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Bulletin: Low NOx Software Upgrade Status

Regulation Declared Invalid

The Sacramento County Superior Court has ruled that the Low NOx Software Upgrade Regulation is invalid. The ARB will not appeal that ruling and is suspending further enforcement of this Regulation. The Court's ruling does not invalidate the required installation of low NOx software at the time of engine rebuild. The ruling also does not preclude voluntary efforts to reduce NOx emissions through the installation of low NOx software. The ARB encourages all voluntary efforts to have the software installed.

Manufacturers Will Continue to Provide Low NOx Software at No Charge

Engine manufacturers will continue to provide eligible truck owners in California with reflashes upon request. Specifically, engine manufacturers, working through their authorized dealers, distributors and repair facilities, will continue to make available and install at no charge "Low NOx Rebuild Kits" in all covered "Low NOx Rebuild Engines" whenever requested or agreed to by any owner/operator of any reflashable vehicle in California, not just at the time of engine rebuild. ARB acknowledges and appreciates the engine manufacturers' willingness to go beyond that which otherwise is required of them.

Fines Collected for Low NOx Software will be Reimbursed

ARB is also reimbursing truck owners/operators for fines that ARB collected for not having the Low NOx Software installed. ARB is in the process of determining an appropriate procedure for refunding payments, and will notify owners/operators due for reimbursement by letter as soon as the procedure is established.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency