

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 2 AIR QUALITY (STATEWIDE)**
3 **PART 88 EMISSIONS STANDARDS FOR NEW MOTOR VEHICLES**
4
5

6 **20.2.88.1 ISSUING AGENCY.** Environmental Improvement Board.
7 [20.2.88.1 NMAC - N, xx/xx/07]
8

9 **20.2.88.2 SCOPE.** All persons who deliver for sale, offer for sale, sell, import, deliver, purchase, rent,
10 lease, or register new passenger cars, light-duty trucks, medium-duty passenger vehicles, and medium-duty motor
11 vehicles within the jurisdiction of the Environmental Improvement Board.
12 [20.2.88.2 NMAC - N, xx/xx/07]
13

14 **20.2.88.3 STATUTORY AUTHORITY.** Environmental Improvement Act, NMSA 1978, Section 74-1-
15 8(A)(4), and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq., including specifically, Section 74-2-5
16 (C)(2).
17 [20.2.88.3 NMAC - N, xx/xx/07]
18

19 **20.2.88.4 DURATION.** Permanent.
20 [20.2.88.4 NMAC - N, xx/xx/07]
21

22 **20.2.88.5 EFFECTIVE DATE.** xx/xx/07 except where a later date is cited at the end of a section.
23 [20.2.88.5 NMAC - N, xx/xx/07]
24

25 **20.2.88.6 OBJECTIVE.** The objective of this part is to establish emission standards for new motor
26 vehicles subject to this part.
27 [20.2.88.6 NMAC - N, xx/xx/07]
28

29 **20.2.88.7 DEFINITIONS.** In addition to the terms defined in 20.2.88.7 NMAC (Definitions), and the
30 definitions in California Code of Regulations ("CCR"), Title 13, sections incorporated by reference, the following
31 definitions apply to this part, except that "California" shall mean "New Mexico" unless otherwise specified or
32 clearly inappropriate. If a term is defined in this subsection and CCR, Title 13, section 1900, the definition in this
33 subsection shall apply.

34 **A.** "Air contaminant emission control system" means the equipment designed for installation on a
35 motor vehicle or motor vehicle engine for the purpose of reducing the air contaminants emitted from the motor
36 vehicle or motor vehicle engine or a system or engine modification on a motor vehicle which causes a reduction of
37 air contaminants emitted from the motor vehicle engine, including but not limited to exhaust control systems, fuel
38 evaporative control systems and crankcase ventilating systems.

39 **B.** "Business" means an occupation, profession or trade; a person or partnership or corporation
40 engaged in commerce, manufacturing, or a service; or a profit-seeking enterprise or concern.

41 **C.** "CARB" means California Air Resources Board.

42 **D.** "CCR" means California Code of Regulations, Title 13.

43 **E.** "California-certified" means a vehicle having a valid Executive Order stating that the vehicle
44 meets all applicable requirements under the applicable sections of CCR and approved for sale in California by
45 CARB.

46 **F.** "California standards" means those emission standards for motor vehicles and new motor vehicle
47 engines that the State of California has adopted and for which it has received a waiver from the United States
48 Environmental Protection Agency pursuant to the authority of 42 U.S.C. §7543 and which other states are permitted
49 to adopt pursuant to 42 U.S.C. §7507.

50 **G.** "Certification" means a finding by CARB that a motor vehicle, motor vehicle engine, or air
51 contaminant emission control system satisfies the criteria adopted by CARB for the control of specified air
52 contaminants from motor vehicles.

53 **H.** "Clean Air Act" or "CAA" means the Federal Clean Air Act, 42 U.S.C. §§7401 *et seq.*.

54 **I.** "Dealer" means any person actively engaged in the business of offering to sell, solicit or advertise
55 the sale, purchase, transfer, lease, sale or exchange of a new motor vehicle and who has an established place of
56 business.

57 **J.** "Department" means the New Mexico Environment Department.

58 **K.** "Emergency vehicle" means any publicly owned vehicle operated by a peace officer in the
59 performance of his duties, any authorized emergency vehicle used for fighting fires or responding to emergency fire
60 calls, any publicly owned authorized emergency vehicle used by an emergency medical technician or paramedic, or
61 any ambulance used by a private entity under contract with a public agency.

62 **L.** "Emission standards" means specified limitations on the discharge of air contaminants into the
63 atmosphere.

64 **M.** "Executive order" means a document issued by CARB certifying that a specified test group or
65 model year vehicle has met all applicable requirements adopted by CARB pursuant to the applicable sections of
66 CCR for the control of specified air contaminants from motor vehicles.

67 **N.** "Fleet average greenhouse gas emission requirement" means the limitations on greenhouse gas
68 exhaust mass emission values from passenger cars, light-duty trucks and medium-duty passenger vehicles as set
69 forth in CCR, section 1961.1.

70 **O.** "Fleet-wide average non-methane organic gas exhaust emission requirement" means a motor
71 vehicle manufacturer's average vehicle emissions of all non-methane organic gases from all vehicles subject to this
72 regulation sold in New Mexico in any model year based on the calculation in CCR, section 1960.1(g)(2).

73 **P.** "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum
74 loaded weight of a single vehicle.

75 **Q.** "Light-duty truck" means any model year 2000 and subsequent motor vehicle certified to the
76 standards in CCR, section 1961(a)(1) rated at 8,500 pounds gross vehicle weight or less, and any other motor vehicle
77 rated at 6,000 pounds or less, which is designed primarily for the purposes of transportation of property, is a
78 derivative of such vehicles, or is available with special features enabling off-street or off-highway operation and use.

79 **R.** "Low-emission vehicle" or "LEV" means a motor vehicle which has been certified by CARB.

80 **S.** "Medium duty passenger vehicle or "MDPV" means any medium-duty vehicle with a gross
81 vehicle weight rating of less than 10,000 pounds that is designed primarily for the transportation of persons. The
82 medium-duty passenger vehicle definition does not include any vehicle which:

83 (1) is an "incomplete truck" i.e., is a truck that does not have primary load carrying device or
84 container attached; or

85 (2) has a seating capacity of more than 12 persons; or

86 (3) is designed for more than 9 persons in seating rearward of the drivers seat; or

87 (4) is equipped with an open cargo area of 72.0 inches in interior length or more. A covered box not
88 readily accessible from the passenger compartment shall be considered an open cargo area for the purpose of this
89 definition.

90 **T.** "Medium-duty vehicle" means any pre-1995 model year heavy-duty vehicle having a
91 manufacturer's gross vehicle weight rating of 8,500 pounds or less, any 1992 through 2006 model year heavy-duty
92 low-emission, ultra-low emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in
93 CCR, section 1960.1(h)(2) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; and any
94 2000 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-
95 emission vehicle certified to the standards in CCR, section 1961(a)(1) or 1962 having a manufacturer's gross weight
96 rating between 8,501 and 14,000 pounds.

97 **U.** "Model year" means the manufacturer's annual production period which includes January 1, or if
98 the manufacturer has no annual production period, the calendar year. In the case of any vehicle manufactured in two
99 or more stages, the time of manufacture shall be the date of completion of the chassis.

100 **V.** "Motor vehicle" or "vehicle" means every device in, upon, or by which a person or property is or
101 may be transported otherwise than by muscular power, except motorized bicycles and devices that run only on rails
102 or tracks.

103 **W.** "Motor vehicle engine" means an engine that is used to propel a motor vehicle.

104 **X.** "New vehicle" means any vehicle with 7,500 miles or fewer on its odometer.

105 **Y.** "Non-methane organic gas" or "NMOG" means the sum of non-oxygenated and oxygenated
106 hydrocarbons contained in a gas sample as measured in accordance with the "California Non-Methane Organic Gas
107 Test Procedures", which is incorporated herein by reference.

108 **Z.** "Passenger car" means any motor vehicle designed primarily for transportation of persons and
109 having a design capacity equal to or less than 12 individuals.

110 **AA.** "Person" means an individual, public or private corporation, company, partnership, firm,
111 association, society or joint stock company, municipality, state, interstate body, the United States, or any Board,
112 commission, employee, agent, officer or political subdivision, or a state, an interstate body or the United States.

113 **BB.** “Placed in service” means having been sold to an ultimate purchaser and not to a dealer or other
114 entity in the distribution chain, and having been individually registered for on-road use by the New Mexico Motor
115 Vehicle Division.

116 **CC.** “Sale” or “sell” means the transfer of equitable or legal title to a motor vehicle or motor vehicle
117 engine to the ultimate purchaser.

118 **DD.** “State” means:
119 (1) for purposes of referring to a governing entity, the state of New Mexico; or
120 (2) for purposes of referring to a geographic area, all geographic areas within the jurisdiction of the
121 Environmental Improvement Board.

122 **EE.** “Test group” means a grouping of vehicles as defined by 40 CFR 86.1827-01.

123 **FF.** “Ultimate purchaser” means, with respect to any new motor vehicle or new motor vehicle engine,
124 the first person whom in good faith purchases a new motor vehicle or new motor vehicle engine for a purpose other
125 than resale.

126 **GG.** “Vehicle identification number” or “VIN” means a unique, 17 digit, alphanumeric code that the
127 vehicle manufacturer assigns to a vehicle.

128 **HH.** “ZEV Credit Bank” means a system designated by the Department that records and tracks the
129 generation, verification, transfer, voluntary retirement, use, and invalidation of vehicle credits.
130 [20.2.88.7 NMAC - N, xx/xx/07]
131

132 **20.2.88.8 DOCUMENTS.** Documents incorporated and cited in this part may be viewed at the New
133 Mexico Environment Department, Air Quality Bureau, in Santa Fe. [2048 Galisteo Street, Santa Fe, NM 87505]
134 [20.2.88.8 NMAC - N, xx/xx/07]
135

136 **20.2.88.9 SEVERABILITY.** If any provision of this part, or the application of such provision to any
137 person or circumstance, is held invalid, the remainder of this part, or the application of such provision to persons or
138 circumstances other than those as to which it is held invalid, shall not be affected thereby.
139 [20.2.88.9 NMAC - N, xx/xx/07]
140

141 **20.2.88.10 CONSTRUCTION.** This part shall be liberally construed to carry out its purpose.
142 [20.2.88.10 NMAC - N, xx/xx/07]
143

144 **20.2.88.11 SAVINGS CLAUSE.** Repeal or supersession of prior versions of this part shall not affect any
145 administrative or judicial action initiated under those prior versions.
146 [20.2.88.11 NMAC - N, xx/xx/07]
147

148 **20.2.88.12 COMPLIANCE WITH OTHER REGULATIONS.** Compliance with this part does not relieve
149 a person from the responsibility to comply with any other applicable federal, state, or local regulations.
150 [20.2.88.12 NMAC - N, xx/xx/07]
151

152 **20.2.88.13 LIMITATION OF DEFENSE.** The existence of a valid permit under this part shall not constitute
153 a defense to a violation of any section of this part, except the requirement for obtaining a permit.
154 [20.2.88.13 NMAC - N, xx/xx/07]
155

156 **20.2.88.14 to 20.2.88.99 [RESERVED]**
157

158 **20.2.88.100 APPLICABILITY.** Except as provided in 20.2.88.103 NMAC (Exemptions), no motor vehicle
159 manufacturer, dealer, or other person shall deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease,
160 acquire, receive, or register a new model year 2011 or subsequent model year passenger car, light-duty truck,
161 medium-duty passenger vehicle, or medium-duty vehicle unless the vehicle has been certified by CARB and
162 received a CARB Executive Order.
163 [20.2.88.100 NMAC - N, xx/xx/07]
164

165 **20.2.88.101 REQUIREMENTS TO MEET CALIFORNIA STANDARDS.**
166 **A.** Starting with model year 2011 and each model year thereafter, no motor vehicle manufacturer,
167 dealer, or other person shall deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire,

168 receive or register a new passenger car, light-duty truck, or medium-duty passenger vehicle, or medium-duty vehicle
169 unless such vehicle is certified to the California standards.

170 **B.** Each motor vehicle manufacturer shall comply with the fleet average emission requirements and
171 the warranty, recall, reporting, and other applicable requirements contained in this part.

172 **C.** Each motor vehicle dealer and rental car agency shall comply with the Department's inspection
173 and information requests issued pursuant to 20.2.88.112 (Inspections and Information Requests).

174

175 **20.2.88.102 INCORPORATION BY REFERENCE.**

176 **A.** For the purpose of applying the incorporated sections of CCR "California" means "New Mexico"
177 and "CARB" means New Mexico Environment Department, unless otherwise specified or clearly inappropriate.

178 **B.** Each manufacturer of a new model year 2011 and subsequent model year passenger car, light-duty
179 truck, medium-duty passenger vehicle, or medium-duty vehicle must comply with each applicable standard in the
180 CCR as incorporated by reference herein. The Department shall maintain copies of these sections for public
181 inspection.

182 (1) Section 1900: Definitions. California effective date 1/1/2006.

183 (2) Section 1956.8(g) and (h): Exhaust Emission Standards and Test Procedures – 1985 and
184 Subsequent Model Heavy Duty Engines and Vehicles. California effective date 11/15/06.

185 (3) Section 1960.1: Exhaust Emission Standards and Test Procedures – 1981 and through 2006
186 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles. California effective date 3/26/04.

187 (4) Section 1961: Exhaust Emission Standards and Test Procedures – 2004 and Subsequent Model
188 Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 2/17/2007.

189 (5) Section 1961.1: Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 and
190 Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective
191 date 01/01/06.

192 (6) Section 1962: Zero-Emission Vehicle Standards for 2005 and Subsequent Model Passenger Cars,
193 Light-Duty Trucks and Medium-Duty Vehicles. California effective date 3/26/04.

194 (7) Section 1962.1: Electric Vehicle Charging Requirements. California effective date 7/24/02.

195 (8) Section 1965: Emission Control and Smog Index Labels – 1979 and Subsequent Model Year
196 Vehicles. California effective date 12/04/03.

197 (9) Section 1968.2: Malfunction and Diagnostic System Requirements – 2004 and Subsequent Model
198 Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 04/21/03.

199 (10) Section 1968.5: Enforcement of Malfunction and Diagnostic System Requirements for 2004 and
200 Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines.
201 California effective date 04/21/03.

202 (11) Section 1976: Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions.
203 California effective date 2/17/07.

204 (12) Section 1978: Standards and Test Procedures for Vehicle Refueling Emissions. California
205 effective date 2/17/07.

206 (13) Section 2035: Purpose, Applicability and Definitions. California effective date 12/26/90.

207 (14) Section 2037: Defects Warranty Requirements for 1990 and Subsequent Model Year Passenger
208 Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles. California
209 effective date 11/27/99.

210 (15) Section 2038: Performance Warranty Requirements for 1990 and Subsequent Model Year
211 Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such.
212 California effective date 11/27/99.

213 (16) Section 2039: Emission Control System Warranty Statement. California effective date 12/26/90.

214 (17) Section 2040: Vehicle Owner Obligations. California effective date 12/26/90.

215 (18) Section 2041: Mediation; Finding of Warrantable Condition. California effective date 12/26/90.

216 (19) Section 2046: Defective Catalyst. California effective date 2/15/79.

217 (20) Section 2109: New Vehicle Recall Provisions. California effective date 12/30/83.

218 (21) Section 2111: Applicability. California effective date 12/13/06.

219 (22) Section 2112: Definitions. California effective date 11/15/03.

220 (23) Section 2113: Initiation and Approval of Voluntary and Influenced Recalls. California effective
221 date 1/26/95.

222 (24) Section 2114: Voluntary and Influenced Recall Plans. California effective date 11/27/99.

223 (25) Section 2115: Eligibility for Repair. California effective date 1/26/95.

- 224 (26) Section 2116: Repair Label. California effective date 1/26/95.
- 225 (27) Section 2117: Proof of Correction Certificate. California effective date 1/26/95.
- 226 (28) Section 2118: Notification. California effective date 1/26/95.
- 227 (29) Section 2119: Record keeping and Reporting Requirements. California effective date 11/27/99.
- 228 (30) Section 2120: Other Requirements Not Waived. California effective date 1/26/95.
- 229 (31) Section 2121: Penalties
- 230 (32) Section 2122: General Provisions. California effective date 1/26/95.
- 231 (33) Section 2123: Initiation and Notification of Ordered Emission-Related Recalls. California
- 232 effective date 1/26/95.
- 233 (34) Section 2124: Availability of Public Hearing. California effective date 1/26/95.
- 234 (35) Section 2125: Ordered Recall Plan. California effective date 1/26/95.
- 235 (36) Section 2126: Approval and Implementation of Recall Plan. California effective date 1/26/95.
- 236 (37) Section 2127: Notification of Owners. California effective date 1/26/95.
- 237 (38) Section 2128: Repair Label. California effective date 1/26/95.
- 238 (39) Section 2129: Proof of Correction Certificate. California effective date 1/26/95.
- 239 (40) Section 2130: Capture Rates and Alternative Measures. California effective date 11/27/99.
- 240 (41) Section 2131: Preliminary Tests. California effective date 1/26/95.
- 241 (42) Section 2132: Communication with Repair Personnel. California effective date 1/26/95.
- 242 (43) Section 2133: Record keeping and Reporting Requirements. California effective date 1/26/95.
- 243 (44) Section 2135: Extension of Time. California effective date 1/26/95.
- 244 (45) Section 2137: Vehicle and Engine Selection. California effective date 12/28/2000.
- 245 (46) Section 2138: Restorative Maintenance. California effective date 11/27/99.
- 246 (47) Section 2139: Testing. California effective date 8/21/2002.
- 247 (48) Section 2140: Notification and Use of Test Results. California effective date 8/21/2002.
- 248 (49) Section 2151: New Motor Vehicle Dealer Surveillance. California effective date 12/13/83.
- 249 (50) Section 2141: General Provisions. California effective date 12/28/00.
- 250 (51) Section 2142: Alternative Procedures. California effective date 2/23/90.
- 251 (52) Section 2143: Failure Levels Triggering Recall. California effective date 11/27/99.
- 252 (53) Section 2144: Emission Warranty Information Report. California effective date 11/27/99.
- 253 (54) Section 2145: Field Information Report. California effective date 11/27/99.
- 254 (55) Section 2146: Emissions Information Report. California effective date 11/27/99.
- 255 (56) Section 2147: Demonstration of Compliance with Emission Standards. California effective date
- 256 8/21/02.
- 257 (57) Section 2148: Evaluation of Need for Recall. California effective date 11/27/99.
- 258 (58) Section 2149: Notification of Subsequent Action. California effective date 2/23/90.
- 259 (59) Section 2235: Requirements. California effective date 9/17/91.

260
261 **20.2.88.103 EXEMPTIONS.**

262 The following vehicles are not subject to this part:

- 263 A. Military tactical vehicles;
- 264 B. Vehicles sold for registration and use in a state that is not subject to the California vehicle
- 265 emission standards;
- 266 C. Previously registered vehicles with more than 7,500 miles, provided that for vehicle dealers, the
- 267 mileage at the time of sale is determined by the odometer statement when the dealer acquired the vehicle;
- 268 D. Vehicles available only for rent to a final destination in a state that is not subject to the California
- 269 vehicle emission standards;
- 270 E. Vehicles transferred by inheritance or as a result of divorce, dissolution, or legal separation;
- 271 F. Emergency vehicles when a public safety agency has demonstrated to the Department's
- 272 satisfaction that a vehicle that shall meet the agency's needs is not otherwise reasonably available;
- 273 G. A vehicle acquired by a New Mexico resident to replace a vehicle registered to such resident that
- 274 was stolen, damaged or failed beyond reasonable repair while out of state, provided that such replacement vehicle is
- 275 acquired out of state when the previously-owned vehicle was either stolen, damaged, or failed beyond reasonable
- 276 repair; and,
- 277 H. A vehicle with a right-hand drive configuration that is not available in a California-certified
- 278 model, purchased by a rural route postal carrier and used primarily for work.

279 I. Vehicles purchased by a nonresident before establishing residency in New Mexico, regardless of
280 the mileage on the vehicle.

281
282 **20.2.88.104 FLEET AVERAGE NON-METHANE ORGANIC GAS EXHAUST EMISSION**
283 **REQUIREMENTS AND REPORTING.**

284 A. Fleet average requirement. Effective model year 2011 and each model year thereafter, each motor
285 vehicle manufacturer's NMOG fleet average emissions from passenger cars, light-duty trucks and medium-duty
286 vehicles delivered for sale in New Mexico shall not exceed the Fleet Average NMOG Exhaust Emission
287 Requirement set forth in CCR, section 1961. Compliance shall be based on the number of vehicles, subject to this
288 part, delivered for sale in New Mexico.

289 B. Fleet average NMOG exhaust emission credits and debits. Effective model year 2011 and each
290 model year thereafter, each motor vehicle manufacturer may accrue NMOG emission credits and debits and use
291 credits in accordance with the procedures in CCR, section 1961. Debits and credits accrued and used shall be based
292 on the number of vehicles subject to this part that are produced and delivered for sale in New Mexico.

293 C. Reporting. Effective model year 2011 and for each model year thereafter, each motor vehicle
294 manufacturer shall submit a report to the Department no later than March 1, that follows the procedures in CCR,
295 section 1961 and in the same format used to report such information to CARB.

296
297 **20.2.88.105 ZEV SALES.**

298 A. Effective model year 2011 and each model year thereafter, manufacturers subject to this part shall
299 produce and deliver for sale in New Mexico vehicles that comply with the ZEV sales requirement set forth in CCR,
300 section 1962.

301 B. An intermediate volume or large volume manufacturer of ZEVs, ATPZEVs or PZEVs may use
302 previously earned credits in accordance with CCR, section 1962 to offset the ZEV sales requirement in subsection
303 A.

304
305 **20.2.88.106 ZEV CREDIT BANK AND REPORTING.**

306 A. Manufacturers shall establish a ZEV Credit Bank with New Mexico on or before January 1, 2011,
307 and establish reporting procedures to report additions and deletions to that Bank in accordance with CARB
308 Manufacturers Advisory Correspondence (MAC) #06-03 Zero Emission Vehicle (ZEV) Credit Reporting and
309 Tracking System and subsections B, C, D, and E below.

310 B. In order to generate and deposit credits for vehicles delivered for sale in New Mexico during the
311 2009 through 2010 model years, a manufacturer shall open an account with the ZEV Credit Bank and submit an
312 appropriate Notice of Credit Generation to the Department by the time such vehicles are delivered.

313 C. A manufacturer shall be entitled to full credit for each Type III ZEV placed in service prior to
314 model year 2012 in any state that has adopted the California ZEV regulations contained in CCR, Section 1962.

315 D. A manufacturer with an account in the ZEV Credit Bank may acquire credits from another
316 manufacturer with an account in the ZEV Credit Bank, provided that if the credits are to be used for future
317 compliance with the ZEV sales requirement in 20.2.88.105 NMAC (ZEV Sales), the transaction shall be recorded in
318 the ZEV Credit Bank and certified by both parties to the transaction.

319 E. A vehicle equivalent credit shall not constitute or convey a property right.

320
321 **20.2.88.107 FLEET AVERAGE GREENHOUSE GAS EXHAUST EMISSIONS AND REPORTING.**

322 A. Effective model year 2011 and each model year thereafter, each manufacturer subject to this part
323 shall comply with emissions standards, fleet average greenhouse gas exhaust mass emission requirements for
324 passenger car, light-duty truck, medium-duty passenger vehicle weight classes, and other requirements of CCR,
325 section 1961.1, for vehicles produced and delivered for sale in New Mexico.

326 B. Requirements for Large Volume Manufacturers. The fleet average greenhouse gas exhaust
327 emission standards for passenger cars, light-duty trucks, and medium-duty passenger vehicles produced and
328 delivered for sale in New Mexico by a large volume manufacturer for model year 2011 and each model year
329 thereafter are set forth in CCR, section 1961.1.

330 C. Requirements for Small, Intermediate, and Independent Manufacturers. The fleet average
331 greenhouse gas exhaust emission requirements for passenger cars, light-duty trucks, and medium-duty passenger
332 vehicles delivered for sale in New Mexico by small volume, intermediate volume and independent low volume
333 manufacturers for model year 2016 and each model year thereafter are set forth in CCR, section 1961.1.

334 **D.** Greenhouse gas emission credits and debits. Greenhouse gas credits and debits may be accrued
335 and used based on each manufacturer's sale of vehicles in New Mexico as set forth in CCR, section
336 1961.1.

337 **E.** Optional alternative compliance with greenhouse gas emission standards. Greenhouse gas vehicle
338 test groups that are certified pursuant to CCR, section 1961.1(a)(1)(B)2.a in the State of California may obtain
339 equivalent credit if delivered for sale and use in New Mexico.

340 **F.** Alternative compliance credit. To receive the credit authorized by subsection E, a manufacturer
341 shall submit to the Department the data set forth in CCR, section 1961.1(a)(1)(B)2.a.i for New Mexico-specific sale
342 and use.

343 **G.** Reporting on greenhouse gas requirements. Effective model year 2011 and for each model year
344 thereafter, each manufacturer shall submit by March 31 a report to the Department that includes end-of-model year
345 data that calculates the fleet average greenhouse gas emissions for the model year just ended. The report shall
346 include the number of greenhouse gas vehicle test groups, delineated by model type, certified pursuant to CCR,
347 section 1961.1. The report shall follow the procedures in CCR, section 1961.1 and be in the same format used to
348 report such information to CARB.

349

350 **20.2.88.108 ADDITIONAL REPORTING.**

351 **A.** To determine compliance with this part, the Department may require a motor vehicle manufacturer
352 to submit any documentation that the Department deems necessary to the effective administration and enforcement
353 of this part, including all certification materials submitted to CARB.

354 **B.** In addition to the reporting requirements in 20.2.88.106 NMAC (ZEV Credit Bank and Reporting)
355 and NMAC 20.2.88.111 (Registration and Fees), beginning with the 2011 model year and each model year
356 thereafter, each manufacturer of a vehicle subject to 20.2.88.100 NMAC (Applicability) shall submit annually to the
357 Department, no later than March 31 following the close of the model year, a report documenting the total deliveries
358 for sale in New Mexico of vehicles in each test group during that model year.

359

360 **20.2.88.109 WARRANTIES.**

361 **A.** For model year 2011 and each model year thereafter, each manufacturer of a vehicle subject to
362 20.2.88.100 NMAC (Applicability) shall warrant to the ultimate purchaser and each subsequent purchaser that the
363 vehicle shall comply over its period of warranty coverage with all requirements of CCR, sections 2035 through
364 2038, 2040, and 2041.

365 **B.** For model year 2011 and each model year thereafter, a manufacturer of a vehicle subject to this
366 part shall include an emission control system warranty statement that complies with the requirements in CCR,
367 section 2039, except that a manufacturer may modify the statement for the sole purposes of informing the owner of
368 the warranty's applicability and including a telephone number for owners to obtain answers to questions regarding
369 the warranty.

370 **C.** Upon the Department's request, a manufacturer of a vehicle subject to this part shall submit a
371 Failure of Emission-Related Component report, or copy of the report submitted to CARB, to the Department as
372 defined in CCR, section 2144.

373

374 **20.2.88.110 RECALLS.**

375 **A.** Any order issued or enforcement action taken by CARB to correct noncompliance with any
376 section of CCR, Title 13, that results in the recall of a vehicle pursuant to CCR, sections 2109 through 2135, shall be
377 *prima facie* evidence concerning noncompliance for a vehicle registered in New Mexico. If the manufacturer
378 demonstrates to the Department's satisfaction that the order or action is not applicable to a vehicle registered in New
379 Mexico, the Department shall not pursue a recall of that vehicle.

380 **B.** A voluntary or influenced emission-related recall campaign initiated by a manufacturer pursuant to
381 CCR, sections 2113 through 2121 shall include all affected vehicles registered in New Mexico.

382 **C.** For any vehicle subject to an order or action under subsection A, each manufacturer shall send to
383 each owner of a vehicle registered in New Mexico a notice that complies with the requirements in CCR, sections
384 2118 or 2127, including a telephone number for owners to obtain answers to questions regarding the recall.

385

386 **20.2.88.111 REGISTRATION AND FEES.**

387 **A.** After January 1, 2010, no large-volume or intermediate-volume vehicle manufacturer shall deliver
388 for sale, offer for sale, sell, import, deliver, rent, or lease a motor vehicle subject or potentially subject to this part
389 without first obtaining a registration from the Department.

- 390 **B.** The registration shall have a term no more than 10 years and shall be subject to an annual fee.
391 **C.** The Department shall assess an annual registration fee of \$10,000 to each large and intermediate-
392 volume manufacturer for the period beginning July 1 and ending June 30 of the subsequent year.
393 **D.** Each large and intermediate-volume manufacturer shall remit the specified amount payable to the
394 New Mexico Environment Department April 1.
395

396 **20.2.88.112 INSPECTIONS AND INFORMATION REQUESTS.**

- 397 **A.** For the purpose of determining compliance with this part, the Department may inspect any new
398 and used motor vehicle, and may inspect and copy relevant, non-financial records, including records documenting
399 vehicle origin, certification, delivery, or sales, and any record of emission-related part repairs performed under
400 warranty.
401 **B.** For the purpose of determining compliance with this part, the Department may require a vehicle
402 dealer or rental car agency to submit relevant, non-financial documentation related to a motor vehicle subject or
403 potentially subject to this part, except that this subsection shall not be construed to require the creation of a new
404 record.
405 **C.** A vehicle dealer or rental car agency may assert a claim for a record or documentation requested
406 pursuant to this section in accordance with 20.2.1.115 NMAC – *Confidential Information Protection*.
407

408 **HISTORY OF 20.2.88 NMAC:** [RESERVED]