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TO: Gordon R. Young
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FROM: Michael Terris
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DATE: October 17, 2007

SUBJECT: Resubmittal of Amended Sections 1968.2, 1968.5, 2035, 2037, and 2038
of Title 13, California Code of Regulations and Request for Expedited
Review and Early Effective Date

On September 26, 2007, the Office of Administrative Law (OAL) issued a Decision of Disapproval of Regulatory Action, OAL File No. 07-0810-01S, finding that the Air Resources Board (ARB) failed to comply with the procedural requirement of the Administrative Procedure Act, Government Code sections 11440 et seq. Specifically, OAL found that some of the documents filed by ARB did not properly indicate by underline and strikeout the text changes adopted by ARB's governing Board and that the rulemaking file did not contain copies of all incorporated technical documents. ARB has corrected all of the deficiencies denoted by OAL and now resubmits the rulemaking record for OAL reconsideration.

With this resubmission, ARB further respectfully requests that OAL undertake an expedited review and approve an early effective date for the amendments. ARB makes the latter request pursuant to Government Code section 11343.4(c). Good cause for the requests exists.

ARB adopted sections 1968.2, 1968.5, 2035, 2037, and 2038, title 13, California Code of Regulations to address important compliance issues with the existing regulations that were raised motor vehicle manufacturers or independently identified by ARB staff. The amendments to sections 1968.2 and 1968.5, California on-board diagnostic requirements and enforcement procedures for passenger cars, light duty-trucks, and medium-duty vehicles (OBD II) affect compliance and enforcement of 2007 and subsequent model year vehicles. Motor vehicle manufacturers are presently producing 2007 and 2008 model year vehicles, relying on the adopted amendments for

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compliance. The warranty amendments affect all motor vehicles manufactured for sale in California and directly benefit California consumers of past and future model-year vehicles. The sooner the amendments become effective, the sooner they can be applied to the benefit California vehicle owners.

ARB intends to notify all affected manufacturers of the effective date of the amendments as soon as it is known.