

Attachment C

Proposed 15-Day Changes to the Proposed Amendments for the Availability of California Motor Vehicle Service Information (To be considered by the Board at the June 22, 2006, hearing)

This document is printed in a style to indicate changes from the existing provisions in title 13, California Code of Regulations, section 1969. All existing language is indicated by plain type. All proposed additions to language as described in Attachment A of staff's Initial Statement of Reasons issued on May 5, 2006, are indicated by underlined text and all proposed deletions to language are indicated by ~~strikeout~~. The proposed 15-day modifications and additions below are indicated by double underline, while deletions are indicated by ~~double strikeout~~.

-- Modify 1969(b)(1):

Motor vehicle manufacturers that produce ~~gasoline-derived~~ engines for use on heavy-duty vehicles may, for those engines, alternatively comply with all service information and tool provisions of this regulation that are applicable to 1994 and subsequent model year passenger cars, light-duty trucks, and medium-duty engines and vehicles, subject to Executive Officer approval. Implementation dates must comply with the service information provision dates applicable to ~~motor vehicle~~ engine manufacturers.

Reason: Additional flexibility needs to be provided for medium-duty engine manufacturers that produce diesel-derived engines that are also used in heavy-duty vehicles, and who wish to continue complying with the light- and medium-duty service information provisions. Staff is also proposing that implementation dates for compliance should meet those for engine manufacturers because the subject engines would be used in heavy-duty vehicles, for which service information would not be required until the 2007 model year, and tools until the 2013 model year.

-- Modify 1969(b)(2):

Engine manufacturers of diesel-derived engines for use in medium-duty vehicles may, for those engines, alternatively comply with all service information and tool provisions of this regulation that are applicable to 2010 and subsequent model year heavy-duty engines, subject to Executive Officer approval. Implementation dates must comply with the service information provision dates applicable to ~~engine~~ motor vehicle manufacturers.

Reason: Staff is proposing that engine manufacturers of diesel-derived engines used in medium-duty vehicles comply with the implementation dates applicable

to motor vehicle manufacturers when choosing to optionally comply with the service information provisions for heavy-duty vehicles. This is to ensure that medium-duty vehicles produced before the 2010 model year have emission-related service information and tools available.

-- Add the following definition in 1969(d):

“Diesel-derived engine” means an engine using a compression ignition thermodynamic cycle and powered by either diesel fuel or alternative fuels such as liquefied petroleum gas or compressed natural gas.

Reason: Staff is defining the term “diesel-derived engine” as used in subsection 1969(b)(2) of the regulation.

-- Modify 1969(d)(7)(B):

“Emission-related engine information” means 2007 and subsequent model year heavy-duty engine information regarding any of the following:

- (A) Any original equipment system, component, or part that controls emissions.
- (B) Any original equipment system, component, or part associated with the engine system including, but not limited to, the fuel system and ignition system, ~~but not including the transmission.~~ For the purposes of this regulation, if an engine manufacturer elects to have its OBD system monitor emissions related to the transmission, the engine manufacturer is responsible for making relevant transmission system information available pursuant to subsection (e)(2); it shall also make available pursuant to subsection (e)(1), all corresponding repair information needed to repair the malfunction and turn off the malfunction indicator light.

Reason: While staff has proposed to delete requirements for transmission manufacturers to make their information available to covered persons, engine manufacturers should still make available heavy-duty transmission information that is related to the operation of the vehicle’s OBD system. Although the engine manufacturer may not know what transmission will be mated to its engines, it does specify the monitors, trouble codes, enabling criteria, etc. associated with detecting emission-related transmission malfunctions. Therefore, this type of OBD information should be made available for purchase by covered persons. Furthermore, the repair information corresponding to an OBD-detected fault should be made available to covered persons if it is made available to a manufacturer’s franchised dealerships. The engine manufacturer is not expressly required to monitor the transmission under the heavy-duty OBD regulation, but if it elects to do so, it is the party most in control of obtaining and making available to covered persons the 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 going to independent service facilities when the malfunction indicator light illuminates.

-- Modify 1969(e)(1):

- (1) Service Information. Except as expressly specified below, motor vehicle manufacturers and engine manufacturers shall respectively make available for purchase to all covered persons all emission-related motor vehicle information and emission-related engine information, as applicable, that is provided to the motor vehicle manufacturer's or engine manufacturer's franchised dealerships or authorized service networks for the engine, ~~transmission~~, or vehicle models they have certified in California. Motor vehicle manufacturers and engine manufacturers electing to comply with one of the options of subsection (b) shall make available the emission-related information for the vehicle class for which they opt to comply. The information shall include, but is not limited to, diagnosis, service, and repair information and procedures, technical service bulletins, troubleshooting guides, wiring diagrams, and training materials useful for self-study outside a motor vehicle manufacturer's or engine manufacturer's training classroom. Any motor vehicle manufacturer or engine manufacturer choosing to withhold training materials because it has determined they are not useful for self-study as indicated above shall identify and describe the materials on its website. The motor vehicle manufacturer's or engine manufacturer's determination is subject to Executive Officer review and approval.

Reason: The separate terms for "emission-related motor vehicle information" and "emission-related engine information" are specified in this section in order to be consistent with the same terms defined in subsections (d)(7) and (d)(8). For purposes of clarity, the requirements for manufacturers electing to comply with one of the options of section 1969(b) have been specifically delineated.

-- Modify 1969(f)(2)(K):

- (K) Complies with the following requirements for terms, definitions, abbreviations, and acronyms:
 - (i) For 2003 and subsequent model-year passenger cars, light duty trucks and medium-duty engines and vehicles, Gcomplies with the SAE Recommended Practice J1930, "Electrical/Electronic Systems, Diagnostic Terms, Definitions, Abbreviations, and Acronyms – Equivalent to ISO/TR 15031-2: April 30, 2002," May 1998 April 2002, incorporated by reference herein, for all emission-related motor vehicle information. This subsection only applies to passenger cars, light duty trucks, and medium-duty vehicles beginning with the 2003 model year. A motor vehicle manufacturer that produces engines for use in heavy-duty vehicles and that chooses to comply with the medium-duty service

information and tool provisions of this regulation pursuant to subsection (b)(1), shall make available for purchase on its website cross-reference information for heavy-duty engine service technicians that explains the different terms, definitions, abbreviations, and acronyms used in passenger car, light-duty truck, and medium-duty vehicle service information.

- (ii) For 2010 and later model year heavy-duty engines, emission-related nomenclature shall comply with SAE J2403, "Medium/Heavy-Duty E/E Systems Diagnosis Nomenclature," August 2004, incorporated by reference herein. An engine manufacturer that produces diesel-derived engines for use in medium-duty vehicles and that chooses to comply with the heavy-duty service information and tool provisions of this regulation pursuant to subsection (b)(2), shall make available for purchase on its website cross-reference information for technicians who normally work on medium-duty vehicles that explains the different nomenclature used in heavy-duty engine service information.

Reason: Staff proposes that motor vehicle manufacturers and engine manufacturers provide explanations of all applicable terms, definitions, abbreviations, acronyms, and nomenclature when choosing to use the optional compliance provisions in subsections (b)(1) and (b)(2). This will respectively allow heavy-duty service facilities to understand medium-duty terminology and medium-duty service facilities to understand heavy-duty terminology.

-- Modify 1969(g)(2):

- (2) Data Stream and Bi-Directional Control Information. Motor vehicle manufacturers shall make available for purchase through reasonable business means, to all equipment and tool companies, all information necessary to read and format all emission-related data stream information, including enhanced data stream information, that is used in diagnostic tools available to franchised dealerships or authorized service networks, and all information that is needed to activate all emission-related bi-directional controls that can be activated by franchised dealership or authorized service network tools. Motor vehicle manufacturers may require, as a condition of sale, that the business agreement contain indemnity or "hold harmless" clauses that relieve the motor vehicle manufacturer from any liability resulting from unsafe or inaccurate tools produced by the tool and equipment company that are otherwise not attributable to the data provided by the motor vehicle manufacturer. ~~Heavy-duty engine and transmission manufacturers are exempt from these requirements as they apply to enhanced data stream information and bi-directional control information.~~ The ~~m~~Motor vehicle manufacturers shall make all required information available through the Internet or other reasonable business means to the requesting equipment and tool company within 14 days after the request to purchase has been made, unless the motor vehicle manufacturer petitions

the Executive Officer for approval to refuse to disclose such information (“petition for non-disclosure”) to the requesting company or petitions the Executive Officer for additional time to comply (“petition for additional time”). After receipt of a petition and consultation with the affected parties, the Executive Officer shall either grant or refuse the petition based on the evidence submitted during the consultation process:

Reason: See reason for the addition of section 1969(h)(2)(C). Staff believes that this section should be consistent with similar language proposed for the data stream and bi-directional provisions for heavy-duty engines.

-- Modify sections 1969(g)(3)(A) and 1969(h)(1)(B), respectively:

- (A) Beginning with the 2004 model year, reprogramming methods used for passenger cars, light-duty trucks, and medium-duty engines and vehicles shall be compatible with SAE J2534-1 Paper, “Recommended Practice for Pass-Thru Vehicle Programming, ~~September~~ December 2004, which is incorporated by reference herein, for all vehicle models that can be reprogrammed by franchised dealerships or authorized service networks.
- (B) Recalibration and reconfiguration software, methods, and parameters shall be made available for purchase through reasonable business means to covered persons. Recalibration information and methods shall be compatible with either SAE J2534-1, December 2004, or the Technology and Maintenance Council’s (TMC) Recommended Practice RP1210A~~7~~, “Windows™ Communication API,” July 1999, which are incorporated by reference herein.

Reason: Staff is proposing to correct the reference to the Society of Automotive Engineers (SAE) Recommended Practice J2534.

-- Add section 1969(h)(2)(C):

- (C) An engine manufacturer may require, as a condition of sale of its tools, that the business agreement contain indemnity or “hold harmless” clauses that relieve the engine manufacturer from any liability resulting from unsafe or inaccurate tools produced by the tool and equipment company that are otherwise not attributable to the data provided by the engine manufacturer.

Reason: Engine manufacturers are concerned about aftermarket tools that contain their data stream or bi-directional control information. They have consequently 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 unsafe or inaccurate tools. Staff’s proposed language addresses this concern.