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MAIL-OUT MSO #97-11



California
Environmental
Protection
Agency



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Peter M. Rooney
Governor

Peter M. Rooney
Secretary for
Environmental
Protection

TO: ALL PASSENGER CAR MANUFACTURERS
ALL LIGHT-DUTY TRUCK MANUFACTURERS
ALL MEDIUM-DUTY VEHICLE MANUFACTURERS
ALL HEAVY-DUTY VEHICLE MANUFACTURERS
ALL OTHER INTERESTED PARTIES

SUBJECT: Compliance with California Health and Safety Code Sections
44036.2 and 44036.3 (Assembly Bill 2852 (AB 2852))---
Availability of Emission-Related Service Information

In 1994, California enacted AB 2852 (copy attached), which added sections 44036.2 and 44036.3 to the California Health and Safety Code (HSC). HSC section 44036.2 requires motor vehicle manufacturers to provide emission control system service information for their 1980 and subsequent model-year vehicles to private diagnostic assistance service information vendors or intermediaries. Manufacturer's Advisory Correspondence No. 95-04, "Availability of Emission-Related Service Information", provides further guidance regarding the ARB's policy on this requirement.

HSC section 44036.2(c) states that submission of the emission control system service information required by HSC section 44036.2 is a condition for the ARB's certification of a vehicle manufacturer's engine families. HSC section 44036.2(c)(2) further states that if a manufacturer fails to provide the required service information, the ARB may withhold certification for all engine families for subsequent model years, until the manufacturer provides the necessary information. Accordingly, the ARB is notifying manufacturers of the requirement to submit a detailed statement documenting their compliance with HSC section 44036.2. This statement should include: an index of the information provided, where the information can be obtained, the format(s) in which the information is provided, and a designated contact person, if possible. The statement must also detail the manner in which the required service information can be obtained. Manufacturers shall initially provide this information within 90 days after the date of this Mail-Out, and shall thereafter update the information in their first certification application for each subsequent model year.

Should you have any questions, please contact Mr. Duc Nguyen, Manager, Certification Section, or Mr. Steven Hada, Air Resources Engineer, at (626) 575-6641.

Sincerely,

R. B. Summerfield, Chief
Mobile Source Operations Division

Attachment

Assembly Bill No. 2852

CHAPTER 725

An act to add Sections 44036.2 and 44036.3 to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 21, 1994. Filed with Secretary of State September 22, 1994.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2852, Escutia. Air pollution: vehicles.

Existing law establishes the motor vehicle inspection and maintenance program implemented by the Department of Consumer Affairs, and authorizes the State Air Resources Board to certify new motor vehicles and new motor vehicle engines.

This bill would require motor vehicle manufacturers of all 1980 and newer model-year motor vehicles to provide certain emission control service information, and would, beginning with the 1998 model year, require this information to be provided in an electronic format, as specified. The bill would require the department to direct licensed smog check stations and technicians to private diagnostic assistance service information vendors or intermediaries who possess the information, and to act as a clearinghouse. The bill would require motor vehicle manufacturers to provide the service information required for compliance with this section as a condition of certification of any new motor vehicle by the state board on and after January 1, 1995.

The requirements applicable with respect to 1994 and newer model-year vehicles would become inoperative if the state board determines that the Environmental Protection Agency has adopted rules relative to the provision of emissions-related service information for 1994 and newer model-year vehicles.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44036.2 is added to the Health and Safety Code, to read:

44036.2. (a) To ensure uniform and consistent inspection, tests, and repairs by all qualified smog check technicians and licensed smog check stations, and to ensure consumer protection, manufacturers of motor vehicles shall provide, or cause to be provided, all emission control system service information that is necessary to properly inspect, test and repair those vehicles. Unless otherwise provided, that information shall be required for all 1980 and newer model-year vehicles and shall consist of all of the following:

(1) General specifications showing the make, model, and

classification of the vehicle.

(2) The identification, location, and description of all emission control equipment on the vehicle.

(3) The manufacturer's recommended visual and functional inspection procedures for each emissions-related component.

(4) Air injection and evaporative emission purge strategies.

(5) All vehicle manufacturer-specific data stream information, excluding bidirectional control information and reprogramming information unless required by state or federal statute or regulation.

(b) Beginning with the 1998 model year, all emissions-related information required by this section, including diagnostic, service, and training information supplied by vehicle manufacturers to any franchised dealer, shall be provided in an electronic format that is readily accessible, or that can be made readily accessible, to private diagnostic assistance service information vendors or intermediaries, if that information is provided or made available in this format by manufacturers to dealers. In determining the allowable format, the state board shall ensure compatibility with any service information format requirements specified by the Environmental Protection Agency.

(c) (1) The state board shall require motor vehicle manufacturers to provide the service information necessary to comply with this section as a condition of certification.

(2) Should the manufacturer fail to provide the service information necessary to comply with subdivision (a) for any vehicle within an engine family within one year of its retail introduction, the state board may withhold certification for all engine families for subsequent model years, until such time as the manufacturer provides the necessary service information.

(3) The department shall periodically conduct surveys to determine whether the service information requirements are being fulfilled by actual field availability of the information.

(d) The manufacturer shall make accessible, through the vehicle's standard data link, the version number or part number of the vehicle's current computer memory program to allow smog check technicians to determine if the manufacturer's most up-to-date program is installed in the vehicle's computer. This requirement shall apply to all vehicles with reprogrammable computer memory in the vehicle's computer beginning with the 1999 model year. Until the manufacturer provides an electronic computer program identifier system, the manufacturer shall use a mechanical identification system to identify the computer's current program.

(e) (1) Those manufacturers that do not use reprogrammable technology for the vehicle's computer shall use either a mechanical or electronic identification system to identify the current program of the vehicle's computer.

(2) The manufacturer shall also provide or cause to be provided an engine family reprogramming cross-reference to aid smog check

technicians in determining the proper computer memory program for that engine. The cross-reference shall either be published by the manufacturer or made available to private diagnostic service information vendors or intermediaries for compilation and distribution.

(f) (1) The information required to be provided under this section shall be limited to only that information which is made available by manufacturers to franchised dealers or other persons engaged in the repair, diagnosing, or servicing of motor vehicles or motor vehicle engines needed to make use of the emissions control diagnostic system prescribed under Section 207 of the Federal Clean Air Act Amendments of 1990 and such other information including instructions for making emission-related diagnosis and repairs. If any of the emissions-related service information required by this section is provided to the manufacturer's franchised dealers in advance of the specific requirements of this section, that information shall also be made available by manufacturers, directly or indirectly, to smog check stations and repair technicians. Manufacturers shall only be required to provide information to vendors or intermediaries in the same manner and format as provided to franchised dealers.

(2) The service information shall be made compatible with computer systems commonly used in the aftermarket repair industry. In addition, the vendor or intermediary may offer the information by other common distribution means when electronic means are unavailable. No information or format will be required in the service information beyond that which is provided by new car manufacturers to franchise dealers.

(g) The provisions of this section that apply with respect to 1994 and newer model-year vehicles shall become inoperative if the state board determines that the Environmental Protection Agency has adopted rules relative to the provision of emissions-related service information for 1994 and newer model-year vehicles.

SEC. 2. Section 44036.3 is added to the Health and Safety Code, to read:

44036.3. (a) The department shall direct licensed smog check stations and technicians to private diagnostic assistance service information vendors or intermediaries who possess the electronically formatted information acquired under Section 44036.2, or with any other emissions-related information needed to improve the effectiveness of smog checks.

(b) The provisions of this section that apply with respect to 1994 and newer model-year vehicles shall become inoperative if the state board determines that the Environmental Protection Agency has adopted rules relative to the provision of emissions-related service information for 1994 and newer model-year vehicles.