

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 104 NEW MOTOR VEHICLE EMISSION STANDARDS

20.11.104.1 ISSUING AGENCY: Albuquerque-Bernalillo County Air Quality Control Board, P.O. Box 1293, Albuquerque, New Mexico 87103. Telephone: (505) 768-1972.
[20.11.104.1 NMAC - Rp, 20.11.104.1 NMAC, 12/31/2023]

20.11.104.2 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 and subsequent model year passenger cars, light-duty trucks, medium-duty passenger vehicles, medium-duty vehicles or motor vehicle engines, heavy-duty vehicles, heavy-duty engines or motor vehicle engines. All regulated entities subject to compliance with 20.11.104.120 NMAC (Large Entity Reporting Requirement).
[20.11.104.2 NMAC - Rp, 20.11.104.2 NMAC, 12/31/2023]

20.11.104.3 STATUTORY AUTHORITY: The Air Quality Control Act, Sections 74-2-1 to -17 NMSA 1978; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, Sections 9-5-1-3, 9-5-1-4, 9-5-1-5 and 9-5-1-6; and Bernalillo County Code, Article II, Sections 30-32, 30-33, 30-34 and 30-35.
[20.11.104.3 NMAC - Rp, 20.11.104.3 NMAC, 12/31/2023]

20.11.104.4 DURATION: Permanent.
[20.11.104.4 NMAC - Rp, 20.11.104.4 NMAC, 12/31/2023]

20.11.104.5 EFFECTIVE DATE: December 31, 2023, except where a later date is cited at the end of a section.
[20.11.104.5 NMAC - Rp, 20.11.104.5 NMAC, 12/31/2023]

20.11.104.6 OBJECTIVE: To adopt and implement the California vehicle emission standards and requirements statewide pursuant to Section 177 of the federal Clean Air Act.
[20.11.104.6 NMAC - Rp, 20.11.104.6 NMAC, 12/31/2023]

20.11.104.7 DEFINITIONS: The definitions in the Air Quality Control Act, Section 74-2-2 NMSA 1978 shall apply in 20.11.104 NMAC. If a term is defined in Section 74-2-2 NMSA 1978 and 20.11.104 NMAC, the definition in 20.11.104 NMAC shall apply. The definitions in 20.11.1.7 NMAC, the Revised Ordinances of Albuquerque 1994, Section 9-5-1-2, and the Bernalillo County Code, Article II, Section 30-31 shall not apply in 20.11.104 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 20.11.104 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 shall have a different meaning unique to New Mexico whenever appropriate depending on context and the entity's authority, as follows: "California" shall, whenever appropriate, mean "New Mexico", or "Bernalillo County" and the "City of Albuquerque", depending on the context; the "California Air Resources Board," "CARB," "state board," or "board" shall mean the "environmental improvement board" or the "environment department", or the "air quality control board" or the "environmental health department", depending on the context; and "Executive Officer" shall mean the "secretary" or the "director", depending on the context; provided, however, the terms in the CCR and CHSC definitions incorporated by reference in 20.11.104.7 NMAC (Definitions) 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 20.11.104 NMAC, the Motor Vehicle Code meaning, and application of the term shall control.

A. "Air quality control board" means the Albuquerque-Bernalillo county air quality control board, which is a local board, as such term is defined in Subsection K of Section 74-2-2 NMSA 1978.

- B.** “California Air Resources Board” or “CARB” means the same in 20.11.104 NMAC as it is defined in CHSC, Section 39003.
- C.** “Certification” means the same in 20.11.104 NMAC as it is defined in CHSC, Section 39018.
- D.** “Dealer” means the same in 20.11.104 NMAC as it is defined in Subsection B of Section 57-16-3 NMSA 1978.
- E.** “Emission standards” means the same in 20.11.104 NMAC as it is defined in CHSC, Section 39027, which New Mexico is authorized to adopt pursuant to 42 U.S.C. § 7507.
- F.** “Emergency vehicle” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1961.3(f)(10).
- G.** “Environment department” means the New Mexico environment department.
- H.** “Environmental health department” means the environmental health department, which is a local agency as such term is defined in Subsection I of Section 74-2-2 NMSA 1978.
- I.** “Environmental improvement board” means the same in 20.11.104 NMAC as it is defined in Subsection A of Section 74-1-3 NMSA 1978.
- J.** “Fleet” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 2012(d).
- K.** “Fleet owner” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 2012(d).
- L.** “Greenhouse gas” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1961.3(18).
- M.** “Heavy-duty engine” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1900(b)(5) or CCR, Title 17, Section 95662, as applicable.
- N.** “Heavy-duty vehicle” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1900(b)(6) or CCR, Title 17, Section 95662, as applicable.
- O.** “Light-duty truck” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1900(b)(11).
- P.** “Manufacturer” means the same in 20.11.104 NMAC as it is defined in Subsection J of Section 57-16-3 NMSA 1978.
- Q.** “Medium-duty” means the same in 20.11.104 NMAC as it is defined in CHSC, Section 39037.5.
- R.** “Medium-duty passenger vehicle” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1900(b)(12).
- S.** “Medium-duty vehicle” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1900(b)(13) or CCR, Title 17, Section 95662, as applicable.
- T.** “Methane” means the chemical compound containing one atom of carbon and four atoms of hydrogen.
- U.** “Model year” means the same in 20.11.104 NMAC as it is defined in CHSC, Section 39038.
- V.** “Motor vehicle” means the same in 20.11.104 NMAC as it is defined in CHSC, Section 39039.
- W.** “Motor vehicle engine” means the same in 20.11.104 NMAC as it is defined in CHSC, Section 39042.5.
- X.** “Non-methane organic gas” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1961.2.
- Y.** “Particulate matter” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1961.2.
- Z.** “Passenger car” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1900(b)(17).
- AA.** “Passenger vehicle” means the same in 20.11.104 NMAC as it is defined in CHSC, Section 39046.
- BB.** “Plug-in hybrid electric vehicle” or “PHEV” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1962.4 and CCR, Title 13, Section 1963, as applicable.
- CC.** “Recall” means the same in 20.11.104 NMAC as it is defined in CCR, Title 13, Section 1900(b)(19).
- DD.** “Register” means to register a motor vehicle with the New Mexico motor vehicle division.
- EE.** “Sale” or “sell” means the transfer of equitable or legal title to a motor vehicle or motor vehicle engine to the ultimate purchaser.\
- FF.** “Truck” means the same in 20.11.104 NMAC as it is defined in CHSC, Section 39054.
- GG.** “Ultimate purchaser” means the same in 20.11.104 NMAC as it is defined in CHSC, Section 39055.5.

HH. “Vehicle” means the same in 20.11.104 NMAC as it is defined in CHSC, Section 39059.

II. “Zero-emission vehicle” or “ZEV” means the same in 20.11.104 NMAC as it is incorporated in CCR, Title 13, Sections 1962.2(a) and 1962.4(b).

JJ. “ZEV value” means a unit, expressed numerically, demonstrating delivery of qualified zero-emission vehicles or other vehicle allowances for the annual ZEV requirement.
[20.11.104.7 NMAC -Rp, 20.11.104.7 NMAC, 12/31/2023]

20.11.104.8 DOCUMENTS: Documents incorporated and cited in 20.11.104 NMAC may be viewed at the environmental health department, 1 Civic Plaza NW, Albuquerque, NM 87102. Information on internet access to these documents may be obtained by contacting the environmental health department at (505) 768-1972.
[20.11.104.8 NMAC - Rp, 20.11.104.8 NMAC, 12/31/2023]

20.11.104.9 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.
[20.11.104.9 NMAC - Rp, 20.11.104.9 NMAC, 12/31/2023]

20.11.104.10 CONSTRUCTION: 20.11.104 NMAC shall be liberally construed to carry out its purpose.
[20.11.104.10 NMAC Rp, 20.11.104.10 NMAC, 12/31/2023]

20.11.104.11 SAVINGS CLAUSE: Repeal or supersession of prior versions of 20.11.104 NMAC shall not affect any administrative or judicial action initiated under those prior versions.
[20.11.104.11 NMAC-Rp, 20.11.104.11 NMAC, 12/31/2023]

20.11.104.12 COMPLIANCE WITH OTHER REGULATIONS: Compliance with 20.11.104 NMAC does not relieve a person from the responsibility to comply with any other applicable federal, state, or local regulations.
[20.11.104.12 NMAC -Rp, 20.11.104.12 NMAC, 12/31/2023]

20.11.104.13 LIMITATION OF DEFENSE: The existence of a valid registration or certification under 20.11.104 NMAC shall not constitute a defense to a violation of 20.11.104 NMAC, except the requirement for obtaining a registration or certification.
[20.11.104.13 NMAC - Rp, 20.11.104.13 NMAC, 12/31/2023]

20.11.104.14 to 20.11.104.100 [RESERVED]
[20.11.104.100 NMAC - Repealed, 12/31/2023]

20.11.104.101 GENERAL REQUIREMENTS:

A. Except as otherwise required, 20.11.104 NMAC shall apply to new motor vehicles, including passenger cars, light-duty trucks, medium-duty passenger vehicles, and medium-duty vehicles, where “new” means model years 2027 through 2032 with 7,500 miles or fewer on the odometer, and for dealers the mileage at the time of sale as determined by the odometer statement when the dealer acquired the motor vehicle; and medium-duty passenger vehicles, medium-duty vehicles, heavy-duty vehicles, and heavy-duty engines, where “new” means model years 2027 and subsequent with 7,500 miles or fewer on the odometer, and for dealers the mileage at the time of sale as 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 20.11.104 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 20.11.104 NMAC.

D. Each manufacturer, dealer, rental car agency, the United States, state and local government, and other person shall comply with the environment department’s and environmental health department’s inspection and information requests issued pursuant to 20.2.91.115 NMAC (Inspections and Information Requests) and 20.11.104.115 NMAC (Inspections and Information Requests), respectively.

E. Each person registering a motor vehicle in New Mexico shall comply with the registration requirements in 20.11.104 NMAC.

F. The requirements in 20.11.104 NMAC shall not be applicable if exempt, as provided in 20.11.104.103 NMAC (Exemptions).

G. The requirements in 20.11.104 NMAC shall be in compliance with Motor Vehicle Dealers Franchising Act, Sections 57-16-1 to -16 NMSA 1978.

H. Except as provided in 20.11.104.120 NMAC (Large Entity Reporting Requirement), all regulated entities shall submit information specified in CCR, Title 13, Sections 2012.1 and 2012.2 to the secretary.

I. In 20.11.104 NMAC, New Mexico is inclusive of the city of Albuquerque and Bernalillo county, which allows for compliance on a statewide basis.

[20.11.104.101 NMAC - Rp, 20.11.104.101 NMAC, 12/31/2023]

20.11.104.102 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 20.11.104.5 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, as applicable.

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

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

(2) Title 13, 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, 11/30/2022.

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

(4) Title 13, 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, 11/30/2022.

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

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

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

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

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

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

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

(12) Title 13, 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. As amended 11/30/2022.

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

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

- (15) Title 13, Section 1963.2: Advanced Clean Trucks Credit Generation, Banking, and Trading. As amended, 3/15/2021.
- (16) Title 13, Section 1963.3: Advanced Clean Trucks Compliance Determination. As amended, 3/15/2021.
- (17) Title 13, Section 1963.4: Advanced Clean Trucks Reporting and Recordkeeping. As amended, 3/15/2021.
- (18) Title 13, Section 1963.5(a)(1)-(3): Advanced Clean Trucks Enforcement. As amended, 3/15/2021.
- (19) Title 13, Section 1964: Special Test Procedures for Certification and Compliance – New Modifier Certified Motor Vehicles. As amended, 3/15/2021.
- (20) Title 13, Section 1965: Emission Control, Smog Index, and Environmental Performance Labels - 1979 and Subsequent Model-Year Motor Vehicles. As amended, 11/30/2022.
- (21) Title 13, 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, 11/30/2022.
- (22) Title 13, 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 amended, 11/30/2022.
- (23) Title 13, Section 1971.1: On-Board Diagnostic System Requirements -- 2010 and Subsequent Model-Year Heavy-Duty Engines. As amended, 3/15/2021.
- (24) Title 13, Section 1976: Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions. As amended, 11/30/2022.
- (25) Title 13, Section 1978: Standards and Test Procedures for Vehicle Refueling Emissions. As amended, 11/30/2022.
- (26) Title 13, Section 2012: Advanced Clean Trucks, Large Entity Reporting Requirement. As amended, 3/15/2021.
- (27) Title 13, Section 2012.1: General Entity Information Reporting. As amended, 3/15/2021.
- (28) Title 13, Section 2012.2: Vehicle Usage by Facility Reporting. As amended, 3/15/2021.
- (29) Title 13, Section 2035: Purpose, Applicability, and Definitions. As amended, 10/1/2019.
- (30) Title 13, 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 amended, 12/22/2021.
- (31) Title 13, 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, 11/30/2022.
- (32) Title 13, 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, 11/30/2022.
- (33) Title 13, Section 2039: Emission Control System Warranty Statement. As amended, 12/26/1990.
- (34) Title 13, Section 2040: Vehicle Owner Obligations. As amended, 10/1/2019.
- (35) Title 13, Section 2041: Mediation; Finding of Warrantable Condition. As amended, 12/26/1990.
- (36) Title 13, Section 2046: Defective Catalyst. As amended, 2/15/1979.
- (37) Title 13, Section 2047: Certification Procedures for User Modifier-certified Motor Vehicles. As amended, 1/8/1988.
- (38) Title 13, Section 2062: Assembly-line Test Procedures - 1998 and Subsequent Model Years. As amended, 8/7/2012.
- (39) Title 13, Section 2109: New Vehicle Recall Provisions. As amended, 12/30/1983.
- (40) Title 13, Section 2111: Applicability. As amended, 12/22/2021.
- (41) Title 13, Section 2112: Definitions. As amended, 11/30/2022.
- (42) Title 13, Section 2113: Initiation and Approval of Voluntary and Influenced Emission-Related Recalls. As amended, 12/22/2021.
- (43) Title 13, Section 2114: Voluntary and Influenced Recall Plans. As amended, 12/22/2021.

- (44) Title 13, Section 2115: Eligibility for Repair. As amended, 12/22/2021.
- (45) Title 13, Section 2116: Repair Label. As amended, 12/22/2021.
- (46) Title 13, Section 2117: Proof of Correction Certificate. As amended, 12/22/2021.
- (47) Title 13, Section 2118: Notification. As amended, 12/22/2021.
- (48) Title 13, Section 2119: Recordkeeping and Reporting Requirements. As amended,
12/22/2021.
- (49) Title 13, Section 2120: Other Requirements Not Waived. As amended, 1/26/1995.
- (50) Title 13, Section 2121: Penalties. As amended, 12/22/2021.
- (51) Title 13, Section 2122: General Provisions. As amended, 12/8/2010.
- (52) Title 13, Section 2123: Initiation and Notification of Ordered Emission-Related Recalls.
As amended, 12/22/2021.
- (53) Title 13, Section 2124: Availability of Public Hearing. As amended, 1/26/1995.
- (54) Title 13, Section 2125: Ordered Recall Plan. As amended, 12/22/2021.
- (55) Title 13, Section 2126: Approval and Implementation of Recall Plan. As amended,
12/22/2021.
- (56) Title 13, Section 2127: Notification of Owners. As amended, 12/22/2021.
- (57) Title 13, Section 2128: Repair Label. As amended, 12/22/2021.
- (58) Title 13, Section 2129: Proof of Correction Certificate. As amended, 12/22/2021.
- (59) Title 13, Section 2130: Capture Rates and Alternative Measures. As amended,
12/22/2021.
- (60) Title 13, Section 2131: Preliminary Tests. As amended, 12/22/2021.
- (61) Title 13, Section 2132: Communication with Repair Personnel. As amended, 1/26/1995.
- (62) Title 13, Section 2133: Recordkeeping and Reporting Requirements. As amended,
12/22/2021.
- (63) Title 13, Section 2135: Extension of Time. As amended, 1/26/1995.
- (64) Title 13, Section 2137: Vehicle, Engine, and Trailer Selection. As amended, 11/30/2022.
- (65) Title 13, Section 2139: Testing. As amended, 12/22/2021.
- (66) Title 13, Section 2140: Notification and Use of Test Results. As amended, 11/30/2022.
- (67) Title 13, Section 2141: General Provisions. As amended, 12/22/2021.
- (68) Title 13, Section 2142: Alternative Procedures. As amended, 12/22/2021.
- (69) Title 13, Section 2143: Failure Levels Triggering Recall and Corrective Action. As
amended, 12/22/2021.
- (70) Title 13, Section 2144: Emission Warranty Information Report. As amended,
12/22/2021.
- (71) Title 13, Section 2145: Field Information Report. As amended, 12/22/2021.
- (72) Title 13, Section 2146: Emissions Information Report. As amended, 12/22/2021.
- (73) Title 13, Section 2147: Demonstration of Compliance with Emission Standards. As
amended, 11/30/2022.
- (74) Title 13, Section 2148: Evaluation of Need for Recall. As amended, 12/22/2021.
- (75) Title 13, Section 2149: Notification and Subsequent Action. As amended, 12/22/2021.
- (76) Title 13, Section 2166: General Provisions. As amended, 12/22/2021.
- (77) Title 13, Section 2166.1: Definitions As amended, 12/22/2021.
- (78) Title 13, Section 2167: Required Recall and Corrective Action for Failures of Exhaust
After- Treatment Devices, on-Board Computers or Systems, Urea Dosers, Hydrocarbon Injectors, Exhaust Gas
Recirculation Valves, Exhaust Gas Recirculation Coolers, Turbochargers, Fuel Injectors. As amended, 12/22/2021.
- (79) Title 13, Section 2168: Required Corrective Action and Recall for Emission-Related
Component Failures. As amended, 12/22/2021.
- (80) Title 13, Section 2169: Required Recall or Corrective Action Plan. As amended,
12/22/2021.
- (81) Title 13, Section 2169.1: Approval and Implementation of Corrective Action Plan. As
amended, 12/22/2021.
- (82) Title 13, Section 2169.2: Notification of Owners. As amended, 12/22/2021.
- (83) Title 13, Section 2169.3: Repair Label. As amended, 12/22/2021.
- (84) Title 13, Section 2169.4: Proof of Correction Certificate. As amended, 12/22/2021.
- (85) Title 13, Section 2169.5: Preliminary Tests. As amended, 12/22/2021.

- 12/22/2021. (86) Title 13, Section 2169.6: Communication with Repair Personnel. As amended,
- 12/22/2021. (87) Title 13, Section 2169.7: Recordkeeping and Reporting Requirements. As amended,
- (88) Title 13, Section 2169.8: Extension of Time. As amended, 12/22/2021.
- (89) Title 13, Section 2170: Penalties. As amended, 12/22/2021.
- (90) Title 13, Section 2235: Requirements. As amended, 10/1/2019.
- (91) Title 13, Section 2423: Exhaust Emission Standards and Test. As amended, 12/22/2021.
- (92) Title 13, Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. As amended, 12/22/2021.
- (93) Title 17, Section 95660: Purpose. As amended, 11/30/2022.
- (94) Title 17, Section 95661: Applicability. As amended, 12/5/2014.
- (95) Title 17, Section 95662: Definitions. As amended, 12/22/2021.
- (96) Title 17, Section 95663: Greenhouse Gas Exhaust Emission Standards and Testing Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles. As amended, 12/22/2021. [20.11.104.102 NMAC - Rp, 20.11.104.102 NMAC, 12/31/2023]

20.11.104.103 EXEMPTIONS: The following motor vehicles shall not be subject to 20.11.104 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.
- 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). [20.11.104.103 NMAC - Rp, 20.11.104.103 NMAC, 12/31/2023]

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

- A. Beginning model year 2027 and subsequent years, this 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) applies to manufacturers that deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire, receive, or register passenger cars, light-duty trucks, and medium-duty vehicles pursuant to the requirements of CCR, Title 13, Section 1961.4.

B. Each manufacturer subject to 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) 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, Section 1961.4. Compliance shall be based on the motor vehicles subject to 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) and 20.2.91.104 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.

C. Each manufacturer subject to Subsection B of 20.11.104.104 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, Section 1961.4. Each manufacturer shall accrue and use debits and credits based on the number of motor vehicles subject to Subsection B of 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) and Subsection B of 20.2.91.104 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.

D. Each manufacturer subject to Subsection B of 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) shall submit a report by May 1 of each year to the environment 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, Section 1961.4 and be in the same format used to report such information to CARB. If a manufacturer elects to report the information required pursuant to Subsection B of 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) and Subsection B of 20.2.91.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) using the pooling provisions set forth in CCR, Title 13, Section 1961.4, the manufacturer shall report to the environment department the information for the entire pool as well as for the portion specific to New Mexico.

[20.11.104.104 NMAC - Rp, 20.11.104.104 NMAC, 12/31/2023]

20.11.104.105 PARTICULATE MATTER EXHAUST EMISSION STANDARDS, REPORTING AND COMPLIANCE: Beginning model year 2027 and subsequent years, each manufacturer subject to 20.11.104.105 NMAC (Particulate Matter Exhaust Emission Standards, Reporting and Compliance) 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, Section 1961.4. Compliance shall be based on the motor vehicles subject to 20.11.104.105 NMAC (Particulate Matter Exhaust Emission Standards, Reporting and Compliance) and 20.2.91.105 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.

[20.11.104.105 NMAC - Rp, 20.11.104.105 NMAC, 12/31/2023]

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

A. Beginning model year 2027 and subsequent years, this 20.11.104.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance) applies to manufacturers that deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire, receive, or register passenger cars, light-duty trucks, and medium-duty vehicles pursuant to the requirements of CCR, Title 13, Section 1961.3.

B. Each manufacturer subject to 20.11.104.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance) 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 20.11.104.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance) and 20.2.91.106 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.

C. Each manufacturer subject to Subsection B of 20.11.104.106 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 B of 20.11.104.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance) and Subsection B of 20.2.91.106 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.

D. Each manufacturer subject to Subsection B of 20.11.104.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance) shall submit a report by May 1 of each year to the environment 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 B of 20.11.104.106 NMAC (Fleet Average Greenhouse Gas Exhaust Emission Standards, Reporting and Compliance) and Subsection B of 20.2.91.106 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. [20.11.104.106 NMAC - Rp, 20.11.104.106 NMAC, 12/31/2023]

20.11.104.107 FLEET AVERAGE EXHAUST EMISSION STANDARDS REMEDIATION REPORT:

A. If the environment department determines that a report submitted by a manufacturer pursuant to 20.11.104.104 NMAC (Fleet Average Non-methane Organic Gas Plus Oxides of Nitrogen Exhaust Emission Standards, Reporting and Compliance) or 20.11.104.106 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 manufacturer shall be required to submit a fleet average remediation report to the environment department.

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

[20.11.104.107 NMAC - Rp, 20.11.104.107 NMAC, 12/31/2023]

20.11.104.108 LIGHT- AND MEDIUM-DUTY ZERO-EMISSION VEHICLE REQUIREMENTS, REPORTING AND COMPLIANCE:

A. Effective model years 2027 through 2032, this 20.11.104.108 NMAC (Light- and Medium-Duty Zero-emission Vehicle Requirements, Reporting and Compliance) applies to manufacturers that deliver for sale, offer for sale, sell, import, deliver or lease passenger cars, light-duty trucks, and medium-duty vehicles pursuant to the requirements of CCR, Title 13, Section 1962.4.

B. Each manufacturer subject to 20.11.104.108 NMAC (Light- and Medium-Duty Zero-emission Vehicle Requirements, Reporting and Compliance) shall comply with the annual ZEV requirement set forth in CCR, Title 13, Section 1962.4 using New Mexico specific vehicle production volume calculated in accordance with CCR, Title 13, Section 1962.4. Manufacturer’s compliance with the annual ZEV requirement in New Mexico shall be based on the motor vehicles subject to 20.11.104.108 NMAC (Light- and Medium-Duty Zero-emission Vehicle Requirements, Reporting and Compliance) and 20.2.91.108 NMAC (Light- and Medium-Duty Zero-emission Vehicle Requirements, 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.

C. Each manufacturer subject to 2.11.104.108 NMAC (Light- and Medium-Duty Zero-emission Vehicle Requirements, Reporting and Compliance) shall submit to the environment department all reports in

accordance with CCR, Title 13, Section 1962.4 for motor vehicles delivered for sale, offered for sale, sold, imported, delivered, or leased in New Mexico during the previous model year. The reports shall be on a statewide basis and formatted as determined by the environment department.

D. Manufacturers subject to 20.11.104.108 NMAC (Light- and Medium-Duty Zero-emission Vehicle Requirements, Reporting and Compliance) may fulfill a portion of their compliance requirement with any of the additional vehicle values and allowances in accordance with CCR, Title 13, Section 1962.4, including:

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

(2) New ZEVs and PHEVs provided for use in qualified community-based clean mobility programs in New Mexico, which means a program determined by the environment department to qualify as a community-based clean mobility program pursuant to guidance issued by the environment department; a manufacturer cannot earn vehicle values pursuant to the requirements of CCR, Title 13, Section 1962.4 until the environment department determines a program qualifies as a community-based clean mobility program;

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

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

(5) Early compliance vehicle values for model years 2025 and 2026 earned in accordance with CCR, Title 13, Section 1962.4.

E. Manufacturers subject to 20.11.104.108 NMAC (Light- and Medium-Duty Zero-emission Vehicle Requirements, Reporting and Compliance) may fulfill any deficit portion of their total annual ZEV requirement with additional allowances in accordance with CCR, Title 13, Section 1962.4 and 20.11.104.109 (Voluntary Early Action Credits and Onetime Values), including: with converted ZEV values and PHEV values earned pursuant to 20.11.104.109 NMAC (Voluntary Early Action Credits and Onetime Values); and with ZEV values and PHEV values transferred from other states ("Pooled Values") pursuant to CCR, Title 13, Section 1962.4.

F. In New Mexico, manufacturers shall make up any deficits incurred for a model year by submitting a commensurate amount of ZEV values to the secretary within three years to fulfill any remaining deficit of their annual ZEV requirement in a given model year in accordance with CCR, Title 13, Section 1962.4. [20.11.104.108 NMAC - Rp, 20.11.104.108 NMAC, 12/31/2023]

20.11.104.109 VOLUNTARY EARLY ACTION CREDITS AND ONETIME VALUES:

A. Beginning July 1, 2022, for model years 2023 through 2025, this 20.11.104.109 NMAC (Voluntary Early Action Credits and Onetime Values) applies to manufacturers that deliver for sale, offer for sale, sell, import, deliver or lease passenger cars, light-duty trucks, and medium-duty vehicles pursuant to the requirements of CCR, Title 13, Section 1962.2.

B. A manufacturer may earn early action credits for motor vehicles delivered for sale, offered for sale, sold, imported, delivered, or leased in New Mexico as set forth in CCR, Title 13, Section 1962.2. To earn early action credits, a manufacturer shall report all prior model year qualifying motor vehicles from this Subsection B of 20.11.104.109 NMAC (Voluntary Early Action Credits and Onetime Values) and Subsection B of 20.2.91.109 NMAC (Voluntary Early Action Credits and Onetime Values) to the environment department before May 1 following each applicable year. Early action credits shall be calculated on a statewide basis and at the conclusion of the reporting for model year 2025 converted to ZEV values and PHEV values. The department shall verify, record, track, and report early action credits calculated on a statewide basis. At the conclusion of the reporting for model year 2025, the department shall follow CARB's procedures to convert early action credits to ZEV values and PHEV values as set forth in CCR, Title 13, Section 1962.4(g)(2)(A).

C. For model 2025, a manufacturer may earn either early action credits as set forth 20.11.104.109 NMAC (Voluntary Early Action Credits and Onetime Values) and 20.2.91.109 NMAC (Voluntary Early Action Credits and Onetime Values) or early compliance vehicle values as set forth in 20.11.104.108 NMAC (Light- and Medium-Duty Zero-emission Vehicle Requirements, Reporting and Compliance), both which are calculated on a statewide basis. A manufacturer shall make this election in its report for model year 2025.

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

E. Notwithstanding the provisions set forth in CCR, Title 13, Subsections 1962.4(g)(2)(B) and (C), ZEV values and PHEV values issued pursuant to 20.11.104.109 NMAC (Voluntary Early Action Credits and Onetime Values) may be used, and shall only be used by a manufacturer subject to 20.11.104.108 NMAC (Light- and Medium-Duty Zero-Emission Vehicle Requirements, Reporting and Compliance) or traded to a manufacturer subject to 20.11.104.108 NMAC (Light- and Medium-Duty Zero-Emission Vehicle Requirements, Reporting and Compliance) to fulfill a deficit portion of their annual ZEV requirement in New Mexico for model years 2027 through 2029.

F. ZEV values and PHEV values issued pursuant to 20.11.104.109 NMAC (Voluntary Early Action Credits and Onetime Values) may only be used for compliance with the annual ZEV requirements in New Mexico.

G. Motor vehicle early action credits or onetime values shall not constitute or convey a property right.

[20.11.104.109 NMAC - Rp, 20.11.104.109 NMAC, 12/31/2023]

20.11.104.110 ADDITIONAL REPORTING:

A. Beginning model year 2027 and subsequent years, each manufacturer subject to 20.11.104 NMAC shall submit to the environment department or environmental health department, within 30 calendar days of a request from the environment department or the environmental health department:

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

(2) Any documentation the respective department determines necessary for the effective administration and enforcement of 20.11.104 NMAC, including without limitation certification materials submitted to CARB and documentation regarding the sale of each motor vehicle subject to 20.11.104 NMAC.

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

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

[20.11.104.110 NMAC -Rp, 20.11.104.110 NMAC, 12/31/2023]

20.11.104.111 WARRANTIES:

A. Beginning model year 2027 and subsequent years, each manufacturer of a motor vehicle subject to 20.11.104 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 applicable requirements of CCR, Title 13, Sections 1962.4, 2035 through 2038, 2040, and 2046. Subsection C of 20.11.104.103 NMAC (Exemptions) shall not apply to this section.

B. Except as otherwise provided in Subsection B of 20.11.104.111 NMAC (Warranties), each manufacturer subject to 20.11.104 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:

(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 environment department.

C. Upon the environment department's or the environmental health department's request, a manufacturer of a motor vehicle subject to 20.11.104 NMAC shall submit to the respective department within 30 calendar days of the request any emission warranty information report submitted to CARB, as required in CCR, Title 13, Section 2144.

[20.11.104.111 NMAC - Rp, 20.11.104.111 NMAC, 12/31/2023]

20.11.104.112 LABELS: Beginning model year 2027 and subsequent years, a manufacturer, dealer, rental car agency, the United States, state or local government, or other persons shall 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 with emission control labels and environmental performance labels affixed in accordance with CCR, Title 13, Section 1965.

[20.11.104.112 NMAC - Rp, 20.11.104.112 NMAC, 12/31/2023]

20.11.104.113 RECALL CAMPAIGNS:

A. Beginning model year 2027 and subsequent years, each manufacturer of a motor vehicle subject to 20.11.104 NMAC shall be subject to all recall campaign requirements of CCR, Title 13, including Sections 1962.4, 2035 through 2038, 2040, and 2046.

B. 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, including 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 environment department's satisfaction that the order or action is not applicable to a motor vehicle registered in New Mexico, the environment department or environmental health department shall not pursue a recall campaign of that motor vehicle.

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

D. For a motor vehicle subject to an order or action under Subsection B of 20.11.104.113 NMAC (Recall Campaigns) and Subsection B of 20.2.91.113 (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, including Sections 1962.7, 2118 and 2127, as applicable, including a telephone number for owners to obtain answers to questions regarding the recall.

[20.11.104.113 NMAC - Rp, 20.11.104.113 NMAC, 12/31/2023]

20.11.104.114 REGISTRATION AND FEES:

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

B. Effective January 1, 2026, each manufacturer subject to 20.2.91.114 NMAC (Registration and Fees) and 20.2.104.114 NMAC (Registration and Fees) shall report to the environment department the type and number of passenger cars, light-duty trucks, medium-duty passenger vehicles, medium-duty vehicles, and heavy-duty vehicles, heavy-duty engines or motor vehicle engines subject to 20.2.91 NMAC 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 May 1 of each year. Failure to timely submit the report shall be a violation of Subsection B of 20.2.91.114 NMAC (Registration and Fees) and cause for the department to revoke the manufacturer's registration.

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

(1) The environment 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, calculated on a statewide basis.

(2) Within 45 calendar days after the report required by 20.2.91.114 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.

(3) The total registration fee is \$300,000 and shall increase annually by the consumer price index through model year 2032. Beginning model year 2033, the total registration fee is \$100,000 and shall increase annually by the consumer price index.

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

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

[20.11.104.114 NMAC - Rp, 20.11.104.114 NMAC, 12/31/2023]

20.11.104.115 INSPECTIONS AND INFORMATION REQUESTS:

A. The environment department or environmental health 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 environment department or environmental health 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 20.11.104 NMAC, except that Subsection B of 20.11.104.115 NMAC (Inspections and Information Requests) shall not be construed to require the creation of a new record.

[20.11.104.115 NMAC - Rp, 20.11.104.115 NMAC, 12/31/2023]

20.11.104.116 RECORDKEEPING: All manufacturers, dealers, rental car agencies, the United States, state and local governments, or other persons shall retain records pertaining to compliance under 20.11.104 NMAC.

[20.11.104.116 NMAC - Rp, 20.11.104.116 NMAC, 12/31/2023]

20.11.104.117 PROHIBITED: Failure to comply with the emission standards, recordkeeping, reporting, or other requirements of 20.11.104 NMAC within the timeframes specified shall constitute a violation of 20.11.104 NMAC subject to enforcement action under Section 74-2-12 NMSA 1978.

[20.11.104.117 NMAC - Rp, 20.11.104.117 NMAC, 12/31/2023]

20.11.104.118 EXHAUST EMISSION STANDARDS FOR HEAVY-DUTY ENGINES:

A. Beginning model year 2027 and subsequent years, this 20.11.104.118 NMAC (Exhaust Emission Standards for Heavy-Duty Engines) applies to manufacturers that deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire or receive heavy-duty vehicles, heavy-duty engines or other motor vehicle engines pursuant to the requirements of CCR, Title 13, Sections 1900, 1956.8, 1961.2, 1965, 1968.2, 1971.1, 2035, 2036, 2166, 2166.1, 2167 through 2170, 2111 through 2119, 2121, 2123, 2125 through 2131, 2133, 2137, 2139 through 2149, 2423 and 2485.

B. Each manufacturer subject to 20.11.104.118 NMAC (Exhaust Emission Standards for Heavy-Duty Engines) shall comply with the heavy-duty engine emissions standards and other requirements set forth in CCR, Title 13, Sections 1900, 1956.8, 1961.2, 1965, 1968.2, 1971.1, 2035, 2036, 2166, 2166.1, 2167 through 2170, 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 20.2.91.118 NMAC (Exhaust Emission Standards for Heavy-Duty Engines) and 20.11.104.118 NMAC (Exhaust Emission Standards for Heavy-Duty Engines) that each manufacturer delivers for sale, offers for sale, sells, imports, delivers, purchases, rents, leases, acquires or receives in New Mexico, and shall be determined on a statewide basis.

[20.11.104.118 NMAC - Rp, 20.11.104.118 NMAC, 12/31/2023]

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

A. Beginning model year 2027 and subsequent years, this 20.11.104.119 NMAC (Medium- and Heavy-duty Zero-emission Vehicle Requirement, Reporting, and Compliance) applies to manufacturers that deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire or receive medium-duty vehicles, heavy-duty vehicles, heavy-duty engines or other motor vehicle engines pursuant to the requirements of CCR, Title 13, Sections 1963, 1963.1, 1963.2, 1963.4, and 1963.5.

B. Each manufacturer subject to 20.11.104.119 NMAC (Medium- and Heavy-duty Zero-emission Vehicle Requirement, Reporting, and Compliance) shall deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire or receive medium-duty vehicles, heavy-duty vehicles, heavy-duty engines or other motor vehicle engines certified as ZEVs to New Mexico in accordance with CCR, Title 13, Sections 1963, 1963.1, 1963.2, 1963.4 and 1963.5.

C. Each manufacturer subject to 20.11.104.119 NMAC (Medium- and Heavy-duty Zero-emission Vehicle Requirement, Reporting, and Compliance) shall comply with the ZEV sales percentage schedule set forth in CCR, Title 13, Section 1963.1 using New Mexico specific ZEV sales calculated in accordance with CCR, Title 13, Section 1963.1. Manufacturer's compliance with the ZEV sales percentage shall be based on medium-duty vehicles, heavy-duty vehicles, heavy-duty engines or other motor vehicle engines subject to 20.11.104.119 NMAC (Medium- and Heavy-Duty Zero-emission Vehicles Requirement, Reporting, and Compliance) and 20.2.91.119 NMAC (Medium- and Heavy-Duty Zero-emission Vehicles Requirement, Reporting, and Compliance) that each

manufacturer delivers for sale, offers for sale, sells, imports, delivers, purchases, rents, leases, acquires or receives in New Mexico, and shall be determined on a statewide basis.

D. Before May 1 of each year, each manufacturer subject to 20.11.104.119 NMAC (Medium- and Heavy-duty Zero-emission Vehicle Requirement, Reporting, and Compliance) shall submit to the department a report detailing ZEV sales percentage performance by identifying qualifying medium-duty vehicles, heavy-duty vehicles, heavy-duty engines or other motor vehicle engines transferred to or from any manufacturer or, offered for sale, sold, imported, delivered, purchased, rented, leased, acquired or received in New Mexico during the previous model year in accordance with CCR, Title 13, Sections 1963.1. The report shall include the resulting surplus or deficit in meeting the ZEV sales percentage for the model year after applying any ZEV deficits or credits according to CCR Title 13, Section 1963.1. ZEV sales percentage performance shall be on a statewide basis. The report shall be prepared in the same format used to report ZEV sales percentage performance compliance to CARB.

E. Each manufacturer subject to 20.11.104.119 NMAC (Medium- and Heavy-duty Zero-emission Vehicle Requirement, Reporting, and Compliance) may generate, bank and trade ZEV credits for qualifying medium-duty vehicles, heavy-duty vehicles, heavy-duty engines or other motor vehicle engines delivered for sale, offered for sale, sold, imported, delivered, purchased, rented, leased, acquired or received in New Mexico in accordance with 20.11.104.119 NMAC (Medium- and Heavy-duty Zero-emission Vehicle Requirement, Reporting, and Compliance) and CCR, Title 13, Sections 1963, 1963.1 and 1963.2.

F. Beginning with the model year 2025, any manufacturer that produces on-road vehicles over 8,500 pounds gross vehicle weight rating for sale in New Mexico may generate, bank and trade ZEV credits for vehicles certified as ZEVs in accordance with CCR, Title 13, Sections 1963, 1963.1, 1963.2, 1963.4 and 1963.5 for such vehicles pursuant to CCR, Title 13, Section 1963.2.

[20.11.104.119 NMAC - Rp, 20.11.104.119 NMAC, 12/31/2023]

20.11.104.120 LARGE ENTITY REPORTING REQUIREMENT:

A. Beginning model year 2027 and subsequent years, this 20.11.104.120 NMAC (Large Entity Reporting Requirement) applies to entities in accordance with CCR, Title 13, Sections 2012, 2012.1, and 2012.2.

B. Each entity subject to this 20.11.104.120 NMAC (Large Entity Reporting Requirement) shall comply with the large entity reporting requirement in accordance with such sections 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 CCR, Title 13, Sections 2012, 2012.1, and 2012.2 are requirements in New Mexico in accordance with this section. For purposes of compliance with 20.11.104.120 (Large Entity Reporting Requirement) only, all exemptions under CCR, Title 13, Section 2012(c) apply, and do not apply to another other section of 20.11.104 NMAC.

C. Each entity subject to this 20.11.104.120 NMAC (Large Entity Reporting Requirement) shall report complete information to the secretary by May 1, 2025, through the environment department’s Advanced Clean Trucks webpage. Vehicle data shall be reported as the fleet was comprised on a date of the fleet owner’s choosing any time after December 31, 2023. The reporting entity shall maintain the records of their information required by CCR, Title 13, Sections 2012.1 and 2012.2 for five years following the report date. To the extent reports submitted contain confidential data, entities may choose to designate that information as confidential.

[20.11.104.120 NMAC - Rp, 20.11.104.120 NMAC, 12/31/2023]

HISTORY OF 20.11.104 NMAC:

History of Repealed Material:

20.11.104 NMAC, Emission Standards for New Motor Vehicles, filed 11/30/2007, repealed effective 7/1/2022.

Other History:

20.11.104 NMAC, Emission Standards for New Motor Vehicles, filed 11/30/2007, was repealed and replaced by 20.11.104 NMAC, New Motor Vehicle Emission Standards, effective 7/1/2022.

20.11.104 NMAC, New Motor Vehicle Emission Standards, was repealed and replaced by 20.11.104 NMAC, New Motor Vehicle Emission Standards, effective 12/31/2023.