

REQUEST FOR EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4, the Air Resources Board (ARB) requests an early effective date for the enclosed adoption of title 13, California Code of Regulations (CCR), section 1969 and documents incorporated therein and title 17, CCR, sections 60060.1 through 60060.34. The regulations establish a program requiring motor vehicle manufacturers to provide service information and tools to the automotive aftermarket industry. In addition to setting forth-specific requirements that manufacturers must meet, the regulations set forth enforcement procedures and an administrative hearing review process. The regulations were adopted pursuant to the directives of Health and Safety Code section 43105.5. Good cause for this request exists.

In section 43105.5, the Legislature directed the ARB to adopt regulations by no later than January 1, 2002. In directing the accelerated adoption deadline, the Legislature recognized the need for the aftermarket to obtain as quickly as possible access to the information and tools to properly repair vehicles on California's roads. As stated by the Legislature, providing such information will help assure a more competitive market place, where independent service and repair facilities and parts manufacturers are on more equal footing with motor vehicle manufacturers' franchised dealerships. According to the Legislature, competitive balance will provide environmental and economic benefits to the state as a whole.

The adopted regulation provides that motor vehicle manufacturers must comply with its provisions by January 1, 2003 or 180 days after the regulation becomes effective, whichever is later. The six-month period was provided to allow manufacturers time to get their Internet sites and portals designed and operational. The ARB has been monitoring the progress of manufacturers in their efforts, and at this time believes that all manufacturers are on track to have operational sites by April 1, 2003, the start of the second quarter. For purposes of providing the most effective notice to both the regulated motor vehicle manufactures and the stakeholders who will benefit from the regulation, an effective date at the start of an annual quarter would be most valuable. An early effective date will assure that this time target is met.

An early effective date will avoid any further delays and enable the aftermarket to begin obtaining access to needed service information and tools that will allow them to become more competitive in the marketplace. Failure to provide an early effective date will make it more difficult to assure that there is immediate full compliance and that intended recipients have immediate access to the information. On the other hand, an early effective date will not have any adverse consequences for the regulated motor vehicle manufacturers who will still be afforded the full six-month design and development period provided for in the

regulation.

ARB intends to notify all affected manufacturers of the effective date of the amendments as soon as it is known.

Date: _____

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