



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

January 27, 2014

The Honorable David Borden, Chair  
Science, Technology and Energy Committee  
Legislative Office Building, Room 304  
Concord, NH 03301

**RE: HB 1209, An Act relative to OBD II testing and the OBD II testing advisory committee.**

Dear Chair Borden and Members of the Committee:

Thank you for the opportunity to testify on HB 1209. This bill would modify the membership and the meeting and reporting requirements of the on board diagnostics (OBD II) testing advisory committee, and clarify which vehicles are subject to the inspection. The Department of Environmental Services (DES) supports this bill and recommends minor modifications to the bill language as presented below.

HB 1209 proposes to revise the membership of the OBD Advisory committee by reducing the number of Senate members from three to two and removing the NH Motor Transport Association from the committee. The bill deletes an outdated reporting requirement, establishes the requirement for the committee to meet at least annually, and reduces the annual reporting requirement to a biennial requirement. The bill also seeks to clarify that natural gas vehicles equipped with OBD II systems are subject to the testing requirement.

DES recommends a minor revision to the language including natural gas vehicles in the OBD II inspection requirement. The intent is to require an OBD II inspection for all light duty vehicles equipped with an OBD II system. The language contained in HB 1209 would capture natural gas vehicles, but would not capture propane vehicles. To address this situation, DES recommends the following language, which would include all vehicles equipped with an OBD system regardless of fuel type:

“III. The commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology, and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require ~~all model year 1996 and newer gasoline-powered, and model year 1997 and newer diesel-powered motor vehicles~~ equipped with **an** on-board diagnostic systems meeting the federal EPA OBD II standards **that are** driven on the ways of this state **and** which are subject to inspection under this chapter, after a date specified by the commissioner, to be tested for OBD II indications of failures as a component of the inspection. **Vehicles subject to this provision shall include model year 1997 and newer diesel-powered motor vehicles and model year 1996 and newer motor vehicles powered by any other fuel source.** To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraph I.”

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

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Thank you for your consideration in this matter. If you have questions or need additional information, please contact Rebecca Ohler, Transportation and Energy Programs Manager ([rebecca.ohler@des.nh.gov](mailto:rebecca.ohler@des.nh.gov), 271-6749) or Craig Wright, Air Division Director ([craig.wright@des.nh.gov](mailto:craig.wright@des.nh.gov), 271-1088).

Sincerely,

A handwritten signature in black ink that reads "Thomas S. Burack". The signature is written in a cursive style with a large, stylized initial "T".

Thomas S. Burack  
Commissioner

CC: Sponsors of HB 1209  
Richard Bailey, Director, Division of Motor Vehicles