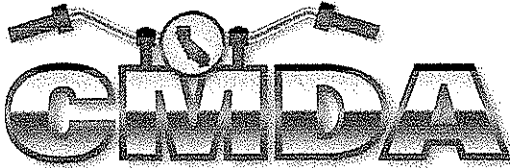


09-1-03  
John Paliwoda



# California Motorcycle Dealers Association

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Since 1971 — Over Thirty Years of Service to California's Motorcycle & Motorsport Dealers

January 20, 2009

Ms. Annette Hebert,  
Chief, Mobile Sources Operations Division,  
California Air Resources Board,  
9480 Telstar Ave., Suite 4,  
El Monte, CA 91731

**Re:** Draft Regulatory Procedures for the Evaluation of new Aftermarket Critical Emission Control Parts for Highway Motorcycles

Dear Ms. Hebert:

The California Motorcycle Dealers Association (CMDA) is concerned about the requirement in the above-referenced proposed regulation contained in Section (c)(2)(D)(ii) "Recordkeeping Requirements" of your "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles." that mandates retailers keep more detailed records than they now are required to, including vehicle identification numbers (VINs).

This is an unwieldy and onerous requirement because often consumers do not want to disclose personal information to retailers and in this time of "Red Flags" identity theft requirements by the federal government, the less information that must be collected by retailers and kept under lock and key, by law, the better.

Again, often, these parts and systems will be purchased by a consumer to be installed at home, or elsewhere, and they will not be transporting them from the seller on the motorcycle they will be installed on. Currently, there is no requirement for VINs for the sales of legal emissions parts, so consumer resistance to that disclosure will be powerful, leading to lost sales, and the potential replacement of catalytic convertors and their critical emission control parts by non-exempt parts, increasing emissions, which is what this regulation seeks to limit.

The CMDA suggests that Section (c)(2)(D)(ii) be amended to include requiring retailers to retain aftermarket critical emission control part sale or installation documentation that consists only of the following: part number, model number, date of sale and/or installation, and the name and address of the buyer, if available.

This is a very serious time for motorcycle retailing, not to mention for most other industries critical to California's, and this country's, economic future. Any proposed legislation or regulation that jeopardize motorcycle, parts and accessory sales, or service cash flow will have much more serious economic impacts than outlined in the Staff Report.

The CMDA withdraws its concerns referenced in previous correspondence regarding the definition of "critical aftermarket emission control parts." The current definition and explanation in the staff report is sufficient.

Thank you for your consideration.

Respectfully,

John Paliwoda,  
Executive Director of the CMDA

cc: John D. Dunlap III, CMDA Air Issues Consultant