

§ 86.096-35

40 CFR Ch. I (7-1-04 Edition)

(a)(21) (i) through (iv) of this section apply.

(i) All certificates issued are conditional upon manufacturer compliance with all provisions of §§ 86.1710 through 86.1712 both during and after model year production.

(ii) Failure to comply fully with the prohibition against offering for sale Tier 1 vehicles and TLEVs in the Northeast Trading Region, as defined in § 86.1702, after model year 2000 if vehicles with the same engine families are not certified and offered for sale in California in the same model year, as specified in § 86.1711(a), will be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the vehicles sold in violation of this prohibition shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(iv) For recall and warranty purposes, vehicles not covered by a certificate because of a violation of this condition of the certificate will continue to be held to the standards stated in the certificate that would have otherwise applied to the vehicles.

(22) [Reserved]

(23)(i) The Administrator will issue a National LEV certificate of conformity for 1999 model year vehicles or engines certified to comply with the California TLEV, LEV, or ULEV emission standards.

(ii) This certificate of conformity shall be granted after the Administrator has received and reviewed the California Executive Order a manufacturer has received for the same vehicles or engines.

(iii) Vehicles or engines receiving a certificate of conformity under the provisions in this paragraph can only be sold in the states included in the NTR, as defined in § 86.1702, and those states where the sale of California-certified vehicles is otherwise authorized.

(24)(i) The Administrator will issue a National LEV certificate of conformity for 2000 model year vehicles or engines certified to comply with the California TLEV emission standards.

(ii) This certificate of conformity shall be granted after the Administrator has received and reviewed the California Executive Order a manufacturer has received for the same vehicles or engines.

(iii) Vehicles or engines receiving a certificate of conformity under the provisions in this paragraph can only be sold in the states included in the NTR, as defined in § 86.1702, and those states where the sale of California-certified vehicles is otherwise authorized.

(b)-(f) [Reserved]. For guidance see § 86.094-30.

[58 FR 16024, Mar. 24, 1993, as amended at 58 FR 34536, June 28, 1993; 62 FR 31233, June 6, 1997; 63 FR 965, Jan. 7, 1998]

§ 86.096-35 Labeling.

Section 86.096-35 includes text that specifies requirements that differ from § 86.095-35. Where a paragraph in § 86.095-35 is identical and applicable to § 86.096-35, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.095-35.”

(a) introductory text through (a)(1)(iii)(L) [Reserved]. For guidance see § 86.095-35.

(a)(1)(iii)(M) For model years 1996 through 1998 light-duty vehicles, a clear indication of which test procedure was used to certify the evaporative family, e.g., “Evaporative Family xx (§ 86.130-96 procedures)” or “Evaporative Family xx (§ 86.130-78 procedures).”

(N)(1) For vehicles exempted from compliance with certain revised performance warranty procedures, as specified in § 86.096-21(j), a statement indicating the specific performance warranty test(s) of 40 CFR part 85, subpart W not to be performed.

(2) For vehicles exempted from compliance with all revised performance warranty procedures, as specified in § 86.096-21(k), a statement indicating:

(i) that none of the performance warranty tests of 40 CFR part 85, subpart W is to be performed, and

(ii) the name of the Administrator-approved alternative test procedure to be performed.

(a)(2) Heading through (a)(2)(iii)(N) [Reserved]. For guidance see § 86.095-35.

(a)(2)(iii)(O) For model years 1996 through 1998 light-duty trucks, a clear indication of which test procedure was used to certify the evaporative family, e.g., “Evaporative Family xx (§ 86.130-96 procedures)” or “Evaporative Family xx (§ 86.130-78 procedures).”

(P)(I) For vehicles exempted from compliance with certain revised performance warranty procedures, as specified in § 86.096-21(j), a statement indicating the specific performance warranty test(s) of 40 CFR part 85, subpart W not to be performed.

(2) For vehicles exempted from compliance with all revised performance warranty procedures, as specified in § 86.096-21(k), a statement indicating:

(i) that none of the performance warranty tests of 40 CFR part 85, subpart W, is to be performed, and

(ii) the name of the Administrator-approved alternative test procedure to be performed.

(a)(3)-(a)(4)(iii)(F) [Reserved]. For guidance see § 86.095-35.

(a)(4)(iii)(G) For model years 1996 through 1998 gasoline-fueled and methanol-fueled heavy-duty vehicles, a clear indication of which test procedure was used to certify the evaporative family, e.g., “Evaporative Family xx (§ 86.1230-96 procedures)” or “Evaporative Family xx (§ 86.1230-85 procedures).”

(b)-(i) [Reserved]. For guidance see § 86.095-35.

[58 FR 16024, Mar. 24, 1993, as amended at 58 FR 34536, June 28, 1993; 58 FR 58421, Nov. 1, 1993]

§ 86.096-38 Maintenance instructions.

This section includes text that specifies requirements that differ from those specified in § 86.087-38. Where a paragraph in § 86.087-38 is identical and applicable to § 86.096-38, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.087-38.”

(a)-(f) [Reserved]. For guidance see § 86.087-38.

(g) Emission control diagnostic service information:

(1) Manufacturers are subject to the provisions of this paragraph (g) beginning in the 1996 model year for manufacturers of light-duty vehicles and

light-duty trucks, and beginning in the 2005 model year for manufacturers of heavy-duty vehicles and heavy-duty engines weighing 14,000 pounds gross vehicle weight (GVW) and less that are subject to the OBD requirements of this part.

(2) *General requirements.* (i) Manufacturers shall furnish or cause to be furnished to any person engaged in the repairing or servicing of motor vehicles or motor vehicle engines, or the Administrator upon request, any and all information needed to make use of the on-board diagnostic system and such other information, including instructions for making emission-related diagnoses and repairs, including but not limited to service manuals, technical service bulletins, recall service information, bi-directional control information, and training information, unless such information is protected by section 208(c) of the Act as a trade secret. No such information may be withheld under section 208(c) of the Act if that information is provided (directly or indirectly) by the manufacturer to franchised dealers or other persons engaged in the repair, diagnosing, or servicing of motor vehicles or motor vehicle engines.

(ii) *Definitions.* The following definitions apply for this paragraph (g):

(A) Aftermarket service provider means any individual or business engaged in the diagnosis, service, and repair of a motor vehicle or engine, who is not directly affiliated with a manufacturer or manufacturer-franchised dealership.

(B) Bi-directional control means the capability of a diagnostic tool to send messages on the data bus that temporarily overrides the module’s control over a sensor or actuator and gives control to the diagnostic tool operator. Bi-directional controls do not create permanent changes to engine or component calibrations.

(C) Data stream information means information (*i.e.*, messages and parameters) originated within the vehicle by a module or intelligent sensors (*i.e.*, a sensor that contains and is controlled by its own module) and transmitted between a network of modules and/or intelligent sensors connected in parallel