information within the time period provided. Otherwise, the Executive Officer is not required to accept late information. In determining whether to accept late information, the Executive Officer will consider the lateness of the submission, the manufacturer's reasons for why such information was not timely presented, the materiality of the information to the Executive Officer's final determination, and what effect any delay may have on effective enforcement and the health and welfare of the State.

(E) The requirements of section 1958.3, subsection (b)(7) shall not be construed to abridge the manufacturer's right to assert any privilege or right provided under California law.

(F) After receipt of any information submitted by the manufacturer pursuant to subsection (b)(7)(C) above, the Executive Officer shall consider all information submitted by the manufacturer and may conduct any additional testing that he or she believes is necessary.

(G) The information shall be submitted to: Chief, Emissions Certification and Compliance Division, 4001 Iowa Avenue, Riverside, California 92507 or electronically at MotorcycleOBD@arb.ca.gov

(H) Final Determination.

1. Within 60 calendar days after completing any additional testing that the Executive Officer deemed necessary under section 1958.3, subsection (b)(7)(F) above, the Executive Officer shall notify the manufacturer of their final determination regarding the finding of nonconformity of the OBD system in the motorcycle enforcement group. The determination shall be made after considering all of the information collected and received, including all information that has been received from the manufacturer.

2. The notice must include a description of each motorcycle enforcement group, OBD family(ies), engine family(ies) or subgroups thereof, that has been determined to have a nonconforming OBD system and set forth the factual bases for the determination.

(I) Extensions. The Executive Officer may for good cause extend the time requirements set forth in section 1958.3, subsection (b)(7). In granting additional time to a manufacturer, the Executive Officer shall consider, among other things, any documentation submitted by the manufacturer regarding the time that it reasonably believes is necessary to conduct its own testing, why such information could not have been more expeditiously presented, and what effect any delay caused by granting the extension may have on effective enforcement and the health and welfare of the State. The Executive Officer shall grant a manufacturer a reasonable extension of time upon the manufacturer providing the documentation in this subsection and demonstrating that despite the exercise of reasonable diligence, the manufacturer has been unable to produce relevant evidence in the time initially provided.

(c) Remedial Action.

(1) Voluntary OBD-Related Recalls. If a manufacturer initiates a voluntary OBD-related recall campaign, the manufacturer shall notify the Executive Officer of the recall at least 45 calendar days before owner notification is to begin. The manufacturer shall also

submit a voluntary OBD-related recall plan for approval, as prescribed under section 1958.3, subsection (d)(1) below. A voluntary recall plan shall be deemed approved unless disapproved by the Executive Officer within 30 calendar days after receipt of the complete recall plan.

*(2) Influenced OBD-Related Recalls.*

(A) Upon being notified by the Executive Officer, pursuant to section 1958.3, subsection (b)(7)(H), that a motorcycle enforcement group is equipped with a nonconforming OBD system, the manufacturer may, within 45 calendar days from the date of service of such notification, elect to conduct an influenced OBD-related recall of all motorcycles within the motorcycle enforcement group for the purpose of correcting the nonconforming OBD systems. Upon such an election, the manufacturer shall submit an influenced OBD-related recall plan for approval, as prescribed under section 1958.3, subsection (d)(1) below.

(B) If a manufacturer does not elect to conduct an influenced OBD-related recall under section 1958.3, subsection (c)(2)(A) above, the Executive Officer may order the manufacturer to undertake appropriate remedial action, up to and including the recall and repair of the nonconforming OBD systems.

*(3) Ordered Remedial Action-Mandatory Recall.*

(A) Except as provided in section 1958.3, subsection (c)(3)(B) below, the Executive Officer shall order the recall and repair of all motorcycles in a motorcycle enforcement group that have been determined to be equipped with a nonconforming OBD system if enforcement testing conducted pursuant to section 1958.3, subsection (b) above or information received from the manufacturer indicates any of the following:

1. For monitors on 2028 and subsequent model year motorcycles certified to the ratios in title 13, CCR section 1958.2(e)(1), the average in-use monitor performance ratio for one or more of the major monitors (Catalytic converter monitoring, EGR efficiency/flow monitoring, Misfire detection, NOx aftertreatment system monitoring, Particulate filter monitoring, or Particulate matter (PM) emission monitoring), as specified in Annex XII, Table 12-1 of EU 44/2014 in the test sample group is less than 0.088 or 66.0 percent or more of the motorcycles in the test sample group have an in-use monitor performance ratio of less than or equal to

0.100, the Executive Officer shall determine the remedial action for nonconformances regarding the in-use monitor performance ratio in accordance with section 1958.3, subsection (c)(4) below.

2. Except as provided in section 1958.3, subsection (c)(3)(A)2.a. below, when the motorcycle is tested on-road, and driven so as to reasonably encounter all monitoring conditions disclosed in the manufacturer's certification application, the OBD system is unable to detect and illuminate the MIL for a malfunction of a component/system monitored by a major monitor prior to emissions exceeding the malfunction criteria defined in title 13, CCR section 1958.2(a), a recall would be required. CARB staff may opt to perform this testing on chassis-dynamometer as an alternative to on-road, if on-road testing cannot be performed safely.

a. For purposes of the emission exceedance determination, carbon monoxide (CO) emissions are not considered.

3. When the motorcycle is tested on-road and driven so as to reasonably encounter all monitoring conditions disclosed in the manufacturer's certification application, the OBD system cannot detect and illuminate the MIL for a malfunction of a component that effectively disables a major monitor and the major monitor, by being disabled, meets the criteria for recall identified in section 1958.3, subsection (c)(3)(A)2. above (e.g. is unable to detect and illuminate the MIL for malfunctions that cause World Motorcycle Test Cycle (WMTC) emissions to exceed two times the malfunction criteria). CARB staff may opt to perform this testing on chassis-dynamometer as an alternative to on-road, if on-road testing cannot be performed safely.

4. The motorcycle enforcement group cannot be tested so as to obtain valid test results in accordance with the criteria identified in section 1958.3, subsection (b)(6)(C)2. due to the nonconforming OBD system.

(B) A motorcycle enforcement group shall not be subject to mandatory recall if the Executive Officer determines that any of the following conditions are met, even though a monitor meets a criterion set forth in section 1958.3, subsections (c)(3)(A)1. through (c)(3)(A)4. for mandatory recall:

1. The OBD system can still detect and illuminate the MIL for all malfunctions monitored by the nonconforming monitor (e.g., monitor "A" is non-functional but

monitor "B" is able to detect all malfunctions of the component(s) monitored by monitor "A").

2. The monitor meets the criterion solely due to a failure or deterioration mode of a monitored component or system that could not have been reasonably foreseen to occur by the manufacturer.

3. The failure or deterioration of the monitored component or system that cannot be properly detected causes the motorcycle to be undriveable (e.g., motorcycle stalls continuously or the transmission will not shift out of first gear, etc.) or causes an overt indication such that the driver is certain to respond and have the problem corrected (e.g., illumination of an over-temperature warning light or charging system light that uncorrected will result in an undriveable motorcycle, etc.).

(C) A motorcycle enforcement group that is not subject to mandatory recall pursuant to section 1958.3, subsection (c)(3)(B) above may still be subject to remedial action pursuant to section 1958.3, subsection (c)(4) below.

(4) Other Ordered Remedial Action.

(A) If the Executive Officer has determined based upon enforcement testing conducted pursuant to section 1958.3, subsection (b) above or information received from the manufacturer that a motorcycle enforcement group is equipped with a nonconforming OBD system and the nonconformance does not fall within the provisions of section 1958.3, subsection (c)(3)(A) above, they may require the manufacturer to undertake remedial action up to and including recall of the affected motorcycle enforcement group.

(B) In making their findings regarding remedial action, the Executive Officer shall consider the capability of the OBD system to properly function. This determination shall be based upon consideration of all relevant circumstances including, but not limited to, those set forth below.

1. Whether the manufacturer identified and informed CARB about the nonconformance(s) or whether CARB identified the nonconformance(s) prior to being informed by the manufacturer.

2. The number of nonconformances.

3. If the identified nonconformance(s) is with a major monitor(s), the nature and extent of the nonconformance(s), including:

a. the degree to which the in-use monitor performance ratio(s) is below the required ratio(s) specified in title 13, CCR section 1958.2(e)(1), and

b. the amount of the emission exceedance(s) over the established malfunction criteria set forth in title 13, CCR section 1958.2(b) before a malfunction is detected and the MIL is illuminated.

4. If the identified nonconformance(s) is with a non-major monitor the nature and extent of the nonconformance(s), including all of the following:

a. the degree to which the in-use monitor performance ratio(s) (where applicable) is below the required ratio(s) specified in title 13, CCR section 1958.2(e)(1),

b. the degree to which the monitored component must be malfunctioning or exceed the established malfunction criteria set forth in title 13, CCR section 1958.2(b) before a malfunction is detected and the MIL is illuminated, and

c. the effect that the nonconformance(s) has on the operation of a major monitor(s).

5. The impact of the nonconformance on motorcycle owners (e.g., cost of future repairs, driveability, etc.) and the ability of the service and repair industry to make effective repairs (e.g., difficulty in accessing fault information, diagnosing the root cause of a failure, etc.).

6. The failure of the data link connector of the motorcycle enforcement group to meet the requirements of title 13, CCR section 1958.2(b).

7. The estimated frequency that a monitor detects a malfunction and illuminates the MIL when no component malfunction is present (i.e., false MILs).

8. The estimated frequency that a monitor fails to detect a malfunction and illuminate the MIL when the monitoring conditions, as set forth in the manufacturer's approved certification application, have been satisfied and a faulty or deteriorated monitored component is present (i.e., false passes).

9. Whether the manufacturer submitted false, inaccurate, or incomplete documentation regarding the identified nonconformance at the time of certification pursuant to title 13, CCR section 1958.2(d) and the extent to which the false, inaccurate, or incomplete documentation was material to the granting of certification.

(C) In making the determination, the average tailpipe and evaporative emissions of motorcycles within the affected motorcycle enforcement group shall not be considered.

(5) *Assessment of Monetary Penalties.*

The Executive Officer may seek penalties pursuant to the applicable provisions of the Health and Safety Code for violations of the requirements of title 13, CCR section 1958.2 or for production motorcycles otherwise failing to be equipped with OBD systems that have been certified by CARB.

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

(A) The Executive Officer shall notify the manufacturer within 15 calendar days of the Executive Officer determining the type of remedial action to be taken.

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

1. specifically set forth the remedial action that is being ordered,

2. include a description of the motorcycle enforcement group(es), OBD family(ies), engine family(ies) or subgroup(s) thereof, that has been determined to have a nonconforming OBD system,

3. set forth the factual bases for the determination, and

4. designate a date at least 45 calendar days from the date of receipt of such notice by which the manufacturer shall submit a plan, pursuant to section 1958.3, subsection (d)(1) below, outlining the remedial action to be undertaken consistent with the Executive Officer's order. Except as provided in section 1958.3, subsection (c)(7)(C) below, all plans shall be submitted to the Chief, Emissions Certification and Compliance Division, 4001 Iowa Avenue, Riverside, California 92507, within the time limit specified in the notice. The Executive Officer may grant the manufacturer an extension of time for good cause.

(7) Availability of Administrative Hearing to Contest Remedial Actions Other than Determination to Seek Monetary Penalties.

(A) Within 45 calendar days from the date of receipt of the notice that is required under section 1958.3, subsection (c)(6) above, the manufacturer may request an administrative hearing pursuant to the procedures set forth in title 17, CCR section 60055.1, et seq., to contest the findings of nonconformity, or the necessity for, or the scope of any ordered remedial action.

(B) If a manufacturer requests a hearing pursuant to section 1958.3, subsection (c)(7)(A) above and if the Executive Officer's determination of nonconformity is confirmed at the hearing, the manufacturer shall submit the required remedial action plan in accordance with section 1958.3, subsection (d)(1) below within 30 calendar days after receipt of the decision.

(d) Requirements for Implementing Remedial Actions

(1) Remedial Action Plans.

(A) A manufacturer initiating a remedial action (voluntary, influenced, or ordered) in section 1958.3, subsection (c), other than payment of monetary penalties, shall develop a remedial action plan that contains the following information, unless otherwise specified:

1. A description of each motorcycle enforcement group, engine family, OBD family, or subgroup thereof covered by the remedial action, including the number of motorcycles, the engine families, or subgroups within the identified class(es), the make(s), model(s), and model years of the covered motorcycles, and such other information as may be required to identify the covered motorcycles.



2. A description of the nonconforming OBD system and, in the case of a recall (whether voluntary, influenced, or ordered), the specific modifications, alterations, repairs, adjustments, or other changes to correct the nonconforming OBD system, including data or an engineering evaluation supporting the specific corrections.

3. A description of the method that the manufacturer will use to determine the names and addresses of motorcycle owners and the manufacturer's method and schedule for notifying the service facilities and motorcycle owners of the remedial action.

4. A copy of all instructions that the manufacturer will use to notify service facilities about the required remedial action and the specific corrections, if any, that will be required to be made to the nonconforming OBD systems.

5. A description of the procedure to be followed by motorcycle owners to obtain remedial action for the nonconforming OBD system. This must include the date, on or after which the owner can have required remedial action performed, the time reasonably necessary to perform the labor to remedy the nonconformity, and the designation of facilities at which the nonconformity can be remedied.

6. If some or all of the nonconforming OBD systems are to be remedied by persons other than dealers or authorized warranty agents of the manufacturer, a description of such class of service agents and what steps, including a copy of all instructions mailed to such service agents, the manufacturer will take to assure that such agents are prepared and equipped to perform the proposed remedial action.

7. A copy of the letter of notification to be sent to motorcycle owners.

8. A proposed schedule for implementing the remedial action, including identified increments of progress towards full implementation.

9. A description of the method that the manufacturer will use to assure that an adequate supply of parts, if applicable, will be available to initiate the remedial action campaign on the date set by the manufacturer and that an adequate supply of parts will continue to be available throughout the campaign.

10. A description and test data of the emission impact, if any, that the proposed remedial action may cause to a representative motorcycle from the motorcycle enforcement group to be remedied.

11. A description of the impact, if any, and supporting data or an engineering evaluation, that the proposed remedial action will have on fuel economy, drivability, performance, and safety of the motorcycle enforcement group covered by the remedial action.

12. Any other information, reports, or data which the Executive Officer may reasonably determine to be necessary to evaluate the remedial action plan.

*(B) Submission of Remedial Action Plans. All remedial action plans shall be submitted to: Chief, Emissions Certification and Compliance Division, 4001 Iowa Avenue, Riverside, California 92507 or electronically at MotorcycleOBD@arb.ca.gov.*

*(C) Approval and Implementation of Remedial Action Plans.*

1. If the Executive Officer finds that the remedial action plan is designed effectively to address the required remedial action and complies with the provisions in section 1958.3, subsection (d)(1)(A) above, they shall notify the manufacturer in writing within 30 days of receipt of the plan that the plan has been approved.

2. The Executive Officer shall approve a voluntary, influenced, or ordered remedial action plan if the plan contains the information specified in section 1958.3, subsection (d)(1)(A) above and is designed to notify the motorcycle owner and implement the remedial action in an expeditious manner.

3. In disapproving an ordered remedial action plan, the Executive Officer shall notify the manufacturer in writing of the disapproval and the reasons for the determination. The manufacturer shall resubmit a revised remedial action plan that fully addresses the reasons for the Executive Officer's disapproval within 10 days of receipt of the disapproval notice.

4. Upon receipt of the approval notice of the ordered remedial action plan from the Executive Officer, the manufacturer shall, within calendar 45 days of

receipt of the notice, begin to notify motorcycle owners and implement the remedial action campaign.

5. If the Executive Officer disapproves a voluntary or influenced remedial action plan, the manufacturer shall either accept the proposed modifications to the plan as suggested by the Executive Officer, resubmit a revised remedial action plan that fully addresses the reasons for the Executive Officer's disapproval within 30 calendar days, or be subject to an Executive Officer order that the manufacturer undertake appropriate remedial action pursuant to section 1958.3, subsection (c)(2)(B) above.

6. Upon receipt of the voluntary or influenced remedial action approval notice from the Executive Officer, the manufacturer shall begin to notify motorcycle owners and implement the remedial action campaign according to the schedule indicated in the remedial action plan.

*(2) Eligibility for Remedial Action.*

(A) The manufacturer may not condition a motorcycle owner's eligibility for remedial action required under title 13, CCR section 1958.3 on the proper maintenance or use of the motorcycle.

(B) The manufacturer shall not be obligated to repair a component which has been modified or altered such that the remedial action cannot be performed without additional cost.

*(3) Notice to Owners.*

(A) The manufacturer shall notify owners of motorcycles in the motorcycle enforcement group covered by the remedial order. The notice must be made by first-class mail or by such other means as approved by the Executive Officer. When necessary, the Executive Officer may require the use of certified mail for ordered remedial actions to assure effective notification.

(B) The manufacturer shall use all reasonable means necessary to locate motorcycle owners, including motor motorcycle registration lists available from the California Department of Motor Vehicles and commercial sources such as R.L. Polk & Co.

(C) The notice must contain the following:

1. For ordered remedial actions, a statement: "The California Air Resources Board has determined that your (motorcycle or engine) (is or may be) equipped with an improperly functioning on-board emission-related diagnostic system that violates established standards and regulations that were adopted to protect your health and welfare from the dangers of air pollution."

2. For voluntary and influenced remedial actions, a statement: "Your (motorcycle or engine) (is or may be) equipped with an improperly functioning on-board emission-related diagnostic system that violates California standards and regulations" if applicable as determined by the Executive Officer.

3. A statement that the nonconformity of any such motorcycles will be remedied at the expense of the manufacturer.

4. A statement that eligibility for remedial action may not be denied solely on the basis that the motorcycle owner used parts not manufactured by the original equipment motorcycle manufacturer, or had repairs performed by outlets other than the motorcycle manufacturer's franchised dealers.

5. Instructions to the motorcycle owners on how to obtain remedial action, including instructions on whom to contact (i.e., a description of the facilities where the motorcycles should be taken for the remedial action), the first date that a motorcycle may be brought in for remedial action, and the time that it will reasonably take to correct the nonconformity.

6. The statement: "In order to assure your full protection under the emission warranty provisions, it is recommended that you have your (motorcycle or engine) serviced as soon as possible. Failure to do so could be determined as lack of proper maintenance of your (motorcycle or engine)."

7. A telephone number for motorcycle owners to call to report difficulty in obtaining remedial action.

8. A card to be used by a motorcycle owner in the event the motorcycle to be recalled has been sold. Such card should be addressed to the manufacturer,

have postage paid, and shall provide a space in which the owner may indicate the name and address of the person to whom the motorcycle was sold or transferred.

9. If the remedial action involves recall, the notice must also provide:

a. A clear description of the components that will be affected by the remedial action and a general statement of the measures to be taken to correct the nonconformity.

b. A statement describing the adverse effects, if any, of an uncorrected nonconforming OBD system on the performance, fuel economy, or durability of the motorcycle.

c. A statement that after remedial action has been taken, the manufacturer will have the service facility issue a certificate showing that a motorcycle has been corrected under the recall program, and that such a certificate will be required to be provided to the Department of Motor Vehicles as a condition for motorcycle registration.

(D) A notice sent pursuant to this section or any other communication sent to motorcycle owners or dealers may not contain any statement, expressed or implied, that the OBD system is compliant or that the OBD system will not degrade air quality.

(E) The Executive Officer shall inform the manufacturer of any other requirements pertaining to the notification under section 1958.3, subsection (d)(3) which the Executive Officer has determined as reasonable and necessary to assure the effectiveness of the recall campaign.

(4) Label Indicating that Recall Repairs Have Been Performed.

(A) If the required remedial action involves recall of a motorcycle enforcement group(s), OBD family(ies), engine family(ies) or subgroup(s) thereof, the manufacturer shall require those who perform inspections or recall repairs to affix a label to each motorcycle that has been inspected or repaired.

(B) The label must be placed in a location approved by the Executive Officer and must be fabricated of a material suitable for such location in which it is installed and which is not readily removable.

(C) The label must contain the remedial action campaign number and a code designating the facility at which the remedial action or inspection to determine the need for remedial action was performed.

(5) Proof of Performance of Remedial Action Certificate.

If the required remedial action involves a recall, the manufacturer shall provide, through its service agents, to owners of motorcycles that have had the remedial action performed a certificate that confirms that the motorcycle has been recalled and that required inspection or repairs have been performed. The certificate must be in a format identical to the format prescribed under title 13, CCR sections 2117 and 2129.

(6) Record Keeping and Reporting Requirements.

(A) The manufacturer shall maintain sufficient records to enable the Executive Officer to conduct an analysis of the adequacy of the remedial action.

(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, 4001 Iowa Avenue, Riverside, California 92507, or electronically at MotorcycleOBD@arb.ca.gov. For each recall campaign, the quarterly report must contain all of the following:

1. The test group and the remedial action campaign number designated by the manufacturer and a brief description of the nature of the campaign.
2. The date owner notifications began and date completed.
3. The number of motorcycles involved in the remedial action campaign.

4. The number of motorcycles known or estimated to be equipped with the nonconforming OBD system and an explanation of the means by which this number was determined.

5. The number of motorcycles inspected during the campaign since its inception.

6. The number of motorcycles found to be affected by the nonconformity during the campaign since its inception.

7. The number of motorcycles receiving remedial action during the campaign since its inception.

8. The number of motorcycles determined to be unavailable for inspection or remedial action, during the campaign since its inception, due to exportation, theft, scrapping, or other reasons (specify).

9. The number of motorcycles, during the campaign since its inception, determined to be ineligible for remedial action under section 1958.3, subsection (d)(2)(B).

10. An initial list, using the following data elements and designated positions, indicating all motorcycles subject to recall that the manufacturer has not been invoiced for, or a subsequent list indicating all motorcycles subject to the recall that the manufacturer has been invoiced for since the previous report. The list must be supplied in a standardized computer format to be specified by the Executive Officer. The data elements must be written in "ASCII" code without a comma separating each element. For example: XTY32A71234E-9456123408-25-91A. The add flag (see below) should reflect the motorcycles for which the manufacturer has not been invoiced and the delete flag should reflect changes since the previous report. The Executive Officer may reduce the frequency of this submittal. The Executive Officer may not, however, require a frequency or format for this submittal that is different in any way from the frequency or format determined by the Executive Officer as required for reporting of data in title 13, CCR sections 2119(a)(10) and 2133(a)(10).

<u>Data Elements</u>	<u>Positions</u>
* <u>File Code (designated by DMV)</u>	<u>1</u>
* <u>License Plate Number</u>	<u>2-8</u>
* <u>Last three VIN positions</u>	<u>9-11</u>
* <u>Recall ID Number</u>	<u>12-17</u>
* <u>Mfg. ID Number</u>	<u>18-22</u>
( <u>Mfg. Occupational License Number</u> )	
* <u>Recall Start Date (mmddyyyy)</u>	<u>23-30</u>
* <u>Add or Delete Flag (A/D)</u>	<u>31</u>
* <u>Complete VIN</u>	<u>32-48</u>
( <u>File Code "L" or "S"</u> )	

11. A copy of any service bulletins issued during the reporting period by the manufacturer to franchised dealerships or other service agents that relate to the nonconforming OBD system and the remedial action and have not previously been reported to the Executive Officer.

12. A copy of all communications transmitted to motorcycle owners that relate to the nonconforming OBD systems and the required remedial action and have not been previously reported to the Executive Officer.

(C) If the manufacturer determines that any of the information submitted to the Executive Officer pursuant to section 1958.3, subsection (d) has changed or is incorrect, the manufacturer shall submit the revised information, with an explanation.



(D) The manufacturer shall maintain in a form suitable for inspection, such as computer information, storage devices, or card files, and shall make available to the Executive Officer upon request, the names and addresses of motorcycle owners:

1. To whom notification was sent;

2. Whose motorcycles were repaired or inspected under the recall campaign;

3. Whose motorcycles were determined not to be eligible for remedial action because the motorcycles were modified, altered, or unavailable due to exportation, theft, scrapping, or other reason specified in the answer to subsections (d)(6)(B)8. and (d)(6)(B)9.

(E) The information gathered by the manufacturer to compile the reports required by these procedures must be retained for no less than one year beyond the useful life of the motorcycles and must be made available to authorized personnel of CARB upon request.

(F) The filing of any report under the provisions of these procedures must not affect the manufacturer's responsibility to file reports or applications, obtain approval, or give notice under any other provisions of law.

(7) Extension of Time.

Upon request of the manufacturer, the Executive Officer may extend any deadline set forth in subsection (d) upon finding that the manufacturer has demonstrated good cause for the requested extension.

(e) Penalties for Failing to Comply with the Requirements of Subsection (d).

(1) In addition to the penalties that may be assessed by the Executive Officer pursuant to subsection (c) because of a manufacturer's failure to comply with the requirements of title 13, CCR section 1958.2, a manufacturer may be subject to penalties pursuant to section 43016, Health and Safety Code for failing to comply with the requirements of subsection (d).

(2) If a manufacturer fails to comply with a voluntary or influenced remedial action plan, the Executive Officer may order remedial action pursuant to subsection (c) above.

(f) Severability. Each provision of this section is severable, and in the event that any provision of this section is held to be invalid, the remainder of this section and this article remains in full force and effect.

NOTE: Authority cited: Sections 39600, 39601, 39602.5, 43013, 43018, 43100, 43101, 43104, 43105, 43105.5, 43106 and 43107 Health and Safety Code.

Reference: Sections 38562, 39002, 39003, 39010, 39018, 39600, 39601, 39602.5, 43013, 43016, 43018, 43018.5, 43100, 43101, 43104, 43105, 43105.5, 43106, 43107, 43151, 43152, 43153, 43154, 43205.5, 43211 and 43212, Health and Safety Code.

5. Add New Title 13, CCR, Chapter 1, Article 2, Section 1958.4 to read as follows:

**§ 1958.4. Zero-Emission Motorcycle Standards and Certification Procedures for 2028 and Subsequent Model Years.**

(a) Applicability.

This section shall apply to manufacturers that produce and deliver for sale zero-emission street-use motorcycles in California for model year 2028 and subsequent.

(b) Definitions.

"Battery Electric Motorcycle" means a street-use motorcycle that runs solely on electricity stored in a battery pack that energizes one or more electric motors and produces zero tailpipe emissions.

"Battery State of Health" means the maximum amount of usable energy currently able to be stored in the battery and available to supply power to propel the motorcycle, divided by the maximum amount of usable energy initially able to be stored in the battery and available to supply power to propel the motorcycle.

"Criteria Pollutants" means air pollutants for which acceptable levels of exposure can be determined and for which an ambient air quality standard has been set. Examples include ozone, carbon monoxide, and nitrogen dioxide.

"Conductive Charger Inlet" means a connection point on the ZEM that can transmit electricity through a physical path for the purpose of transferring energy to the traction battery and exchanging information.

"Curb Mass" shall have the same meaning as defined in 40 CFR, section 86.402-78.

"Greenhouse Gas" shall have the same meaning as defined in Health and Safety Code, section 38505.

"Highway Fuel Economy Drive Cycle (HFEDS)" means the drive cycle described in 40 CFR, Section 600.109(b), which is incorporated by reference.

"Hydrogen Fuel Cell Motorcycle" means a street-use motorcycles that runs solely on energy stored as hydrogen, which is converted into electricity by the fuel cell to energize one or more electric motors and produces zero tailpipe emissions.

"Off-board Charge Capable Motorcycles" means any battery electric motorcycle with a removable battery that has the ability to be charged while the battery is no longer on-board or attached to the motorcycle.

"On-board charger" means a power electronics device that converts AC power from external sources, such as residential outlets, to DC power to charge the battery pack of a battery electric motorcycle.

"Urban Dynamometer Driving Schedule (UDDS)" shall have the same meaning as 40 CFR section 86.115-78.

"Zero-Emission Motorcycle (ZEM)" means a street-use motorcycle that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions. The term "zero-emission motorcycle" does not include:

(1) Any conventional motorcycle with exhaust or evaporative emissions subject to the standards of title 13, California Code of Regulations (CCR) sections 1958 or 1976, respectively,

(2) Any motorcycle not capable of maintaining at least the speed and range criteria of subsection (d)(1), or

(3) Any "electric bicycle" as defined in section 312.5, subsection (a) of the California Vehicle Code.

"ZEM Traction Battery" means any electrical energy storage device consisting of any number of individual battery modules or cells that is used to supply power to propel the motorcycle.

(c) The Executive Officer shall certify as zero-emission motorcycles (ZEM) under this regulation new 2028 and subsequent model year street-use motorcycles that produce zero exhaust emissions of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions.

(d) ZEMs shall be certified in one of the following three Tiers:

(1) Tier I ZEMs are capable of maintaining a speed of at least 25 miles per hour for at least 10 minutes and have a certified riding range of at least 25 miles, but are not capable of maintaining a speed of 55 miles per hour for 10 minutes.

(2) Tier II ZEMs are capable of maintaining a speed of at least 55 miles per hour for at least 10 minutes and have a certified riding range of at least 25 miles, but are not capable of meeting the minimum speed or range criteria of a Tier III ZEM.

(3) Tier III ZEMs are capable of maintaining a speed of at least 70 miles per hour for at least 10 minutes and have a certified riding range of at least 50 miles.

(e) Certified riding range shall be determined using the following test procedures:

(1) For battery electric motorcycles: *SAE J2982 202210 - Riding Range Test Procedure for On-Highway Electric Motorcycles, revised 10-13-2022, (SAE J2982)* which is incorporated by reference.

(A) For Tier I ZEMs, range shall be determined using the Urban Dynamometer Driving Schedule (UDDS) drive cycle.

(B) For Tier II ZEMs, range shall be determined using one of the following methods, at the manufacturer's discretion:

1. an average of UDDS and 55 mph drive cycles, or

2. World Motorcycle Test Cycle (WMTC) for sub-class 3-1, chassis-dynamometer test cycle as described in Annex II, section 4.3.4, Table 1-4 of "Commission Delegated Regulation No 134/2014 of 16 December 2013 supplementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to environmental and propulsion unit performance requirements and amending Annex V thereof, 02014R0134 - EN - 20.03.2018," (EU 134/2014) which is incorporated by reference.

(C) For Tier III ZEMs, range shall be determined using one of the following methods, at the manufacturer's discretion:

1. an average of UDDS and 70 mph drive cycles, or

2. WMTC for sub-class 3-2, chassis-dynamometer test cycle as described in EU 134/2014, Annex II, section 4.3.4, Table 1-4.

(D) When utilizing the UDDS and 55 mph or 70 mph drive cycles for range testing, the dynamometer coefficients and inertial mass shall be as prescribed in Subparts E and F, Part 86, Title 40, Code of Federal Regulations. The average of UDDS and 55 mph or 70 mph range results shall be calculated in accordance with SAE J2982, section 9.3.

(E) When utilizing the WMTC drive cycle for range testing, the dynamometer coefficients and inertial mass shall be as prescribed in EU 134/2014, Annex II, section 4.5.6.

(F) Vehicles shall be tested for range in default mode or in normal mode if the vehicle does not have a default mode.

(2) For hydrogen fuel cell motorcycles: SAE J2572 201410 - Recommended Practice for Measuring Fuel Consumption and Range of Fuel Cell and Hybrid Fuel Cell Vehicles Fueled by Compressed Gaseous Hydrogen, revised 10-16-2014, which is incorporated by reference.

(A) For Tier I and Tier II ZEMs, range shall be determined using the UDDS drive cycle.

(B) For Tier III ZEMs, range shall be determined using an average of UDDS and Highway Fuel Economy Drive Cycle (HFEDS) drive cycles.

(C) The dynamometer coefficients and inertial mass shall be as prescribed in Subparts E and F, Part 86, Title 40, Code of Federal Regulations.

(D) Vehicles shall be tested for range in default mode or in normal mode if the vehicle does not have a default mode.

(3) For all other ZEM technologies: Manufacturers shall propose a method prior to certification for Executive Officer approval to determine required range(s) in accordance

with section 1958.4, subsection (e), as appropriate. Such a proposal shall be submitted to the Executive Officer at least 90 calendar days prior to submittal of a certification application for the motorcycle. The Executive Officer shall approve the proposed method in writing within 60 days upon finding the approach uses good engineering judgment to adjust the test procedures to determine range(s) with equivalent accuracy and precision as the test procedures generate for battery electric or hydrogen fuel cell motorcycles.

(f) Requirements for ZEM traction batteries:

(1) All ZEMs with a traction battery shall comply with the battery labeling requirements of title 13, CCR section 1962.6. Notwithstanding the "label location" requirements in title 13, CCR section 1962.6(b)(2)(B), the battery label may be located in any area where it can be easily accessed and read without disassembling any portion of the motorcycle. Labels located behind removable access panels or covers (e.g., under the seat or in a storage compartment) shall satisfy this requirement.

(2) All ZEMs with a traction battery must monitor and report the battery state of health. Battery state of health shall be expressed as a percentage as shown below:

$$\text{State of Health \%} = \frac{\text{Current Maximum Available Capacity}}{\text{Initial Maximum Available Capacity}}$$

(3) For ZEMs designed to initially hold some battery capacity or energy in reserve and open up access as the vehicle or battery ages (e.g., to widen the minimum and maximum allowed state of charge as the battery degrades to counteract or diminish reduction in battery usable energy), in lieu of the requirements of section 1958.4, subsection (f)(2), the reported battery state of health parameter shall be normalized such that 100 percent reflects the usable battery energy as if the user was allowed to initially access the maximum the system is designed to ever allow (e.g., a ZEM with a new battery but with the reserve in the system artificially opened up to its maximum range of authority). In this case, battery state of health shall be expressed as a percentage as shown below:

$$\text{State of Health \%} = \frac{\text{Current Maximum Available Capacity (including reserve)}}{\text{Initial Maximum Available Capacity}}$$

Initial Maximum Available Capacity (including reserve)

(4) Manufacturers shall use good engineering judgement when monitoring battery state of health to ensure that the state of health reported to the user accurately represents degradation of the battery from its initial condition. CARB staff may evaluate the battery state of health monitor at any time to assess its accuracy. Within 10 calendar days upon request by the Executive Officer, the manufacturer shall provide software or other means for CARB to assess the accuracy of the battery state of health monitor. The manufacturer shall provide any physical items to CARB at the following address: Chief, Emissions Certification and Compliance Division, CARB, 4001 Iowa Ave, Riverside, California 92507, and may provide information or code electronically upon mutual agreement as provided under sections 1633.7 and 1633.8 of the Civil Code.

(5) The manufacturer may limit calculation of an updated battery state of health to certain usage conditions of the motorcycle (e.g., only when a sequence of sufficient depth of discharge and subsequent charge event occurs) if necessary to maintain the accuracy of the data parameter. However, a manufacturer may only use conditions which are technically necessary to ensure robust calculation of the battery state of health, designed to ensure calculation of an updated value will occur under conditions which may reasonably be expected to be encountered in normal vehicle operation and use and designed to ensure calculation of an updated value will occur regularly, consistent with good engineering judgement.

(6) Each ZEM shall be able to display the battery state of health percentage as calculated in accordance with section 1958.4, subsection (f)(2) or (f)(3), as applicable, to the user without the use of any tools. This information shall be displayed on the motorcycle dashboard if so equipped. The state of health shall be displayed as a percentage, to at least the nearest whole percentage point, in alphanumeric format percentage value, and shall be readable by the user with no more than 5 selectable screens or submenu selections needed to access the parameter from the home or default display/screen. If the motorcycle is not equipped with a dashboard, the state of health information shall be accessible to the user in real time via a cellular phone, tablet, or personal computer, using software provided by the manufacturer at no cost to the user.

(7) The manufacturer of each ZEM shall warrant to the ultimate purchaser and each subsequent purchaser that the vehicle's traction battery is free from defects in materials and workmanship which cause deterioration such that the battery state of health falls below 70% for, at minimum, the distance and time (whichever occurs first) shown in the following table.



**MY 2028 and Subsequent Minimum Required  
ZEM Traction Battery Warranty Distance and Duration**

<b><u>ZEM Tier</u></b>	<b><u>Distance</u></b>	<b><u>Duration</u></b>
<u>Tier I</u>	<u>12,000 km</u>	<u>2 Years</u>
<u>Tier II</u>	<u>24,000 km</u>	<u>3 Years</u>
<u>Tier III</u>	<u>50,000 km</u>	<u>5 Years</u>

(8) The traction battery state of health and warranty requirements in section 1958.4, subsections (f)(2) through (f)(7) do not apply to ZEMs that are sold exclusively for use with exchangeable batteries that are not owned or leased by the ultimate purchaser of the motorcycle.

(g) Manufacturers must submit an application to CARB to obtain certification for all model year 2028 and subsequent ZEMs produced and delivered for sale in California.

(1) ZEM models shall be certified in ZEM test groups that include ZEM models having the same: battery or fuel cell configuration, battery chemistry, motor configuration, and expected degradation in usable battery energy. Manufacturers shall use good engineering judgment to combine vehicles into ZEM test groups.

(2) Range testing in accordance with section 1958.4, subsection (e) shall be conducted on the ZEM model and configuration within the ZEM test group that, based on good engineering judgement, will have the lowest certified range. This "worst case" range shall be applied to all models and configurations within the ZEM test group unless additional range testing is conducted to establish a higher certified range for those models.

(h) Application for Certification. Except as noted below, the certification application shall include all information required by the Code of Federal Regulations, Title 40, Part 86, subpart E, section 86.416-80, and shall also include the following:

(1) Correspondence and communication information, consisting of names, mailing addresses, phone and fax numbers, and e-mail addresses of all manufacturer representatives authorized to be in contact with CARB certification staff. At least one contact must be provided.

(2) Identification and description of the ZEM test group covered by the application.

(3) Identification and description of all vehicles within the test group to be produced and delivered for sale to California. The description must be sufficiently detailed to determine for each vehicle all appropriate test parameters and any special test procedures necessary to conduct the applicable certified riding range tests. The description shall include all of the following:

(A) Identification of the motorcycle curb mass,

(B) Projected number of motorcycles to be produced and delivered for sale in California,

(C) Identification and description of the propulsion system for the motorcycle,

(D) Identification and description of the energy storage system for the motorcycle,

(E) For off-board charge capable motorcycles, identification and description of the charging system for the motorcycle including the onboard charger capability, maximum allowable direct current fast charge capability and vehicle connector specification, and the charging cord included with the motorcycle.

(4) Results of all certified riding range testing demonstrating compliance with section 1958.4, subsections (d) and €.

(5) Calculated ZEM credit value for each motorcycle within the ZEM test group.

(6) Identification of the length and terms of the traction battery warranty and propulsion-related parts warranty if applicable. Warranty length and terms may be different for the traction battery and other propulsion-related parts.

(7) Information provided to the vehicle owner for proper and safe operation of the motorcycle, including information on the safe handling of the battery system and emergency procedures to follow in the event of battery leakage or other malfunctions

that may affect the safety of the motorcycle operator or motorcycle testing laboratory personnel.

(8) Information provided to the motorcycle owner for proper and safe operation of the motorcycle, including information on the safe handling of the fuel cell system and hydrogen storage system and emergency procedures to follow in the event of hydrogen or battery leakage or other malfunctions that may affect the safety of the motorcycle operator or motorcycle testing laboratory personnel.

(9) An attestation that all motorcycles in the ZEM test group covered by the application are true, accurate, complete, and comply with the requirements of title 13, CCR section 1958.4.

(10) A description of how the current usable storage capacity in the traction battery is monitored, and how the battery state of health is calculated as required by title 13, CCR, section 1958.4, subsection (f)(2) or (f)(3), as applicable. This shall include a description of the usage conditions under which battery state of health calculations are limited to ensure accuracy pursuant to section 1958.4, subsection (f)(5).

(11) A copy of instructions provided to motorcycle owners on how to access the battery state of health parameter as required by section 1958.4, subsection (f)(6).

(12) A sample label(s) pursuant to section 1958.4, subsection (f)(1), including label format, size, and location.

(i) Motorcycles certified pursuant to this section are subject to the compliance testing, enforcement testing, corrective action, and recall provisions of title 13, CCR section 1958.7.

(j) In addition to suspension or revocation of an Executive Order of Certification as provided in this section the Executive Officer may seek penalties as provided for by law and such equitable relief deemed appropriate by the Executive Officer for any violation of these regulations. Each day in which there is a violation shall be a separate violation.

(k) Severability. Each provision of this section is severable, and in the event that any provision of this section is held to be invalid, the remainder of this section and this article remains in full force and effect.

Note: Authority cited: Sections 39600, 39601, 39602.5, 43013, 43018, 43100, 43101, 43104, 43105, 43106 and 43107, Health and Safety Code.

Reference: Sections 38562, 39002, 39003, 39010, 39018, 39600, 39601, 39602.5, 43013, 43016, 43018, 43018.5, 43100, 43101, 43104, 43105, 43106, 43107, 43151, 43152, 43153, 43154, 43205.5, 43211 and 43212, Health and Safety Code.

6. Add New Title 13, CCR, Chapter 1, Article 2, Section 1958.5 to read as follows:

**§ 1958.5. Zero-Emission Motorcycle (ZEM) Credit Generation, Transfer, and Expiration.**

(a) Credit Generation. Each eligible ZEM produced and delivered for sale in California for model year 2024 and subsequent shall earn ZEM credits as described in this section. These credits can be used to comply with the ZEM credit obligations described in title 13, CCR section 1958.6. ZEMs that receive credits under this section 1958.5 may not receive credits under title 13, CCR sections 1962.2 or 1962.4. To be eligible to earn ZEM credits under this section 1958.5, ZEMs must meet the following criteria:

(1) For model years 2024-2027:

(A) The ZEM shall have been issued a Certificate of Conformity by the United States Environmental Protection Agency.

(B) The motorcycle shall produce zero exhaust emissions of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions.

(C) The manufacturer shall submit to the Executive Officer the results of riding range testing as described in title 13, CCR section 1958.4, subsection (e), demonstrating that the ZEM satisfies the minimum speed and range requirements of title 13, CCR section 1958.4, subsection (d).

(D) The ZEM manufacturer shall warrant to the ultimate purchaser and each subsequent purchaser that the vehicle's traction battery is free from defects in materials and workmanship for, at minimum, the distance and time (whichever occurs first) shown in the following table.

**MY 2024-2027 Minimum Required ZEM  
Traction Battery Warranty Distance and Duration**

<b><u>ZEM Tier</u></b>	<b><u>Distance</u></b>	<b><u>Duration</u></b>
<u>Tier I</u>	<u>6,000 km</u>	<u>1 Years</u>
<u>Tier II</u>	<u>16,000 km</u>	<u>2 Years</u>
<u>Tier III</u>	<u>30,000 km</u>	<u>3 Years</u>

(2) For model year 2028 and subsequent, each ZEM shall be certified in accordance with title 13, CCR section 1958.4.

(b) For model years 2024-2035, ZEM credits shall be earned for each of the three ZEM tiers defined in title 13, CCR section 1958.4(d), for each eligible ZEM produced and delivered for sale in California, as follows:

(1) Tier I ZEMs shall earn 0.25 credits per motorcycle.

(2) Tier II ZEMs shall earn credits in the sum of the following per motorcycle:

(A) Base credits: 0.01 x certified riding range in miles (up to 100 miles max), and

(B) Fast charge credit, if applicable: 0.25.

(3) Tier III ZEMs shall earn credits in the sum of the following per motorcycle:

(A) Base credits: 0.5 + [0.01 x certified riding range in miles (up to 200 miles max)], and

(B) Fast charge credit, if applicable: 0.5.

(4) For purposes of calculating ZEM credits, the certified riding range shall be determined in accordance with title 13, CCR section 1958.4(e), rounded to the nearest whole mile, and the amount of ZEM credits awarded per motorcycle shall be rounded to two decimal places.

(c) To qualify for the fast charge credit in section 1958.5, subsections (b)(2)(B) and (b)(3)(B), the ZEM must meet one of the following criteria:

(1) Equipped with a conductive charger inlet and on-board charging system that:

(A) Meets AC Level 1 and Level 2 SAE J1772 - Electric Vehicle and Plug in Hybrid Electric Vehicle Conductive Charger Coupler, revised 10-13-2017, which is incorporated herein by reference; and

(B) For Tier III ZEMs, is equipped with an on-board charger with a minimum output of 3.3 kilowatts, or, capable of providing sufficient power to enable charging from a state of discharge to a full charge in less than 4 hours.

(2) Sold exclusively for use with exchangeable batteries that are not owned or leased by the ultimate purchaser of the motorcycle;

(3) Powered by compressed gaseous hydrogen; or

(4) Equipped with another technology that has been determined by the Executive Officer to be compatible with widely available public fueling or charging infrastructure and offers charging or refueling speeds that are comparable to or greater than requirements of section 1958.5, subsection (c)(1).

(d) Additional base credits shall be earned for model year 2024 through 2030 Tier II and Tier III ZEMs as follows:

(1) For model years 2024-2027: Tier II ZEM base credits shall be multiplied by 3x, Tier III ZEM base credits shall be multiplied by 6x.

(2) For model years 2028-2030: Tier II ZEM base credits shall be multiplied by 1.5x, Tier III ZEM base credits shall be multiplied by 3x.

(3) The multipliers described in this subsection apply only to base credits, and do not affect fast charge credits.

(e) For model years 2036 and subsequent, ZEM credits shall be earned for each of the three ZEM tiers defined in title 13, CCR section 1958.4(d), for each eligible ZEM

produced and delivered for sale in California, as described below. No additional credits or multipliers apply.

(1) Tier I ZEMs shall earn 0.25 credits per motorcycle.

(2) Tier II ZEMs shall earn 0.5 credits per motorcycle, and

(3) Tier III ZEMs shall earn 1.0 credits per motorcycle.

(f) In order to determine the total number of ZEM credits earned in a given model year, each manufacturer shall include the following information in their end-of-model-year report submitted to the Executive Officer in accordance with section 1958.1.

(1) Data for each ZEM that was produced and delivered for sale in California for that model year including: vehicle identification number (VIN), model year, Executive Order or U.S. EPA Certificate of Conformity number, make, model, ZEM test group, certified riding range, and fast charge equipment (if applicable).

(2) Calculation of the manufacturer's total ZEM credits earned for the model year.

(g) A manufacturer shall maintain the documents and information gathered to compile each end-of-model-year report required under section 1958.5, subsection (f) in a form suitable for inspection, such as computer files, for five years after submission of the report. The manufacturer shall make such records available to the Executive Officer within 30 calendar days upon request to verify the accuracy of the reported information.

(h) ZEM credits may be used to satisfy credit obligations pursuant to title 13, CCR section 1958.6 for up to five model years after the model year in which the ZEM credit was generated. Beyond this time period, the ZEM credit expires and shall be deducted from the manufacturer's ZEM credit balance. For the purposes of this requirement, all ZEM credits generated prior to model year 2028 are considered to have been generated in model year 2028 and may be used to satisfy ZEM credit obligations through model year 2033.

(i) Manufacturers may transfer ZEM credits in excess of the amount required for compliance with the ZEM credit obligations described in title 13, CCR section 1958.6. All ZEM credit transfers must be reported to the Executive Officer by an authorized



representative of each manufacturer that is either transferring or receiving the credits. Manufacturers that are not in compliance with the ZEM credit obligations in section 1958.6 may not transfer ZEM credits to another manufacturer until all current and previous credit obligations have been satisfied.

(j) No entity other than a manufacturer may earn, hold, submit reports for compliance demonstrations, or transfer ZEM credits.

(k) Records in the Board's possession for the vehicles subject to the requirements of title 13, CCR sections 1958.5 and 1958.6, such as the following, are subject to disclosure as public records:

(1) Each manufacturer's model year ZEM production data and the corresponding value of ZEM credits earned;

(2) ZEM credits acquired from, or transferred to another manufacturer, and the identity of the parties involved in each transfer; and

(3) Each manufacturer's annual ZEM credit balance for each model year.

(l) Records in the Board's possession for the vehicles subject to the requirements of title 13, CCR sections 1958.5 and 1958.6 shall be subject to disclosure to the U.S. Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC § 7401 et seq.) and in federal regulations.

(m) Submitting incorrect information, or failing to submit required information, is a violation of this section for which violators are subject to penalty. Each incorrect or omitted statement in a submission to the Executive Officer is a separate violation of this section. If the Executive Officer finds that any ZEM credit was obtained based on incorrect information, the credit will be deemed invalid.

(1) The Executive Officer shall notify a manufacturer in writing of an initial finding and shall specify the information initially found to be incorrect. The manufacturer may, within 20 calendar days, provide to the Executive Officer information or records to correct or validate the originally submitted information.

(2) Within 50 days after making an initial finding, the Executive Officer shall make a final finding based on available information whether a ZEM credit was obtained based on incorrect information and shall notify the manufacturer in writing of this final finding.

(3) Within 30 days after the Executive Officer notifies a manufacturer of a final finding, a manufacturer may petition for review of the finding by requesting an administrative hearing in accordance with the procedures specified in CCR, title 17, division 3, chapter 1, subchapter 1.25, article 2 (commencing with section 60055.1).

(n) Severability. Each provision of this section is severable, and in the event that any provision of this section is held to be invalid, the remainder of this section and this article remains in full force and effect.

Note: Authority cited: Sections 39600, 39601, 39602.5, 43013, 43018, 43100, 43101, 43104, 43105, 43106 and 43107, Health and Safety Code.

Reference: Sections 38562, 39002, 39003, 39010, 39018, 39600, 39601, 39602.5, 43013, 43016, 43018, 43018.5, 43100, 43101, 43104, 43105, 43106, 43107, 43151, 43152, 43153, 43154, 43205.5, 43211 and 43212, Health and Safety Code.

7. Add New Title 13, CCR, Chapter 1, Article 2, Section 1958.6 to read as follows:

**§ 1958.6. Zero-Emission Motorcycle Credit Obligations.**

(a) This section describes the ZEM credit obligations that apply to manufacturers of street-use motorcycles produced and delivered for sale in California for model years 2028 and subsequent. The requirements in this section apply to all "Large Manufacturers" as defined below:

(1) For model years 2028 through 2035, a large manufacturer is defined as a manufacturer with two consecutive years of a 3-year rolling average of California street-use motorcycle model year sales equal to or greater than 750 per year. For example, a manufacturer with an average across 2024, 2025, and 2026 model years that exceeds 750 and also an average of 2025, 2026, and 2027 model years that exceeds 750 would be considered a large manufacturer for 2028 model year.

(2) For model year 2036 and beyond, a large manufacturer is defined as a manufacturer with two consecutive years of a 3-year rolling average of California street-use motorcycle model year sales equal to or greater than 100 per year.

(3) The terms "sales" and "sold" as used in this section 1958.6 shall mean all zero-emission and conventional street-use motorcycles produced and delivered for sale in California as reported pursuant to title 13, CCR section 1958.1.

(4) The weighted volume values calculated per section 1958.6, subsection (e) are used solely for calculating the ZEM credit obligations for each model year, and do not apply for the purpose of determining "large manufacturer" status.

(5) To be exempt from the ZEM credit obligations as specified in section 1958.6, subsection (b), the manufacturer must not qualify as a large manufacturer per subsection (a)(1) or (a)(2), as applicable.

(6) Changes in "large manufacturer" status due to decreases in California sales. If a previously designated large manufacturer's 3-year rolling average of California street-use motorcycle model year sales falls below the limit for a large manufacturer for three consecutive years, the manufacturer shall no longer be considered a large manufacturer for the subsequent model year.

(7) For manufacturers seeking certification for the first time in California, large manufacturer status in their first year shall be based on an average of their projected California sales for their first three model years. Manufacturers with projected sales exceeding the applicable large manufacturer criteria in subsection (a) will be designated large manufacturers. If actual produced and delivered for sale in California numbers are available for a model year(s), projected California sales cannot be used for that model year(s) when calculating the average of the three consecutive model years in subsequent years to determine large manufacturer status.

(8) Where a manufacturer experiences a change in ownership through merger with, or acquisition by, another manufacturer, the determination of large manufacturer must be reassessed for the next model year after the change in ownership occurs. If a manufacturer is simultaneously producing two model years of motorcycles at the time of a change of ownership, the basis of determining the next model year must be the earlier model year currently in production. For purposes of determining whether the manufacturer meets the definition of large manufacturer for the next model year, the manufacturer shall use combined sales where required by title 13, CCR section 1958.1(e) for the prior four model years to calculate the 3-year rolling average for section 1958.6, subsection (a)(1) or (a)(2) as applicable.

(b) Manufacturers that do not fall under the large manufacturer category as defined in section 1958.6, subsection (a) for a model year are exempt from the ZEM credit obligation of section 1958.6, subsection (b) for that model year but may earn, bank, and trade ZEM credits generated from ZEMs produced and delivered for sale in California in that model year.

(c) *Basic ZEM Credit Obligation.* For model year 2028 and subsequent, all large manufacturers are required to submit ZEM credits to satisfy their ZEM credit obligation each model year. The percentage requirement used in the calculation of ZEM credit obligations is listed in the table below. This obligation can be met by submitting previously earned ZEM credits, by producing and delivering new ZEMs for sale in California, or by submitting ZEM credits acquired from another ZEM manufacturer.

<b><u>Model Year</u></b>	<b><u>ZEM Credit Obligation Percentage</u></b>
<u>2028</u>	<u>10%</u>
<u>2029</u>	<u>15%</u>
<u>2030</u>	<u>20%</u>
<u>2031</u>	<u>25%</u>
<u>2032</u>	<u>31%</u>
<u>2033</u>	<u>37%</u>
<u>2034</u>	<u>43%</u>
<u>2035 and subsequent</u>	<u>50%</u>

(d) Calculating the ZEM Credit Obligation.

(1) ZEM credit obligations for each model year are calculated by multiplying the applicable model year ZEM Credit Obligation Percentage from the table in section 1958.6, subsection (c) with the prior model year's 3-year average of the weighted volume value calculated per section 1958.6, subsection (e). For example, 2028 model year ZEM credit obligations will utilize the model year 2028 ZEM Credit Obligation Percentage of 10% multiplied by the 2027 model year 3-year average of weighted volume values for model years 2024 through 2026.

**Sample Calculation for MY2028 ZEM Credit Obligations**

<u>MY2024 Weighted Volume Value: 1000</u>
<u>MY2025 Weighted Volume Value: 1200</u>
<u>MY2026 Weighted Volume Value: 1400</u>
<u>3-Year Rolling Average for MY2027 = (3600 / 3) = 1200</u>
<u>2028 ZEM Credit Obligation = 10% x 1200 = 120 ZEM Credits Required</u>

(2) For manufacturers seeking certification for the first time in California, the projected sales for the first model year of California sales shall be used as the sales volume for each of the three prior model years when calculating the weighted volume values per subsection (e) to be used in the calculation of the 3-year average. After the first model year, actual sales shall be utilized for all model years where available when calculating the 3-year average. For such manufacturers, ZEM credit obligations first apply in their third model year of California sales. For example, a manufacturer entering the California market in model year 2030 would utilize its model year 2030 projected sales as

sales for each model year from 2028 through 2030 to calculate weighted volume values per section 1958.6, subsection (e) for the model year 2031 3-year average that is used per section 1958.6, subsection (c) to determine its first ZEM credit obligation in model year 2032.

**Sample Calculation for New Manufacturer Entering California Market in MY2030**

MY2028 Weighted Volume Value: 1500 (applied)
MY2029 Weighted Volume Value: 1500 (applied)
MY2030 Weighted Volume Value: 1500 (projected sales for MY2030)
3-Year Rolling Average for MY2031 = (4500 / 3) = 1500
2032 ZEM Credit Obligation = 31% x 1500 = 573.5 ZEM Credits Required

(e) Weighted Volume Values. The weighted volume value is calculated using a weighting value and the total number of street-use motorcycles produced and delivered for sale in California in a model year in each conventional motorcycle class and ZEM tier, as reported pursuant to title 13, CCR section 1958.1. The applicable model year weighting values in the following tables shall be multiplied by the total number of conventional and zero-emission motorcycles produced and delivered for sale in California in each tier and class.

**Weighting Values for MY2024 through MY2035**

<b><u>Motorcycle Type</u></b>	<b><u>Weighting Value</u></b>
ZEM (All Tiers)	0
Class I conventional motorcycle	0.25
Class II conventional motorcycle	0.5
Class III conventional motorcycle	1.0

**Weighting Values for MY2036 and Subsequent**

<b><u>Motorcycle Type</u></b>	<b><u>Weighting Value</u></b>
Tier I ZEM	0.25

<b><u>Motorcycle Type</u></b>	<b><u>Weighting Value</u></b>
<u>Tier II ZEM</u>	<u>0.5</u>
<u>Tier III ZEM</u>	<u>1.0</u>
<u>Class I conventional motorcycle</u>	<u>0.25</u>
<u>Class II conventional motorcycle</u>	<u>0.5</u>
<u>Class III conventional motorcycle</u>	<u>1.0</u>

### **Sample Calculations**

#### **Example of Weighted Volume Values for MY2028-2035**

<b><u>Motorcycle Type</u></b>	<b><u>Number Sold</u></b>	<b><u>Weighting Value</u></b>	<b><u>Weighted Volume Value</u></b>
<u>Tier I ZEM</u>	<u>100</u>	<u>0</u>	<u>0</u>
<u>Tier II ZEM</u>	<u>100</u>	<u>0</u>	<u>0</u>
<u>Tier III ZEM</u>	<u>100</u>	<u>0</u>	<u>0</u>
<u>Class I conventional motorcycle</u>	<u>100</u>	<u>0.25</u>	<u>25</u>
<u>Class II conventional motorcycle</u>	<u>100</u>	<u>0.5</u>	<u>50</u>
<u>Class III conventional motorcycle</u>	<u>100</u>	<u>1.0</u>	<u>100</u>
<u>Total</u>	<u>600</u>	<u>NA</u>	<u>175</u>

#### **Example of Weighted Volume Values for MY2036 and Subsequent**

<b><u>Motorcycle Type</u></b>	<b><u>Number Sold</u></b>	<b><u>Weighting Value</u></b>	<b><u>Weighted Volume Value</u></b>
<u>Tier I ZEM</u>	<u>100</u>	<u>0.25</u>	<u>25</u>
<u>Tier II ZEM</u>	<u>100</u>	<u>0.5</u>	<u>50</u>
<u>Tier III ZEM</u>	<u>100</u>	<u>1.0</u>	<u>100</u>
<u>Class I conventional motorcycle</u>	<u>100</u>	<u>0.25</u>	<u>25</u>
<u>Class II conventional motorcycle</u>	<u>100</u>	<u>0.5</u>	<u>50</u>

<b><u>Motorcycle Type</u></b>	<b><u>Number Sold</u></b>	<b><u>Weighting Value</u></b>	<b><u>Weighted Volume Value</u></b>
<u>Class III conventional motorcycle</u>	<u>100</u>	<u>1.0</u>	<u>100</u>
<u>Total</u>	<u>600</u>	<u>NA</u>	<u>350</u>

(f) Requirements to make up ZEM credit deficit. A manufacturer that fails to submit the full amount of ZEM credits required to meet its ZEM credit obligation in a given model year must make up the deficit by the end of the next model year by submitting a commensurate amount of ZEM credits.

(g) Penalty for Failure to Meet ZEM Requirements. Any manufacturer that fails to submit a sufficient number of ZEM credits to meet its ZEM credit deficit within the specified time allowed by section 1958.6, subsection (f) shall be subject to civil penalties in accordance with Health and Safety Code section 43211, applicable to a manufacturer that sells a new motor vehicle that does not meet the applicable emission standards adopted by the state board. The cause of action shall be deemed to accrue when the ZEM credit deficit is not balanced by the end of the specified time allowed by section 1958.6, subsection (i). For purposes of this requirement, the number of vehicles not meeting the state board’s standards shall be equal to the manufacturer’s ZEM credit deficit, rounded to the nearest whole credit.

(h) To verify the status of each manufacturer’s compliance with the ZEM credit obligation for a given model year, each manufacturer shall submit a report to the Executive Officer by April 1 of the calendar year following the close of the model year, that identifies the manufacturer’s calculated ZEM credit obligation for the model year including its model year sales utilized and calculation of weighted volume values and 3-year average, identification of ZEM credits submitted to meet the obligation, and the manufacturer’s calculation of remaining ZEM credits or deficit for carry-over to the subsequent model year. This information shall be submitted as part of the end of model year report required pursuant to title 13, CCR section 1958.1.

(i) Submitting incorrect information, or failing to submit required information, is a violation of this section for which violators are subject to penalty. Each incorrect or omitted statement in a submission to the Executive Officer is a separate violation of this section. If the Executive Officer finds that any ZEM credit was obtained based on incorrect information, the credit will be deemed invalid.



(1) The Executive Officer shall notify a manufacturer in writing of an initial finding and shall specify the information initially found to be incorrect. The manufacturer may, within 20 days, provide to the Executive Officer information or records to correct or validate the originally submitted information.

(2) Within 50 days after making an initial finding, the Executive Officer shall make a final finding based on available information whether a ZEM credit was obtained based on incorrect information and shall notify the manufacturer in writing of this final finding.

(3) Within 30 days after the Executive Officer notifies a manufacturer of a final finding, a manufacturer may petition for review of the finding by requesting an administrative hearing in accordance with the procedures specified in CCR, title 17, division 3, chapter 1, subchapter 1.25, article 2 (commencing with section 60055.1).

(j) *Severability.* Each provision of this section is severable, and in the event that any provision of this section is held to be invalid, the remainder of this section and this article remains in full force and effect.

Note: Authority cited: Sections 39600, 39601, 39602.5, 43013, 43018, 43100, 43101, 43104, 43105, 43106 and 43107, Health and Safety Code.

Reference: Sections 38562, 39002, 39003, 39010, 39018, 39600, 39601, 39602.5, 43013, 43016, 43018, 43018.5, 43100, 43101, 43104, 43105, 43106, 43107, 43151, 43152, 43153, 43154, 43205.5, 43211 and 43212, Health and Safety Code.

8. Add New Title 13, CCR, Chapter 1, Article 2, Section 1958.7 to read as follows:

**§ 1958.7. Enforcement Testing, Corrective Action, and Recall Protocols for 2028 and Subsequent Model Year Zero-Emission Motorcycles.**

(a) Applicability. This section shall apply to 2028 and subsequent model year zero-emission motorcycles (ZEMs) certified for sale in California.

(b) Purpose. It is the purpose of this article to implement authority granted the state Board in Part 5, Division 26 of the Health and Safety Code to monitor motorcycles to determine compliance with applicable laws. This section establishes enforcement testing procedures to be used by CARB to periodically evaluate ZEMs for compliance and establishes procedures and requirements for corrective actions.

(c) Definitions. For this section, the following definitions apply:

“Corrective action” refers to action taken by a manufacturer to remedy a nonconformity. The entire duration of corrective action implementation is a “corrective action campaign.” Corrective action consists of three categories:

“Voluntary corrective action” means an inspection, repair, adjustment, modification, or other program voluntarily initiated and conducted by a manufacturer.

“Influenced corrective action” means an inspection, repair, adjustment, modification, or other program initiated and conducted by a manufacturer as a result of enforcement testing conducted by CARB or any other information provided to the manufacturer by CARB.

“Ordered corrective action” means an inspection, repair, adjustment, or modification program that CARB requires a manufacturer to conduct to correct any nonconformance.

“Motor vehicle class” means a group or set of vehicles subject to enforcement testing that have been determined by the Executive Officer to share common or similar propulsion-related hardware, electric drive components, battery chemistries, battery thermal management, or control strategies.

"Nonconformity," "nonconformance," or "noncompliance" means the condition where a class or category of vehicles has been determined, in accordance with this section, not to meet the applicable requirements of title 13, CCR sections 1958.4 or 1958.5.

"Test sample group" means a group of production vehicles in a designated motor vehicle class that is selected and tested as part of the CARB enforcement testing program set forth in section 1958.7, subsection (d).

"Vehicle owner" has the same meaning as "owner" as defined in section 460 of the Vehicle Code.

(d) *Enforcement Testing for Zero-Emission Motorcycles.* Zero-emission motorcycles are subject to periodic evaluation by CARB to verify compliance as follows:

(1) *Compliance and Enforcement Testing.*

(A) *Compliance Testing.* As part of the evaluation of vehicles to determine compliance, the Executive Officer may test any production vehicle that has been certified for sale in California. The Executive Officer may conduct testing under any operating conditions where regulatory requirements apply as reasonably necessary to confirm compliance with any regulatory provision. Such testing does not impose any requirement on any manufacturer and cannot, by itself, be a basis for any nonconformance finding.

(B) *Enforcement Testing.* Based upon compliance testing or any other information, such as warranty information reports and field information reports, the Executive Officer may conduct enforcement testing pursuant to section 1958.7, subsections (d)(2) through (d)(4) below.

(2) *Vehicle Selection for Enforcement Testing.*

(A) *Determining the Motor Vehicle Class.*

1. *Criteria for Determining the Motor Vehicle Class.* Upon deciding to conduct enforcement testing to verify compliance, the Executive Officer shall determine the motor vehicle class to be tested. In determining the motor vehicle

class to be tested, the Executive Officer shall use good engineering judgment to consider the similarities and differences in the propulsion systems and batteries of potentially affected vehicles, including whether vehicles share similar propulsion-related hardware, electric drive components, battery chemistries, battery thermal management, or control strategies.

2. *Default Motor Vehicle Class.* The default motor vehicle class is the ZEM test group used by the manufacturer to certify the vehicles to be tested.

3. *Use of a Subgroup of a ZEM Test Group.* Upon concluding, using good engineering judgment and on a case-by-case basis, that a subgroup of vehicles differs from other vehicles in the identified test group and that a reasonable basis exists to find that the differences may directly impact the results of enforcement testing, the Executive Officer may determine that a subgroup of the test group is the appropriate motor vehicle class for testing.

4. *Use of Multiple ZEM Test Groups.* Upon concluding that vehicles from several ZEM test groups (which may include ZEM test groups from different model years) share common characteristics that provide a reasonable basis to conclude that the results of enforcement testing would be applicable to vehicles in more than one ZEM test group, the Executive Officer may determine, on a case-by-case basis and using good engineering judgment, that the appropriate motor vehicle class for enforcement testing to determine compliance includes vehicles from more than one ZEM test group.

(B) After determining the motor vehicle class to be tested, the Executive Officer shall determine, on a case-by-case basis and using good engineering judgment, the number of vehicles meeting the selection criteria of section 1958.7, subsection (d)(2)(D)1. needed to assure that the results of such testing may be reasonably attributed to the motor vehicle class. The Executive Officer's determination shall be based upon the nature of the potential noncompliance and the scope of the motor vehicle class. The ZEM test sample group may be as few as two test vehicles.

(C) *Protocol for Procuring Vehicles for ZEM Test Sample Group.* To procure vehicles for testing, the Executive Officer shall, on a case-by-case basis, determine the appropriate manner for procuring vehicles. In making the determination, the Executive Officer shall consider the nature of the potential noncompliance and the scope of the motor vehicle class. If the Executive Officer concludes, using good

engineering judgment, that a reasonable basis exists to believe that a vehicle operator's driving or maintenance habits would not substantially impact test results to determine noncompliance, they may procure vehicle(s) by any means and from any sources that assure effective collection and testing of vehicles. In all cases, however, the Executive Officer shall include only vehicles meeting the criteria set forth in section 1958.7, subsection (d)(2)(D)1.

(D) *Defining Vehicles to be Included in Test Sample Group.*

1. In selecting vehicles to be included in a test sample group, the Executive Officer shall include only vehicles that:

a. Are California certified and registered.

b. Have not been tampered with or equipped with add-on or modified parts as described in title 13, CCR, section 27156 that would cause the vehicle not to comply with the requirements of title 13, CCR sections 1958.4 and 1958.5, as determined through application of good engineering judgment.

c. Have no detected or known malfunction(s) that would affect the ability of the vehicle to comply with the requirements and are unrelated to the issue being evaluated. CARB may repair a vehicle with a detected or known malfunction and then include the vehicle in the test sample group if the Executive Officer, on a case-by-case basis and using good engineering judgment, determines that such action is reasonably necessary. The decision to repair a vehicle imposes no additional responsibilities on the manufacturer and is undertaken solely by CARB for assessing compliance.

d. Have no problem that might jeopardize the safety of laboratory personnel, as determined through application of good engineering judgment.

2. *Removal of Vehicles Failing to Meet Applicable Criteria.* If the Executive Officer discovers whether by evidence presented by the manufacturer as provided in section 1958.7, subsection (d)(6)(C) or through any other source, that a vehicle fails to meet one or more of the applicable criteria of section 1958.7, subsection (d)(2)(D)1. The Executive Officer shall remove the vehicle from the test sample group. On a case-by-case basis and using good engineering judgment, the Executive Officer may replace any vehicle removed with an additional vehicle

selected in accordance with section 1958.7, subsections (d)(2)(C) and (d)(2)(D) above. Test results relying on data from the removed vehicle shall be recalculated without using the data from the removed vehicle.

(3) *Enforcement Testing Procedures.* After the ZEM test sample group has been selected and procured, the Executive Officer shall perform testing (including via special test equipment) that the Executive Officer deems necessary, on a case-by-case basis using good engineering judgment, to assess compliance with any other requirement of title 13, CCR sections 1958.4 or 1958.5, under a condition for which a manufacturer must meet such requirement.

(4) *Additional Testing.*

(A) *Conditions.* Based upon testing of a motor vehicle class conducted under section 1958.7, subsection (d)(3) and after review of all evidence available at the conclusion of such testing, the Executive Officer shall conduct further testing to determine compliance of a subgroup of vehicles from the motor vehicle class if the Executive Officer determines, using good engineering judgment, that such further testing is necessary because:

1. a subgroup of tested vehicles differs sufficiently from other vehicles in the tested motor vehicle class, and

2. a reasonable basis exists to believe that the identified differences indicate that the subgroup may be nonconforming whereas the tested motor vehicle class as a whole is not.

(B) *Procedures.* In any testing of a subgroup of vehicles under section 1958.7, subsection (d)(4), the Executive Officer shall follow the vehicle selection and testing procedures set forth in section 1958.7, subsections (d)(2) and (d)(3) above.

(5) *Finding of Nonconformance After Enforcement Testing.* Within 90 days after conducting enforcement testing pursuant to section 1958.7, subsections (d)(3) or (d)(4) above, the Executive Officer shall make a finding of nonconformance of the vehicles in the identified motor vehicle class per section 1958.7, subsections (d)(2)(A) or (d)(4) if the results of the testing indicate that at least 30 percent of the vehicles in the test sample group do not comply with the requirements of title 13, CCR sections 1958.4 or 1958.5.

(6) Executive Officer Notification to the Manufacturer Regarding Determination of Nonconformance.

(A) Notify in Writing. Upon making a determination of nonconformance under section 1958.7, subsection (d)(5) above, the Executive Officer shall notify the manufacturer in writing.

(B) Information Included in Notice of Determination of Nonconformance. The Executive Officer shall include in the notice:

1. a description of each group or set of vehicles in the motor vehicle class covered by the determination.

2. the factual basis for the determination, including a summary of the test results relied upon for the determination.

3. a statement that the Executive Officer shall provide to the manufacturer, within 30 calendar days upon request, all records material to the Executive Officer's determination and not otherwise subject to an exemption from disclosure under the California Public Records Act, Government Code section 7920.000 et seq.;

4. a provision allowing the manufacturer no less than 90 days from the date of issuance of the notice to provide the Executive Officer with any information contesting the findings set forth in the notice; and

5. a statement that if a final determination is made that the motor vehicle class is nonconforming, the manufacturer may be subject to corrective action under section 1958.7, subsection (f), such as recall, along with monetary penalties.

(C) Manufacturer Response to Notice of Determination of Nonconformance. Within the time period set by the Executive Officer in section 1958.7, subsection (d)(6)(B)4. and any extensions of time granted under section 1958.7, subsection (d)(6)(G), the manufacturer may provide to the Executive Officer any test results, data, or other information that is relevant to whether vehicles certified for sale and operated in California comply with a requirement for which the Executive Officer has made a finding of nonconformance under section 1958.7, subsection (d)(5).

(D) *Late Submission of Manufacturer Required Response to Notice of Determination of Nonconformity.* The Executive Officer may, but is not required to, accept any information submitted by a manufacturer pursuant to section 1958.7, subsection (d)(6)(C) after the time established for submission of such information has passed, except that the Executive Officer shall accept information where the manufacturer could not have reasonably foreseen the need for providing the information within the required time period. With any late submission, the manufacturer shall provide an explanation of why such information was not timely submitted. In determining whether to accept late information, the Executive Officer shall consider the lateness of the submission, the manufacturer's reasons for why such information was not timely presented, the materiality of the information to the Executive Officer's final determination, and what effect any delay may have on effective enforcement, vehicle owners, or the health, welfare, or economy of the State.

(E) *Additional Testing.* The Executive Officer shall conduct any additional testing that the Executive Officer deems necessary, after reviewing information submitted pursuant to section 1958.7, subsection (d)(6)(C) and based on good engineering judgment, to confirm compliance with any requirement of this regulation under a condition for which a manufacturer must meet such requirement. The Executive Officer shall notify the manufacturer of such additional testing within 60 calendar days of receiving information submitted pursuant to section 1958.7, subsection (d)(6)(C).

(F) *Final Determination.*

1. *Executive Officer Notice of Final Determination.* The Executive Officer shall consider all relevant information submitted by the manufacturer pursuant to section 1958.7, subsection (d)(6)(C) and any late submissions accepted by the Executive Officer under section 1958.7, subsection (d)(6)(D). The Executive Officer shall make a final determination regarding the finding of nonconformity of the vehicles in the motor vehicle class using good engineering judgment after considering all of the information collected and received, including all information that has been received from the manufacturer under section 1958.7, subsection (d)(6)(C) and any late submissions accepted by the Executive Officer under section 1958.7, subsection (d)(6)(D). The Executive Officer shall notify the manufacturer in writing of their final determination within 60 calendar days after any of the following, whichever is latest: the manufacturer's response deadline under section 1958.7, subsection (d)(6)(C), Executive Officer acceptance of any late submission



under section 1958.7, subsection (d)(6)(D), or completion of any additional testing under section 1958.7, subsection (d)(6)(E).

2. *Information Included in Notice of Final Determination.* The notice must include a description of each ZEM test group(s), or subgroups thereof, that has been determined to be nonconforming and set forth the factual bases for the determination.

(G) *Time Extensions.* A manufacturer may request an extension of the time requirement set forth in section 1958.7, subsection (d)(6)(B) at least 20 days before the specified deadline. Along with such request, the manufacturer shall provide documentation regarding the time that the manufacturer reasonably believes is necessary to conduct its own testing and an explanation of why such information could not be more expeditiously presented despite the reasonable diligence of the manufacturer. The Executive Officer shall grant a manufacturer a reasonable extension of time upon the manufacturer demonstrating that despite the exercise of reasonable diligence, the manufacturer has been unable to produce relevant evidence in the time initially provided. The Executive Officer shall determine the reasonable extension of time considering both the evidence provided by the manufacturer and what effect any delay caused by granting the extension may have on effective enforcement, vehicle owners, or the health, welfare, or economy of the State. The Executive Officer shall notify the manufacturer of their decision in writing at least 7 days before the time requirement specified in section 1958.7, subsection (d)(6)(B) for which the manufacturer has requested the extension.

(e) *Corrective Action*

(1) *Voluntary Corrective Action.* If a manufacturer initiates a voluntary corrective action campaign, the manufacturer shall notify the Executive Officer of the corrective action at least 45 days before owner notification is to begin. The manufacturer shall also submit a voluntary corrective action plan for approval, as prescribed under section 1958.7, subsection (f)(1) below, at least 30 days before owner notification is to begin.

(2) *Influenced Corrective Action.* Upon being notified by the Executive Officer, pursuant to section 1958.7, subsection (d)(6)(F), that a motor vehicle class is nonconforming, the manufacturer may, within 45 days from the date of such notification, elect to conduct influenced corrective action of all vehicles within the motor vehicle class for the purpose of correcting the nonconformance and shall convey such election to the

Executive Officer in writing. Upon such an election, the manufacturer shall submit an influenced corrective action plan for approval, as prescribed under section 1958.7, subsection (f)(1) below, within 90 days of being notified by the Executive Officer, pursuant to section 1958.7, subsection (d)(6)(F), that a motor vehicle class is nonconforming. If the manufacturer fails to submit an influenced corrective action plan for approval after electing to conduct influenced corrective action, the manufacturer is subject to an ordered corrective action pursuant to section 1958.7, subsection (e)(3).

(3) Ordered Corrective Action.

(A) If the Executive Officer has determined based upon enforcement testing conducted pursuant to section 1958.7, subsection (e) above, information received from the manufacturer, or other relevant information that a motor vehicle class is nonconforming, the Executive Officer may require the manufacturer to undertake ordered corrective action.

(B) In requiring corrective action, the Executive Officer shall use good engineering judgment to consider all circumstances relevant to the nonconformity and the following factors:

1. Whether the manufacturer identified and informed CARB about the nonconformance(s) or whether CARB identified the nonconformance(s) prior to being informed by the manufacturer.

2. The number of nonconformances.

3. The impact of the nonconformance on vehicles and vehicle owners in terms of safety, vehicle performance, durability, electric range, charging, displayed estimation of battery health or durability if applicable, cost of future repairs, and drivability.

4. The impact of the nonconformance on the ability of the service and repair industry to make effective repairs in terms of accessibility of fault information, conformance of any data link connector, and reporting of inaccurate or misleading vehicle information.

5. Whether the manufacturer submitted incorrect information or failed to submit required information regarding the identified nonconformance at the time

of certification pursuant to title 13, CCR section 1958.4 and the extent to which the incorrect or incomplete information was material to the granting of certification.

*(4) Notice to Manufacturer for an Ordered Corrective Action.*

(A) The Executive Officer shall notify the manufacturer in writing of ordered corrective action.

(B) The notice of ordered corrective action must:

1. specifically set forth the corrective action that is being ordered,

2. include a description of the test group(s), or subgroup(s) thereof, that has been determined to be nonconforming,

3. set forth the factual bases for the determination, and

4. designate a date at least 45 days from the date of such notice by which the manufacturer shall submit a plan, pursuant to section 1958.7, subsection (f)(1) below, outlining the corrective action to be undertaken consistent with the Executive Officer's order. All plans shall be submitted within the time limit specified in the notice. A manufacturer may request an extension of the corrective action plan submittal date at least 20 days before the specified date. Along with such request, the manufacturer shall provide documentation regarding the time that the manufacturer reasonably believes is necessary to develop its corrective action plan and an explanation of why such information could not be more expeditiously presented despite reasonable diligence. The Executive Officer shall grant a manufacturer a reasonable extension of time upon the manufacturer demonstrating that despite the exercise of reasonable diligence, the manufacturer is unable to provide a corrective action plan in the time initially provided. The Executive Officer shall determine the reasonable extension of time considering both the evidence provided by the manufacturer and what effect any delay caused by granting the extension may have on effective enforcement, vehicle owners, or the health, welfare, or economy of the State. The Executive Officer shall notify the manufacturer of their decision in writing at least 7 days before the time requirement for which the manufacturer has requested the extension.

(5) Availability of Hearing to Contest Corrective Actions. Within 30 days from the date of receipt of the notice required under section 1958.7, subsection (e)(4) above, the manufacturer may request a hearing pursuant to the procedures set forth in title 17, CCR section 60055.1, et seq., to contest the findings of nonconformity, the necessity of any ordered corrective action, or the scope of any ordered corrective action.

(f) Requirements for Implementing Corrective Actions

(1) Corrective Action Plans.

(A) A manufacturer initiating corrective action (whether voluntary, influenced, or ordered) shall develop a corrective action plan that contains the following information, unless otherwise specified:

1. A description of each test group, or subgroup thereof, covered by the corrective action, including the number of vehicles, test groups, or subgroups within the identified class(es), the make(s), model(s), and model years of the covered vehicles, and such other information as may be required to identify the covered vehicles.

2. A description of the nonconformance and the specific modifications, alterations, repairs, adjustments, or other changes to correct the nonconformance, including data or engineering evaluation supporting the specific corrections.

3. A description of the method that the manufacturer will use to determine the names and addresses of vehicle owners and the manufacturer's method and schedule for expeditiously and effectively notifying service facilities and vehicle owners of the corrective action in accordance with section 1958.7, subsection (f)(4).

4. A copy of all instructions that the manufacturer will use to notify service facilities about the required corrective action and the specific corrections, if any, that will be required to be made to nonconforming vehicles, including the content and placement of a label indicating any corrective action that has been performed in accordance with section 1958.7, subsection (f)(5).

5. A description of the procedure to be followed by vehicle owners to obtain corrective action for the nonconforming vehicles. This must include the date, on or after which the owner can have required corrective action performed,

the time reasonably necessary to perform the labor to remedy the nonconformity, and the designation of facilities at which the nonconformity can be remedied.

6. If some or all of the nonconforming vehicles are to be corrected by persons other than dealers or authorized warranty agents of the manufacturer, a description of such class of service agents and what steps, the manufacturer will take to assure that such agents are prepared and equipped to perform the proposed corrective action, including a copy of all instructions mailed to such service agents.

7. A copy of the letter of notification to be sent to vehicle owners.

8. A proposed schedule for expeditiously implementing the corrective action, including identified increments of progress towards full implementation. The proposed schedule may include a proposed duration of quarterly reporting that is shorter or longer, given the nature and extent of the nonconformance and substance of the corrective action campaign, than the default reporting duration under section 1958.7, subsection (f)(7)(A) if the proposed reporting duration extends at least four consecutive quarters beyond the proposed schedule for implementation. The Executive Officer shall approve the proposed alternate reporting duration upon determining that the reporting would extend at least at least four consecutive quarters beyond the corrective action campaign detailed in the corrective action plan.

9. A description of the method that the manufacturer will use to assure that an adequate supply of parts will be available to initiate the corrective action campaign on the date set by the manufacturer and that an adequate supply of parts will continue to be available throughout the campaign.

10. A description of the anticipated capability of the vehicles to properly function as certified and appropriate for their age and mileage after the corrective action, including any remaining impact on electric range, drivability, performance, durability, or safety, plus supporting data or engineering evaluation.

11. The Executive Officer shall request any additional information, reports, or analysis that the Executive Officer, on a case-by-case basis, finds reasonably necessary to evaluate the required corrective action plan elements or factors in

section 1958.7, subsection (f)(1)(B) for approval, which the manufacturer shall provide within 30 days upon request.

*(B) Approval and Implementation of Corrective Action Plans.*

1. The Executive Officer shall approve a corrective action plan upon determining that the plan complies with the provisions of section 1958.7, subsection (f)(1)(A) above and effectively corrects the nonconformity. In determining whether a corrective action plan effectively corrects the nonconformity, the Executive Officer shall use good engineering judgment to evaluate the following factors:

a. The capability of the vehicles to properly function as certified and appropriate for the age and mileage of the vehicle after the corrective action and the extent of any ongoing impact to the electric range, drivability, performance, durability, or safety of the motor vehicle class covered by the corrective action; and

b. The reasonable expeditiousness of implementation, taking into account any logistical constraints and the potential effects of delay on vehicle owners or on the health, welfare, or economy of the State.

2. Within 30 days of receiving an influenced or ordered proposed corrective action plan, the Executive Officer shall determine and notify the manufacturer in writing whether it has been approved. A voluntary corrective action plan shall be deemed approved unless disapproved by the Executive Officer within 30 days after the Executive Officer's receipt of the corrective action plan.

3. If the Executive Officer disapproves an ordered corrective action plan, the Executive Officer shall notify the manufacturer in writing of the disapproval and the reasons for the determination. The manufacturer shall submit a revised corrective action plan that fully addresses the reasons for the Executive Officer's disapproval within 10 days of receipt of the disapproval notice.

4. Upon receipt of the approval notice of an ordered corrective action plan from the Executive Officer, the manufacturer shall, within 45 days of receipt of the notice, begin to notify vehicle owners and implement the corrective action campaign.

5. If the Executive Officer disapproves a voluntary or influenced corrective action plan, the Executive Officer shall notify the manufacturer in writing of the disapproval and the reasons for the determination. The manufacturer shall accept any proposed modifications to the plan as suggested by the Executive Officer, submit a revised corrective action plan that fully addresses the reasons for the Executive Officer's disapproval within 30 days, or be subject to an Executive Officer order that the manufacturer undertake appropriate corrective action pursuant to section 1958.7, subsection (e)(3) above.

6. A manufacturer must implement a corrective action plan as approved by the Executive Officer and at no cost to vehicle owners. Failure to do so shall be considered a violation of this section.

(2) *Modification.*

(A) A manufacturer shall submit a modified corrective action plan upon determining that its reasonably diligent implementation of an approved corrective action plan is not effectively correcting the nonconformity. A modified corrective action plan must meet the requirements of subsection (f)(1)(A) and shall be approved by the Executive Officer according to section 1958.7, subsection (f)(1)(B).

(B) The Executive Officer shall require a manufacturer to modify an approved corrective action plan upon determining that the manufacturer's diligent implementation of the approved corrective action plan is not effectively correcting the nonconformity. The Executive Officer shall notify the manufacturer according to section 1958.7, subsection (e)(4). A modified corrective action plan must meet the requirements of section 1958.7, subsection (f)(1)(A) and shall be approved by the Executive Officer according to section 1958.7, subsection (f)(1)(B).

(3) *Eligibility for Corrective Action.*

(A) The manufacturer may not condition a vehicle owner's eligibility for corrective action on the proper maintenance or use of the vehicle.

(B) The manufacturer shall not be obligated to repair a component which has been modified or altered such that the corrective action cannot be performed without additional cost.

(4) Notice to Vehicle Owners.

(A) The manufacturer shall notify owners of vehicles in the motor vehicle class covered by the corrective action. The notice must be made by first-class mail or by such other means as approved in the corrective action plan under section 1958.7, subsection (f)(1), on a case-by-case basis, that will ensure notice is provided to the owners of vehicles in the specific motor vehicle class. On a case-by-case basis, when necessary to assure effective notification to the owners of vehicles in the specific motor vehicle class, the Executive Officer may require the use of certified mail or electronic notice instead of or in addition to first-class mail.

(B) The manufacturer shall use all reasonable means necessary to locate vehicle owners, including motor vehicle registration lists available from the California Department of Motor Vehicles and commercial sources such as R.L. Polk & Co.

(C) The notice must contain the following:

1. For ordered corrective actions, a statement: "The California Air Resources Board has determined that your vehicle (has or may have) an identified issue that violates (California or California and Federal) standards and regulations and requires corrective action."

2. For voluntary and influenced corrective actions, a statement: "Your vehicle (has or may have) an identified issue that requires corrective action," as applicable.

3. A statement that the nonconformity of any such vehicles will be remedied at the expense of the manufacturer.

4. A statement that eligibility for corrective action may not be denied solely on the basis that the vehicle owner used parts not manufactured by the original equipment vehicle manufacturer, or had repairs performed by outlets other than the vehicle manufacturer's franchised dealers.

5. Instructions to the vehicle owners on how to obtain corrective action, including instructions on whom to contact (i.e., a description of the facilities where the vehicles should be taken for the corrective action), the first date that a vehicle



may be brought in for corrective action, and the time that it will reasonably take to correct the nonconformity.

6. The statement: "In order to assure your full protection under the vehicle warranty provisions, it is recommended that you have your vehicle serviced as soon as possible. Failure to do so could be determined as lack of proper maintenance of your vehicle."

7. A telephone number and email address for vehicle owners to report difficulty in obtaining corrective action to the manufacturer.

8. A card to be used by a former vehicle owner in the event the vehicle to be recalled has been sold and the former owner can provide the manufacturer with contact information for the new owner. Such card must be addressed to the manufacturer, have postage prepaid, and provide a space in which the name and address of the new owner may be provided.

9. If the corrective action involves recall, the notice must also provide:

a. A clear description of the components that will be affected by the corrective action and a general statement of the measures to be taken to correct the nonconformity.

b. A statement describing the adverse effects, if any, of an uncorrected nonconformance on the range, performance, durability, drivability, or safety of the vehicle.

c. A statement that after corrective action has been taken, the manufacturer will have the service facility issue a certificate showing that a vehicle has been corrected under the recall program, and that such a certificate will be required to be provided to the Department of Motor Vehicles as a condition for vehicle registration.

(D) A notice sent pursuant to this section 1958.7, subsection (f)(4) or any other communication sent to vehicle owners or dealers may not contain any statement, expressed or implied, that the vehicle is compliant.

(5) Label Indicating that Corrective Action Has Been Performed.

(A) If the corrective action involves recall, the manufacturer shall require those who perform inspections or recall repairs to affix a label to each vehicle that has been inspected or repaired.

(B) The label must be placed in a location that is commonly accessed by repair technicians when verifying key parameters or configuration specifications of the vehicle.

(C) The label must be fabricated of a material suitable for the location in which it is installed so that it does not readily deteriorate and is not readily removable.

(D) The label must contain a corrective action campaign number and a code identifying the facility at which the corrective action was performed, both designated by the manufacturer.

(E) Manufacturers are exempt from the label requirements of section 1958.7, subsections (f)(5)(A) through (f)(5)(D) if the following conditions are met:

1. The corrective action involves only software or software calibration repairs or changes and does not involve hardware repairs or changes;

2. The manufacturer keeps a record of the vehicle identification numbers (VIN) of all vehicles that were inspected or repaired; and

3. Within 30 days upon request from the Executive Officer, the manufacturer provides information about running changes, field fixes, service campaigns, and recalls for any given VIN from all vehicles affected by the nonconformity.

(6) Proof of Performance of Corrective Action Certificate for Recalls. If the required corrective action involves a recall, the manufacturer shall provide, through its service agents, a certificate to owners of vehicles that have had the corrective action performed that confirms the vehicle has been recalled and the required inspection or repairs have been performed. The certificate must be identical to the format prescribed by the Executive Officer pursuant to title 13, CCR sections 2117 and 2129.

(7) Reporting and Record Keeping Requirements.

(A) Reporting. The manufacturer shall report on the progress of the corrective action campaign by submitting reports for eight consecutive quarters, unless otherwise specified in the approved corrective action plan under section 1958.7, subsection (f)(1), commencing with the calendar-year quarter immediately after the corrective action campaign begins. The reports shall be submitted no later than 25 days after the close of each calendar-year quarter. For each corrective action campaign, the quarterly report must contain the following:

1. The test group and the corrective action campaign number designated by the manufacturer and a brief description of the nature of the campaign.
2. The date owner notifications began and date completed.
3. The number of vehicles involved in the corrective action campaign.
4. The number of vehicles known or estimated to be nonconforming and an explanation of the means by which this number was determined.
5. The number of vehicles inspected during the campaign since its inception.
6. The number of vehicles found to be affected by the nonconformity during the campaign since its inception.
7. The number of vehicles receiving corrective action during the campaign since its inception.
8. The number of vehicles determined to be unavailable for corrective action, during the campaign since its inception, due to exportation, theft, scrapping, or other reasons (specify).
9. The number of vehicles, during the campaign since its inception, determined to be ineligible for corrective action under section 1958.7, subsection (f)(3)(B).

10. An initial list, using the following data elements and designated positions, indicating all vehicles subject to recall that the manufacturer has not been invoiced for, or a subsequent list indicating all vehicles subject to the recall that the manufacturer has been invoiced for since the previous report. The data elements must be written in "ASCII" code without a comma separating each element. For example, a single data element would be written as: XABC123440922R0053636705152022A1ACCH3879BA012409. The Add or Delete Flag data element in the table below should use an "A" for vehicles for which the manufacturer has not been invoiced or a "D" for vehicles that have changed status from has not been invoiced to has been invoiced since the previous report.

<b><i>Data Elements</i></b>	<b><i>Positions</i></b>
* File Code (designated by DMV)	1
* License Plate Number	2-8
* Last three VIN positions	9-11
* Recall ID Number	12-17
* Mfg. ID Number	18-22
(Mfg. Occupational License Number)	
* Recall Start Date (mmdyyy)	23-30
* Add or Delete Flag (A/D)	31
* Complete VIN	32-48
(File Code "L" or "S")	

11. A copy of any service bulletins issued during the reporting period by the manufacturer to franchised dealerships or other service agents that relate to the nonconformance and the corrective action and that have not previously been reported to the Executive Officer.

12. A copy of all communications transmitted to vehicle owners that relate to the nonconforming vehicles and the corrective action and that have not been previously reported to the Executive Officer.

a. If the manufacturer determines that any of the information submitted to the Executive Officer pursuant to section 1958.7, subsection (f) has

changed or is incorrect, the manufacturer shall submit the revised information, with an explanation.

b. The filing of any report under this section shall not affect the manufacturer's responsibility to file reports or applications, obtain approval, or give notice under any other provisions of law.

c. Record Keeping. The manufacturer shall maintain the following records in a form suitable for inspection, such as computer files, for no less than one year beyond the useful life of the vehicles and shall make them available to the Executive Officer within 30 days upon request to verify compliance with the requirements of this section.

1. Names and addresses of vehicle owners:

a. To whom notification was sent;

b. Whose vehicles were repaired or inspected under the corrective action campaign;

c. Whose vehicles were determined to be ineligible or unavailable for corrective action as described under section 1958.7, subsections (f)(7)(A)8. and (f)(7)(A)9.

2. The information gathered by the manufacturer to compile the reports required under this subsection.

3. Facility locations corresponding to facility codes created pursuant to the label requirements of section 1958.7, subsection (f)(5)(D).

(8) Extension of Time. A manufacturer may request an extension of a deadline set forth in section 1958.7, subsection (f) at least 20 days before the specified date. Along with such request, the manufacturer shall provide documentation regarding the time that the manufacturer reasonably believes is necessary to comply with the requirement and an explanation of why compliance is not or could not be timely despite the exercise of reasonable diligence. The Executive Officer shall grant a manufacturer a reasonable extension of time upon the manufacturer demonstrating that despite the exercise of

reasonable diligence, the manufacturer is unable to comply in the time initially provided. The Executive Officer shall determine the reasonable extension of time on a case-by-case basis considering both the evidence provided by the manufacturer and what effect any delay caused by granting the extension may have on effective enforcement, vehicle owners, or the health, welfare, and economy of the State. The Executive Officer shall notify the manufacturer of their decision in writing at least 7 days before the time requirement for which the manufacturer has requested the extension.

(g) Enforcement and Penalties.

(1) A manufacturer will be subject to penalties pursuant to the applicable provisions of the Health and Safety Code, including under sections 43016 and 43212, for violations of the requirements of this section.

(2) In addition to any other failure to meet a requirement of this section, submitting incorrect information, or failing to submit required information, is a violation of this section for which violators are subject to penalty as provided by law. Each failure to comply, including each incorrect or omitted statement in a submission to the Executive Officer is a separate violation of this section.

(h) Electronic submittal. Unless otherwise specified, reports, documentation, notices, and requests under this section must be provided to CARB through the electronic filing system, E-File, available through the website: <https://login.arb.ca.gov/>

(i) Severability. Each provision of this section is severable, and in the event that any provision of this section is held to be invalid, the remainder of this article remains in full force and effect.

Note: Authority cited: Sections 39600, 39601, 39602.5, 43013, 43018, 43100, 43101, 43104, 43105, 43106 and 43107, Health and Safety Code.

Reference: Sections 38562, 39002, 39003, 39010, 39018, 39600, 39601, 39602.5, 43013, 43016, 43018, 43018.5, 43100, 43101, 43104, 43105, 43106, 43107, 43151, 43152, 43153, 43154, 43205.5, 43211 and 43212, Health and Safety Code.

9. Amend Title 13, CCR, Chapter 1, Article 2, Section 1976 to read as follows:

**§ 1976. Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions.**

\* \* \* \* \*

(b)(1) Evaporative emissions for 1978 and subsequent model gasoline-fueled, 1983 and subsequent model liquefied petroleum gas-fueled, and 1993 and subsequent model alcohol-fueled motor vehicles and hybrid electric vehicles subject to exhaust emission standards under this article, except (unless otherwise indicated) petroleum-fueled diesel vehicles, compressed natural gas-fueled vehicles, and motorcycles, shall not exceed the following standards:

\* \* \* \* \*

(F) For the 2004 through 2014 model motor vehicles identified below, tested in accordance with the test procedures described in Title 40, Code of Federal Regulations, sections 86.130-78 through 86.143-90 as they existed July 1, 1989 and as modified by the “California Evaporative Emission Standards and Test Procedures for 2001 through 2025 Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Heavy-Duty Vehicles and 2001 through 2027 Model Year Motorcycles, and Subsequent Model Motor Vehicles” incorporated by reference in section 1976(c), the evaporative emission standards are:

\* \* \* \* \*

(G) For 2015 and subsequent model motor vehicles, the following evaporative emission requirements apply:

1. A manufacturer must certify all vehicles subject to this section to the emission standards specified in either Option 1 or Option 2 below.

a. *Option 1.* The evaporative emissions from 2015 and subsequent model motor vehicles, tested in accordance with the test procedure sequence described in the “California Evaporative Emission Standards and Test Procedures for 2001 through 2025 Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Heavy-Duty Vehicles and 2001 through 2027 Model Year Motorcycles and Subsequent Model Motor Vehicles,” incorporated by reference in section 1976(c), shall not exceed:

\* \* \* \* \*

b. *Option 2.* The evaporative emissions from 2015 and subsequent model motor vehicles, tested in accordance with the test procedure sequence described in the “California Evaporative Emission Standards and Test Procedures for 2001 through 2025 Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Heavy-Duty Vehicles and 2001 through 2027 Model Year Motorcycles and Subsequent Model Motor Vehicles,” incorporated by reference in section 1976(c), shall not exceed:

<b>Vehicle Type</b>	<b>Hydrocarbon<sup>(1)</sup> Emission Standards<sup>(2)</sup></b>		
	<b>Running Loss (grams per mile)</b>	<b>Highest Whole Vehicle Diurnal + Hot Soak<sup>(3)(4)(5)</sup> (grams per test)</b>	<b>Canister Bleed<sup>(6)</sup> (grams per test)</b>
Passenger cars; and Light-duty trucks 6,000 lbs. GVWR and under, and 0-3,750 lbs. LVW	0.05	0.300	0.020
Light-duty trucks 6,000 lbs. GVWR and under, and 3,751-5,750 lbs. LVW	0.05	0.400	0.020
Light-duty trucks 6,001-8,500 lbs. GVWR; and Medium-duty passenger vehicles	0.05	0.500	0.020
Medium-duty vehicles (8,501-14,000 lbs. GVWR); and Heavy-duty vehicles (over 14,000 lbs. GVWR)	0.05	0.600	0.030

\* \* \* \* \*

<sup>6</sup> *Vehicle Canister Bleed Emission.* Compliance with the canister bleed emission standard shall be determined based on the Bleed Emission Test Procedure described in the “California Evaporative Emission Standards and Test Procedures for 2001 through 2025 Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Heavy-Duty Vehicles and 2001 through 2027 Model Year Motorcycles and Subsequent Model Motor Vehicles,” incorporated by reference in section 1976(c), and demonstrated on a stabilized canister system. Vehicles with a non-integrated refueling canister-only system are exempt from the canister bleed emission standard.



6. Effective leak diameter standard and procedure. Manufacturers shall demonstrate that for 2018 and subsequent model vehicles  $\leq$  14,000 lbs. GVWR certifying to the evaporative emission standards set forth in 1976(b)(1)(G), fuel systems do not exceed an effective leak diameter of 0.02 inches when tested in accordance with the test procedure sequence described in the “California Evaporative Emission Standards and Test Procedures for 2001 through 2025 Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Heavy-Duty Vehicles and 2001 through 2027 Model Year Motorcycles and Subsequent Model Motor Vehicles,” incorporated by reference in section 1976(c). This requirement does not apply to 2021 and previous model vehicles certified by a small volume manufacturer. For vehicles with fuel tanks exceeding 25 gallons nominal fuel tank capacity, manufacturers may request approval from the Executive Officer for a leak standard greater than 0.020 inches, up to a maximum value of 0.040 inches.

7. Auxiliary engines and fuel systems. For 2017 and subsequent model vehicles  $\leq$ 6,000 lbs. GVWR equipped with an auxiliary engine and 2018 and subsequent model vehicles  $>$ 6,000 lbs. GVWR equipped with an auxiliary engine, manufacturers shall demonstrate compliance in accordance with the provisions set forth in the “California Evaporative Emission Standards and Test Procedures for 2001 through 2025 Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Heavy-Duty Vehicles and 2001 ~~and Subsequent~~ through 2027 Model Year Motorcycles” or the “California Evaporative Emission Standards and Test Procedures for 2026 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Heavy-Duty Vehicles,” as applicable, incorporated by reference in section 1976(c). These requirements do not apply to 2021 and previous model vehicles certified by a small volume manufacturer. For 2026 and subsequent model year motor vehicles, these requirements apply to any auxiliary fuel system, including a fuel fired heater. These requirements also apply to motor vehicles that are exempt from exhaust emission certification, dedicated petroleum-fueled diesel vehicles, and dedicated compressed natural gas-fueled vehicles.

(H) For 2026 and subsequent model year motor vehicles, the following evaporative emission requirements apply in addition to the requirements in section 1976(b)(1)(G):

1. Running loss hydrocarbon emission standard. Running loss emissions shall not exceed 0.01 grams per mile for all vehicle types.

Phase-in schedule for running loss:

For each model year, a manufacturer shall certify, at a minimum, the specified percentage of its vehicle fleet to these standards according to the implementation schedule set forth below. For this calculation, the manufacturer's vehicle fleet is defined as the total vehicles produced and delivered for sale by the manufacturer in California that are subject to this standard.

<b><u>Model Year</u></b>	<b><u>Minimum Percentage of Vehicle Fleet <sup>(1)</sup></u></b>
<u>2026</u>	<u>30</u>
<u>2027</u>	<u>60</u>
<u>2028 and subsequent</u>	<u>100</u>

<sup>(1)</sup> Small volume manufacturers are not required to comply with the phase-in schedule set forth in this table. Instead, they must certify 100 percent of their 2028 and subsequent model year vehicle fleet to the standards.

2. 2028 and subsequent model year vehicles must meet the minimum canister size requirement for vehicles that have a tank pressure exceeding 10 inches of water during the running loss test. Compliance with minimum canister size requirement is demonstrated using the equation in the "California Evaporative Emission Standards and Test Procedures for 2026 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Heavy-Duty Vehicles," incorporated by reference in section 1976(c).

\* \* \* \* \*

(b)(2) Evaporative emissions for gasoline-fueled motorcycles subject to exhaust emission standards under this article shall not exceed:

<i>Motor Vehicle Class</i>	<i>Model Year</i>	<i>Hydrocarbons (grams per test)</i>
Class I and II (50-279cc)	1983 and 1984	6.0 ( <i>grams per test</i> )

<i>Motor Vehicle Class</i>	<i>Model Year</i>	<i>Hydrocarbons (grams per test)</i>
	<u>1985 and subsequent through 2027</u>	<u>2.0 (grams per test)</u>
Class III (280cc and larger)	1984 and 1985	6.0 ( <u>grams per test</u> )
	<u>1986 and subsequent through 2027</u>	<u>2.0 (grams per test)</u>
Class III (280cc and larger) (Optional Standard for Small-Volume Motorcycle Manufacturers)	1986-1988	6.0 ( <u>grams per test</u> )
<u>Class I, II, and III (50cc and larger)</u>	<u>2028 and subsequent</u>	<u>Diurnal: 1.0 grams per day<sup>1</sup></u> <u>Hot soak: 0.2 grams per test</u>
<u>Small Volume Motorcycle Manufacturers</u>	<u>2028 and subsequent</u>	<u>2.0 (grams per test)</u>

<sup>1</sup> Highest 24-hour diurnal test result over three consecutive 24-hour diurnal test periods.

(H) For 2026 and subsequent model year motor vehicles, the following evaporative emission requirements apply in addition to the requirements in section 1976(b)(1)(G):

1. Running loss hydrocarbon emission standard: Running loss emissions shall not exceed 0.01 grams per mile for all vehicle types.

Phase-in schedule for running loss:

For each model year, a manufacturer shall certify, at a minimum, the specified percentage of its vehicle fleet to these standards according to the implementation schedule set forth below. For this calculation, the manufacturer's vehicle fleet is defined as the total vehicles produced and delivered for sale by the manufacturer in California that are subject to this standard.

<u><b>Model Year</b></u>	<u><b>Minimum Percentage of Vehicle Fleet<sup>(1)</sup></b></u>

<u>2026</u>	<u>30</u>
<u>2027</u>	<u>60</u>
<u>2028 and subsequent</u>	<u>100</u>

(1) Small volume manufacturers are not required to comply with the phase-in schedule set forth in this table. Instead, they must certify 100 percent of their 2028 and subsequent model year vehicle fleet to the standards.

2. 2028 and subsequent model year vehicles must meet the minimum canister size requirement for vehicles that have a tank pressure exceeding 10 inches of water during the running loss test.

a Compliance with minimum canister size requirement is demonstrated using the equation in the "California Evaporative Emission Standards and Test Procedures for 2026 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Heavy-Duty Vehicles," incorporated by reference in section 1976(c).

(c) *Test Procedures.*

(1) The test procedures for determining compliance with the standards in subsections (b)(1) and (b)(2) above applicable to 1978 through 2000 model year vehicles are set forth in "California Evaporative Emission Standards and Test Procedures for 1978-2000 Model Motor Vehicles," adopted by the state board on April 16, 1975, as last amended August 5, 1999, which is incorporated herein by reference.

(2) The test procedures for determining compliance with standards in subsection (b)(1) applicable to 2001 through 2025 model year passenger cars, light-duty trucks, medium-duty vehicles, and heavy duty vehicles and with standards in subsection (b)(2) applicable to 2001 through 2027 model year motorcycles are set forth in the "California Evaporative Emission Standards and Test Procedures for 2001 through 2025 Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Heavy-Duty Vehicles and 2001 and Subsequent through 2027 Model Year Motorcycles," adopted by the state board on August 5, 1999, and as last amended August 25, 2022 [**INSERT DATE OF AMENDMENT**], which is incorporated herein by reference.

(3) The test procedures for determining compliance with standards in subsection (b)(1) applicable to 2026 and subsequent model year vehicles other than motorcycles are set forth in the "California Evaporative Emission Standards and Test Procedures for 2026 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles,

and Heavy-Duty Vehicles," adopted by the state board on August 25, 2022, which is incorporated herein by reference.

(4) Except as noted in subsections (c)(5) and (c)(6), the test procedures for determining compliance with the standards in subsection (b)(2) applicable to 2028 and subsequent model year motorcycles are set forth in, "TP-934 Test Procedure for Determining Evaporative Emissions from Model Year 2028 and Subsequent On-Road Motorcycles", (TP-934) adopted by the state board on INSERT ADOPTION DATE, which is incorporated herein by reference.

(5) For model year 2028, up to 70% of the motorcycles sold by a manufacturer may be equipped with evaporative emissions control systems that meet the standards in subsection (b)(2) and test procedures in subsection (c)(2) applicable for model years 1986-2027. For model year 2029, up to 40% of the motorcycles sold by a manufacturer may be equipped with evaporative emissions control systems that meet the standards in subsection (b)(2) and test procedures in subsection (c)(2) applicable for model years 1986-2027.

(6) For model years 2028 and subsequent, small volume motorcycle manufacturers may use the test procedure "California Evaporative Emission Standards and Test Procedures for 2001 through 2025 Model Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Heavy-Duty Vehicles and 2001 through 2027 Model Year Motorcycles," adopted by the state board on August 5, 1999, and as last amended INSERT ADOPTION DATE, which is incorporated by reference herein. Prior to conducting Section IV, subsection 4(iii) of the evaporative test procedure in subsection (c)(6), fuel cap durability cycling shall be completed as prescribed in section 4.4 of TP-934.

(d) ~~Motorcycle engine families certified to 0.2 grams per test or more below the applicable standards shall be exempted from the state board's "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks" pursuant to section 2235, Title 13, California Code of Regulations. The following motorcycles shall be exempted from the State Board's "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks" pursuant to title 13, California Code of Regulations section 2235:~~

(1) Model year 1983 through 2027 motorcycle engine families that are certified to 0.2 grams per test or more below the applicable standards.

(2) Model year 2028 and subsequent motorcycle engine families that are manufactured by a small volume motorcycle manufacturer and are certified to 0.2 grams per test or more below the applicable standards.

(3) Motorcycle engine families that are certified to meet the diurnal and hot soak standards for model year 2028 and subsequent.

\* \* \* \* \*

(f) *Definitions Specific to this Section.*

(1) For purposes of this section, “small volume motorcycle manufacturer” for model years 2027 and prior means a manufacturer which sells less than 5,000 new motorcycles per year in California. “Small volume motorcycle manufacturer” for model years 2028 and subsequent means a manufacturer which sells less than 300 new street-use motorcycles per model year in California.

\* \* \* \* \*

Note: Authority cited: Sections ~~39500~~, 39600, 39601, 39602.5, 39667, 43013, 43018, 43100, 43101, 43104, 43105, 43106 and 43107, Health and Safety Code.

Reference: Sections 39002, 39003, 39500, 39667, 43000, 43009.5, 43013, 43016, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43107, 43204 and 43205, Health and Safety Code.

10. Amend Title 13, CCR, Chapter 1, Article 6, Section 2036 to read as follows:

**§ 2036. Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light--Duty Trucks, and Medium--Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy--Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers.**

\* \* \* \* \*

(b) *General Emissions Warranty Coverage.*

The manufacturer of each motor vehicle, motor vehicle engine, or trailer shall warrant to the ultimate purchaser and each subsequent purchaser that the vehicle, engine, or trailer is:

(1) Designed, built, and equipped so as to conform, at the time of sale, with all applicable regulations adopted by the Air Resources Board pursuant to its authority in chapters 1 and 2, part 5, division 26 of the Health and Safety Code and part 1, division 25.5 of the Health and Safety Code; and

(2) Free from defects in materials and workmanship which cause the failure of a warranted part to be identical in all material respects to that part as described in the vehicle, engine, or trailer manufacturer's application for certification. In addition, for the vehicles specified below in subparagraphs (A) through ~~(C)~~(D), the manufacturer shall warrant such vehicles are free from defects in materials and workmanship which cause the vehicle's on-board diagnostic malfunction indicator light to illuminate.

(A) ~~for~~ For 2022 through 2027 model year diesel-powered heavy-duty vehicles greater than 14,000 pounds GVWR which are equipped with 2022 through 2026 model year heavy-duty diesel engines certified on only diesel fuel, and 2022 through 2026 model year heavy-duty diesel engines certified on only diesel fuel used in such vehicles.

(B) ~~for~~ For 2027 and subsequent model year heavy-duty vehicles greater than 14,000 pounds GVWR which are equipped with 2027 and subsequent model year heavy-duty engines, and 2027 and subsequent model year heavy-duty engines used in such vehicles; ~~and~~

(C) ~~for For 2022 and subsequent model year heavy-duty hybrid vehicles greater than 14,000 pounds GVWR, or 2022 and subsequent model year incomplete hybrid vehicles from 10,001 to 14,000 pounds GVWR, which are equipped with 2022 and subsequent model year hybrid powertrains optionally certified pursuant to 13 CCR § 1956.8, any defects in materials or workmanship which cause the vehicle's on-board diagnostic malfunction indicator light to illuminate.~~

(D) For 2028 and subsequent model year Class III street-use motorcycles which are equipped with on-board diagnostic systems certified pursuant to 13 CCR § 1958.2.

*(c) Warranty Period.*

The warranty period applicable to this section shall be:

(1) In the case of Class I motorcycles and motorcycle engines (50 to 169 cc or 3.1 to 10.4 cu. in.), a period of use of five years or 12,000 kilometers (7,456 miles), whichever first occurs.

(2) In the case of Class II motorcycles and motorcycle engines (170 to 279 cc or 10.4 to 17.1 cu. in.):

(A) Manufactured prior to model year 2028, a period of use of five years or 18,000 kilometers (11,185 miles), whichever first occurs.

(B) Manufactured for model year 2028 and subsequent, a period of use of five years or 20,000 kilometers (12,427 miles), whichever first occurs.

(3) In the case of Class III motorcycles and motorcycle engines (280 cc and larger or 17.1 cu. in. and larger):

(A) Manufactured prior to model year 2028, a period of use of five years or 30,000 kilometers (18,641 miles), whichever first occurs.

(B) Manufactured for model year 2028 and subsequent Class III motorcycles and motorcycle engines that are 280 cc through 799 cc (17.1 through 48.8 cu. in.), a period of use of five years or 35,000 kilometers (21,748 miles), whichever first occurs.



(C) Manufactured for model year 2028 and subsequent Class III motorcycles and motorcycle engines that are 800 cc and larger (48.8 cu. In. and larger), a period of use of five years or 50,000 kilometers (31,069 miles), whichever first occurs.

\* \* \* \* \*

(8)(A) In the case of heavy-duty vehicles greater than 14,000 pounds GVWR which ~~are~~ are equipped with 2026 and prior model year motor ~~vehicle~~ vehicle engines, and motor vehicle engines used in such vehicles, (except for diesel-powered heavy-duty vehicles, and motor vehicle engines used in such vehicles), a period of use of five years or 50,000 miles, whichever first occurs. However, in no case may this period be less than the basic mechanical warranty period that the manufacturer provides (with or without additional charge) to the purchaser of the engine. Extended warranties on select parts do not extend the emissions warranty requirements for the entire engine but only for those parts. In cases where responsibility for an extended warranty is shared between the owner and the manufacturer, the emissions warranty shall also be shared in the same manner as specified in the warranty agreement.

\* \* \* \* \*

(f)(1) Commencing with 1980 models sold on or after September 1, 1979, each manufacturer shall furnish with each new vehicle or engine a list of the warranted parts installed on that vehicle or engine. The list shall include those parts included on the Air Resources Board "Emissions Warranty Parts List," dated December 14, 1978, as amended on February 22, 1985, and incorporated herein by reference.

\* \* \* \* \*

(F) In the case of 2028 and subsequent model year Class III street-use motorcycles which are equipped with on-board diagnostic systems certified pursuant to 13 CCR § 1958.2, each manufacturer shall furnish a list that includes any part that can cause the motorcycle's on-board diagnostic malfunction indicator light to illuminate.

(g) Except for 1980 and 1981 model motorcycles, each manufacturer shall submit the documents required by sections (e) and (f), with the manufacturer's preliminary application for new vehicle, engine, or trailer certification for approval by the Executive Officer. The Executive Officer may reject or require modification of the manufacturer's list

of warranted parts to ensure that each such list is of proper scope and also may reject or require modification of any of the documents required by subsection (e). Approval by the Executive Officer of the documents required by subsections (e) and (f), shall be a condition of certification. The Executive Officer shall approve or disapprove the documents required by subsections (e) and (f), within 90 days of the date such documents are received from the manufacturer. Any disapproval shall be accompanied by a statement of the reasons therefore. In the event of disapproval, the manufacturer may petition the Board to review the decision of the Executive Officer.

\* \* \* \* \*

### **Credits**

NOTE: Authority cited: Sections 38501, 38505, 38510, 38560, 39600 and 39601, Health and Safety Code.

Reference: Sections 38501, 38505, 38510, 38560, 43016, 43106, 43204, 43205.5, 44004, 44010, 44011, 44012, 44015 and 44017, Health and Safety Code.

11. Amend Title 13, CCR, Chapter 2, Article 2.1, Section 2112 to read as follows:

**§ 2112. Definitions.**

\* \* \* \* \*

(l) "Useful life" means, for the purposes of this article:

(1) For Class I motorcycles and motorcycle engines (50 to 169 cc or 3.1 to 10.4 cu. in.);

(A) Produced in model year 2027 and prior, a period of use of five years or 12,000 kilometers (7,456 miles), whichever first occurs.

(B) Produced in model year 2028 and subsequent, a period of use of five years or 11,000 kilometers (6,835 miles), whichever first occurs.

(2) For Class II motorcycles and motorcycle engines (170 to 279 cc or 10.4 to 17.1 cu. in.);

(A) Produced in model year 2027 and prior, a period of use of five years or 18,000 kilometers (11,185 miles), whichever first occurs.

(B) Produced in model year 2028 and subsequent, a period of use of five years or 20,000 kilometers (12,427 miles), whichever first occurs.

(3) For Class III motorcycles and motorcycle engines (280 cc and larger or 17.1 cu. in. and larger):

(A) Produced in model year 2027 and prior, a period of use of five years or 30,000 kilometers (18,641 miles), whichever first occurs.

(B) For Class III motorcycles and motorcycle engines produced in model year 2028 and subsequent, the following useful life shall apply.

1. For Class III motorcycle and motorcycle engines less than 800 cc (or 48.8 cu. in.), the full useful life is five years or 35,000 km (21,748 miles), whichever occurs first.

2. For Class III motorcycle and motorcycle engines greater than or equal to 800 cc (or 48.8 cu. in.) the full useful life is five years or 50,000 km (31,069 miles), whichever occurs first.

\* \* \* \* \*

NOTE: Authority cited: Sections 38501, 38505, 38510, 38560, 39010, 39600, 39601, 43013, 43018, 43101, 43104, 43105 and 43806, Health and Safety Code; and Section 28114, Vehicle Code.

Reference: Sections 38501, 38505, 38510, 38560, 39002, 39003, 39010, 39500, 39601, 43000, 43009.5, 43013, 43016, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43107, 43202, 43204-43205.5, 43206, 43210, 43211, 43212, 43213 and 43806, Health and Safety Code; and Section 28114, Vehicle Code

12. Amend Title 13, CCR, Chapter 16, Article 2, Section 2903 to read as follows:

**§ 2903. Definitions.**

The following definitions shall govern the provisions of this Article 2.

\* \* \* \* \*

"Low California production for sale engine family" means a street-use motorcycle family or street-use motorcycle engine family or zero-emission motorcycle (ZEM) test group with a maximum of 100 units. The maximum allowable number of units shall be calculated based on the final annual production for sale volume reports submitted in accordance with Title 40, Code of Federal Regulations, Part 86, section 86.415-78, incorporated in Title 13, section 1958, subsection (c), ~~or~~ projected production for sale data reported in accordance with Title 40, Code of Federal Regulations, Part 86, section 86.416-80, incorporated in Title 13, section 1958, subsection (c), if final sales data is not available, or Title 13, section 1958.1.

The number of "low California production for sale engine family" applications that a manufacturer may submit for each model year is based on the average total number of units that manufacturer produced for sale in California for the three previous consecutive model years. For manufacturers seeking certification for the first time in California, model-year production volume shall be based on projected California sales.

- 1) A manufacturer that produced for sale in California more than an average of 2,500 total units for the previous three model years may submit no more than three "low California production for sale engine family" applications for each model year and may not use the low California production manufacturer provision for any other applications of the same model year.
- 2) A manufacturer that produces for sale in California an average of 2,500 or fewer total units for the previous three model years may submit up to six "low California production for sale engine family" applications for each model year and may not use the low California production manufacturer provision for any other applications of the same model year.

\* \* \* \* \*

"Zero-Emission Motorcycle (ZEM) Test Group" means any zero-emission motorcycle (ZEM) or group of ZEMs subject to the certification requirements in Title 13, section 1958.4.

\* \* \* \* \*

Note: Authority cited: Sections 39600, 39601, 43019, 43019.1 and 43202.6, Health and Safety Code. Reference: Sections 43000, 43000.5, 43013, 43018, 43019 and 43019.1, Health and Safety Code.

13. Amend Title 13, CCR, Chapter 16, Section 2904 to read as follows:

**§ 2904. Certification Fees for On-Road Mobile Sources.**

\* \* \* \* \*

(c) Certification Fees for Street-use Motorcycle Families, and Motorcycle Engine Families, and Zero-Emission Motorcycle (ZEM) Test Groups.

\* \* \* \* \*

(3) For model year 2025, the certification fees for street-use motorcycle families and motorcycle engine families and Zero-Emission Motorcycle (ZEM) Test Groups shall be set as follows.

Category	Fee Type				
	Base Fee	Low California Production Manufacturer	Partial Carry-Over	Carry-Over	Low California Production for Sale Engine Family
Street-use motorcycle family and motorcycle engine family	\$17,447	\$13,085	\$8,724	\$4,362	\$872
<u>ZEM test group</u>	<u>\$4,362</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>\$872</u>

\*Certification of ZEM test groups begins with model year 2028.

(4) For the 2028 and subsequent model years, the certification fees shall be calculated in accordance with subsection (f).

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43019, 43019.1 and 43202.6, Health and Safety Code. Reference: Sections 43000, 43000.5, 43013, 43018, 43019 and 43019.1, Health and Safety Code.