

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

20.2.91.1 ISSUING AGENCY: Environmental Improvement Board.
[20.2.91.1 NMAC - N, ~~7/1/2022~~1/1/2024]

20.2.91.2 SCOPE: All manufacturers, dealers, rental car agencies, the United States, state and local governments, or other persons who deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire, receive, or register model year 2027 through 2032~~6~~ and subsequent model year passenger cars, light-duty trucks, medium-duty passenger vehicles, medium-duty vehicles, heavy-duty vehicles, heavy-duty engines or motor vehicle engines.
[20.2.91.2 NMAC - N, ~~7/1/2022~~1/1/2024]

20.2.91.3 STATUTORY AUTHORITY: The Environmental Improvement Act, Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and the Air Quality Control Act, Sections 74-2-1 through 74-2-17 NMSA 1978.
[20.2.91.3 NMAC - N, ~~7/1/2022~~1/1/2024]

20.2.91.4 DURATION: Permanent.
[20.2.91.4 NMAC - N, ~~7/1/2022~~1/1/2024]

20.2.91.5 EFFECTIVE DATE: ~~January~~uly 1, 2024~~2~~, except where a later date is cited at the end of a section.
[20.2.91.5 NMAC - N, ~~7/1/2022~~1/1/2024]

20.2.91.6 OBJECTIVE: To adopt and implement the California vehicle emission standards and requirements statewide pursuant to Section 177 of the federal Clean Air Act.
[20.2.91.6 NMAC - N, ~~7/1/2022~~1/1/2024]

20.2.91.7 DEFINITIONS: The definitions in the Air Quality Control Act, Section 74-2-2, NMSA 1978 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 definition in 20.2.91 NMAC shall apply. The definitions in 20.2.2.7 NMAC shall not apply in 20.2.91 NMAC. When a term in a provision of the California code of regulations (CCR), Title 13, Title 17, or the California health and safety code (CHSC) incorporated by reference is given a different meaning than the term defined for general purposes in 20.2.91 NMAC, the specific CCR or CHSC section's meaning and application of the term shall control, except that all references in the incorporated sections of the CCR and CHSC to "California" shall, whenever appropriate, mean "New Mexico"; all references in the incorporated sections of the CCR and CHSC to the "California Air Resources Board," "CARB," "state board", or "board" shall, whenever appropriate, mean the environmental improvement board or department, depending on the context; and all references in the incorporated sections of the CCR and CHSC to "Executive Officer" shall, whenever appropriate, mean the secretary; provided, however, the terms in the CCR and CHSC definitions incorporated by reference in 20.2.91.7 NMAC shall not be changed. For registration of a motor vehicle, when a term defined herein is also defined in the Motor Vehicle Code, Articles 1 through 8 of Chapter 66 NMSA 1978, and is given a different meaning than the term defined for general purposes in 20.2.91 NMAC, the Motor Vehicle Code meaning, and application of the term shall control.

- A. "Certification" means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39018.
- B. "Dealer" means the same in 20.2.91 NMAC as it is defined in Subsection B of Section 57-16-3 NMSA 1978.
- C. "Emission standards" means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39027, which New Mexico is authorized to adopt pursuant to 42 U.S.C. § 7507.
- D. "Emergency vehicle" means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1961.3(10).
- E. "Environmental improvement board" means the same in 20.2.91 NMAC as it is defined in Subsection A of Section 74-1-3 NMSA 1978.

- F.** “Financial assistance program” means a vehicle purchase incentive program where approved dealerships accept a point-of-sale incentive for used ZEVs and plug-in hybrids for lower-income consumers. Qualifying programs in New Mexico will be approved by the department and posted on the department website.
- G.** “Greenhouse gas” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1961.3(18).
- H.** “Heavy-duty engine” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(5) or CCR, Title 17, Section 95662, as applicable.
- I.** “Heavy-duty vehicle” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(6) or CCR, Title 17, Section 95662, as applicable.
- J.** “Independent low volume manufacturer” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(8).
- K.** “Intermediate volume manufacturer” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(9).
- L.** “Large volume manufacturer” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(10).
- M.** “Light-duty truck” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(11).
- N.** “Manufacturer” means the same in 20.2.91 NMAC as it is defined in Subsection J of Section 57-16-3 NMSA 1978, and shall include small, independent low, intermediate, or large volume manufacturers as defined herein.
- O.** “Medium-duty” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39037.5.
- P.** “Medium-duty passenger vehicle” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(12).
- Q.** “Medium-duty vehicle” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(13) or CCR, Title 17, Section 95662, as applicable.
- R.** “Methane” means the chemical compound containing one atom of carbon and four atoms of hydrogen.
- S.** “Model year” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39038.
- T.** “Motor vehicle” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39039.
- U.** “Motor vehicle engine” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39042.5.
- V.** “Non-methane organic gas” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1961.2.
- W.** “Particulate matter” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1961.2.
- X.** “Passenger car” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(17).
- Y.** “Passenger vehicle” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39046.
- Z.** “Qualifying Community-based Clean Mobility Program” means a program determined by the department to qualify as a community-based clean mobility program pursuant to guidance issued by the department. The department must determine that a program qualifies as a community-based clean mobility program before a manufacturer may earn vehicle value pursuant to the requirements of CCR, Title 13, Section 1962.4.
- AA.** “Recall” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(19).
- BB.** “Register” means to register a motor vehicle with 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.** “Small volume manufacturer” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1900(b)(22).
- EE.** “Truck” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39054.
- FF.** “Ultimate Purchaser” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39055.5.
- GG.** “Vehicle” means the same in 20.2.91 NMAC as it is defined in CHSC, Section 39059.
- HH.** “Zero-emission vehicle” or “ZEV” means the same in 20.2.91 NMAC as it is defined in CCR, Title 13, Section 1962.2(a).

II. “ZEV ~~credit bank~~” means a zero-emission vehicle ~~credit~~ bank set up by the California air resources board or the department that records and tracks the generation, verification, transfer, voluntary retirement, use, and invalidation of zero-emission vehicle ~~credits~~ values.

JJ. “ZEV credit” or “ZEV value” means a unit, expressed numerically, demonstrating delivery of qualified zero-emission vehicles in excess of the ZEV percentage requirement and calculated in accordance with CCR, Title 13, Sections 1962.2, 1962.4, and 1963.2.

[20.2.91.7 NMAC - N, ~~4/2022~~1/1/2024]

20.2.91.8 DOCUMENTS: Documents incorporated and cited in 20.2.91 NMAC may be viewed on the department’s website and at the New Mexico environment department ~~air quality bureau-climate change bureau.~~

[20.2.91.8 NMAC - N, ~~7/1/2022~~1/1/2024]
[As of ~~April 2013~~July 2023, the ~~Air Quality Bureau~~Climate Change Bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico 87505.]

20.2.91.9 SEVERABILITY: If any provision of 20.2.91 NMAC, or the application of such provision to any person or circumstance, is held invalid, the remainder of 20.2.91 NMAC, 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.

[20.2.91.9 NMAC - N, ~~7/1/2022~~1/1/2024]

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

[20.2.91.10 NMAC - N, ~~7/1/2022~~1/1/2024]

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

[20.2.91.11 NMAC - N, ~~7/1/2022~~1/1/2024]

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

[20.2.91.12 NMAC - N, ~~7/1/2022~~1/1/2024]

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

[20.2.91.13 NMAC - N, ~~7/1/2022~~1/1/2024]

20.2.91.14 to 20.2.91.99 [RESERVED]

20.2.91.100 APPLICABILITY:

A. Except as provided in 20.2.91.103 NMAC (Exemptions) and in compliance with the Motor Vehicle Dealers Franchising Act, Subsections 1-16 of Section 57-16-1 NMSA 1978, no manufacturer, dealer, rental car agency, the United States, state or local government, or other person shall deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire, receive, or register a model year ~~2026-2027 through 2032~~ ~~or subsequent model year~~ passenger car, light-duty truck, medium-duty passenger vehicle, medium-duty vehicle, ~~heavy-duty vehicle, heavy-duty engine~~ ~~or~~ motor vehicle engine unless the motor vehicle or motor vehicle engine has been certified by CARB and received a CARB executive order.

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

[20.2.91.100 NMAC - N, ~~4/2022~~1/1/2024]

20.2.91.101 GENERAL REQUIREMENTS:

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

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

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

D. Each manufacturer, dealer, rental car agency, the United States, state and local government, and other person shall comply with the department's inspection and information requests issued pursuant to 20.2.91. ~~144126~~ NMAC (Inspections and Information Requests).

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

F. The requirements in 20.2.91 NMAC shall not be applicable if an exemption, as provided in 20.2.91.103 NMAC (Exemptions), applies.
[20.2.91.101 NMAC - N, ~~4/2022~~1/1/2024]

20.2.91.102 INCORPORATION BY REFERENCE:

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

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

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

(1) Section 1900: Definitions. As amended, ~~11/30/2022~~2024.

(2) Section 1956.8: Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles, 2021 and Subsequent Zero-Emission Powertrains, and 2022 and Subsequent Model Heavy-Duty Hybrid Powertrains (medium-duty vehicle greenhouse gas emission standards at 1956.8(h) only). As amended, 12/22/2021.

(3) Section 1961.2: Exhaust Emission Standards and Test Procedures - 2015 and ~~through 2025 Subsequent Model~~ Passenger Cars and Light-Duty Trucks, and ~~2015 through 2028 Model Year~~ Medium-Duty Vehicles. As amended, ~~12/22/2021~~11/30/2022.

(4) Section 1961.3: Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles. As amended, ~~12/12/2018~~8/25/11/30/2022.

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

(6) Section 1962.2: Zero-Emission Vehicle Standards for 2018 ~~and through 2025 Subsequent Model Year~~ Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. As amended, ~~4/1/2016~~11/30/2022.

(7) Section 1962.3: Electric Vehicle Charging Requirements. As amended, ~~8/7/2012~~11/30/2022.

(8) [Section 1962.4: Zero-Emission Vehicle Standards for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks](#), as adopted 11/30/2022, except that subsection 1962.4(c)(1)(B) model years "2033", "2034", "2035 and subsequent" with corresponding percentage requirements and -subsection 1962.4(e)(2)(A)(3) are not adopted by reference. - California adopted date 8/25/22

(9) [Section 1962.5: Data Standardization Requirements for 2026 and Subsequent Model Year Light-Duty Zero-Emission Vehicles and Plug-in Hybrid Electric Vehicles](#). California As adopted date 11/30/20228/25/22.

(10) [Section 1962.6: Battery Labeling Requirements](#). California As adopted date 11/30/20228/25/22.

(11) Section 1962.7: In-Use Compliance, Corrective Action and Recall Protocols for Zero Emission for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks. As adopted ~~date 11/30/2022~~ 8/25/22.

(12) Section 1962.8: Warranty Requirements for Zero--Emission and Batteries in Plug-in Hybrid Electric 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks.

California As adopted ~~date 11/30/2022~~ 8/25/22.

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

(14) Section 1963.1: Advanced Clean Trucks Deficits. As adopted 3/15/2021.

(15) Section 1963.2: Advanced Clean Trucks Credit Generation, Banking, and Trading. As adopted 3/15/2021.

(16) Section 1963.3: Advanced Clean Trucks Compliance Determination. As adopted 3/15/2021.

(17) Section 1963.4: Advanced Clean Trucks Reporting and Recordkeeping. As adopted 3/15/2021.

(18) Section 1963.5(a)(1)-(3): Advanced Clean Trucks Enforcement. As adopted 3/15/2021.

(19) Section 1964: Special Test Procedures for Certification and Compliance – New Modifier Certified Motor Vehicles. As adopted 3/15/2021.

(20) Section 1965: Emission Control, Smog Index, and Environmental Performance Labels - 1979 and Subsequent Model Year Vehicles. As amended, ~~12/22/2021~~ 11/30/2022.

(21) Section 1968.2: Malfunction and Diagnostic System Requirements - 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines. As amended, ~~12/22/2021~~ 11/30/2022. — ~~(2)~~

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

(23) Section 1971.1: On-Board Diagnostic System Requirements - 2010 and Subsequent Model-Year Heavy-Duty Engines. As ~~California adopted~~ ~~date 3/15/9/2021~~. ~~(25)~~

(24) Section 1976: Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions. As amended, ~~10/8/2015~~ 8/25/11/30/2022.

(25) Section 1978: Standards and Test Procedures for Vehicle Refueling Emissions. As amended, ~~10/8/2015~~ 11/30/2022.

(26) Section 2012: Advanced Clean Trucks, Large Entity Reporting Requirement. As adopted 3/15/2021.

(27) Section 2012.1: General Entity Information Reporting. As adopted, 3/15/2021.

(28) Section 2012.2: Vehicle Usage by Facility Reporting. As adopted, 3/15/2021.

(29) Section 2035: Purpose, Applicability, and Definitions. As amended, 12/22/2021.

(30) Section 2036: Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light--Duty Trucks, and Medium--Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy--Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers. As effective, 12/22/2021.

(31) Section 2037: Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles. As amended, ~~4/1/2019~~ 11/30/2022.

(32) Section 2038: Performance Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles. As amended, ~~8/7/2012~~ 11/30/2022.

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

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

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

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

(37) Section 2047: Certification procedures for Used Modifier-certified Motor Vehicles

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

(39) Section 2109: New Vehicle Recall Provisions. As amended, 12/30/1983.

(40) Section 2111: Applicability. As amended, 12/22/2021.

- (41) Section 2112: Definitions. As amended, ~~12/22/2021~~11/30/2022.
- (42) Section 2113: Initiation and Approval of Voluntary and Influenced Emission-Related Recalls. As amended, 12/22/2021.
- (43) Section 2114: Voluntary and Influenced Recall Plans. As amended, 12/22/2021.
- (44) Section 2115: Eligibility for Repair. As amended, 12/22/2021.
- (45) Section 2116: Repair Label. As amended, 12/22/2021.
- (46) Section 2117: Proof of Correction Certificate. As amended, 12/22/2021.
- (47) Section 2118: Notification. As amended, 12/22/2021.
- (48) Section 2119: Recordkeeping and Reporting Requirements. As amended, 12/22/2021.
- (49) Section 2120: Other Requirements Not Waived. As amended, 1/26/1995.
- (50) Section 2121: Penalties. As amended, 12/22/2021.
- (51) Section 2122: General Provisions. As amended, 12/8/2010.
- (52) Section 2123: Initiation and Notification of Ordered Emission-Related Recalls. As amended, 12/22/2021.
- (53) Section 2124: Availability of Public Hearing. As amended, 1/26/1995.
- (54) Section 2125: Ordered Recall Plan. As amended, 12/22/2021.
- (55) Section 2126: Approval and Implementation of Recall Plan. As amended, 12/22/2021.
- (56) Section 2127: Notification of Owners. As amended, 12/22/2021.
- (57) Section 2128: Repair Label. As amended, 12/22/2021.
- (58) Section 2129: Proof of Correction Certificate. As amended, 12/22/2021.
- (59) Section 2130: Capture Rates and Alternative Measures. As amended, 12/22/2021.
- (60) Section 2131: Preliminary Tests. As amended, 12/22/2021.
- (61) Section 2132: Communication with Repair Personnel. As amended, 1/26/1995.
- (62) Section 2133: Recordkeeping and Reporting Requirements. As amended, 12/22/2021.
- (63) Section 2135: Extension of Time. As amended, 1/26/1995.
- (64) Section 2137: Vehicle, Engine, and Trailer Selection. As amended, 12/22/2021
- (65) Section 2139: Testing. As amended, ~~12/30/2021~~11/30/2022.
- (66) Section 2140: Notification and Use of Test Results. As amended, 11/30/2022.
- (67) Section 2141: General Provisions. As amended, 12/22/2021.
- (68) Section 2142: Alternative Procedures. As amended, 12/22/2021.
- (69) Section 2143: Failure Levels Triggering Recall and Corrective Action. As amended, 12/22/2021.
- (70) Section 2144: Emission Warranty Information Report. As amended, 12/22/2021.
- (71) Section 2145: Field Information Report. As amended, 12/22/2021.
- (72) Section 2146: Emissions Information Report. As amended, 12/22/2021.
- (73) Section 2147: Demonstration of Compliance with Emission Standards. As amended, ~~12/22/2021~~8/25/11/30/2022.
- (74) Section 2148: Evaluation of Need for Recall. As amended, 12/22/2021.
- (75) Section 2149: Notification and Subsequent Action. As amended, 12/22/2021.
- (76) Section 2235: Requirements. As amended, 10/1/2019.
- (77) Title 17, Section 95660: Purpose. As amended
- (78) Title 17, Section 95661: Applicability
- (79) Title 17, Section 95662: Definitions
- (80) Title 17, Section 95663: Greenhouse Gas Exhaust Emission Standards and Testing Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles.
[20.2.91.102 NMAC - N, ~~X/X/202X~~7/1/2022/1/2024]

20.2.91.103 EXEMPTIONS: The following motor vehicles shall not be subject to 20.2.91 NMAC.

A. Military tactical vehicles, which shall mean the same in this section as in CCR, Title 13, Section 1905.

B. Motor vehicles sold for registration in a state that is not New Mexico.

C. Motor vehicles that have greater than 7,500 miles on the odometer.

D. Motor vehicles available for rent to a final destination outside of New Mexico.

E. Motor vehicles transferred from one person to another person due to: death, inheritance, devise or bequest; divorce, dissolution, annulment or legal separation; merger or consolidation; bankruptcy; court judgment or decree; or possessory lien, seizure or foreclosure.

- F. Emergency vehicles when demonstrated to the department's satisfaction that an appropriate vehicle is not otherwise reasonably available.
 - G. A motor vehicle acquired by a resident of New Mexico to replace a motor vehicle registered to such resident that was stolen, damaged, or failed beyond reasonable repair while out of state, provided that such replacement motor vehicle is acquired out of state when the previously owned motor vehicle was stolen, damaged, or failed beyond reasonable repair.
 - H. A motor 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. Motor vehicles purchased by a nonresident before establishing residency in New Mexico, regardless of the mileage on the odometer.
 - J. Motor vehicles purchased by a resident of New Mexico while assigned to active government service outside New Mexico.
 - K. Custom and assembled motor vehicles that:
 - (1) are maintained for occasional transportation, exhibitions, club activities, parades, tours, testing of operation, repair, maintenance, and similar uses; and
 - (2) are not used for general daily transportation.
 - L. A vehicle sold for the purpose of being wrecked or dismantled.
 - M. Motor vehicles used exclusively in the conduct of agricultural operations, like implements of husbandry not including a vehicle whose existing design is primarily for the transportation of persons or property on a highway, or road machinery not regularly operated on public streets and highways.
- [N.A vehicle defined as an "excluded bus" pursuant to CCR, Title 13, Section 1963\(c\)\(11\).](#)
 [20.2.91.103 NMAC - N, [X/X/202X7/1/20221/1/2024](#)]

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

- A. Each manufacturer subject to 20.2.91 NMAC shall comply with fleet average non-methane organic gas plus oxides of nitrogen exhaust emission standards for passenger cars, light-duty trucks, and medium-duty vehicles, and other requirements set forth in CCR, Title 13, Sections ~~1961.2~~ and 1961.4. Compliance shall be based on the motor vehicles subject to 20.2.91.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) and 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) that each manufacturer delivers for sale, offers for sale, sells, imports, delivers, or leases in New Mexico, and shall be determined on a statewide basis.
 - B. Each manufacturer subject to Subsection A of 20.2.91.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) shall accrue fleet average non-methane organic gas plus oxides of nitrogen exhaust emission standard credits and debits and may use credits in accordance with CCR, Title 13, Sections ~~1961.2~~ and 1961.4. Each manufacturer shall accrue and use debits and credits based on the number of motor vehicles subject to Subsection A of 20.2.91.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) and Subsection A of 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance). Accounting for the use of debits and credits shall be on a statewide basis.
 - C. Each manufacturer subject to Subsection A of 20.2.91.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) shall submit a report by March 1 of each year to the department that includes the statewide fleet average non-methane organic gas plus oxides of nitrogen exhaust emission data for the model year just ended. The report shall be in accordance with the procedures in CCR, Title 13, Sections 1961.2 and 1961.4 -be in the same format used to report such information to CARB. If a manufacturer elects to report the information required pursuant to Subsection A of 20.2.91.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) and Subsection A of 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) using the pooling provisions 5 set forth in CCR, Title 13, Sections ~~1961.2~~ and 1961.4, the manufacturer shall report to the department the information for the entire pool as well as for the portion specific to New Mexico.
- [20.2.91.104 NMAC - N, [7/1/20221/1/2024](#)]

20.2.91.105 PARTICULATE MATTER EXHAUST EMISSION STANDARDS, REPORTING AND COMPLIANCE: Each manufacturer subject to 20.2.91 NMAC shall comply with particulate exhaust emission standards for passenger cars, light-duty trucks, medium-duty passenger vehicles, and medium-duty vehicles, and other requirements set forth in CCR, Title 13, Sections 1961.2 and [1961.4](#). Compliance shall be based on the motor vehicles subject to 20.2.91.105 NMAC (Particulate Matter Exhaust Emission Standards, Reporting and Compliance) and 20.11.104.105 NMAC (Particulate Matter Exhaust Emission Standards, Reporting and Compliance) that each manufacturer delivers for sale, offers for sale, sells, imports, delivers, or leases in New Mexico, and shall be determined on a statewide basis.
[20.2.91.105 NMAC - N, 7/1/2022]

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

A. Each manufacturer subject to 20.2.91 NMAC shall comply with fleet average greenhouse gas exhaust emission standards for passenger cars, light-duty trucks, and medium-duty passenger vehicles, and other requirements set forth in CCR, Title 13, Section 1961.3. Compliance shall be based on the motor vehicles subject to 20.2.91.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance) and 20.11.104.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance) that each manufacturer delivers for sale, offers for sale, sells, imports, delivers, or leases in New Mexico, and shall be determined on a statewide basis.

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

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

20.2.91.107 EXHAUST EMISSION STANDARDS FOR MODEL YEAR 2027 AND SUBSEQUENT HEAVY-DUTY ENGINES: Each manufacturer subject to 20.2.91 NMAC shall comply with the heavy-duty engine emissions standards for [model year 2027](#) and subsequent and other requirements set forth in CCR, Title 13, Sections [1900,1956.8, 1961.2, 1965, 1968.2, 1971.1, 1971.5, 2035, 2036, 2111 through 2119, 2121, 2123, 2125 through 2131, 2133, 2137, 2139 through 2149, 2423, and 2485](#). Compliance shall be based on the motor vehicles subject to 20.2.91.107 NMAC (Exhaust Emission Standards For [Model Year 2027 And Subsequent Heavy-Duty Engines](#)) that each manufacturer delivers for sale, offers for sale, sells, imports, delivers, or leases in New Mexico, and shall be determined on a statewide basis.
[20.2.91.107 NMAC - N, 1/1/2024]

20.2.91.1087 FLEET AVERAGE EXHAUST EMISSION STANDARDS REMEDIATION REPORT:

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

standards, respectively, the department shall require the manufacturer to submit a fleet average remediation report to the department.

B. A fleet average remediation report shall be submitted to the department within 60 calendar days after notice from the department.

C. The fleet average remediation report shall, at a minimum:

- (1) describe how the manufacturer intends to equalize any accrued debits;
- (2) identify all motor vehicle models and the percentage of each model delivered for sale, offered for sale, sold, imported, delivered, or leased in New Mexico with their corresponding certification standards for New Mexico and California in relation to total fleet sales in each respective state; and
- (3) describe how the manufacturer intends to achieve compliance with the fleet average non-methane organic gas plus oxides of nitrogen exhaust emission standards or the fleet average greenhouse gas exhaust emission standards, as applicable, in future model years.

[20.2.91.1087 NMAC - N, 7/1/20221/1/2024]

20.2.91.109 [RESERVED]

20.2.91.11008 ~~LIGHT- AND MEDIUM-DUTY ZERO-EMISSION VEHICLE CREDIT~~ REQUIREMENT, REPORTING, AND COMPLIANCE:

A. Each manufacturer subject to 20.2.91 NMAC shall deliver for sale, offer for sale, sell, import, deliver, or lease motor vehicles certified as ~~zero emission~~zero-emission vehicles in accordance with CCR, Title 13, Sections ~~1962.2(a) and 1962.4(b) as adopted in Part 91, for model years 2027 through 2032~~ in New Mexico.

B. Each manufacturer subject to 20.2.91 NMAC shall comply with the ZEV ~~credit~~ percentage requirement set forth in CCR, Title 13, Sections ~~1962.2(b) and 1962.4(e) s adopted in Part 91, for model years 2027 through 2032 in New Mexico using New Mexico specific vehicle production volume calculated per California Code of Regulations~~ CCR, Title 13, Section 1962.4 (c)(1)(C) ~~and except model years “2033”, “2034”, “2035 and subsequent”~~². Compliance shall be based on the motor vehicles subject to 20.2.91 NMAC and 20.11.104 NMAC that each manufacturer delivers for sale, offers for sale, sells, imports, delivers, or leases in New Mexico, and shall be determined on a statewide basis.

C. Before May 1 of each year, each manufacturer subject to 20.2.91 NMAC shall submit to the department a report detailing compliance with the ZEV percentage requirement detailing the credits generated or credits transferred to or from any manufacturer for each qualifying motor vehicle delivered for sale, offered for sale, sold, imported, delivered, or leased in New Mexico during the previous model year in accordance with CCR, Title 13, Sections ~~1962.2(e), (d) and (g); and Sections 1962.4(e) and (g)~~. ZEV ~~credit~~ accounting shall be on a statewide basis. ~~The report~~The report shall be prepared in the same format used to report ~~credit~~ZEV percentage requirements history to CARB. If the manufacturer intends to use ZEV credits values for future compliance with the ZEV ~~percentage credit~~ percentage requirement at CCR, Title 13, Section 1962.42 ~~(bc)~~, the manufacturer shall record and certify the transaction in the ZEV ~~credit~~ bank.

D. Each ~~intermediate volume~~ manufacturer subject to 20.2.91 NMAC shall ~~and large volume manufacturer shall~~ open an account in the ZEV ~~credit~~ bank and submit information to the department for ~~banking credits~~ZEVs values generated in New Mexico. ~~Small volume manufacturers not a~~ subject to 20.2.91 NMAC ~~and independent low volume manufacturers~~ may open an account in the ZEV ~~credit~~ bank and submit information to the department for banking ~~credits~~ZEVs generated in New Mexico but are not required to do so. A manufacturer may deposit and earn ZEV ~~credits~~values for each qualifying motor vehicle delivered for sale, offered for sale, sold, imported, delivered, or leased in New Mexico in accordance with 20.2.91.1 ~~10098~~ NMAC (Light- and Medium-Duty Zero-Emission Vehicle Credit Requirement, Reporting, and Compliance), 20.11.104.1008 NMAC (Zero-Emission Vehicle Credit Requirement, Reporting, and Compliance), and CCR, Title 13, Sections ~~1962.2 (e), (d) and (g); and Sections 1962.4(e) and (g)~~:

E. Environmental Justice Vehicle Values can be earned in New Mexico and will be subject to the limitations and allowance pursuant to California Code of Regulations CCR, Title 13, Section 1962.4 (d) and (e) (2), including through:

(1) New 2024 through 2031 model year ZEVs and plug-in hybrid vehicles - provided for use in Qualified Community-based Clean Mobility Programs in New Mexico; will ear additional ZEV values that can be used to meet the ZEV percentage requirement pursuant to CCR, Title 13, Section 1962.(e)(2)(A). ___

(2) ZEVs or PHEVs plug-in hybrid electric vehicles initially leased in New Mexico and sold at the end of lease to a New Mexico dealership participating in a financial assistance program; and

~~(32)~~ for each 2027~~6~~ through 2028 model year ZEV or ~~PHEV-plug-in hybrid electric vehicle~~ delivered for sale in New Mexico with an MSRP less than or equal to \$20,275 for passenger cars and less than or equal to \$26,670 for light-duty vehicles, with the MSRP values adjusted annually, beginning in 2027~~6~~ model year, per ~~California Code of Regulations~~CCR, Title 13, Section 1962.4(e)(2)(F).

F. Manufacturers may fulfill a portion of their total ~~Annual ZEV Rpercentage~~ requirement with Early Compliance Vehicle Values earned according to ~~California Code of Regulations~~CCR, Title 13, Section 1962.4(e)(3). In New Mexico, the Early Compliance Vehicle Values can be earned for model year 2026 and used to meet manufacturers' ~~Annual ZEV Rpercentage~~ requirements in model year 2027 through 2029. A manufacturer can use a qualifying ZEVs either for Early Compliance Vehicle Values or for Early Action Credits or One-time Value, pursuant to 20.2.91.111.

G. A manufacturer that fails to meet the ~~ZEV percentage requirement credit obligation for delivery of zero emission motor vehicles~~ in New Mexico in a given model year shall make up the ~~credit~~ deficit by submitting a commensurate amount of ZEV ~~credits values~~ to the secretary in accordance with CCR, Title 13, Sections 1962.2(g)(7) and 1962.4(h)(2).

[20.2.91.110~~08~~ NMAC - N, ~~X/X/202X7/1/20221/1/2024~~]

20.2.91.111~~09~~ VOLUNTARY ZERO-EMISSION VEHICLE EARLY ACTION CREDITS AND ONETIME-ONE-TIME CREDITSVALUE:

A. A manufacturer may earn early action credits for any model year 2023, 2024, and 2025 through 2025~~6~~ motor vehicles that qualify towards ~~the~~ ZEV credit ~~or~~ percentage requirement set forth in CCR, Title 13, Section 1962.2(b) and 1962.4(e) that the manufacturer delivers for sale, offers for sale, sells, imports, delivers, or leases in New Mexico on or after July 1, 2022, by reporting the total delivery of such motor vehicles to the department before May 1 of the calendar year subsequent to the end of the model year.

B. For use for compliance beginning with model year 2027 through model year 2029~~326~~, the department shall deposit into the manufacturer's account in the ZEV ~~credit value~~ bank any early action credits earned by the manufacturer pursuant to Subsection A of 20.2.91.111~~XX09~~ NMAC (Voluntary Zero-Emission Vehicle Early Action Credits and One-time CreditsValue) and Subsection A of 20.11.104.109 NMAC (Zero-Emission Vehicle Early Action and Onetime Credits). The department shall follow CARB's procedures for reporting, tracking and recording ZEV sales, ~~and~~ credits, ~~and~~ values.

C. Credits issued pursuant to 20.2.91.111 NMAC (Voluntary Zero-Emission Vehicle Early Action Credits and One-time Value) and 20.11.104.109 NMAC (Zero-Emission Vehicle Early Action and Onetime Credits) may only be used in New Mexico for comply with ZEV percentage requirements subject to the same requirements and limitations on ZEV credit and values use set forth in CCR, Title 13, Section 1962.2 and Section 1962.4.4. For use for compliance beginning with model year 2027 through model year 2032, once the manufacturer has satisfied all credit obligations for model years 20255 and earlier in California as confirmed by CARB, the department shall deposit into the manufacturer's account in the ZEV credit bank a number of onetime credits equal to the manufacturer's model year 2025 starting California credit balance multiplied by the number of passenger cars and light-duty trucks the manufacturer delivered for sale in New Mexico in model year 2025 and divided by the number of passenger cars and light-duty trucks that the manufacturer produced and delivered for sale in California in model year 2025 as confirmed by CARB:

Manufacturer's MY2027 onetime credit	=	Manufacturer's starting MY2025 California ZEV credit balance	X	<div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 80%;"> Manufacturer's MY2025 total New Mexico motor vehicle sales Manufacturer's MY2025 total California motor vehicle sales </div>
<i>where MY means model year</i>				

D. A motor vehicle early action credit or value shall not constitute or convey a property right. Credits issued pursuant to 20.2.91.109 NMAC (Zero Emission Vehicle Early Action and Onetime Credits) and 20.11.104.109 NMAC (Zero Emission Vehicle Early Action and Onetime Credits) may only be used in New Mexico for compliance with the ZEV credit percentage requirements subject to the same requirements and limitations on ZEV credit use set forth in CCR, Title 13, Section 1962.2 and/or Section 1962.4.42.

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

[20.2.91.11109 NMAC - N, 7/1/2022] [1/2024]

20.2.91.112 MEDIUM- AND HEAVY-DUTY ZERO-EMISSION VEHICLE REQUIREMENT, REPORTING, AND COMPLIANCE:

A. Each manufacturer subject to 20.2.91 NMAC shall deliver for sale, offer for sale, sell, import, deliver, or lease medium and heavy-duty vehicle motor vehicles certified as zero-emission medium and heavy-duty vehicles in accordance with CCR, Title 13, Sections 1963, 1963.1, 1963.2, 1963.4, and 1963.5 ~~adopted in Part 91 in New Mexico.~~

B. Each manufacturer subject to 20.2.91 NMAC shall comply with the ZEV percentage requirement set forth in CCR, Title 13, Section 1963.1 ~~adopted in Part 91 in New Mexico.~~ Compliance shall be based on the medium and heavy-duty vehicles ~~motor vehicles~~ subject to 20.2.91 NMAC that each manufacturer delivers for sale, offers for sale, sells, imports, delivers, or leases in New Mexico, and shall be determined on a statewide basis.

C. Before May 1 of each year, each manufacturer subject to 20.2.91 NMAC shall submit to the department a report detailing the on-road medium and heavy-duty vehicles transferred to or from any manufacturer delivered for sale, offered for sale, sold, imported, delivered, or leased in New Mexico during the previous model year in accordance with CCR, Title 13, Sections 1963.1. Medium and heavy-duty ZEV accounting shall be on a statewide basis. The report shall be prepared in the same format used to report vehicle compliance to CARB. If the manufacturer intends to use voluntary medium and heavy-duty vehicle ZEVs credits for future compliance with the ZEV requirement at CCR, Title 13, Section 1963.1, the manufacturer shall record and certify the transaction in the medium and heavy-duty ZEV bank.

D. Each medium and heavy-duty ZEV manufacturer shall open an account in the medium and heavy-duty ZEV bank and submit information to the department for banking medium and heavy-duty ZEV credits generated in New Mexico. A manufacturer may deposit and earn medium and heavy-duty ZEV credits for each qualifying medium and heavy-duty ZEV delivered for sale, offered for sale, sold, imported, delivered, or leased in New Mexico in accordance with 20.2.91.112 NMAC and CCR, Title 13, Sections 1963, 1963.1, and 1963.2.

E. A medium and heavy-duty vehicle manufacturer that fails to meet the obligation for delivery of zero-emission motor vehicles in New Mexico in a given model year shall make up the credit or value deficit by submitting a commensurate amount of medium and heavy-duty ZEV to the secretary in accordance with CCR, Title 13, Sections 1963, 1963.1, and 1963.2.

[20.2.91.112 NMAC - N, 1/1/2024]

20.2.91.113 to 20.2.91.119 [RESERVED]

20.2.91.120 LARGE ENTITY REPORTING REQUIREMENTS – MEDIUM AND HEAVY-DUTY VEHICLES: Each manufacturer subject to 20.2.91 NMAC shall comply with CCR, Title 13, Sections 2012, 2012.1, and 2012.2, provided however that every occurrence of “California” shall be replaced with “New Mexico”, “Executive Officer” shall be replaced with “Secretary”, “Public Utilities Commission” shall be replaced with “Public Regulation Commission”, and all other replacements clarifying that Sections 2012, 2012.1, and 2012.2 are requirements in New Mexico per this section.

[20.2.91.120 NMAC - N, 1/1/2024]

20.2.91.12140 ADDITIONAL REPORTING:

A. Within 30 calendar days of a request from the department, a manufacturer shall submit to the department:

- (1) A copy of the applicable CARB executive order.
- (2) Any documentation the department determines necessary for the effective administration and enforcement of 20.2.91 NMAC, including without limitation certification materials submitted to CARB and documentation regarding the sale of each motor vehicle subject to 20.2.91 NMAC.
- (3) Any emission warranty information reports prepared in accordance with CCR, Title 13, Section 2144.

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

[20.2.91.12140 NMAC - N, 7/1/2022]

20.2.91.12244 WARRANTIES:

A. Each manufacturer of a motor vehicle subject to 20.2.91 NMAC shall warrant to the ultimate purchaser and each subsequent purchaser that the motor vehicle shall comply over its period of warranty coverage with all requirements of CCR, Title 13, Sections 1962.8, -2035 through 2038, 2040, and 2046. Subsection C of 20.2.91.103 NMAC shall not apply to this section.

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

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

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

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

[20.2.91.122~~11~~ NMAC - N, 7/1/2022~~1/2024~~]

20.2.91.123~~42~~ LABELS: A manufacturer, dealer, rental car agency, the United States, state or local government, or other persons shall not deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire, receive, or register passenger cars, light-duty trucks, medium-duty passenger vehicles, medium-duty vehicles, heavy-duty vehicles, heavy-duty engines, or motor vehicle engines in New Mexico if emission control labels and environmental performance labels have not been affixed in accordance with CCR, Title 13, Section 1965.

[20.2.91.123~~42~~ NMAC - N, 7/1/2022]

20.2.91.124~~43~~ RECALL CAMPAIGNS:

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

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

C. For a motor vehicle subject to an order or action under Subsection A of 20.2.91.113-124 NMAC (Recall Campaigns), each manufacturer shall send to each owner of an affected motor vehicle registered in New Mexico a notice that complies with the requirements in CCR, Title 13, Sections 1962.7, 2118, -and 2127, -as applicable, including a telephone number for owners to obtain answers to questions regarding the recall.

[20.2.91.124~~43~~ NMAC - N, 7/1/2022~~1/2024~~]

20.2.91.125~~44~~ REGISTRATION AND FEES:

A. Effective January 1, 2026~~5~~, each large-volume or intermediate-volume manufacturer delivering for sale, offering for sale, selling, importing, delivering, or leasing passenger cars, light-duty trucks, medium-duty passenger vehicles, or medium-duty vehicles, -subject to 20.2.91 NMAC shall obtain a registration from the department. The department shall issue a registration for a period of 10 years subject to an annual fee. It shall be a violation of 20.2.91 NMAC for a large-volume or intermediate-volume manufacturer to not obtain a registration in accordance with Subsection A of 20.2.91.1~~XX~~25~~44~~ NMAC.

B. Effective January 1, 2026~~5~~, each large-volume or intermediate-volume manufacturer subject to 20.2.91 NMAC (Registration and Fees) shall report to the department the number of passenger cars, light-duty trucks, medium-duty passenger vehicles, and medium-duty vehicles delivered for sale, offered for sale, sold, imported, delivered, or leased in New Mexico during the previous model year. The manufacturer shall submit the report to the department by March 1 of each year. Failure to timely submit the report shall be a violation of Subsection B of 20.2.91.1~~XX~~25~~44~~ NMAC (Registration and Fees) and cause for the department to revoke the manufacturer's registration.

C. The department shall assess an annual registration fee for the period beginning July 1 and ending June 30 of the subsequent year. Failure to timely pay the annual registration fee shall be a violation of Subsection C of 20.2.91.125~~44~~ NMAC (Registration and Fees) and cause for the department to revoke the manufacturer's registration.

D. The department shall assess annual registration fees by apportioning the total registration fee among all registrants according to each manufacturer's reported market share for the previous model year.

E. Within 60 calendar days after the report required by 20.2.91.12544 NMAC (Registration and Fees) is due, the department shall notify each registrant of the registration fee required for the next registration period. Within 30 calendar days of the department's notice of the required registration fee, each registrant shall remit the specified amount payable to the New Mexico environment department.

F. The total registration fee is \$2300,000 and shall increase annually by the consumer price index.

G. ~~Large volume or intermediate volume motor~~ZEV-vehicle manufacturers seeking to earn ZEV early action credits and one-time values under 20.2.91.11109 NMAC (Voluntary Zero-Emission Vehicle Early Action and One-time Credits) shall request a registration by October 1 during the first calendar year of each early action model year and shall pay a \$240,000 registration fee that is separate and apart from the annual registration fee.

[20.2.91.12544 NMAC - N, 7/1/2022] [1/2024]

20.2.91.12645 INSPECTIONS AND INFORMATION REQUESTS:

A. The department may inspect motor vehicles, and may inspect and copy relevant, non-financial records, including records documenting motor vehicle origin, certification, delivery, or sales, and any record of emission-related part repairs performed under warranty.

B. The department may require a manufacturer, dealer, rental car agency, the United States, state or local government, or other person to submit or may inspect and copy itself, relevant, non-financial records related to a motor vehicle subject or potentially subject to 20.2.91 NMAC, except that Subsection B of 20.2.91.12645 NMAC (Inspections and Information Requests) shall not be construed to require the creation of a new record.

[20.2.91.12645 NMAC - N, 7/1/2022]

20.2.91.12746 RECORDKEEPING: All manufacturers, dealers, rental car agencies, the United States, state and local governments, or other persons shall retain records pertaining to compliance under 20.2.91 NMAC.

[20.2.91.12746 NMAC - N, 7/1/2022]

20.2.91.12847 PROHIBITED: Failure to comply with the emission standards, recordkeeping, reporting, or other requirements of 20.2.91 NMAC within the timeframes specified shall constitute a violation of 20.2.91 NMAC subject to enforcement action under Section 74-2-12 NMSA 1978.

[20.2.91.12847 NMAC - N, 7/1/2022]

HISTORY OF 20.2.91 NMAC [RESERVED]