TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 88 EMISSION STANDARDS FOR NEW MOTOR VEHICLES

20.2.88.1 ISSUING AGENCY. Environmental Improvement Board.
[20.2.88.1 NMAC - N, 12/31/07]

20.2.88.2 SCOPE. All persons who deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, or register new passenger cars, light-duty trucks, medium-duty passenger vehicles, and medium-duty motor vehicles within the jurisdiction of the environmental improvement board.
[20.2.88.2 NMAC - N, 12/31/07]

20.2.88.3 STATUTORY AUTHORITY. Environmental Improvement Act, NMSA 1978, Section 74-1-8(A)(4), and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq.
[20.2.88.3 NMAC - N, 12/31/07]

20.2.88.4 DURATION. Permanent.
[20.2.88.4 NMAC - N, 12/31/07]

20.2.88.5 EFFECTIVE DATE. 12/31/07 except where a later date is cited at the end of a section.
[The latest effective date of any section in this part is 01/31/11.]
[20.2.88.5 NMAC - N, 12/31/07]

20.2.88.6 OBJECTIVE. The objective of this part is to establish emission standards for new motor vehicles subject to this part.
[20.2.88.6 NMAC - N, 12/31/07]

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

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

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

C. "CARB" means California air resources board.

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

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

F. "California standards" means those emission standards for motor vehicles and new motor vehicle engines that the state of California has adopted and for which it has received a waiver from the United States environmental protection agency pursuant to the authority of 42 U.S.C. Section 7543 and which other states are permitted to adopt pursuant to 42 U.S.C. Section 7507.

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

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

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

J. "Department" means the New Mexico environment department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DD. **"State"** means:

(1) for purposes of referring to a governing entity, the state of New Mexico; or

(2) for purposes of referring to a geographic area, all geographic areas within the jurisdiction of the environmental improvement board.

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

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

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

HH. **"ZEV credit bank"** means a system designated by the department that records and tracks the generation, verification, transfer, voluntary retirement, use, and invalidation of vehicle credits.

[20.2.88.7 NMAC - N, 12/31/07]

20.2.88.8 **DOCUMENTS.** Documents incorporated and cited in this part may be viewed at the New Mexico environment department air quality bureau offices in Santa Fe.

[20.2.88.8 NMAC - N, 12/31/07]

[The current address for the New Mexico environment department air quality bureau is 1301 Siler Road, Building B, Santa Fe, NM 87507]

20.2.88.9 **SEVERABILITY.** If any provision of this part, or the application of such provision to any person or circumstance, is held invalid, the remainder of this part, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

[20.2.88.9 NMAC - N, 12/31/07]

20.2.88.10 **CONSTRUCTION.** This part shall be liberally construed to carry out its purpose.

[20.2.88.10 NMAC - N, 12/31/07]

20.2.88.11 **SAVINGS CLAUSE.** Repeal or supersession of prior versions of this part shall not affect any administrative or judicial action initiated under those prior versions.

[20.2.88.11 NMAC - N, 12/31/07]

20.2.88.12 **COMPLIANCE WITH OTHER REGULATIONS.** Compliance with this part does not relieve a person from the responsibility to comply with any other applicable federal, state, or local regulations.

[20.2.88.12 NMAC - N, 12/31/07]

20.2.88.13 **LIMITATION OF DEFENSE.** The existence of a valid permit under this part shall not constitute a defense to a violation of any section of this part, except the requirement for obtaining a permit.

[20.2.88.13 NMAC - N, 12/31/07]

20.2.88.14 **WAIVER OF PART REQUIREMENTS.** All requirements of this part are waived from January 31, 2011 through January 1, 2016.

[20.2.88.14 NMAC - N, 01/31/11]

20.2.88.15 to 20.2.88.99 [RESERVED]

20.2.88.100 **APPLICABILITY.** Except as provided in 20.2.88.103 NMAC (Exemptions), no motor vehicle manufacturer, dealer, or other person shall deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire, receive, or register a new model year 2011 or subsequent model year passenger car, light-duty truck, medium-duty passenger vehicle, or medium-duty vehicle unless the vehicle has been certified by CARB and received a CARB executive order.

[20.2.88.100 NMAC - N, 12/31/07]

20.2.88.101 REQUIREMENTS TO MEET CALIFORNIA STANDARDS.

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

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

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

[20.2.88.101 NMAC - N, 12/31/07]

20.2.88.102 INCORPORATION BY REFERENCE.

A. For the purpose of applying the incorporated sections of CCR "California" means "New Mexico" and "CARB" means New Mexico environment department, unless otherwise specified or clearly inappropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(21) Section 2111: Applicability. California effective date 12/13/06.
(22) Section 2112: Definitions. California effective date 11/15/03.
(23) Section 2113: Initiation and Approval of Voluntary and Influenced Recalls. California effective date 1/26/95.
(24) Section 2114: Voluntary and Influenced Recall Plans. California effective date 11/27/99.
(25) Section 2115: Eligibility for Repair. California effective date 1/26/95.
(26) Section 2116: Repair Label. California effective date 1/26/95.
(27) Section 2117: Proof of Correction Certificate. California effective date 1/26/95.
(28) Section 2118: Notification. California effective date 1/26/95.
(29) Section 2119: Record keeping and Reporting Requirements. California effective date 11/27/99.
(30) Section 2120: Other Requirements Not Waived. California effective date 1/26/95.
(31) Section 2121: Penalties
(32) Section 2122: General Provisions. California effective date 1/26/95.
(33) Section 2123: Initiation and Notification of Ordered Emission-Related Recalls. California effective date 1/26/95.
(34) Section 2124: Availability of Public Hearing. California effective date 1/26/95.
(35) Section 2125: Ordered Recall Plan. California effective date 1/26/95.
(36) Section 2126: Approval and Implementation of Recall Plan. California effective date 1/26/95.
(37) Section 2127: Notification of Owners. California effective date 1/26/95.
(38) Section 2128: Repair Label. California effective date 1/26/95.
(39) Section 2129: Proof of Correction Certificate. California effective date 1/26/95.
(40) Section 2130: Capture Rates and Alternative Measures. California effective date 11/27/99.
(41) Section 2131: Preliminary Tests. California effective date 1/26/95.
(42) Section 2132: Communication with Repair Personnel. California effective date 1/26/95.
(43) Section 2133: Record keeping and Reporting Requirements. California effective date 1/26/95.
(44) Section 2135: Extension of Time. California effective date 1/26/95.
(45) Section 2137: Vehicle and Engine Selection. California effective date 12/28/2000.
(46) Section 2138: Restorative Maintenance. California effective date 11/27/99.
(47) Section 2139: Testing. California effective date 8/21/2002.
(48) Section 2140: Notification and Use of Test Results. California effective date 8/21/2002.
(49) Section 2141: General Provisions. California effective date 12/28/00.
(50) Section 2142: Alternative Procedures. California effective date 2/23/90.
(51) Section 2143: Failure Levels Triggering Recall. California effective date 11/27/99.
(52) Section 2144: Emission Warranty Information Report. California effective date 11/27/99.
(53) Section 2145: Field Information Report. California effective date 11/27/99.
(54) Section 2146: Emissions Information Report. California effective date 11/27/99.
(55) Section 2147: Demonstration of Compliance with Emission Standards. California effective date 8/21/02.
(56) Section 2148: Evaluation of Need for Recall. California effective date 11/27/99.
(57) Section 2149: Notification of Subsequent Action. California effective date 2/23/90.
(58) Section 2151: New Motor Vehicle Dealer Surveillance. California effective date 12/13/83.
(59) Section 2235: Requirements. California effective date 9/17/91.

[20.2.88.102 NMAC - N, 12/31/07]

20.2.88.103 EXEMPTIONS. The following vehicles are not subject to this part.

A. Military tactical vehicles.

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

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

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

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

F. Emergency vehicles when a public safety agency has demonstrated to the department's satisfaction that a vehicle that shall meet the agency's needs is not otherwise reasonably available.

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

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

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

[20.2.88.103 NMAC - N, 12/31/07]

20.2.88.104 FLEET AVERAGE NON-METHANE ORGANIC GAS EXHAUST EMISSION REQUIREMENTS AND REPORTING.

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

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

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

[20.2.88.104 NMAC - N, 12/31/07]

20.2.88.105 ZEV SALES.

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

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

[20.2.88.105 NMAC - N, 12/31/07]

20.2.88.106 ZEV CREDIT BANK AND REPORTING.

A. Manufacturers shall establish a ZEV credit bank with New Mexico on or before January 1, 2011, and establish reporting procedures to report additions and deletions to that bank in accordance with CARB manufacturers advisory correspondence (MAC) #06-03 zero emission vehicle (ZEV) credit reporting and tracking system and Subsections B, C, D, and E of this section.

B. The department shall set aside a number of New Mexico ZEV credits proportionally equivalent to the number of ZEV credits possessed by the requesting manufacturer for use in the state of California at the beginning of the 2011 model year. This transfer shall be performed only after all credit obligations for model years 2010 and earlier have been satisfied in California. Each manufacturer's California credit balances shall be multiplied by the ratio of the average number of PCs and LDT1s produced and delivered for sale in New Mexico to the combined average number of PCs and LDT1s produced and delivered for sale in California in model years 2003 through 2005, or, alternatively, by the ratio of PCs and LDT1s produced and delivered for sale in New Mexico to the combined number of PCs and LDT1s produced and delivered for sale in California in model year 2011. In either case, the time period used to determine the credit transfer ratio shall be used to determine model year 2011 ZEV sales requirements in New Mexico. The department shall establish ZEV compliance accounts for each manufacturer and allocate the credits calculated under this subsection to such compliance accounts, including separate accounts for PZEV, AT-PZEV, NEV, Type 0 ZEVs, Type I ZEVs, Type II ZEVs, Type III ZEVs, transportation system, and extended service. The department shall notify each manufacturer of the number of ZEV credits available for use by July 31, 2011. Credits issued pursuant to this subsection may only be used in New Mexico for compliance with the ZEV provisions subject to the same requirements and limitations on credit use set forth in CCR, section 1962, adjusted for New Mexico specific vehicle numbers. Each manufacturer operating in accordance with this subsection shall do the following.

(1) By May 1, 2011, provide the department with the total number of PC and LDT1 vehicles produced and delivered for sale in New Mexico and California for 2003 through 2005 model years.

(2) Alternatively, by May 1, 2011, provide the department with the total number of PC and LDT1 vehicles to be produced and delivered for sale in New Mexico and California in model year 2011. By March 1, 2012, provide the department with actual model year 2011 PC and LDT1 vehicles produced and delivered for sale in New Mexico and California. By May 31, 2012, the department shall adjust and notify each manufacturer of the number of ZEV credits established based on actual model year 2011.

(3) By May 1, 2011, provide the department with the total number of banked California credits after all model year 2010 and earlier obligations have been met.

C. In addition to the credits transferred in accordance with subsection B of this section, manufacturers may also generate and deposit credits for vehicles delivered for sale in New Mexico during the 2009 through 2010 model years, a manufacturer shall open an account with the ZEV credit bank and submit an appropriate notice of credit generation to the department by the time such vehicles are delivered.

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

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

[20.2.88.106 NMAC - N, 12/31/07]

20.2.88.107 FLEET AVERAGE GREENHOUSE GAS EXHAUST EMISSIONS AND REPORTING.

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

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

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

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

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

F. Alternative compliance credit. To receive the credit authorized by subsection E, a manufacturer 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 and use.

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

[20.2.88.107 NMAC - N, 12/31/07]

20.2.88.108 ADDITIONAL REPORTING.

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

B. In addition to the reporting requirements in 20.2.88.106 NMAC (ZEV Credit Bank and Reporting) and NMAC 20.2.88.111 (Registration and Fees), beginning with the 2011 model year and each model year thereafter, each manufacturer of a vehicle subject to 20.2.88.100 NMAC (Applicability) shall submit annually to the

department, no later than March 31 following the close of the model year, a report documenting the total deliveries for sale in New Mexico of vehicles in each test group during that model year.
[20.2.88.108 NMAC - N, 12/31/07]

20.2.88.109 WARRANTIES.

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

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

C. Upon the department's request, a manufacturer of a vehicle subject to this part shall submit a failure of emission-related component report, or copy of the report submitted to CARB, to the department as defined in CCR, Section 2144.
[20.2.88.109 NMAC - N, 12/31/07]

20.2.88.110 RECALLS.

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

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

C. For any vehicle subject to an order or action under Subsection A of this section, each manufacturer shall send to each owner of a vehicle registered in New Mexico a notice that complies with the requirements in CCR, Sections 2118 or 2127, including a telephone number for owners to obtain answers to questions regarding the recall.
[20.2.88.110 NMAC - N, 12/31/07]

20.2.88.111 REGISTRATION AND FEES.

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

B. The registration shall have a term no more than 10 years and shall be subject to an annual fee.

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

D. Each large and intermediate-volume manufacturer shall remit the specified amount payable to the New Mexico environment department by April 1, annually.
[20.2.88.111 NMAC - N, 12/31/07]

20.2.88.112 INSPECTIONS AND INFORMATION REQUESTS.

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

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

C. A vehicle dealer or rental car agency may assert a claim for a record or documentation requested pursuant to this section in accordance with 20.2.1.115 NMAC (Confidential Information Protection).
[20.2.88.112 NMAC - N, 12/31/07]

HISTORY OF 20.2.88 NMAC: [RESERVED]