

To: ALL MANUFACTURERS OF  
-PASSENGER CARS  
-LIGHT-DUTY TRUCKS  
-MEDIUM-DUTY VEHICLES AND ENGINES USED IN THESE VEHICLES  
-HEAVY-DUTY VEHICLES AND ENGINES USED IN THESE VEHICLES  
-MOTORCYCLES  
-ALL OTHER INTERESTED PARTIES

From: Robin U. Lang, Chief, Emissions Certification and Compliance Division

Date: June 8, 2023

Subject: MAC #2023-03: Over-the-Air Recall Requirements

## **MANUFACTURERS ADVISORY CORRESPONDENCE 2023-03**

For questions regarding this matter, please contact Adil Mahmood, Air Resources Engineer, Field Operations & Warranty Section, at (951) 542-3276 or by e-mail at [adil.mahmood@arb.ca.gov](mailto:adil.mahmood@arb.ca.gov).

Sincerely,



Robin U. Lang, Chief  
Emissions Certification and Compliance Division

State of California  
AIR RESOURCES BOARD

MANUFACTURERS ADVISORY CORRESPONDENCE (MAC) 2023-03

- SUBJECT:** MAC #2023-03: Over-the-Air (OTA) Recall Requirements
- APPLICABILITY:** Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines Used in these Vehicles, Heavy-Duty Vehicles and Engines Used in these Vehicles, and Motorcycles.
- REFERENCES:** Title 13, California Code of Regulations (CCR) Sections 1968.2, 1968.5, 1971.1, 1971.5, 2116-2118, and 2127-2128.
- BACKGROUND:** Title 13, CCR Sections 1968.2, 1968.5, 1971.1, 1971.5, 2116-2118, and 2127-2128 specify requirements that manufacturers must meet when conducting emissions-related recalls. The requirements ensure that such recalls are effective in addressing identified problems and in achieving high capture rates. The requirements were developed assuming that vehicles or engines would be brought to a service center to have the recall repair work performed. However, due to the advent of OTA technology, it is now possible for manufacturers to perform OTA recalls. OTA recalls are recalls that can be performed remotely and only involve software reflashes, eliminating the need for the consumer to bring their vehicles or engines to a service center. This MAC clarifies how conventional emissions recall requirements apply to OTA recalls.

**POLICY:**

CARB approval of OTA emissions-related recalls shall be primarily reserved for updating CARB approved software related to emissions calibrations, On-Board Diagnostics (OBD) modifications, or other emission-control software changes. OTA recalls will not be allowed for recalls that impact the future ownership of the vehicle (for example, when an owner could either consent to have a recall performed on their vehicle or have it bought back). In such instances there is concern that an error may be made through the infotainment system by the operator when choosing whether to have the vehicle reflashed or bought back or if the operator is not authorized to make a decision on behalf of the vehicle owner (e.g. a teenage son or daughter or a person renting the vehicle). Additionally, manufacturers must attest that they can comply with OBD OTA requirements specified in CCR Sections 1968.2 and 1971.1, if applicable.

**REPAIR LABEL**

Title 13 CCR sections 2116 and 2128 require manufacturers to affix a repair label to each vehicle repaired or inspected under a voluntary, influenced, or ordered recall. In order to comply with this requirement manufacturers will have to mail a repair label, and instructions on how to affix the repair label to the vehicle, to each vehicle owner that has an OTA recall performed on their vehicle.

## PROOF OF CORRECTION CERTIFICATE

Title 13 CCR sections 1968.5, 1971.5, 2117, and 2129 require those who perform repairs to provide the owner with a certificate that indicates the affected vehicle or engine has been corrected under the recall repair program. In order to comply with this requirement manufacturers will be required to mail proof of correction certificates to vehicle owners that have OTA recall software reflashes performed on their vehicles.

As another option, manufacturers may provide electronic proof of correction certificates to vehicle owners that have the recall performed OTA only during the first six months of the recall (the first DMV tie-in file is required after six months at which point vehicles that have not had the recall repair work performed will be unable to renew their registration until after the recall repair work is performed). An electronic version of the proof of correction certificate must be in the same green color and format as shown in Attachment 1, and the required information must be filled in by the manufacturer prior to it being sent to vehicle owners. It is expected that the majority of vehicle owners will have the OTA recall performed on their vehicles within the first six months of the recall, and the remaining vehicle owners would be furnished with a hardcopy proof of correction certificate once the recall has been performed.

After the six-month period manufacturers would mail proof of correction certificates to vehicle owners that have the recall performed OTA or reflash the remaining vehicles physically at repair stations and provide proof of correction certificates to vehicle owners as they would with a traditional recall. If a manufacturer chooses not to mail proof of correction certificates, vehicles that were not reflashed OTA during the first six months of the recall shall not be eligible to receive any OTA software updates until after they have been reflashed at a repair station. This would ensure that all vehicles have the recall repair work performed in a timely manner and that vehicle owners would have proof of correction certificates to present to the DMV in case they have registration issues. This option allows manufacturers to conduct OTA recalls without needing to mail proof of correction certificates.

## CUSTOMER NOTIFICATION LETTER

Title 13 CCR sections 1968.5, 1971.5, 2118, and 2127 require manufacturers to send customer notification letters to vehicle owners informing them of recalls. All owners of vehicles that are subject to recall must be sent customer notification letters, including those that have internet connectivity enabled on their vehicle. The content of the notification letters must meet current requirements and indicate that vehicle owners may choose to have the software reflash performed at a service center.

The customer notification letter must inform vehicle owners how they will be furnished with a proof of correction certificate. If a manufacturer chooses to mail proof of correction certificates to all vehicle owners, the customer letter must inform vehicle owners that they will receive a proof of correction certificate in the mail. If a manufacturer chooses to send electronic proof of correction certificates during the first six months of the recall and mail hardcopy proof of correction certificates after the first six months, the customer letter must state that the vehicle owner will receive a proof of correction certificate in the mail if they do not have the recall performed during the first six months of the recall. If a manufacturer chooses to send electronic proof of correction certificates during the first six months of the recall and reflash vehicles at a repair station after the first six months of the recall to avoid mailing proof of correction certificates, the customer letter must state that vehicles that were not reflashed during the first six months of the recall will only be able to complete the

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software reflash at a repair station, which will provide a hardcopy proof of correction certificate to the vehicle owner.

Attachment 1

Sample Electronic Proof of Correction Certificate

Vehicle Emission Recall- Electronic Proof of Correction																
Manufacturer _____																
Recall Number _____																
Recall Completion Date _____																
License Plate	Make	Model Year	Body Type													
Vehicle Identification Number																
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Retain For Your Records																