

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 2 AIR QUALITY (STATEWIDE)**
3 **PART 91 NEW MOTOR VEHICLE EMISSION STANDARDS**
4

5 **20.2.91.1 ISSUING AGENCY:** Environmental Improvement Board.
6 [20.2.91.1 NMAC - N, 7/1/2022]
7

8 **20.2.91.2 SCOPE:** All manufacturers, dealers, rental car agencies, the United States, state and local
9 governments, or other persons who deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire,
10 receive, or register model year 2027 and subsequent model year passenger cars, light-duty trucks, medium-duty
11 passenger vehicles, medium-duty vehicles or motor vehicle engines, heavy-duty vehicles, heavy-duty engines or
12 motor vehicle engines. All regulated entities subject to compliance with 20.2.91.120 NMAC.
13 [20.2.91.2 NMAC - N, 7/1/2022, A, 12/31/2023]
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15 **20.2.91.3 STATUTORY AUTHORITY:** The Environmental Improvement Act, Paragraph (4) of
16 Subsection A of Section 74-1-8 NMSA 1978, and the Air Quality Control Act, Sections 74-2-1 through 74-2-17
17 NMSA 1978.
18 [20.2.91.3 NMAC - N, 7/1/2022]
19

20 **20.2.91.4 DURATION:** Permanent.
21 [20.2.91.4 NMAC - N, 7/1/2022]
22

23 **20.2.91.5 EFFECTIVE DATE:** December 31, 2023, except where a later date is cited at the end of a
24 section.
25 [20.2.91.5 NMAC - N, 7/1/2022, A, 12/31/2023]
26

27 **20.2.91.6 OBJECTIVE:** To adopt and implement the California vehicle emission standards and
28 requirements statewide pursuant to Section 177 of the federal Clean Air Act.
29 [20.2.91.6 NMAC - N, 7/1/2022]
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31 **20.2.91.7 DEFINITIONS:** The definitions in the Air Quality Control Act, Section 74-2-2, NMSA 1978
32 shall apply in 20.2.91 NMAC. If a term is defined in Section 74-2-2 NMSA 1978 and 20.2.91 NMAC, the
33 definition in 20.2.91 NMAC shall apply. The definitions in 20.2.2.7 NMAC shall not apply in 20.2.91 NMAC.
34 When a term in a provision of the California code of regulations (CCR), Title 13, Title 17, or the California health
35 and safety code (CHSC) incorporated by reference is given a different meaning than the term defined for general
36 purposes in 20.2.91 NMAC, the specific CCR or CHSC section's meaning and application of the term shall control,
37 except that all references in the incorporated sections of the CCR and CHSC shall have a different meaning unique
38 to New Mexico whenever appropriate depending on context and the entity's authority, as follows: "California" shall,
39 whenever appropriate, mean "New Mexico"; the "California Air Resources Board," "CARB," "state board", or
40 "board" shall mean the "environmental improvement board" or "department," depending on the context; and
41 "Executive Officer" shall mean the "secretary;" provided, however, the terms in the CCR and CHSC definitions
42 incorporated by reference in 20.2.91.7 NMAC shall not be changed. For registration of a motor vehicle, when a
43 term defined herein is also defined in the Motor Vehicle Code, Articles 1 through 8 of Chapter 66 NMSA 1978, and
44 is given a different meaning than the term defined for general purposes in 20.2.91 NMAC, the Motor Vehicle Code
45 meaning, and application of the term shall control.

46 **A. "California Air Resources Board" or "CARB"** means the same in 20.2.91 NMAC as it is
47 defined in CHSC, Section 39003.

48 **B. "Certification"** means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39018.

49 **C. "Dealer"** means the same in 20.2.91 NMAC as it is defined in Subsection B of Section 57-16-3
50 NMSA 1978.

51 **D. "Emission standards"** means the same in 20.2.91 NMAC as it is defined in CHSC, Section
52 39027, which New Mexico is authorized to adopt pursuant to 42 U.S.C. § 7507.

53 **E. "Emergency vehicle"** means the same in 20.2.91 NMAC as it is defined in CCR, Title 13,
54 Section 1961.3(f)(10).

55 **F. "Environmental improvement board"** means the same in 20.2.91 NMAC as it is defined in
56 Subsection A of Section 74-1-3 NMSA 1978.

- 1 **G.** “**Fleet**” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 2012(d).
- 2 **H.** “**Fleet owner**” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section
- 3 2012(d).
- 4 **I.** “**Greenhouse gas**” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section
- 5 1961.3(18).
- 6 **J.** “**Heavy-duty engine**” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13,
- 7 Section 1900(b)(5) or Title 17, Section 95662, as applicable.
- 8 **K.** “**Heavy-duty vehicle**” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13,
- 9 Section 1900(b)(6) or CCR, Title 17, Section 95662, as applicable.
- 10 **L.** “**Light-duty truck**” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section
- 11 1900(b)(11).
- 12 **M.** “**Manufacturer**” means the same in 20.2.91 NMAC as it is defined in Subsection J of Section 57-
- 13 16-3 NMSA 1978.
- 14 **N.** “**Medium-duty**” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39037.5.
- 15 **O.** “**Medium-duty passenger vehicle**” means the same in 20.2.91 NMAC as it is defined in CCR,
- 16 Title 13, Section 1900(b)(12).
- 17 **P.** “**Medium-duty vehicle**” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13,
- 18 Section 1900(b)(13) or CCR, Title 17, Section 95662, as applicable.
- 19 **Q.** “**Methane**” means the chemical compound containing one atom of carbon and four atoms of
- 20 hydrogen.
- 21 **R.** “**Model year**” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39038.
- 22 **S.** “**Motor vehicle**” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39039.
- 23 **T.** “**Motor vehicle engine**” means the same in 20.2.91 NMAC as it is defined in CHSC, Section
- 24 39042.5.
- 25 **U.** “**Non-methane organic gas**” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13,
- 26 Section 1961.2.
- 27 **V.** “**Particulate matter**” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section
- 28 1961.2.
- 29 **W.** “**Passenger car**” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section
- 30 1900(b)(17).
- 31 **X.** “**Passenger vehicle**” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39046.
- 32 **Y.** “**Plug-in hybrid electric vehicle**” or “**PHEV**” means the same in 20.2.91 NMAC as it is defined
- 33 in CCR, Title 13, Section 1962.4 and CCR, Title 13, Section 1963, as applicable.
- 34 **Z.** “**Recall**” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(19).
- 35 **AA.** “**Register**” means to register a motor vehicle with the New Mexico motor vehicle division.
- 36 **BB.** “**Sale**” or “**sell**” means the transfer of equitable or legal title to a motor vehicle or motor vehicle
- 37 engine to the ultimate purchaser.
- 38 **CC.** “**Truck**” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39054.
- 39 **DD.** “**Ultimate purchaser**” means the same in 20.2.91 NMAC as it is defined in CHSC, Section
- 40 39055.5.
- 41 **EE.** “**Vehicle**” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39059.
- 42 **FF.** “**Zero-emission vehicle**” or “**ZEV**” means the same in 20.2.91 NMAC as it is incorporated in
- 43 CCR, Title 13, Sections 1962.2(a) and 1962.4(b).
- 44 **GG.** “**ZEV value**” means a unit, expressed numerically, demonstrating delivery of qualified zero-
- 45 emission vehicles or other vehicle allowances for the annual ZEV requirement.
- 46 [20.2.91.7 NMAC - N, 7/1/2022, A, 12/31/2023]

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48 **20.2.91.8 DOCUMENTS:** Documents incorporated and cited in 20.2.91 NMAC may be viewed on the

49 department’s website and at the New Mexico environment department climate change bureau.

50 [20.2.91.8 NMAC - N, 7/1/2022, A, 12/31/2023]

51 [As of July 2023, the Climate Change Bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe, New

52 Mexico 87505.]

53

54 **20.2.91.9 SEVERABILITY:** If any provision of 20.2.91 NMAC, or the application of such provision to

55 any person or circumstance, is held invalid, the remainder of 20.2.91 NMAC, or the application of such provision to

56 persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

1 [20.2.91.9 NMAC - N, 7/1/2022]

2
3 **20.2.91.10 CONSTRUCTION:** 20.2.91 NMAC shall be liberally construed to carry out its purpose.

4 [20.2.91.10 NMAC - N, 7/1/2022]

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6 **20.2.91.11 SAVINGS CLAUSE:** Repeal or supersession of prior versions of 20.2.91 NMAC shall not affect
7 any administrative or judicial action initiated under those prior versions.

8 [20.2.91.11 NMAC - N, 7/1/2022]

9
10 **20.2.91.12 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with 20.2.91 NMAC does not
11 relieve a person from the responsibility to comply with any other applicable federal, state, or local regulations.

12 [20.2.91.12 NMAC - N, 7/1/2022]

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14 **20.2.91.13 LIMITATION OF DEFENSE:** The existence of a valid registration or certification under
15 20.2.91 NMAC shall not constitute a defense to a violation of 20.2.91 NMAC, except the requirement for obtaining
16 a registration or certification.

17 [20.2.91.13 NMAC - N, 7/1/2022]

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19 **20.2.91.14 to 20.2.91.100 [RESERVED]**

20 [20.2.91.100 NMAC - N, 7/1/2022, A, 12/31/2023]

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22 **20.2.91.101 GENERAL REQUIREMENTS:**

23 **A.** Except as otherwise required, 20.2.91 NMAC shall apply to new motor vehicles, including
24 passenger cars, light-duty trucks, medium-duty passenger vehicles, and medium-duty vehicles, where “new” means
25 model years 2027 through 2032 with 7,500 miles or fewer on the odometer, and for dealers the mileage at the time
26 of sale is determined by the odometer statement when the dealer acquired the motor vehicle; and medium-duty
27 passenger vehicles, medium-duty vehicles, heavy-duty vehicles, and heavy-duty engines, and where “new” means
28 model years 2027 and subsequent with 7,500 miles or fewer on the odometer, and for dealers the mileage at the time
29 of sale is determined by the odometer statement when the dealer acquired the motor vehicle.

30 **B.** A manufacturer, dealer, rental car agency, the United States, state or local government, or other
31 person shall not deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire, receive, or register
32 passenger cars, light-duty trucks, medium-duty passenger vehicles, medium-duty vehicles, heavy-duty vehicles,
33 heavy-duty engines, or motor vehicle engines unless such motor vehicle or motor vehicle engine is certified to the
34 California vehicle emission standards, as incorporated by reference pursuant to 20.2.91 NMAC.

35 **C.** Each manufacturer shall comply with the motor vehicle emission standards, zero-emission motor
36 vehicle requirements, reporting, warranty, labeling, recall campaign, and other applicable requirements contained in
37 20.2.91 NMAC.

38 **D.** Each manufacturer, dealer, rental car agency, the United States, state and local government, and
39 other person shall comply with the department’s inspection and information requests issued pursuant to 20.2.91.115
40 NMAC (Inspections and Information Requests).

41 **E.** Each person registering a motor vehicle in New Mexico shall comply with the registration
42 requirements in 20.2.91 NMAC.

43 **F.** The requirements in 20.2.91 NMAC shall not be applicable if exempt, as provided in 20.2.91.103
44 NMAC (Exemptions).

45 **G.** The requirements in 20.2.91 NMAC shall be in compliance with the Motor Vehicle Dealers
46 Franchising Act, Subsections 1-16 of Section 57-16-1 NMSA 1978.

47 **H.** Except as provided in 20.2.91.120, all regulated entities must submit information specified in
48 CCR, Title 13, Sections 2012.1 and 2012.2 to the secretary.

49 **I.** In 20.2.91 NMAC, New Mexico is inclusive of the city of Albuquerque and Bernalillo county,
50 which allows for compliance on a statewide basis.

51 [20.2.91.101 NMAC - N, 7/1/2022, A, 12/31/2023]

52
53 **20.2.91.102 INCORPORATION BY REFERENCE:**

54 **A.** Sections of the CCR and the CHSC incorporated by reference herein include the regulations as
55 they existed on the effective date in 20.2.91.5 NMAC (Effective Date); incorporated sections of the CCR and the
56 CHSC do not incorporate a later adoption or amendment of the regulation.

1 **B.** Each manufacturer of a passenger car, light-duty truck, medium-duty passenger vehicle, medium-
2 duty vehicle, heavy-duty vehicle, heavy-duty engine, or motor vehicle engine shall comply with each applicable
3 standard in Title 13 and Title 17 of the CCR as incorporated by reference herein, as applicable.

4 **C.** The CCR sections from Title 13 and Title 17 unless otherwise noted incorporated by reference
5 include:

6 (1) Title 13, Section 1900: Definitions. As amended, 11/30/2022.

7 (2) Title 13, Section 1956.8: Exhaust Emission Standards and Test Procedures - 1985 and
8 Subsequent Model Heavy-Duty Engines and Vehicles, 2021 and Subsequent Zero-Emission Powertrains, and 2022
9 and Subsequent Model Heavy-Duty Hybrid Powertrains (medium-duty vehicle greenhouse gas emission standards at
10 1956.8(h) only). As amended, 11/30/2022.

11 (3) Title 13, Section 1961.2: Exhaust Emission Standards and Test Procedures - 2015
12 through 2025 Model Year Passenger Cars, and Light-Duty Trucks, and 2015 through 2028 Model Year Medium-
13 Duty Vehicles. As amended, 11/30/2022.

14 (4) Title 13, Section 1961.3: Greenhouse Gas Exhaust Emission Standards and Test
15 Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger
16 Vehicles. As amended, 11/30/2022.

17 (5) Title 13, Section 1961.4: Exhaust Emission Standards and Test Procedures — 2026 and
18 Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as amended 11/30/2022,
19 except that subsection 1961.4(g)(1) is not adopted by reference.

20 (6) Title 13, Section 1962.2: Zero-Emission Vehicle Standards for 2018 through 2025
21 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. As amended, 11/30/2022.

22 (7) Title 13, Section 1962.3: Electric Vehicle Charging Requirements. As amended,
23 11/30/2022.

24 (8) Title 13, Section 1962.4: Zero-Emission Vehicle Requirements for 2026 and Subsequent
25 Model Year Passenger Cars and Light-Duty Trucks, as amended 11/30/2022, except that subsection 1962.4(c)(1)(B)
26 model years “2033”, “2034”, “2035 and subsequent” with corresponding percentage requirements and subsection
27 1962.4(e)(2)(A)(3) are not adopted by reference.

28 (9) Title 13, Section 1962.5: Data Standardization Requirements for 2026 and Subsequent
29 Model Year Light-Duty Zero Emission Vehicles and Plug-in Hybrid Electric Vehicles. As amended 11/30/2022.

30 (10) Title 13, Section 1962.6: Battery Labeling Requirements. As amended 11/30/2022.

31 (11) Title 13, Section 1962.7: In-Use Compliance, Corrective Action and Recall Protocols for
32 2026 and Subsequent Model Year Zero-Emission and Plug-in Hybrid Electric Passenger Cars and Light-Duty
33 Trucks. As amended, 11/30/2022.

34 (12) Title 13, Section 1962.8: Warranty Requirements for Zero-Emission and Batteries in
35 Plug-in Hybrid Electric 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks. As amended
36 11/30/2022.

37 (13) Title 13, Section 1963: Advanced Clean Trucks Purpose, Applicability, Definitions, and
38 General Requirements. As amended, 3/15/2021.

39 (14) Title 13, Section 1963.1: Advanced Clean Trucks Deficits. As amended, 3/15/2021.

40 (15) Title 13, Section 1963.2: Advanced Clean Trucks Credit Generation, Banking, and
41 Trading. As amended, 3/15/2021.

42 (16) Title 13, Section 1963.3: Advanced Clean Trucks Compliance Determination. As
43 amended, 3/15/2021.

44 (17) Title 13, Section 1963.4: Advanced Clean Trucks Reporting and Recordkeeping. As
45 amended, 3/15/2021.

46 (18) Title 13, Section 1963.5(a)(1)-(3): Advanced Clean Trucks Enforcement. As amended,
47 3/15/2021.

48 (19) Title 13, Section 1964: Special Test Procedures for Certification and Compliance – New
49 Modifier Certified Motor Vehicles. As amended, 3/15/2021.

50 (20) Title 13, Section 1965: Emission Control, Smog Index, and Environmental Performance
51 Labels - 1979 and Subsequent Model-Year Motor Vehicles. As amended, 11/30/2022.

52 (21) Title 13, Section 1968.2: Malfunction and Diagnostic System Requirements - 2004 and
53 Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines. As
54 amended, 11/30/2022.

1 (22) Title 13, Section 1969: Motor Vehicle Service Information - 1994 and Subsequent
2 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Engines and Vehicles, and 2007 and Subsequent
3 Model Heavy-Duty Engines. As amended, 11/30/2022.

4 (23) Title 13, Section 1971.1: On-Board Diagnostic System Requirements -- 2010 and
5 Subsequent Model-Year Heavy-Duty Engines. As amended, 3/15/2021.

6 (24) Title 13, Section 1976: Standards and Test Procedures for Motor Vehicle Fuel
7 Evaporative Emissions. As amended, 11/30/2022.

8 (25) Title 13, Section 1978: Standards and Test Procedures for Vehicle Refueling Emissions.
9 As amended, 11/30/2022.

10 (26) Title 13, Section 2012: Advanced Clean Trucks, Large Entity Reporting Requirement.
11 As amended, 3/15/2021.

12 (27) Title 13, Section 2012.1: General Entity Information Reporting. As amended, 3/15/2021.
13 (28) Title 13, Section 2012.2: Vehicle Usage by Facility Reporting. As amended, 3/15/2021.
14 (29) Title 13, Section 2035: Purpose, Applicability, and Definitions. As amended, 10/1/2019.
15 (30) Title 13, Section 2036: Defects Warranty Requirements for 1979 Through 1989 Model
16 Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model Motorcycles and
17 Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year
18 Trailers. As amended, 12/22/2021.

19 (31) Title 13, Section 2037: Defects Warranty Requirements for 1990 and Subsequent Model
20 Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles. As
21 amended, 11/30/2022.

22 (32) Title 13, Section 2038: Performance Warranty Requirements for 1990 and Subsequent
23 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such
24 Vehicles. As amended, 11/30/2022.

25 (33) Title 13, Section 2039: Emission Control System Warranty Statement. As amended,
26 12/26/1990.

27 (34) Title 13, Section 2040: Vehicle Owner Obligations. As amended, 10/1/2019.

28 (35) Title 13, Section 2041: Mediation; Finding of Warrantable Condition. As amended,
29 12/26/1990.

30 (36) Title 13, Section 2046: Defective Catalyst. As amended, 2/15/1979.

31 (37) Title 13, Section 2047: Certification Procedures for User Modifier-certified Motor
32 Vehicles. As amended, 1/8/1988.

33 (38) Title 13, Section 2062: Assembly-line Test Procedures - 1998 and Subsequent Model
34 Years. As amended, 8/7/2012.

35 (39) Title 13, Section 2109: New Vehicle Recall Provisions. As amended, 12/30/1983.
36 (40) Title 13, Section 2111: Applicability. As amended, 12/22/2021.
37 (41) Title 13, Section 2112: Definitions. As amended, 11/30/2022.
38 (42) Title 13, Section 2113: Initiation and Approval of Voluntary and Influenced Emission-
39 Related Recalls. As amended, 12/22/2021.

40 (43) Title 13, Section 2114: Voluntary and Influenced Recall Plans. As amended,
41 12/22/2021.

42 (44) Title 13, Section 2115: Eligibility for Repair. As amended, 12/22/2021.
43 (45) Title 13, Section 2116: Repair Label. As amended, 12/22/2021.
44 (46) Title 13, Section 2117: Proof of Correction Certificate. As amended, 12/22/2021.
45 (47) Title 13, Section 2118: Notification. As amended, 12/22/2021.
46 (48) Title 13, Section 2119: Recordkeeping and Reporting Requirements. As amended,
47 12/22/2021.

48 (49) Title 13, Section 2120: Other Requirements Not Waived. As amended, 1/26/1995.
49 (50) Title 13, Section 2121: Penalties. As amended, 12/22/2021.
50 (51) Title 13, Section 2122: General Provisions. As amended, 12/8/2010.
51 (52) Title 13, Section 2123: Initiation and Notification of Ordered Emission-Related Recalls.
52 As amended, 12/22/2021.

53 (53) Title 13, Section 2124: Availability of Public Hearing. As amended, 1/26/1995.
54 (54) Title 13, Section 2125: Ordered Recall Plan. As amended, 12/22/2021.
55 (55) Title 13, Section 2126: Approval and Implementation of Recall Plan. As amended,
56 12/22/2021.

- 1 (56) Title 13, Section 2127: Notification of Owners. As amended, 12/22/2021.
2 (57) Title 13, Section 2128: Repair Label. As amended, 12/22/2021.
3 (58) Title 13, Section 2129: Proof of Correction Certificate. As amended, 12/22/2021.
4 (59) Title 13, Section 2130: Capture Rates and Alternative Measures. As amended,
5 12/22/2021.
6 (60) Title 13, Section 2131: Preliminary Tests. As amended, 12/22/2021.
7 (61) Title 13, Section 2132: Communication with Repair Personnel. As amended, 1/26/1995.
8 (62) Title 13, Section 2133: Recordkeeping and Reporting Requirements. As amended,
9 12/22/2021.
10 (63) Title 13, Section 2135: Extension of Time. As amended, 1/26/1995.
11 (64) Title 13, Section 2137: Vehicle, Engine, and Trailer Selection. As amended, 11/30/2022.
12 (65) Title 13, Section 2139: Testing. As amended, 11/30/2022.
13 (66) Title 13, Section 2140: Notification and Use of Test Results. As amended, 11/30/2022.
14 (67) Title 13, Section 2141: General Provisions. As amended, 12/22/2021.
15 (68) Title 13, Section 2142: Alternative Procedures. As amended, 12/22/2021.
16 (69) Title 13, Section 2143: Failure Levels Triggering Recall and Corrective Action. As
17 amended, 12/22/2021.
18 (70) Title 13, Section 2144: Emission Warranty Information Report. As amended,
19 12/22/2021.
20 (71) Title 13, Section 2145: Field Information Report. As amended, 12/22/2021.
21 (72) Title 13, Section 2146: Emissions Information Report. As amended, 12/22/2021.
22 (73) Title 13, Section 2147: Demonstration of Compliance with Emission Standards. As
23 amended, 11/30/2022.
24 (74) Title 13, Section 2148: Evaluation of Need for Recall. As amended, 12/22/2021.
25 (75) Title 13, Section 2149: Notification and Subsequent Action. As amended, 12/22/2021.
26 (76) Title 13, Section 2166: General Provisions. As amended, 12/22/2021.
27 (77) Title 13, Section 2166.1: Definitions As amended, 12/22/2021.
28 (78) Title 13, Section 2167: Required Recall and Corrective Action for Failures of Exhaust
29 After- Treatment Devices, on-Board Computers or Systems, Urea Dosers, Hydrocarbon Injectors, Exhaust Gas
30 Recirculation Valves, Exhaust Gas Recirculation Coolers, Turbochargers, Fuel Injectors. As amended, 12/22/2021.
31 (79) Title 13, Section 2168: Required Corrective Action and Recall for Emission-Related
32 Component Failures. As amended, 12/22/2021.
33 (80) Title 13, Section 2169: Required Recall or Corrective Action Plan. As amended,
34 12/22/2021.
35 (81) Title 13, Section 2169.1: Approval and Implementation of Corrective Action Plan. As
36 amended, 12/22/2021.
37 (82) Title 13, Section 2169.2: Notification of Owners. As amended, 12/22/2021.
38 (83) Title 13, Section 2169.3: Repair Label. As amended, 12/22/2021.
39 (84) Title 13, Section 2169.4: Proof of Correction Certificate. As amended, 12/22/2021.
40 (85) Title 13, Section 2169.5: Preliminary Tests. As amended, 12/22/2021.
41 (86) Title 13, Section 2169.6: Communication with Repair Personnel. As amended,
42 12/22/2021.
43 (87) Title 13, Section 2169.7: Recordkeeping and Reporting Requirements. As amended,
44 12/22/2021.
45 (88) Title 13, Section 2169.8: Extension of Time. As amended, 12/22/2021.
46 (89) Title 13, Section 2170: Penalties. As amended, 12/22/2021.
47 (90) Title 13, Section 2235: Requirements. As amended, 10/1/2019.
48 (91) Title 13, Section 2423: Exhaust Emission Standards and Test. As amended, 12/22/2021
49 (92) Title 13, Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled
50 Commercial Motor Vehicle Idling. As amended, 12/22/2021.
51 (93) Title 17, Section 95660: Purpose. As amended, 11/30/2022.
52 (94) Title 17, Section 95661: Applicability. As amended, 12/5/2014.
53 (95) Title 17, Section 95662: Definitions. As amended, 12/22/2021.
54 (96) Title 17, Section 95663: Greenhouse Gas Exhaust Emission Standards and Testing
55 Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles. As amended, 12/22/2021.
56 [20.2.91.102 NMAC - N, 7/1/2022, A, 12/31/2023]

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2 **20.2.91.103 EXEMPTIONS:** The following motor vehicles shall not be subject to 20.2.91 NMAC.
3 **A.** Military tactical vehicles, which shall mean the same in this section as in CCR, Title 13, Section
4 1905.
5 **B.** Motor vehicles sold for registration in a state that is not New Mexico.
6 **C.** Motor vehicles that have greater than 7,500 miles on the odometer.
7 **D.** Motor vehicles available for rent to a final destination outside of New Mexico.
8 **E.** Motor vehicles transferred from one person to another person due to: death, inheritance, devise or
9 bequest; divorce, dissolution, annulment or legal separation; merger or consolidation; bankruptcy; court judgment or
10 decree; or possessory lien, seizure or foreclosure.
11 **F.** Emergency vehicles.
12 **G.** A motor vehicle acquired by a resident of New Mexico to replace a motor vehicle registered to
13 such resident that was stolen, damaged, or failed beyond reasonable repair while out of state, provided that such
14 replacement motor vehicle is acquired out of state when the previously owned motor vehicle was stolen, damaged,
15 or failed beyond reasonable repair.
16 **H.** A motor vehicle with a right-hand drive configuration that is not available in a California-certified
17 model, purchased by a rural route postal carrier and used primarily for work.
18 **I.** Motor vehicles purchased by a nonresident before establishing residency in New Mexico,
19 regardless of the mileage on the odometer.
20 **J.** Motor vehicles purchased by a resident of New Mexico while assigned to active government
21 service outside New Mexico.
22 **K.** Custom and assembled motor vehicles that:
23 (1) are maintained for occasional transportation, exhibitions, club activities, parades, tours,
24 testing of operation, repair, maintenance, and similar uses; and
25 (2) are not used for general daily transportation.
26 **L.** A vehicle sold for the purpose of being wrecked or dismantled.
27 **M.** Motor vehicles used exclusively in the conduct of agricultural operations, like implements of
28 husbandry not including a vehicle whose existing design is primarily for the transportation of persons or property on
29 a highway, or road machinery not regularly operated on public streets and highways.
30 **N.** A vehicle defined as an “excluded bus” pursuant to CCR, Title 13, Section 1963(c)(11).
31 [20.2.91.103 NMAC - N, 7/1/2022, A, 12/31/2023]
32

33 **20.2.91.104 FLEET AVERAGE NON-METHANE ORGANIC GAS PLUS OXIDES OF NITROGEN**
34 **EXHAUST EMISSION STANDARDS, REPORTING AND COMPLIANCE:**

35 **A.** Beginning model year 2027 and subsequent years, this 20.2.91.104 NMAC (Fleet Average Non-
36 methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) applies to
37 manufacturers that deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire, receive, or
38 register passenger cars, light-duty trucks, and medium-duty vehicles pursuant to the requirements of CCR, Title 13,
39 Section 1961.4.
40 **B.** Each manufacturer subject to 20.2.91.104 NMAC shall comply with fleet average non-methane
41 organic gas plus oxides of nitrogen exhaust emission standards for passenger cars, light-duty trucks, and medium-
42 duty vehicles, and other requirements set forth in CCR, Title 13, Section 1961.4. Compliance shall be based on the
43 motor vehicles subject to 20.2.91.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen
44 Exhaust Emission Standards, Reporting and Compliance) and 20.11.104.104 NMAC (Fleet Average Non-methane
45 Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) that each
46 manufacturer delivers for sale, offers for sale, sells, imports, delivers, or leases in New Mexico, and shall be
47 determined on a statewide basis.
48 **C.** Each manufacturer subject to Subsection B of 20.2.91.104 NMAC (Fleet Average Non-methane
49 Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) shall accrue fleet
50 average non-methane organic gas plus oxides of nitrogen exhaust emission standard credits and debits and may use
51 credits in accordance with CCR, Title 13, Section 1961.4. Each manufacturer shall accrue and use debits and credits
52 based on the number of motor vehicles subject to Subsection B of 20.2.91.104 NMAC (Fleet Average Non-methane
53 Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) and Subsection A of
54 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission
55 Standards, Reporting and Compliance). Accounting for the use of debits and credits shall be on a statewide basis.

1 **D.** Each manufacturer subject to Subsection A of 20.2.91.104 NMAC (Fleet Average Non-methane
2 Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) shall submit a report
3 by May 1 of each year to the department that includes the statewide fleet average non-methane organic gas plus
4 oxides of nitrogen exhaust emission data for the model year just ended. The report shall be in accordance with the
5 procedures in CCR, Title 13, Section 1961.4 and be in the same format used to report such information to CARB. If
6 a manufacturer elects to report the information required pursuant to Subsection B of 20.2.91.104 NMAC (Fleet
7 Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and
8 Compliance) and Subsection B of 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of
9 Nitrogen Exhaust Emission Standards, Reporting and Compliance) using the pooling provisions set forth in CCR,
10 Title 13, Section 1961.4, the manufacturer shall report to the department the information for the entire pool as well
11 as for the portion specific to New Mexico.
12 [20.2.91.104 NMAC - N, 7/1/2022, A, 12/31/2023]
13

14 **20.2.91.105 PARTICULATE MATTER EXHAUST EMISSION STANDARDS, REPORTING AND**
15 **COMPLIANCE:** Beginning model year 2027 and subsequent years, each manufacturer subject to 20.2.91.105
16 NMAC (Particulate Matter Exhaust Emission Standards, Reporting and Compliance) shall comply with particulate
17 exhaust emission standards for passenger cars, light-duty trucks, medium-duty passenger vehicles, and medium-duty
18 vehicles, and other requirements set forth in CCR, Title 13, Section 1961.4. Compliance shall be based on the motor
19 vehicles subject to 20.2.91.105 NMAC (Particulate Matter Exhaust Emission Standards, Reporting and Compliance)
20 and 20.11.104.105 NMAC (Particulate Matter Exhaust Emission Standards, Reporting and Compliance) that each
21 manufacturer delivers for sale, offers for sale, sells, imports, delivers, or leases in New Mexico, and shall be
22 determined on a statewide basis.
23 [20.2.91.105 NMAC - N, 7/1/2022, A, 12/31/2023]
24

25 **20.2.91.106 FLEET AVERAGE GREENHOUSE GAS EXHAUST EMISSION STANDARDS,**
26 **REPORTING AND COMPLIANCE:**

27 **A.** Beginning model year 2027 and subsequent years, this 20.2.91.106 NMAC (Fleet Average
28 Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance) applies to manufacturers that deliver for
29 sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire, receive, or register passenger cars, light-duty
30 trucks, and medium-duty vehicles pursuant to the requirements of CCR, Title 13, Section 1961.3.

31 **B.** Each manufacturer subject to 20.2.91.106 NMAC shall comply with fleet average greenhouse gas
32 exhaust emission standards for passenger cars, light-duty trucks, and medium-duty passenger vehicles, and other
33 requirements set forth in CCR, Title 13, Section 1961.3. Compliance shall be based on the motor vehicles subject to
34 20.2.91.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance) and
35 20.11.104.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance)
36 that each manufacturer delivers for sale, offers for sale, sells, imports, delivers, or leases in New Mexico, and shall
37 be determined on a statewide basis.

38 **C.** Each manufacturer subject to Subsection B of 20.2.91.106 NMAC (Fleet Average Greenhouse
39 Gas Exhaust Emission Standards, Reporting and Compliance) shall accrue fleet average greenhouse gas exhaust
40 emission standard credits and debits and may use credits in accordance with CCR, Title 13, Section 1961.3. Each
41 manufacturer shall accrue and use debits and credits based on the number of motor vehicles subject to Subsection B
42 of 20.2.91.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance)
43 and Subsection B of 20.11.104.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting
44 and Compliance). Accounting for the use of debits and credits shall be on a statewide basis.

45 **D.** Each manufacturer subject to Subsection B of 20.2.91.106 NMAC (Fleet Average Greenhouse
46 Gas Exhaust Emission Standards, Reporting and Compliance) shall submit a report by May 1 of each year to the
47 department that includes the statewide fleet average greenhouse gas exhaust emission standard data for the model
48 year just ended. The report shall include the number of motor vehicles in each test group, delineated by model type
49 certified pursuant to CCR, Title 13, Section 1961.3, be in accordance with the procedures in CCR, Title 13, Section
50 1961.3, and be in the same format used to report such information to CARB. If a manufacturer reports the
51 information required pursuant to Subsection B of 20.2.91.106 NMAC (Fleet Average Greenhouse Gas Exhaust
52 Emission Standards, Reporting and Compliance) and Subsection B of 20.11.104.106 NMAC (Fleet Average
53 Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance) using option number 2 for the
54 “Calculation of fleet average carbon dioxide value” set forth in CCR, Title 13, Section 1961.3(a)(5)(D), the
55 manufacturer shall report the information for the entire pool as well as for the portion specific to New Mexico.
56 [20.2.91.106 NMAC - N, 7/1/2022, A, 12/31/2023]

1
2 **20.2.91.107 FLEET AVERAGE EXHAUST EMISSION STANDARDS REMEDIATION REPORT:**

3 **A.** If the department determines that a report submitted by a manufacturer pursuant to 20.2.91.104
4 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting
5 and Compliance) or 20.2.91.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting
6 and Compliance) demonstrates that the manufacturer is not in compliance with the fleet average non-methane
7 organic gas plus oxides of nitrogen exhaust emission standards or the fleet average greenhouse gas exhaust emission
8 standards, respectively, the department shall require the manufacturer to submit a fleet average remediation report to
9 the department.

10 **C.** A fleet average remediation report shall be submitted to the department within 60 calendar days
11 after notice from the department.

12 **D.** The fleet average remediation report shall, at a minimum:

13 (1) describe how the manufacturer intends to equalize any accrued debits;

14 (2) identify all motor vehicle models and the percentage of each model delivered for sale,
15 offered for sale, sold, imported, delivered, or leased in New Mexico with their corresponding certification standards
16 for New Mexico and California in relation to total sales in each respective state; and

17 (3) describe how the manufacturer intends to achieve compliance with the fleet average non-
18 methane organic gas plus oxides of nitrogen exhaust emission standards or the fleet average greenhouse gas exhaust
19 emission standards, as applicable, in future model years.

20 [20.2.91.107 NMAC - N, 7/1/2022, A 12/31/2023]

21
22 **20.2.91.108 ZERO-EMISSION VEHICLE REQUIREMENTS, REPORTING AND COMPLIANCE:**

23 **A.** Beginning model years 2027 through 2032, this 20.2.91.108 NMAC (Zero-Emission Vehicle
24 Requirements, Reporting and Compliance) applies to manufacturers that deliver for sale, offer for sale, sell, import,
25 deliver or lease passenger cars, light-duty trucks, and medium-duty vehicles pursuant to the requirements of CCR,
26 Title 13, Section 1962.4.

27 **B.** Each manufacturer subject to 20.2.91.108 NMAC (Zero-Emission Vehicle Requirements,
28 Reporting and Compliance) shall deliver for sale, offer for sale, sell, import, deliver, or lease motor vehicles in New
29 Mexico in accordance with CCR, Title 13, Section 1962.4.

30 **C.** Each manufacturer subject to 20.2.91.108 NMAC (Zero-Emission Vehicle Requirements,
31 Reporting and Compliance) shall comply with the annual ZEV requirement set forth in CCR, Title 13, Section
32 1962.4 using New Mexico specific vehicle production volume calculated in accordance with CCR, Title 13, Section
33 1962.4. Manufacturer's compliance with the annual ZEV requirement in New Mexico shall be based on the motor
34 vehicles subject to 20.2.91.108 NMAC (Zero-Emission Vehicle Requirements, Reporting and Compliance) and
35 20.11.104.108 NMAC (Zero-Emission Vehicle Requirements, Reporting and Compliance) that each manufacturer
36 delivers for sale, offers for sale, sells, imports, delivers, or leases in New Mexico, and shall be determined on a
37 statewide basis.

38 **D.** Before May 1 of each calendar year, each manufacturer subject to 20.2.91.108 NMAC (Zero-
39 Emission Vehicle Requirements, Reporting and Compliance) shall submit to the department a report detailing ZEV
40 requirement performance by identifying each qualifying motor vehicle delivered for sale, offered for sale, sold,
41 imported, delivered, or leased in New Mexico during the previous model year in accordance with CCR, Title 13,
42 Section 1962.4. The report shall include the resulting surplus or deficit in meeting the annual ZEV requirement for
43 the model year after applying ZEV values and allowances according to CCR Title 13, Section 1962.4. ZEV
44 requirement performance shall be on a statewide basis. The report shall be prepared in the same format used to
45 report ZEV requirement performance to CARB. A manufacturer subject to 20.2.91.108 NMAC (Zero-Emission
46 Vehicle Requirements, Reporting and Compliance) may bank surplus ZEV values in accordance with CCR, Title 13,
47 Section 1962.4.

48 **E.** Manufacturers subject to 20.2.91.108 NMAC (Zero-Emission Vehicle Requirements, Reporting
49 and Compliance) may fulfill a portion of their total annual ZEV requirement with any of the additional allowances
50 in accordance with CCR, Title 13, Section 1962.4, including:

51 (1) PHEVs produced and delivered for sale in New Mexico in accordance with CCR, Title
52 13, Section 1962.4;

53 (2) ZEVs and PHEVs provided for use in qualified community-based clean mobility
54 programs in New Mexico, which means a program determined by the department to qualify as a community-based
55 clean mobility program pursuant to guidance issued by the department; the department must determine that a

1 program qualifies as a community-based clean mobility program before a manufacturer may earn vehicle values
2 pursuant to the requirements of CCR, Title 13, Section 1962.4;

3 (3) ZEVs and PHEVs initially leased in New Mexico and sold at the end of lease to a New
4 Mexico dealer participating in a financial assistance program, which means a vehicle purchase incentive program
5 where approved dealers accept a point-of-sale incentive for used ZEVs and PHEVs for lower-income consumers;
6 qualifying programs in New Mexico will be approved by the department and posted on the department website;

7 (4) ZEVs and PHEVs delivered for sale in New Mexico below the manufacturer's suggested
8 retail price threshold in accordance with CCR, Title 13, Section 1962.4; and

9 (5) Early compliance vehicle values earned in accordance with CCR, Title 13, Section
10 1962.4.

11 F. Manufacturers subject to 20.2.91.108 NMAC (Zero-Emission Vehicle Requirements, Reporting
12 and Compliance) may fulfill any deficit portion of their total annual ZEV requirement with additional allowances in
13 accordance with CCR, Title 13, Section 1962.4 and 20.2.91.109 (Voluntary Early Action Credits and Onetime
14 Values), including:

15 (1) with ZEV values and PHEV values earned pursuant to 20.2.91.109 NMAC (Voluntary
16 Early Action Credits and Onetime Values);

17 (2) with ZEV values and PHEV values transferred from other states ("Pooled Values")
18 pursuant to CCR, Title 13, Section 1962.4; and

19 (3) by submitting a commensurate amount of ZEV values to the secretary within three years
20 in to fulfill any remaining deficit of their annual ZEV requirement in a given model year in accordance with CCR,
21 Title 13, Section 1962.4.

22 [20.2.91.108 NMAC - N, 7/1/2022, A, 12/31/2023]

23
24 **20.2.91.109 VOLUNTARY EARLY ACTION CREDITS AND ONETIME VALUES:**

25 A. Beginning July 1, 2022, for model years 2023 through 2025, this 20.2.91.109 NMAC (Voluntary
26 Early Action Credits and Onetime Values) applies to manufacturers that deliver for sale, offer for sale, sell, import,
27 deliver or lease passenger cars, light-duty trucks, and medium-duty vehicles pursuant to the requirements of CCR,
28 Title 13, Section 1962.2.

29 B. A manufacturer may earn early action credits for motor vehicles delivered for sale, offered for
30 sale, sold, imported, delivered, or leased in New Mexico as set forth in CCR, Title 13, Section 1962.2. To earn early
31 action credits, a manufacturer must report all prior model year qualifying motor vehicles from this Subsection B of
32 20.2.91.109 NMAC (Voluntary Early Action Credits and Onetime Values) and Subsection B of 20.2.104.109
33 NMAC (Voluntary Early Action Credits and Onetime Values) to the department before May 1. The department
34 shall verify, record, track, and report early action credits calculated on a statewide basis. At the conclusion of the
35 reporting for model year 2025, the department shall follow CARB's procedures to convert early action credits to
36 ZEV values and PHEV values as set forth in CCR, Title 13, Section 1964.2.

37 C. For model 2025, a manufacturer may earn either early action credits as set forth 20.2.91.109
38 NMAC (Voluntary Early Action Credits and Onetime Values) and 20.2.104.109 NMAC (Voluntary Early Action
39 Credits and Onetime Values) or early compliance vehicle values for motor vehicles delivered for sale, offered for
40 sale, sold, imported, delivered, or leased in New Mexico as set forth in CCR, Title 13, Section 1962.4, both which
41 are calculated on a statewide basis.

42 D. In addition to earning early action credits, a manufacturer may earn onetime ZEV values and
43 PHEV values equal to their converted early action credits, calculated on a statewide basis. To earn the onetime ZEV
44 and PHEV values, a manufacturer must submit a request to the department by May 1, 2026.

45 E. ZEV values and PHEV values issued pursuant to 20.2.91.109 NMAC (Voluntary Early Action
46 Credits and Onetime Values) shall only be used by a manufacturer subject to 20.2.91.108 (Zero-emission Vehicle
47 Requirements, Reporting and Compliance) or traded to a manufacturer subject to 20.2.91.108 (Zero-emission
48 Vehicle Requirements, Reporting and Compliance) to fulfill a deficit portion of their annual ZEV requirement in
49 New Mexico for model years 2027 through 2029.

50 F. ZEV values and PHEV values issued pursuant to 20.2.91.109 NMAC (Voluntary Early Action
51 Credits and Onetime Values) may only be used for compliance with the annual ZEV requirements in New Mexico.

52 G. Motor vehicle early action credits or onetime values shall not constitute or convey a property right.
53 [20.2.91.109 NMAC - N, 7/1/2022, A, 12/31/2023]

54
55 **20.2.91.110 ADDITIONAL REPORTING:**

1 **A.** Beginning model year 2027 and subsequent years, each manufacturer subject to 20.2.91 NMAC
2 shall submit to the department, within 30 calendar days of a request from the department:

3 (1) A copy of the applicable CARB executive order.

4 (2) Any documentation the department determines necessary for the effective administration
5 and enforcement of 20.2.91 NMAC, including without limitation certification materials submitted to CARB and
6 documentation regarding the sale of each motor vehicle subject to 20.2.91 NMAC.

7 (3) Any emission warranty information reports prepared in accordance with CCR, Title 13.

8 **B.** If these records are available electronically, the manufacturer shall submit the records in an
9 electronic format approved by the department.

10 [20.2.91.110 NMAC - N, 7/1/2022, A, 12/31/2023]

11
12 **20.2.91.111 WARRANTIES:**

13 **A.** Beginning model year 2027 and subsequent years, each manufacturer of a motor vehicle subject to
14 20.2.91 NMAC shall warrant to the ultimate purchaser and each subsequent purchaser that the motor vehicle shall
15 comply over its period of warranty coverage with all applicable requirements of CCR, including CCR Title 13,
16 Sections 1962.4, 2035 through 2038, 2040, and 2046. Subsection C of 20.2.91.103 NMAC shall not apply to this
17 section.

18 **B.** Except as otherwise provided in Subsection B of 20.2.91.111 NMAC (Warranties) each
19 manufacturer subject to 20.2.91 NMAC shall include with each motor vehicle or motor vehicle engine, the emission
20 control systems warranty statement that complies with the requirements of CCR, Title 13, Section 2039, except that:

21 (1) A manufacturer shall modify the emission control systems warranty statement as
22 necessary to inform motor vehicle owners of the applicability of the warranty in New Mexico.

23 (2) For the purpose of the documents required pursuant to CCR, Title 13, Section 2039(c), a
24 manufacturer is only required to submit such documents upon request of the department.

25 **C.** Upon the department's request, a manufacturer of a motor vehicle subject to 20.2.91 NMAC shall
26 submit to the department within 30 calendar days of the request any emission warranty information report submitted
27 to CARB, as required in CCR, Title 13, Section 2144.

28 [20.2.91.111 NMAC - N, 7/1/2022, A, 12/31/2023]

29
30 **20.2.91.112 LABELS:** Beginning model year 2027 and subsequent years, a manufacturer, dealer, rental car
31 agency, the United States, state or local government, or other persons shall deliver for sale, offer for sale, sell,
32 import, deliver, purchase, rent, lease, acquire, receive, or register passenger cars, light-duty trucks, medium-duty
33 passenger vehicles, medium-duty vehicles, heavy-duty vehicles, heavy-duty engines, or motor vehicle engines in
34 New Mexico with emission control labels and environmental performance labels affixed in accordance with CCR,
35 Title 13, Section 1965.

36 [20.2.91.112 NMAC - N, 7/1/2022, A, 12/31/2023]

37
38 **20.2.91.113 RECALL CAMPAIGNS:**

39 **A.** Beginning model year 2027 and subsequent years, each manufacturer of a motor vehicle subject to
40 20.2.91 NMAC shall be subject to all recall campaign requirements of CCR Title 13, including Sections 1962.4,
41 2035 through 2038, 2040, and 2046.

42 **B.** Any order issued, or enforcement action taken by CARB to correct noncompliance that results in a
43 recall campaign of a motor vehicle pursuant to CCR, Title 13, including Sections 1962.7, and 2111 through 2135
44 shall be prima facie evidence concerning noncompliance for a motor vehicle registered in New Mexico. If the
45 manufacturer demonstrates to the department's satisfaction that the order or action is not applicable to a motor
46 vehicle registered in New Mexico, the department shall not pursue a recall campaign of that motor vehicle.

47 **C.** If a manufacturer initiates a voluntary or influenced emission-related recall campaign pursuant to
48 CCR, Title 13, including Sections 1962.7, and 2113 through 2121, the recall campaign shall include all affected
49 motor vehicles registered in New Mexico.

50 **D.** For a motor vehicle subject to an order or action under Subsection B of 20.2.91.113 (Recall
51 Campaigns) and Subsection B of 20.2.104.113 (Recall Campaigns), each manufacturer shall send to each owner of
52 an affected motor vehicle registered in New Mexico a notice that complies with the requirements in CCR, Title 13,
53 including Sections 1962.7, 2118 and 2127, as applicable, including a telephone number for owners to obtain answers
54 to questions regarding the recall.

55 [20.2.91.113 NMAC - N, 7/1/2022, A, 12/31/2023]

1 **20.2.91.114 REGISTRATION AND FEES:**

2 **A.** Effective January 1, 2026, for each manufacturer delivering for sale, offering for sale, selling,
3 importing, delivering, or leasing passenger cars, light-duty trucks, medium-duty passenger vehicles, medium-duty
4 vehicles, heavy-duty vehicles, heavy-duty engines or motor vehicle engines subject to 20.2.91 NMAC shall obtain a
5 registration from the department. The department shall issue a registration for a period of 10 years subject to an
6 annual registration fee as set forth in Section C of 20.1.91.114 NMAC (Registration and Fees) and 20.1.104.114
7 NMAC (Registration and Fees). It shall be a violation of 20.2.91 NMAC for a manufacturer subject to 20.2.91
8 NMAC to not obtain a registration in accordance with Subsection A of 20.2.91.114 NMAC.

9 **B.** Effective January 1, 2026, each manufacturer subject to 20.2.91.114 NMAC (Registration and
10 Fees) and 20.2.104.114 NMAC (Registration and Fees) shall report to the department the type and number of
11 passenger cars, light-duty trucks, medium-duty passenger vehicles, medium-duty vehicles, and heavy-duty vehicles,
12 heavy-duty engines or motor vehicle engines subject to 20.2.91 NMAC delivered for sale, offered for sale, sold,
13 imported, delivered, or leased in New Mexico during the previous model year. The manufacturer shall submit the
14 report to the department by May 1 of each year. Failure to timely submit the report shall be a violation of
15 Subsection B of 20.2.91.114 NMAC (Registration and Fees) and cause for the department to revoke the
16 manufacturer's registration.

17 **C.** The department shall assess an annual registration fee for the period beginning July 1 and ending
18 June 30 of the subsequent year.

19 **i.** The department shall assess annual registration fees by apportioning the total registration
20 fee among all registrants according to each manufacturer's reported market share for the previous model year,
21 calculated on a statewide basis.

22 **ii.** Within 45 calendar days after the report required by 20.2.91.114 NMAC (Registration
23 and Fees) is due, the department shall notify each registrant of the registration fee required for the next registration
24 period. Within 30 calendar days of the department's notice of the required registration fee, each registrant shall
25 remit the specified amount payable to the New Mexico environment department.

26 **iii.** The total registration fee is \$300,000 and shall increase annually by the consumer price
27 index through model year 2032. Beginning model year 2033, the total registration fee is \$100,000 and shall increase
28 annually by the consumer price index.

29 **iv.** Failure to timely pay the annual registration fee shall be a violation of Subsection C of
30 20.2.91.114 NMAC (Registration and Fees) and cause for the department to revoke the manufacturer's registration.

31 **G.** Manufacturers seeking to earn early action credits and onetime values under 20.2.91.109 NMAC
32 (Voluntary Early Action Credits and Onetime Values) shall pay a \$20,000 registration fee that is separate and apart
33 from the annual registration fee required by section c of 20.2.91.114 NMAC (Registration and Fees) by May 1
34 following each applicable model year.

35 [20.2.91.114 NMAC - N, 7/1/2022, A, 12/31/2023]

36
37 **20.2.91.115 INSPECTIONS AND INFORMATION REQUESTS:**

38 **A.** Beginning model year 2027 and subsequent years, the department may inspect motor vehicles, and
39 may inspect and copy relevant, non-financial records, including records documenting motor vehicle origin,
40 certification, delivery, or sales, and any record of emission-related part repairs performed under warranty.

41 **B.** Beginning model year 2027 and subsequent years, the department may require a manufacturer,
42 dealer, rental car agency, the United States, state or local government, or other person to submit or may inspect and
43 copy itself, relevant, non-financial records related to a motor vehicle subject or potentially subject to 20.2.91
44 NMAC, except that Subsection B of 20.2.91.115 NMAC (Inspections and Information Requests) shall not be
45 construed to require the creation of a new record.

46 [20.2.91.114 NMAC - N, 7/1/2022]

47
48 **20.2.91.116 RECORDKEEPING:** Beginning model year 2027 and subsequent years, all manufacturers,
49 dealers, rental car agencies, the United States, state and local governments, or other persons shall retain records
50 pertaining to compliance under 20.2.91 NMAC.

51 [20.2.91.114 NMAC - N, 7/1/2022]

52
53 **20.2.91.117 PROHIBITED:** Beginning model year 2027 and subsequent years, failure to comply with the
54 emission standards, recordkeeping, reporting, or other requirements of 20.2.91 NMAC within the timeframes
55 specified shall constitute a violation of 20.2.91 NMAC subject to enforcement action under Section 74-2-12 NMSA
56 1978.

1 [20.2.91.114 NMAC - N, 7/1/2022]

2
3 **20.2.91.118 EXHAUST EMISSION STANDARDS FOR HEAVY-DUTY ENGINES:**

4 **A.** Beginning model year 2027 and subsequent years, this 20.2.91.118 NMAC (Exhaust Emission
5 Standards For Heavy-Duty Engines) applies to manufacturers that deliver for sale, offer for sale, sell, import,
6 deliver, purchase, rent, lease, acquire, receive heavy-duty vehicles, heavy-duty engines or motor vehicle engines
7 pursuant to the requirements of CCR, Title 13, Sections 1900, 1956.8, 1961.2, 1965, 1968.2, 1971.1 2035, 2036,
8 2166, 2166.1, 2167 through 2170, 2111 through 2119, 2121, 2123, 2125 through 2131, 2133, 2137, 2139 through
9 2149, 2423, and 2485.

10 **B.** Each manufacturer subject to 20.2.91.118 NMAC shall comply with the heavy-duty engine
11 emissions standards and other requirements set forth in CCR, Title 13, Sections 1900, 1956.8, 1961.2, 1965, 1968.2,
12 1971.1 2035, 2036, 2166, 2166.1, 2167 through 2170, 2111 through 2119, 2121, 2123, 2125 through 2131, 2133,
13 2137, 2139 through 2149, 2423, and 2485. Compliance shall be based on the motor vehicles subject to 20.2.91.118
14 NMAC (Exhaust Emission Standards For Heavy-Duty Engines) and 20.11.104.118 NMAC (Exhaust Emission
15 Standards For Heavy-Duty Engines) that each manufacturer delivers for sale, offers for sale, sells, imports, delivers,
16 or leases in New Mexico, and shall be determined on a statewide basis.

17 [20.2.91.118 NMAC - N, 12/31/2023]

18
19 **20.2.91.119 MEDIUM- AND HEAVY-DUTY ZERO-EMISSION VEHICLE REQUIREMENT,**
20 **REPORTING, AND COMPLIANCE:**

21 **A.** Beginning model year 2027 and subsequent years, this 20.2.91.119 NMAC (Medium- and Heavy-
22 Duty Zero-Emission Vehicle Requirement, Reporting, And Compliance) applies to manufacturers that deliver for
23 sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire, receive medium-duty vehicles or motor
24 vehicle engines, heavy-duty vehicles, heavy-duty engines or motor vehicle engines pursuant to the requirements of
25 CCR, Title 13, Sections 1963, 1963.1, 1963.2, 1963.4, and 1963.5.

26 **B.** Each manufacturer subject to 20.2.91.119 NMAC (Medium- and Heavy-Duty Zero-Emission
27 Vehicle Requirement, Reporting, And Compliance) shall deliver for sale, offer for sale, sell, import, deliver, or lease
28 medium and heavy-duty vehicle motor vehicles certified as ZEVs to New Mexico in accordance with CCR, Title 13,
29 Sections 1963, 1963.1, 1963.2, 1963.4, and 1963.5.

30 **C.** Each manufacturer subject to 20.2.91.119 NMAC (Medium- and Heavy-Duty Zero-emission
31 Vehicle Requirement, Reporting, And Compliance) shall comply with the ZEV sales percentage schedule set forth
32 in CCR, Title 13, Section 1963.1 using New Mexico specific ZEV sales calculated in accordance with CCR, Title
33 13, Section 1963.1. Manufacturer's compliance with the ZEV sales percentage shall be based on heavy-duty
34 vehicles and engines subject to 20.2.91.119 NMAC (Medium- and Heavy-Duty Zero-Emission Vehicles
35 Requirement, Reporting, and Compliance) and 20.2.104.119 NMAC (Medium- and Heavy-Duty Zero-Emission
36 Vehicles Requirement, Reporting, and Compliance) that each manufacturer delivers for sale, offers for sale, sells,
37 imports, delivers, or leases in New Mexico, and shall be determined on a statewide basis.

38 **D.** Before May 1 of each year, each manufacturer subject to 20.2.91.119 NMAC (Medium- and
39 Heavy-duty Zero-emission Vehicle Requirement, Reporting, And Compliance) shall submit to the department a
40 report detailing ZEV sales percentage performance by identifying each qualifying motor vehicle and engine
41 transferred to or from any manufacturer or, offered for sale, sold, imported, delivered, or leased in New Mexico
42 during the previous model year in accordance with CCR, Title 13, Sections 1963.1. The report shall include the
43 resulting surplus or deficit in meeting the ZEV sales percentage for the model year after applying any ZEV deficits
44 or credits according to CCR Title 13, Section 1963.1. ZEV sales percentage performance shall be on a statewide
45 basis. The report shall be prepared in the same format used to report ZEV sales percentage performance compliance
46 to CARB.

47 **E.** Each manufacturer subject to 20.2.91.119 NMAC (Medium- and Heavy-Duty Zero-emission
48 Vehicle Requirement, Reporting, And Compliance) may generate, bank and trade ZEV credits for each qualifying
49 ZEV that is delivered for sale, offered for sale, sold, imported, delivered, or leased in New Mexico in accordance
50 with 20.2.91.119 NMAC (Medium- and Heavy-duty Zero-emission Vehicle Requirement, Reporting, And
51 Compliance) and CCR, Title 13, Sections 1963, 1963.1, and 1963.2.

52
53 **20.2.91.120 LARGE ENTITY REPORTING REQUIREMENT:**

54 **A.** Each entity subject to CCR, Title 13, Sections 2012, 2012.1, and 2012.2 shall comply the large
55 entity reporting requirement in accordance with such sections provided however that every occurrence of
56 "California" shall be replaced with "New Mexico", "Executive Officer" shall be replaced with "Secretary", "Public

1 Utilities Commission” shall be replaced with “Public Regulation Commission”, and all other replacements clarifying
2 that Sections 2012, 2012.1, and 2012.2 are requirements in New Mexico in accordance with this section. For
3 purposes of compliance with 20.2.91.120 (Large Entity Reporting Requirement) only, all exemptions under CCR,
4 Title 13, Section 2012(c) apply, and do not apply to another other subsection of 20.2.91 NMAC.

5 **B.** Each entity subject to CCR, Title 13, Sections 2012, 2012.1, and 2012.2 shall report complete
6 information to the secretary by May 1, 2025, through the department’s Advanced Clean Trucks webpage. Vehicle
7 data must be reported as the fleet was comprised on a date of the fleet owner’s choosing any time after December
8 31, 2023. The reporting entity shall maintain the records of their information required by CCR Title 13, Sections
9 2012.1 and 2012.2 for five years following the report date. To the extent reports submitted contain confidential
10 data, entities may choose to designate that information as confidential.

11 [20.2.91.120 NMAC - N, 12/31/2023]
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13 **HISTORY OF 20.2.91 NMAC:**

14
15 20.2.91 NMAC, New Motor Vehicle Emission Standards, was amended effective 12/31/2023.
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