

1 **TITLE 20 ENVIRONMENTAL PROTECTION**  
2 **CHAPTER 11 ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**  
3 **PART 104 EMISSION STANDARDS FOR NEW MOTOR VEHICLES**  
4

5 **20.11.104.1 ISSUING AGENCY:** Albuquerque-Bernalillo County Air Quality Control Board , c/o  
6 Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103. Telephone: (505) 768-2738.  
7 [20.11.104.1 NMAC - N, 01/01/08]  
8

9 **20.11.104.2 SCOPE:** 20.11.104 NMAC applies to all persons who deliver for sale, offer for sale, sell, import,  
10 deliver, purchase, offer for rent, offer for lease, acquire, receive or register new passenger cars, light-duty trucks,  
11 medium-duty passenger vehicles, and medium-duty motor vehicles within the jurisdiction of the Albuquerque-  
12 Bernalillo county air quality control board.  
13 [20.11.104.2 NMAC - N, 01/01/08]  
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15 **20.11.104.3 STATUTORY AUTHORITY:** The New Mexico Air Quality Control Act, NMSA 1978 Sections  
16 74-2-4 and 74-2-5(B); the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Sections 3,  
17 4 and 5; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Sections 9-5-  
18 1-3, 9-5-1-4, and 9-5-1-5.  
19 [20.11.104.3 NMAC - N, 01/01/08]  
20

21 **20.11.104.4 DURATION :** Permanent.  
22 [20.11.104.4 NMAC - N, 01/01/08]  
23

24 **20.11.104.5 EFFECTIVE DATE:** 01/01/08 unless a later date is cited at the end of a section  
25 [20.11.104.5 NMAC - N, 01/01/08]  
26

27 **20.11.104.6 OBJECTIVE:** The objective of 20.11.104 NMAC is to establish emission standards for new  
28 motor vehicles subject to 20.11.104 NMAC.  
29 [20.11.104.6 NMAC - N, 01/01/08]  
30

31 **20.11.104.7 DEFINITIONS:** In addition to the terms defined in 20.11.104.7 NMAC, Definitions, the  
32 definitions in California code of regulations ("CCR"), Title 13, sections of which are incorporated by reference in  
33 20.11.104 NMAC, and the definitions in 20.11.1 NMAC apply, except that "California" shall mean "Bernalillo  
34 county" unless otherwise specified or clearly inappropriate. If there is a conflict between a term defined in  
35 20.11.104.7 NMAC, and CCR, Title 13, Section 1900, or 20.11.1 NMAC, the definition in 20.11.104.7 NMAC shall  
36 apply.

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

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

44 **C. "CARB"** means California air resources board.

45 **D. "CCR"** means California code of regulations, Title 13.

46 **E. "California-certified"** means a vehicle having a valid executive order stating that the vehicle  
47 meets all applicable requirements of the applicable sections of CCR and is approved for sale in California by CARB.

48 **F. "California standards"** means the emission standards for motor vehicles and new motor vehicle  
49 engines that the state of California has adopted and for which California has received a waiver from the United  
50 States environmental protection agency (EPA) pursuant to 42 U.S.C. Section 7543 and which other states are  
51 authorized to adopt pursuant to 42 U.S.C. Section 7507.

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

55 **H. "Clean Air Act" or "CAA"** means the federal Clean Air Act, 42 U.S.C. Sections 7401 et seq.

1           **I.**        “**Dealer**” means any person actively engaged in the business of offering to sell, solicit or advertise  
2 the sale, purchase, transfer, lease, sale or exchange of a new motor vehicle and who has an established place of  
3 business.

4           **J.**        “**Department**” means the Albuquerque environmental health department.

5           **K.**        “**Emergency vehicle**” means any publicly-owned vehicle operated by a peace officer in the  
6 performance of his duties, any authorized emergency vehicle used for fighting fires or responding to emergency fire  
7 calls, any publicly-owned authorized emergency vehicle used by an emergency medical technician or paramedic, or  
8 any ambulance used by a private entity under contract with a public agency.

9           **L.**        “**Emission standards**” means specified limitations on the discharge of air contaminants into the  
10 atmosphere.

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

14          **N.**        “**Fleet average greenhouse gas emission requirement**” means the limitations on greenhouse gas  
15 exhaust mass emission values from passenger cars, light-duty trucks and medium-duty passenger vehicles as set  
16 forth in CCR, section 1961.1.

17          **O.**        “**Fleet-wide average non-methane organic gas exhaust emission requirement**” means, based  
18 on the calculation in CCR, Section 1960.1(g)(2), a motor vehicle manufacturer’s average vehicle emissions of all  
19 non-methane organic gases from all vehicles subject to this regulation and sold in Bernalillo county in any model  
20 year.

21          **P.**        “**Gross vehicle weight rating**” means the value specified by the manufacturer as the maximum  
22 loaded weight of a single vehicle.

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

27          **R.**        “**Low-emission vehicle**” or “**LEV**” means a motor vehicle which has been certified by CARB.

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

31           (1) is an “incomplete truck”, i.e., a truck that does not have primary load-carrying device or container  
32 attached;

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

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

35           (4) is equipped with an open cargo area of 72.0 inches in interior length or more; a covered box not  
36 readily accessible from the passenger compartment shall be considered an open cargo area for the purpose of this  
37 definition.

38          **T.**        “**Medium-duty vehicle**” means any pre-1995 model year heavy-duty vehicle with a  
39 manufacturer’s gross vehicle weight rating of 8,500 pounds or less, any 1992 through 2006 model year heavy-duty  
40 low-emission, ultra-low emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in  
41 CCR, section 1960.1(h)(2) having a manufacturer’s gross vehicle weight rating of 14,000 pounds or less; and any  
42 2000 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-  
43 emission vehicle certified to the standards in CCR, Sections 1961(a)(1) or 1962 having a manufacturer’s gross  
44 weight rating between 8,501 and 14,000 pounds;

45          **U.**        “**Model year**” means the manufacturer’s annual production period which includes January 1, or, if  
46 the manufacturer has no annual production period, the calendar year. In the case of any vehicle manufactured in two  
47 or more stages, the time of manufacture shall be the date of completion of the chassis.

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

51          **W.**        “**Motor vehicle engine**” means an engine that is used to propel a motor vehicle.

52          **X.**        “**New vehicle**” means any vehicle with 7,500 miles or fewer on its odometer.

53          **Y.**        “**Non-methane organic gas**” or “**NMOG**” means the sum of non-oxygenated and oxygenated  
54 hydrocarbons contained in a gas sample as measured in accordance with the “California non-methane organic gas  
55 test procedures”, which is incorporated herein by reference.

1           **Z.**     **“Passenger car”** means any motor vehicle designed primarily for transportation of persons and  
2 having a design capacity equal to or less than 12 individuals;

3           **AA.**    **“Person”** means an individual, public or private corporation, company, partnership, firm,  
4 association, society or joint stock company, municipality, state, interstate body, the United States, or any board,  
5 commission, employee, agent, officer or political subdivision, or a state, an interstate body or the United States;

6           **BB.**    **“Placed in service”** means having been sold to an ultimate purchaser and not to a dealer or other  
7 entity in the distribution chain, and having been individually registered for on-road use by the New Mexico Motor  
8 vehicle division;

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

11           **DD.**    **“State”** means:

12           (1)    for purposes of referring to a governing entity, the municipality of Albuquerque and the county  
13 of Bernalillo; or

14           (2)    for purposes of referring to a geographic area, all geographic areas within the jurisdiction of the  
15 Albuquerque-Bernalillo county air quality control board;

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

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

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

22           **HH.**    **“ZEV credit bank”** means a system designated by the department that records and tracks the  
23 generation, verification, transfer, voluntary retirement, use, and invalidation of vehicle credits.  
24 [20.11.104.7 NMAC - N, 01/01/08]

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26 **20.11.104.8     VARIANCES:** No person can obtain a variance from the requirements of 20.11.104 NMAC.  
27 [20.11.104.8 NMAC - N, 01/01/08]

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29 **20.11.104.9     SEVERABILITY:** If for any reason any section, subsection, sentence, phrase, clause or wording  
30 of 20.11.104 NMAC, or the application of the provision to any person or circumstance, is held to be unconstitutional  
31 or otherwise invalid by any court or the United States environmental protection agency, the decision shall not affect  
32 the validity of the remaining portions of 20.11.104 NMAC.  
33 [20.11.104.9 NMAC - N, 01/01/08]

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35 **20.11.104.10    CONSTRUCTION:** 20.11.104 NMAC shall be liberally construed to carry out its purpose.  
36 [20.11.104.10 NMAC - N, 01/01/08]

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38 **20.11.104.11    SAVINGS CLAUSE:** The filing of 20.11.104 NMAC, Emission standards for new motor  
39 vehicles, and the filing of any amendment to 20.11.104 NMAC with the state records center and archives shall not  
40 affect any action pending for violation of a city or county ordinance, a board regulation, or a permit.  
41 [20.11.104.11 NMAC - N, 01/01/08]

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43 **20.11.104.12    COMPLIANCE WITH OTHER REGULATIONS:** Compliance with 20.11.104 NMAC does  
44 not relieve a person from responsibility for complying with any other applicable federal, state, or local regulations.  
45 [20.11.104.12 NMAC - N, 01/01/08]

46  
47 **20.11.104.13    LIMITATION OF DEFENSE:** The existence of a valid registration under 20.11.104 NMAC  
48 shall not constitute a defense to a violation of any section of 20.11.104 NMAC, except the requirement for obtaining  
49 a registration.  
50 [20.11.104.13 NMAC - N, 01/01/08]

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52 **20.11.104.14    DOCUMENTS:** Documents incorporated and cited in 20.11.104 NMAC may be viewed at the  
53 Albuquerque environmental health department, Suite 3023, One Civic Plaza, 400 Marquette NW, Albuquerque,  
54 New Mexico.  
55 [20.11.104.14 NMAC - N, 01/01/08]

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1 **20.11.104.15 to 20.11.104.99** [RESERVED]  
2

3 **20.11.104.100 APPLICABILITY:** Except as provided in 20.11.104.103 NMAC, exemptions, no motor vehicle  
4 manufacturer, dealer, or other person shall deliver for sale, offer for sale, sell, import, deliver, purchase, offer for  
5 rent, offer for lease, acquire, receive, or register a new model year 2011 or subsequent model year passenger car,  
6 light-duty truck, medium-duty passenger vehicle, or medium-duty vehicle unless the vehicle has been certified by  
7 CARB and received a CARB executive order.

8 [20.11.104.100 NMAC - N, 01/01/08]  
9

10 **20.11.104.101 REQUIREMENTS TO MEET CALIFORNIA STANDARDS:**

11 **A.** Starting with model year 2011 and each model year thereafter, no motor vehicle manufacturer,  
12 dealer, or other person shall deliver for sale, offer for sale, sell, import, deliver, purchase, offer for rent, offer for  
13 lease, acquire, receive, or register new passenger car, light-duty truck, or medium-duty passenger vehicle, or  
14 medium-duty vehicle unless the vehicle is certified to the California standards.

15 **B.** Each motor vehicle manufacturer shall comply with the fleet average emission requirements and  
16 the warranty, recall, reporting, and other applicable requirements contained in 20.11.104 NMAC.

17 **C.** Each motor vehicle dealer shall comply with the department's inspection and information requests  
18 issued pursuant to 20.11.104.112, Inspections and Information Requests.

19 [20.11.104.101 NMAC - N, 01/01/08]  
20

21 **20.11.104.102 INCORPORATION BY REFERENCE:**

22 **A.** For the purpose of applying the incorporated sections of CCR, "California" means the  
23 municipality of Albuquerque and the county of Bernalillo and "CARB" means Albuquerque-Bernalillo county air  
24 quality control board, unless otherwise specified or clearly inappropriate.

25 **B.** Each manufacturer of a new model year 2011 and subsequent model year passenger car, light-duty  
26 truck, medium-duty passenger vehicle, or medium-duty vehicle must comply with each applicable standard in the  
27 CCR as incorporated by reference in 20.11.104 NMAC. The department shall maintain copies of these sections for  
28 public inspection. The following sections of are incorporated in 20.11.104 NMAC:

29 (1) **Section 1900: Definitions.** CCR effective date 1/1/2006.

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

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

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

36 (5) **Section 1961.1: Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009**  
37 **and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles.** CCR effective date  
38 01/01/06.

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

41 (7) **Section 1962.1: Electric Vehicle Charging Requirements.** CCR effective date 7/24/02.

42 (8) **Section 1965: Emission Control and Smog Index Labels – 1979 and Subsequent Model Year**  
43 **Vehicles.** CCR effective date 12/04/03.

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

46 (10) **Section 1968.5: Enforcement of Malfunction and Diagnostic System Requirements for 2004**  
47 **and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines.**  
48 CCR effective date 04/21/03.

49 (11) **Section 1976: Standards and Test Procedures for Motor Vehicle Fuel Evaporative**  
50 **Emissions.** CCR effective date 2/17/07.

51 (12) **Section 1978: Standards and Test Procedures for Vehicle Refueling Emissions.** CCR  
52 effective date 2/17/07.

53 (13) **Section 2035: Purpose, Applicability and Definitions.** CCR effective date 12/26/90.

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

- 1           **(15) Section 2038: Performance Warranty Requirements for 1990 and Subsequent Model Year**  
2 **Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such.**  
3 CCR effective date 11/27/99.
- 4           **(16) Section 2039: Emission Control System Warranty Statement.** CCR effective date 12/26/90.  
5           **(17) Section 2040: Vehicle Owner Obligations.** CCR effective date 12/26/90.  
6           **(18) Section 2041: Mediation; Finding of Warrantable Condition.** CCR effective date 12/26/90.  
7           **(19) Section 2046: Defective Catalyst.** CCR effective date 2/15/79.  
8           **(20) Section 2109: New Vehicle Recall Provisions.** CCR effective date 12/30/83.  
9           **(21) Section 2111: Applicability.** CCR effective date 12/13/06.  
10           **(22) Section 2112: Definitions.** CCR effective date 11/15/03.  
11           **(23) Section 2113: Initiation and Approval of Voluntary and Influenced Recalls.** CCR effective  
12 date 1/26/95.
- 13           **(24) Section 2114: Voluntary and Influenced Recall Plans.** CCR effective date 11/27/99.  
14           **(25) Section 2115: Eligibility for Repair.** CCR effective date 1/26/95.  
15           **(26) Section 2116: Repair Label.** CCR effective date 1/26/95.  
16           **(27) Section 2117: Proof of Correction Certificate.** CCR effective date 1/26/95.  
17           **(28) Section 2118: Notification.** CCR effective date 1/26/95.  
18           **(29) Section 2119: Record keeping and Reporting Requirements.** CCR effective date 11/27/99.  
19           **(30) Section 2120: Other Requirements Not Waived.** CCR effective date 1/26/95.  
20           **(31) Section 2121: Penalties.**  
21           **(32) Section 2122: General Provisions.** CCR effective date 1/26/95.  
22           **(33) Section 2123: Initiation and Notification of Ordered Emission-Related Recalls.** CCR  
23 effective date 1/26/95.
- 24           **(34) Section 2124: Availability of Public Hearing.** CCR effective date 1/26/95.  
25           **(35) Section 2125: Ordered Recall Plan.** CCR effective date 1/26/95.  
26           **(36) Section 2126: Approval and Implementation of Recall Plan.** CCR effective date 1/26/95.  
27           **(37) Section 2127: Notification of Owners.** CCR effective date 1/26/95.  
28           **(38) Section 2128: Repair Label.** CCR effective date 1/26/95.  
29           **(39) Section 2129: Proof of Correction Certificate.** CCR effective date 1/26/95.  
30           **(40) Section 2130: Capture Rates and Alternative Measures.** CCR effective date 11/27/99.  
31           **(41) Section 2131: Preliminary Tests.** CCR effective date 1/26/95.  
32           **(42) Section 2132: Communication with Repair Personnel.** CCR effective date 1/26/95.  
33           **(43) Section 2133: Record keeping and Reporting Requirements.** CCR effective date 1/26/95.  
34           **(44) Section 2135: Extension of Time.** CCR effective date 1/26/95.  
35           **(45) Section 2137: Vehicle and Engine Selection.** CCR effective date 12/28/2000.  
36           **(46) Section 2138: Restorative Maintenance.** CCR effective date 11/27/99.  
37           **(47) Section 2139: Testing.** CCR effective date 8/21/2002.  
38           **(48) Section 2140: Notification and Use of Test Results.** CCR effective date 8/21/2002.  
39           **(49) Section 2141: General Provisions.** CCR effective date 12/28/00.  
40           **(50) Section 2142: Alternative Procedures.** CCR effective date 2/23/90.  
41           **(51) Section 2143: Failure Levels Triggering Recall.** CCR effective date 11/27/99.  
42           **(52) Section 2144: Emission Warranty Information Report.** CCR effective date 11/27/99.  
43           **(53) Section 2145: Field Information Report.** CCR effective date 11/27/99.  
44           **(54) Section 2146: Emissions Information Report.** CCR effective date 11/27/99.  
45           **(55) Section 2147: Demonstration of Compliance with Emission Standards.** CCR effective date  
46 8/21/02
- 47           **(56) Section 2148: Evaluation of Need for Recall.** CCR effective date 11/27/99.  
48           **(57) Section 2149: Notification of Subsequent Action.** CCR effective date 2/23/90  
49           **(58) Section 2151: New Motor Vehicle Dealer Surveillance.** CCR effective date 12/13/83.  
50           **(59) Section 2235: Requirements.** CCR effective date 9/17/91.

51 [20.11.104.102 NMAC - N, 01/01/08]

52  
53 **20.11.104.103 EXEMPTIONS:**

54 The following vehicles are not subject to 20.11.104 NMAC.

- 55       **A.** Military tactical vehicles.

1           **B.**       Vehicles sold for registration and use in a state that is not subject to the California vehicle  
2 emission standards.

3           **C.**       Previously registered vehicles with more than 7,500 miles, provided that for vehicle dealers, the  
4 mileage at the time of sale is determined by the odometer statement when the dealer acquired the vehicle.

5           **D.**       Vehicles available only for rent to a final destination in a state that is not subject to the California  
6 vehicle emission standards.

7           **E.**       Vehicles transferred by inheritance or as a result of divorce, dissolution, or legal separation;

8           **F.**       Emergency vehicles if a public safety agency has demonstrated to the department's satisfaction  
9 that a vehicle that meets the agency's needs is not otherwise reasonably available.

10          **G.**       A vehicle acquired by a New Mexico resident to replace a vehicle registered to such resident that  
11 was stolen, damaged or failed beyond reasonable repair while out of state, provided that such replacement vehicle is  
12 acquired out of state when the previously-owned vehicle was stolen, damaged, or failed beyond reasonable repair.

13          **H.**       A vehicle with a right-hand drive configuration that is not available in a California-certified  
14 model, purchased by a rural route postal carrier and used primarily for work.

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

17 [20.11.104.103 NMAC - N, 01/01/08]

18  
19 **20.11.104.104 FLEET AVERAGE NON-METHANE ORGANIC GAS EXHAUST EMISSION**  
20 **REQUIREMENTS AND REPORTING:**

21          **A.**       Fleet average requirement. Effective model year 2011 and each model year thereafter, each motor  
22 vehicle manufacturer's NMOG fleet average emissions from passenger cars, light-duty trucks and medium-duty  
23 vehicles delivered for sale in Bernalillo county shall not exceed the Fleet Average NMOG Exhaust Emission  
24 Requirement set forth in CCR, Section 1961. Compliance shall be based on the number of vehicles that are subject  
25 to 20.11.104 NMAC and are delivered for sale in Bernalillo county.

26          **B.**       Fleet average NMOG exhaust emission credits and debits. Effective model year 2011 and each  
27 model year thereafter, each motor vehicle manufacturer may accrue NMOG emission credits and debits and use  
28 credits in accordance with the procedures in CCR Section 1961. Debits and credits accrued and used shall be based  
29 on the number of vehicles subject to 20.11.104 NMAC that are delivered for sale in Bernalillo county.

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

33 [20.11.104.104 NMAC - N, 01/01/08]

34  
35 **20.11.104.105 ZEV SALES:**

36          **A.**       Effective model year 2011 and each model year thereafter, manufacturers subject to 20.11.104  
37 NMAC shall produce and deliver for sale in Bernalillo county vehicles that comply with the ZEV sales requirement  
38 set forth in , Section 1962.

39          **B.**       An intermediate volume or large volume manufacturer of ZEVs, ATPZEVs or PZEVs may use  
40 previously earned credits in accordance with CCR , Section 1962 to offset the ZEV sales requirement in Subsection  
41 A of 20.11.104.105 NMAC .

42 [20.11.104.105 NMAC - N, 01/01/08]

43  
44 **20.11.104.106 ZEV CREDIT BANK AND REPORTING:**

45          **A.**       Manufacturers shall establish a ZEV credit bank with the department on or before January 1, 2011,  
46 and establish reporting procedures to report additions and deletions to that bank in accordance with CARB  
47 manufacturers advisory correspondence (MAC) #06-03 zero emission vehicle (ZEV) credit reporting and tracking  
48 system and Subsections B, C, D, and E of 20.11.104.106 NMAC.

49          **B.**       In order to generate and deposit credits for vehicles delivered for sale within Bernalillo county  
50 during the 2009 through 2010 model years, a manufacturer shall open an account with the ZEV Credit Bank and  
51 submit an appropriate notice of credit generation to the department by the time such vehicles are delivered.

52          **C.**       A manufacturer shall be entitled to full credit for each type III ZEV placed in service prior to  
53 model year 2012 in any state that has adopted the California ZEV regulations contained in CCR , section 1962.

54          **D.**       A manufacturer with an account in the ZEV credit bank may acquire credits from another  
55 manufacturer with an account in the ZEV credit bank, provided that if the credits are to be used for future

1 compliance with the ZEV sales requirement in 20.11.104.105 NMAC, ZEV Sales, the transaction shall be recorded  
2 in the ZEV credit bank and certified by both parties to the transaction.

3 **E.** A vehicle equivalent credit shall not constitute or convey a property right.  
4 [20.11.104.106 NMAC - N, 01/01/08]

5  
6 **20.11.104.107 FLEET AVERAGE GREENHOUSE GAS EXHAUST EMISSIONS AND REPORTING:**

7 **A.** Effective model year 2011 and each model year thereafter, each manufacturer subject to 20.11.104  
8 NMAC shall comply with emissions standards, fleet average greenhouse gas exhaust mass emission requirements  
9 for passenger car, light-duty truck, medium-duty passenger vehicle weight classes, and other requirements of CCR  
10 Section 1961.1, for vehicles delivered for sale in Bernalillo county.

11 **B.** Requirements for large volume manufacturers. The fleet average greenhouse gas exhaust emission  
12 standards for passenger cars, light-duty trucks, and medium-duty passenger vehicles delivered for sale within  
13 Bernalillo county by a large volume manufacturer for model year 2011 and each model year thereafter are set forth  
14 in CCR, Section 1961.1.

15 **C.** Requirements for small, intermediate, and independent manufacturers. The fleet average  
16 greenhouse gas exhaust emission requirements for passenger cars, light-duty trucks, and medium-duty passenger  
17 vehicles delivered for sale within Bernalillo county by small volume, intermediate volume and independent low  
18 volume manufacturers for model year 2016 and each model year thereafter are set forth in CCR , Section 1961.1.

19 **D.** Greenhouse gas emission credits and debits. Greenhouse gas credits and debits may be accrued  
20 and used based on each manufacturer's sale of vehicles within Bernalillo county as set forth in CCR , Section  
21 1961.1.

22 **E.** Optional alternative compliance with greenhouse gas emission standards. Greenhouse gas vehicle  
23 test groups that are certified pursuant to CCR, Section 1961.1(a)(1)(B)2 in the state of California may obtain  
24 equivalent credit if delivered for sale and use within Bernalillo county.

25 **F.** Alternative compliance credit. To receive the credit authorized by subsection E of 20.11.104.107  
26 NMAC, a manufacturer shall submit to the department the data set forth in CCR , Section 1961.1(a)(1)(B)2.a.i for  
27 Bernalillo county-specific sale and use.

28 **G.** Reporting on greenhouse gas requirements. Beginning model year 2011 and for each model year  
29 thereafter, each manufacturer shall submit a report to the department that includes end-of-model year data that  
30 calculates the fleet average greenhouse gas emissions for the model year just ended; the report shall include the  
31 number of greenhouse gas vehicle test groups, delineated by model type, certified pursuant to CCR Section 1961;  
32 the report shall follow the procedures in CCR, Section 1961.1 and be in the same format used to report such  
33 information to CARB.

34 [20.11.104.107 NMAC - N, 01/01/08]

35  
36 **20.11.104.108 ADDITIONAL REPORTING:**

37 **A.** To determine compliance with 20.11.104 NMAC, the department may require a motor vehicle  
38 manufacturer to submit any documentation that the department deems necessary to the effective administration and  
39 enforcement of 20.11.104 NMAC, including all certification materials submitted to CARB.

40 **B.** In addition to the reporting requirements in 20.11.104.106 NMAC, ZEV Credit Bank and  
41 Reporting, and NMAC 20.11.104.111, Registration and Fees, beginning with the 2011 model year and each model  
42 year thereafter, each manufacturer of a vehicle subject to 20.11.104.100 NMAC, Applicability, shall submit  
43 annually to the department, no later than March 31 following the close of the model year, a report documenting the  
44 total deliveries for sale within Bernalillo county of vehicles in each test group during that model year.

45 [20.11.104.108 NMAC - N, 01/01/08]

46  
47 **20.11.104.109 WARRANTIES:**

48 **A.** For model year 2011 and each model year thereafter, each manufacturer of a vehicle subject to  
49 20.11.104.100 NMAC, Applicability, shall warrant to the ultimate purchaser and each subsequent purchaser that the  
50 vehicle shall comply over its period of warranty coverage with all requirements of CCR Sections 2035 through  
51 2038, 2040, and 2041.

52 **B.** For model year 2011 and each model year thereafter, a manufacturer of a vehicle subject to  
53 20.11.104 NMAC shall include an emission control system warranty statement that complies with the requirements  
54 in CCR , Section 2039, except that a manufacturer may modify the statement for the sole purposes of informing the  
55 owner of the warranty's applicability and including a telephone number for owners to obtain answers to questions  
56 regarding the warranty.

1 C. Upon the department's request, a manufacturer of a vehicle subject to 20.11.104 NMAC shall  
2 submit to the department a failure of emission-related component report, or copy of the report submitted to CARB,  
3 as required by CCR , Section 2144.  
4 [20.11.104.109 NMAC - N, 01/01/08]  
5

6 **20.11.104.110 RECALLS:**

7 A. Any order issued or enforcement action taken by CARB to correct noncompliance with any  
8 section of CCR, Title 13, that results in the recall of a vehicle pursuant to CCR , sections 2109 through 2135, shall  
9 be prima facie evidence of noncompliance of a vehicle registered in Bernalillo county. If the manufacturer  
10 demonstrates to the department's satisfaction that the order or action is not applicable to a vehicle registered in  
11 Bernalillo county, the department shall not pursue a recall of that vehicle.

12 B. A voluntary or influenced emission-related recall campaign initiated by a manufacturer pursuant to  
13 CCR Sections 2113 through 2121 shall include all affected vehicles registered in Bernalillo county.

14 C. For any vehicle subject to an order or action under Subsection A of 20.11.104.110 NMAC, each  
15 manufacturer shall send to each owner of a vehicle registered in Bernalillo county a notice that complies with the  
16 requirements in CCR Sections 2118 or 2127, including a telephone number for owners to obtain answers to  
17 questions regarding the recall.

18 [20.11.104.110 NMAC - N, 01/01/08]  
19

20 **20.11.104.111 REGISTRATION AND FEES:**

21 A. After January 1, 2010, no large-volume or intermediate-volume vehicle manufacturer shall deliver  
22 for sale, offer for sale, sell, import, deliver, purchase, offer for rent, offer for lease, acquire, receive, or register a  
23 motor vehicle subject or potentially subject to 20.11.104 NMAC without first obtaining a registration from the  
24 department.

25 B. The registration shall have a term no more than 10 years and each large and intermediate-volume  
26 manufacturer shall pay an annual registration fee to the department.

27 C. The department shall assess an annual registration fee of \$10,000 to each large and intermediate-  
28 volume manufacturer for the period beginning July 1 and ending June 30 of the subsequent year.

29 D. By April 1 each year, each large and intermediate-volume manufacturer shall pay the annual  
30 registration fee to the department.

31 [20.11.104.111 NMAC - N, 01/01/08]  
32

33 **20.11.104.112 INSPECTIONS AND INFORMATION REQUESTS:**

34 A. For the purpose of determining compliance with 20.11.104 NMAC, the department may inspect  
35 any new and used motor vehicle, and may inspect and copy relevant, non-financial records, including records  
36 documenting vehicle origin, certification, delivery, or sales, and any record of emission-related part repairs  
37 performed under warranty.

38 B. For the purpose of determining compliance with 20.11.104 NMAC, the department may require a  
39 vehicle dealer or rental car agency to submit relevant, non-financial documentation related to a motor vehicle subject  
40 or potentially subject to 20.11.104 NMAC, except this subsection shall not be construed to require the creation of a  
41 new record.

42 C. A vehicle dealer or rental car agency may assert a claim for a record or documentation requested  
43 pursuant to this section in accordance with 20.2.1.115 NMAC, Confidential Information Protection.

44 [20.11.104.112 NMAC - N, 01/01/08]  
45

46 **HISTORY OF 20.11.104 NMAC: [RESERVED]**