

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD (EIB)  
ADOPTS CLEAN CARS AND CLEAN TRUCKS RULE, 20.2.91 NMAC;  
CONCISE EXPLANATORY STATEMENT**

20.2.91 NMAC (Part 91) adopts new automobile emission standards by incorporating by reference California's Advanced Clean Cars II, Advanced Clean Trucks, and Heavy-Duty Omnibus regulations. Part 91 increases tailpipe emission stringency, requires that manufacturers deliver an increasing percentage of zero-emission vehicles for model years 2027 to 2032, and contains regulations applying to new heavy-duty vehicles, including a one-time reporting requirement for fleets. The rule will apply to new passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles and heavy-duty engines and motor vehicle engines that are delivered for sale, offered for sale, sold, imported, delivered, rented, leased, acquired, received, or registered in the State of New Mexico.

Part 91 was adopted by a 3 - 2 vote of a quorum of the Board after a properly-noticed public hearing conducted in accordance with the procedural rules in 20.1.1 NMAC. Notice was published in the Register on September 12, 2023. The public hearing was held from November 13 to 16, 2023. The Rule was adopted on November 17, 2023. The effective date of the rule is December 31, 2023. The statutory authority of the Board to adopt new motor vehicle emission standards, including standards for greenhouse gas emissions, is found in the Environmental Improvement Act, NMSA 1978, Section 74-1-8(A)(4) and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 through 74-2-17.

Part 91 is at least as stringent as federal laws relating to control of motor vehicle emissions. Part 91 is more protective of public health and the environment than current federal standards. Adoption of Part 91 is in the public interest when considering the social and economic value of the sources of air contaminants and the subjects of the regulation. Part 91 is both technically practicable and economically reasonable in the methods it employs to reduce air contaminants from the sources involved. Changes were made to the published proposed rule in response to some of the more than 5,000 comments received from stakeholders.

Part 91 primarily applies to manufacturers but also applies to fleet owners, dealers, rental car agencies, the United States, state or local governments, and other persons. Manufacturers must comply with the reporting, warranty, labeling, and recall campaign requirements incorporated in the California new motor vehicle emission standards. Part 91 includes provisions for mandatory reporting and enforcement. Manufacturers must submit annual reports to NMED to demonstrate compliance. Entities of a certain size must meet a one-time reporting requirement. Part 91 does not apply to used vehicles (more than 7,500 miles); military tactical vehicles; emergency vehicles;

some buses; vehicles that are sold to be wrecked or dismantled; custom and assembled vehicles for exhibitions, parades, and tours; and vehicles used exclusively for agricultural operations.

The Rule also does not apply to a vehicle that will be registered outside of New Mexico; a vehicle that is transferred to another person because of death, inheritance, divorce, seizure, or other court procedures; a vehicle that replaces a vehicle that was acquired out-of-state because of theft, or because the replaced vehicle was damaged beyond repair; or a vehicle that was acquired by a person moving to New Mexico from out-of-state before establishing residency.

The adopted rule, 20.2.91 NMAC, can be found at NMED's transportation website:

[https://www.env.nm.gov/transportation/.](https://www.env.nm.gov/transportation/)

### **Notice of Nondiscrimination**

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If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.