

State of California  
Air Resources Board

**UPDATED INFORMATIVE DIGEST**

**AMENDMENTS TO THE REGULATION FOR THE AVAILABILITY OF CALIFORNIA MOTOR VEHICLE SERVICE INFORMATION**

**Sections Affected:** Proposed amendments to title 13, California Code of Regulations (CCR), section 1969, Motor Vehicle Service Information – 1994 and Subsequent Model Passenger Cars, Light-Duty and Medium-Duty Vehicles.

**Background**

The service information regulation was developed in accordance with Senate Bill 1146 (SB 1146), which was enacted in September 2000. This statute created Health and Safety Code section 43105.5, directing the Air Resources Board (the “Board” or “ARB”) to develop service information access regulations no later than January 1, 2002, that apply to manufacturers of 1994 and later model year vehicles equipped with on-board diagnostic (“OBD”) systems. The ARB adopted the regulation on December 13, 2001. Implementation of the requirements began on March 30, 2003.

The regulation requires vehicle manufacturers to make dealership quality emission-related service information available over the Internet to independent service providers and aftermarket parts companies. Manufacturers must also make available emission-related diagnostic tools and on-board computer reprogramming equipment under the regulation.

In its resolution adopting the regulation, the Board directed ARB staff to report back in two years with an update on manufacturers’ progress towards meeting the requirements and with proposals to modify the regulations as necessary. The update to the Board occurred on January 22, 2004.

**Description of the Regulatory Action**

The staff’s update contained proposals to address two primary issues concerning the regulation. The first was whether remanufacturers of vehicle on-board computers are entitled to special initialization information for on-board computer “immobilizer” anti-theft systems, beyond that already provided for under the regulation for the replacing of on-board computers or other emission-related repairs that require the immobilizer system to be re-initialized. At the 2001 hearing, the remanufacturers’ request that access to this information be mandated to better facilitate remanufacturing of on-board computers was denied; however, the ARB staff was directed by the Board to determine if informal methods existed that would permit them obtain such information without

sacrificing vehicle security. The other issue was a proposal to include new heavy-duty vehicles under the requirements of the regulation at the time that such the vehicles are designed to meet OBD requirements (known as Engine Manufacturer Diagnostics, or EMD) beginning with the 2007 model year.

Regarding immobilizer anti-theft system information, the Board maintained its position that on-board computer remanufacturers are not entitled under Health and Safety Code Section 43105.5 to special information for purposes of facilitating testing of remanufactured computers. However, the Board did adopt a modification to the existing immobilizer information availability requirements that will benefit both vehicle service providers and on-board computer remanufacturers. The amendment will require vehicle manufacturers to develop immobilizer reinitialization service procedures that rely on commonly available diagnostic tool platforms and hardware. This requirement, also currently included in federal service information regulations, will minimize the cost of equipment that must be purchased by service technicians to carry out emission-related repairs that involve replacement or reinitialization of the on-board computer. The Board found that the procedures can be adapted by on-board computer remanufacturers to facilitate secure testing of remanufactured computers, allowing these businesses to continue supplying lower cost replacement computers to California vehicle owners.

The Board adopted the staff's proposal to expand the applicability of the regulation to include heavy-duty vehicles as they begin to certify to the EMD requirements starting with the 2007 model year. However, the staff's original proposal was modified to eliminate diagnostic tool and reprogramming equipment availability requirements for heavy-duty vehicles. The Board determined that more lead time was appropriate for heavy-duty manufacturers to make necessary design changes to these devices in order to minimize the potential for misuse in the hands of independent service providers. The ARB staff agreed to revisit tools availability requirements at the time that on-board diagnostic requirements for heavy-duty vehicles are reconsidered (currently scheduled for 2005).

Other minor modifications were made to the regulation to further harmonize the regulation with that of the United States Environmental Protection Agency ("U.S. EPA"), most notably in the areas of OBD drive cycle information, and service information archiving. The regulatory references to Society of Automotive Engineers ("SAE") recommended practice J2534 was updated to incorporate the latest version of the document.

All motor vehicle manufacturers will have to comply with the amendments no later than ninety days after they are effective, with the exception of compliance with the SAE J2534, for which light- and medium-duty vehicle manufacturers will have 180 days after the effective date to comply. Manufacturers commented during the rulemaking process that the additional time was necessary to comply

with this version and to verify compatibility with aftermarket pass-through devices.

In amending the regulation, staff worked cooperatively with the U.S. EPA, motor vehicle manufacturers and associations, aftermarket trade associations and other interested parties in various meetings and via phone calls during 2003. The staff held a public workshop on August 14, 2003, to discuss the amendments. On December 5, 2003, staff issued its Initial Statement of Reasons (reference: MSO #2003-06) that presented the original amended regulation. Several written comments from the aforementioned parties were submitted to the ARB in response to this mail-out document, which were considered in the development of the amended regulation. On January 22, 2004, the regulation was approved by the Board with specified modifications. The Board reopened the record 45-days prior to its May 20, 2004 hearing to allow heavy-duty vehicle manufacturers the opportunity to comment on several issues related to the EMD regulation that was considered at that hearing. At that hearing, the Board also received further comment and testimony from light- and medium-duty vehicle manufacturers and aftermarket on-board computer remanufacturers regarding the immobilizer issue. The modifications approved by the Board were made available for public comment in the staff's two Notices of Public Availability of Modified Text, released on August 6, 2004, (MSO #2004-03) and September 30, 2004 (MSO #2004-04).

No amendments were made to the existing administrative hearing procedures contained in title 17, CCR sections 60060.1 through 60060.34

### **Comparable Federal Regulations**

The United States Environmental Protection Agency (U.S. EPA) implemented its service information regulation in 1995. The federal regulation required the manufacturers to list all 1994 and later model year service-related information on an online database called FedWorld. On May 27, 2003, the U.S. EPA finalized amendments to its regulation that improved the availability of service information and tools. Similar to the ARB's service information rulemaking, the amended regulation now requires motor vehicle manufacturers to directly provide service information for 1996 and later vehicles on Internet websites rather than on FedWorld. Many other provisions are harmonized as well. A main difference between the two rulemakings is that the U.S. EPA's regulation does not currently cover heavy-duty vehicles over 14,000 pounds within its applicability. Other minor differences exist in regards to issues such as Internet performance reporting and training materials, but none of these differences is likely to cause conflict in the implementation of either regulation.