

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text**

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATIONS FOR THE  
AVAILABILITY OF CALIFORNIA MOTOR VEHICLE SERVICE INFORMATION**

Public Hearing Date: June 22, 2006  
Internet Posting Date: November 30, 2006  
Public Availability Date: November 30, 2006  
Deadline for Public Comment: December 18, 2006

On June 22, 2006, the Air Resources Board (the Board or ARB) approved amendments to title 13, California Code of Regulations (CCR), section 1969, which sets forth requirements for the availability of emission-related service information and tools in California. The amendments primarily require the availability of diagnostic tools and information for heavy-duty engines beginning with the 2013 model year. Additionally, the Board approved other amendments that clarify and increase the overall effectiveness of the requirements. These include optional compliance provisions for manufacturers of medium- and heavy-duty engines, updated heavy-duty engine references and definitions, and deleted heavy-duty transmission manufacturers from the applicability of the regulation.

At the hearing, the staff presented, and the Board approved, modifications to the amendments originally proposed in the Initial Statement of Reasons: Staff Report (Staff Report) released on May 5, 2006, in response to comments received after the Staff Report was published. The Board also directed staff to make other amendments as necessary to clarify items discussed at the hearing. The modifications to title 13, CCR, section 1969, are set forth in Attachment 1 to this Notice. The attachment includes the initially proposed amendments, as modified by the staff's suggested modifications presented to and approved by the Board at the hearing, and additional modifications proposed by staff as a result of further discussions with interested stakeholders after the hearing. The following identifies and explains the modification by section number:

**§ 1969(b)(1):** Staff is proposing additional flexibility for motor vehicle manufacturers that produce engines used in medium-duty vehicles that are subject to the light- and medium-duty service information and tool requirements. If the same engines would also be used in heavy-duty vehicles, the manufacturer may elect to use the light- and medium-duty service information provisions for its heavy-duty engine applications as well. Staff is also proposing that manufacturers electing this option be allowed to follow the implementation schedule set forth in the service information and tool requirements for heavy-duty engines. Thus, the requirements for making service information available for heavy-duty engines would not be required until the 2007 model year, and

the requirements to make tools and tool information available for heavy-duty engines would not be required until the 2013 model year.

**§ 1969(b)(2):** Similarly, the initially noticed amendments provided engine manufacturers with flexibility by allowing them the option of complying with the heavy-duty service information requirements for medium-duty engines if the manufacturer produced the same engines for use in both medium-duty and heavy-duty vehicles. Staff is now proposing an additional modification adding the requirement that engine manufacturers that choose to follow the heavy-duty service information and tool provisions for medium-duty engine application must comply with the implementation dates set forth in the light- and medium-duty requirements. This would ensure the availability of emission-related service information tools for medium-duty vehicles produced before the 2010 model year.

**§ 1969(d)(7):** Staff has added a definition for “diesel-derived engine” as used in subsection 1969(b)(2) of the service information regulation.

**§ 1969(d)(9)(B):** Staff has added language that requires an engine manufacturer to make available on-board diagnostic (OBD) related information as it applies to heavy-duty vehicle transmissions. Although an engine manufacturer may not know what transmission will be mated to its engines, it is the party that has elected to incorporate transmission features into its OBD system and is the party that has specific knowledge of the monitors, trouble codes, enabling criteria, etc. associated with detecting emission-related transmission malfunctions.

Although an engine manufacturer is not expressly required under the heavy duty OBD regulation (title 13, CCR, section 1971) to monitor the transmission, if the manufacturer elects to do so, it is the party most in control of obtaining and making available to covered persons service and repair information that it provides to its franchised dealerships and authorized service networks. If such information were not provided to covered persons, they would be in a distinct disadvantage in servicing malfunctioning transmission-related diagnostics, which could result in operators of heavy-duty vehicles not choosing independent service facilities when the malfunction indicator light illuminates. Based on discussions with engine manufacturers after the June 22, 2006 hearing, staff is proposing that engine manufacturers be required to make their transmission-related, OBD descriptions available beginning with the 2007 model year, whereas the repair information would not be required until the 2010 model year. This would provide adequate lead time for compliance. Also, the phrase, “...monitor emissions related to the transmission...” is modified to read “...monitor inputs received from the transmission...” because an OBD system does not monitor emissions that are solely attributable to an engine’s transmission.

**§ 1969(e)(1):** Staff is proposing the addition of separate references for “emission-related motor vehicle information” and “emission-related engine information” to be consistent with the same terms that are used and defined in subsections (d)(8) and (d)(9). For purposes of clarity, staff has specifically delineated the service information requirements for manufacturers electing to comply with one of the options of section 1969(b).

**§ 1969(f)(2)(K):** At the June 2006 hearing, staff proposed modifications to subsection (f)(2)(K) that would have required engine manufacturers to provide cross-reference information to explain conflicting terms and acronyms if the manufacturers chose to follow the optional compliance provisions in subsections (b)(1) and (b)(2). The intent was to ensure that independent, heavy-duty engine technicians could understand medium-duty nomenclature and vice-versa. However, based on further discussions with the affected parties, staff has determined that the currently incorporated documents in the service information regulation – the Society of Automotive Engineers (SAE) recommended practices J1930 and J2403 – adequately perform this function. SAE J2403, in particular, is applicable to both medium-duty and heavy-duty engines, and used the nomenclature in SAE J1930 as the basis for its development. Therefore, the staff is proposing no changes to subsection (f)(2)(K) beyond those published in the May 2006 Staff Report.

**§ 1969(g)(2):** See the discussion for section 1969(h)(2)(C) below. This subsection, which pertains to motor vehicles, should be consistent with the language proposed for the data stream and bi-directional information provisions for heavy-duty engines.

**§ 1969(g)(3)(A) and § 1969(h)(1)(B):** Staff is proposing an update to the references to SAE Recommended Practice J2534.

**§ 1969(h)(2)(C):** Staff has added this subsection to address engine manufacturers' concerns about aftermarket tools that contain their data stream or bi-directional control information. They have requested specific language that does not impose any responsibility on them in the event that an equipment or tool company uses the information to produce tools that cause damage to a heavy-duty engine unless that damage is caused by the information itself. This language has been modified from what was presented at the June 2006 hearing. That language relieved engine manufacturers from liability stemming from unsafe or inaccurate tools produced by the aftermarket. Staff believes that this new language is more consistent with the conditions in subsection (h)(2)(A) for not making the tool information available.

Staff has made several other non-substantial modifications throughout the regulation to correct grammatical and typographical error, correct references and citations, and improve the clarity of the regulation.

A copy of the approved Resolution 06-19 is provided in Attachment 2. Attachments A and B to the resolution are the service information regulations as initially proposed in the Staff Report on May 5, 2006. Attachment C to the resolution lists modifications to the regulations that were proposed to the Board on the day of the hearing.

Both Attachment 1 and Attachment 2 are available from the Internet at the website address below:

<http://www.arb.ca.gov/regact/cmvsip06/cmvsip06.htm>

Printed copies of these attachments may be obtained by contacting Ms. Gloria Gonzales of the Mobile Source Operations Division at (626) 575-6918.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt the amendments to title 13, CCR, section 1969, after making them available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the modifications must be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail must be sent to:

Clerk of the Board  
Air Resources Board  
1001 "I" Street, 23<sup>rd</sup> Floor  
Sacramento, California 95814

Electronic mail is to be sent to: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submissions are to be transmitted to the Clerk of the Board at:  
(916) 322-3928.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above described modifications to the regulation shall be considered by the Executive Officer.

Attachments