

U.S. Motor Vehicle Regulatory and Legislative Update (December 2012)

For additional information regarding the information contained in this report, please contact Dale Kardos at (202) 567-2926 or dale.kardos@motorvehiclereg.com.

U.S. CONGRESS

Gas tax alternative – On December 13, 2012, Rep. Blumenauer introduced legislation ([HR 6662](#)) that would direct the Secretary of the Treasury to establish a pilot program to study alternatives to the current system of taxing motor vehicle fuels, including systems based on the number of miles traveled by each vehicle. The bill was referred to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Science, Space, and Technology.

Motor vehicle insurance cost reporting – On December 4, 2012, Sen. Klobuchar introduced legislation (S.3656) to repeal an obsolete provision in title 49 (Subsection (c) of section 32302), United States Code, requiring motor vehicle insurance cost reporting. The bill would also amend Section 32302(b) of title 49 by adding at the end the following: “The Secretary, after providing an opportunity for public comment, shall study and report to Congress the most useful data, format, and method for providing simple and understandable damage susceptibility information to consumers.” The bill was referred to the Committee on Commerce, Science, and Transportation.

Rental vehicles – On Dec. 21, 2012, Sen. Schumer introduced legislation ([S. 3706](#)) to amend chapter 301 of title 49, United States Code, to prohibit the rental of motor vehicles that contain a defect related to motor vehicle safety. The bill was referred to the Committee on Commerce, Science, and Transportation.

NHTSA

Light Duty Fuel Economy Consumer Research – On December 19, 2012, NHTSA published a [notice](#) in the Federal Register requesting comment on a proposed multi-phase research project to gather data needed to develop a consumer information program and education campaign to help improve consumer understanding of automobile performance with regard to fuel economy GHG emissions, use of alternative fuels, and thermal management activities technologies used on automobiles to save fuel. OMB approval of the information collection proposal is required and comments are due Feb. 19, 2013. Docket reference: NHTSA-2011-0126. NHTSA contact: Kil-Jae Hong, (202) 493-0524, jae.hong@dot.gov.

Medium-Duty and Heavy-Duty Truck Fuel Economy – On December 19, 2012, NHTSA published a [notice](#) in the Federal Register requesting comment on a proposal to collect information from truck fleet managers for

Lighting - On December 4, 2012, NHTSA published two notices in the Federal Register, one NPRM and one Final Rule. The [Final Rule](#) restores the blue and green color boundaries that were removed when the agency published the final rule reorganizing the standard in 2007. The [NPRM](#) proposes to restore side marker lamp requirements for vehicles over 80 inches wide and less than 30 ft in length to the state in which they existed prior to the 2007 rule being finalized. Comments on the NPRM are due Jan. 3, 2012.

Safety Certification Label – On December 4, 2012, NHTSA published a [notice](#) in the Federal Register

finalizing a proposal that amends the Part 567 certification labeling requirements to correct an error made in a 2005 rulemaking that inadvertently excluded manufacturers of trailers, buses, motorcycles and low-speed vehicles from having to comply with the labeling provision contained in 49 CFR 567.4(g)(5). Petitions for reconsideration are due Jan. 18, 2013. NHTSA contact: Coleman Sachs, Office of Vehicle Safety Compliance (202) 366-3151. Docket No. NHTSA-2012-0093.

U.S./Canada Regulatory Cooperation Council Motor Vehicles Working Group

– On December 5, 2012, NHTSA published a [notice](#) in the Federal Register announcing a public meeting of the U.S./Canada Regulatory Cooperation Council (RCC) Motor Vehicles Working Group. The meeting will be held on January 15, 2013 at the Patrick V. McNamara Federal Building in Detroit, MI. Persons interested in attend should contact Mr. Christopher Morris, NHTSA Office of Rulemaking at Christopher.morris@dot.gov.

Questions regarding the RCC Motor Vehicles Working Group should be referred to Ezana Wondimneh, Chief of the NHTSA International Harmonization Division, ezana.windimneh@dot.gov or Merz Rustom, Director, Motor Vehicle Standards (Transport Canada), merz.rustom@tc.gc.ca. For more information about the meeting, see <http://www.trade.gov/rcc/documents/existing-motor-vehicle-safety-standards.pdf> or <http://www.trade.gov/rcc/>.

EDR Mandate - On December 13, 2012, NHTSA published a [proposal](#) to establish a new federal motor vehicle safety standard, FMVSS 405, Event Data Recorders. FMVSS 405 would apply to passenger cars, MPVs, trucks

and buses that are less than 8,500 lbs GVWR with an unloaded vehicle weight of 5,500 lbs or less, that are manufactured after Sep. 1, 2014. The proposed standard requires that covered vehicles be equipped with an EDR meeting the existing requirements of Part 563.7 for data elements, Part 563.8 for data format, Part 563.9 for data capture, Part 563.1 for crash test performance and survivability, and 563.11 for information in the owner's manual. Compliance with the Part 563.12 data retrieval tools requirement is also required. Comments are due Feb. 11, 2013. Docket ref: NHTSA-2012-0177.

MD/HD Vehicle Fuel Consumption for 2019 and later -

On December 11, 2012, NHTSA published a [notice](#) requesting public input on a plan to conduct a survey to obtain information from the public to assess the following three topics:

- The MD/HD truck fuel economy rebound effect (i.e., the impact that more fuel efficient trucks have on vehicle miles traveled (VMT));

- MD/HD truck refueling time savings;

- MD/HD truck savings that could be realized from a tire pressure monitoring system (TPMS) mandate.

Comments on this notice are due Feb. 11, 2013. Docket ref: NHTSA-2012-0169.

Separately, on December 19, 2012, NHTSA published a [notice](#) requesting public input on a plan to collect information from truck fleet managers regarding the current model year trucking fleet characteristics, fuel efficiency and emissions technologies, and usage. The data being collected via the proposed survey that is the subject of this notice will help establish baseline information for the Class 2b-8 vehicle fleet, including model configurations, levels of fuel

consumption and emissions equipment, current performance, vocations, typical mileage and cargo levels, fuels, and certification choices. Responses to this notice are due Feb. 17, 2012. Docket ref: NHTSA-2012-0170.

Defect Investigation Reports – The latest monthly defect investigation report (November) is available [here](#). For prior month reports, click [here](#).

NHTSA Recall Reports – For the most recent report (November), click [here](#). For prior month reports, click [here](#).

NHTSA Compliance Test Reports – Monthly compliance test reports through August 2012 are available [here](#). In the most recent report, test results are reported for the following FMVSSs: 114, 201, 206, 209, 213, 214, 216, 218, 305.

NHTSA Interpretation Letters

No new interpretations issued.

EPA

EPA Motor Vehicle Emissions Rulemaking Announcements

No new activity.

EPA Guidance Documents

CD-12-19 (HD) - Reporting Emissions Related Defects in Heavy-Duty Vehicles and Engines

– This letter provides guidance to manufacturers on reporting emissions related defects in heavy-duty vehicles and engines. Issued: 12/19/2012

Other EPA Announcements

Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's Advanced Clean Car Program and a Within the Scope Confirmation for California's Zero Emission Vehicle Amendments for 2017 and Earlier Model Years – On December 27, 2012, EPA Office of Air and Radiation Assistant Administrator Gina McCarthy signed a [notice](#) granting CARB's request for a waiver of Clean Air Act preemption to enforce its Advanced Clean Car (ACC) regulations. Included with this decision is a determination by EPA that CARB's amendments to the ZEV program as they affect 2017 and prior model years are within the scope of previous waivers of preemption granted to California for its ZEV regulations. The notice also covers CARB's recently adopted "deemed to comply" rule for GHG emissions. Petitions for review must be filed within 60 days from the date that the notice is published in the Federal Register. Docket ref: EPA-HQ-OAR-2012-0562. EPA contact: David Dickinson, Office of Transportation and Air Quality, Compliance Division, (202) 343-9256.

HD OBD – On December 10, 2012, a [notice](#) in the Federal Register announced that EPA has granted CARB its request to confirm that its amendments to the CA HD OBD requirements that relax the standards for 2010-2012 are within the scope of a previous waiver of preemption of the Clean Air Act. The notice also announced that the amendments to the HD OBD requirements for MY 2013 and later are granted a new waiver of preemption. Ref: EPA Docket No: EPA-HQ-OAR-2011-0816.

2013 MY Fuel Economy Guide – The Model Year 2013 Fuel Economy Guide was published December 6, 2012. For a copy, click [here](#).

ARB

CARB RULEMAKING

No new rulemaking activity to report.

CARB OTHER

Light duty vehicle certification workshop - On January 10, 2013, CARB staff will conduct a public workshop at its facilities in El Monte, California and via Webinar for an update on the E-Cert system for emissions certification of new on-road light-duty vehicles and medium-duty vehicles. At the workshop, staff will present the revised data requirements and InfoPath forms. The update incorporates comments received from the previous workshop and new requirements associated with the Advanced Clean Cars program.

Additional information about the workshop is provided in the Workshop Notice at the following link.

<http://www.arb.ca.gov/msprog/mailouts/mso1204/mso1204.pdf>

Prior to the workshop, the agenda, Webinar link, and handout materials will be available on the ARB's website at

<http://www.arb.ca.gov/msprog/arbcert/arbcert.htm>

CARB GUIDANCE LETTERS

MSC 12-29 - Public Workshop On Development Of The Assembly Bill (AB) 118 Air Quality Improvement Program (AQIP) Fiscal Year 2013-14 Funding Plan

MSC 12-28 Grant Solicitation For The Air Quality Improvement Program (AQIP) Advanced Technology Demonstration Projects For Zero-Emission Off-Road Equipment

MSC 12-27 Public Workshop To Discuss Proposed Amendments To The Alternative Fuel Conversion Certification Procedures For New And In-Use Vehicles And Engines

MSC 12-29 Public Workshop On Development Of The Assembly Bill (AB) 118 Air Quality Improvement Program (AQIP) Fiscal Year 2013-14 Funding Plan

MSO 12-04 - Public Workshop to Present Data Requirements for Submitting Certification Data and Information Electronically to the ARB's E-Cert System for Light-Duty and Medium-Duty Vehicle Category

CARB OTHER

Canada – Proposed MY 2017-2025 GHG Regulation for Light Duty Vehicles – On December 8, 2012, Environment Canada published a [notice](#) in Canada Gazette Part I announcing proposed MY 2017-2025 light duty vehicle GHG regulations. The proposal is intended to harmonize with the EPA GHG regulation for the same 2017-2025 time period. Comments on the proposal are due Feb. 21, 2013.

Contacts: Mark Cauchi, Director, Transportation Division, Environment Canada, 819-994-3706, GHGRegDev_Vehicles@ec.gc.ca.

Also, Yves Bourassa, Director Regulatory Analysis and Valuation Division, Environment Canada, 819-953-7651, RAVD.DARV@ec.gc.ca.

Workshop to Discuss Proposed Amendment to the Alt Fuel Conversion Certification Procedures

– On Jan. 22, 2013, CARB will hold a public workshop to discuss proposed amendments to the alternative fuel conversion certification procedures. Recent changes promulgated by the U.S. EPA to its procedures for certifying alternative fuel conversions generated numerous inquiries from industry regarding suggested updates to ARB's regulations. CARB is now considering changes to the current alternative fuel conversion certification procedures for both new (unregistered) and in-use (already registered) vehicles and engines. The workshop is scheduled

to run from 1:00 p.m. to 4:00 p.m. (Pacific Time).

At the workshop, CARB staff will discuss preliminary concepts in how to simplify the application process while preserving emissions benefits including how to better align ARB's alternative fuel certification procedures with changes recently promulgated by U.S. EPA. These include: applicability, demonstrating emission compliance, demonstrating on-board diagnostic compliance, and carry-over for new vehicle/engine alternative fuel certifications to subsequent model years. Regarding these proposals, the primary fuels of interest are liquefied natural gas, compressed natural gas, and propane; however, conversions to other fuels may be discussed.

CARB will post an agenda and presentation on the On-Road Light Duty Emissions Certification Requirements website at <http://www.arb.ca.gov/msprog/onroad/cert/ldctp/ldctp.htm> and on the Aftermarket, Performance and Add-On Parts – Certification of Alternate Fuel Retrofit Systems website at <http://www.arb.ca.gov/msprog/aftermkt/altfuel/altfuel.htm> prior to the workshop.

Persons not able to attend the meeting in person can participate via teleconference. For more information on the workshop, see the [workshop notice](#).

OTHER CALIFORNIA

Green Chemistry – On December 20, 2012, the CA DTSC published a [notice](#) requesting comment on the [revised Initial Statement of Reasons](#). Comments are due 1/20/13.