



TRU Advisory: 13-26

TRU Dealer Requirements

What is the purpose of this advisory?

This advisory explains the new requirements that apply to dealers of transport refrigeration units (TRU¹), TRU generator sets, and TRU-equipped trucks and trailers.² It also explains the conditions that must be met by dealers to allow purchasing, selling, acquiring, possessing, and transporting noncompliant TRUs.

Who is subject to these new requirements?

TRU dealers that maintain a business located in California that buy, sell, install, maintain, and repair new or in-use TRUs or replacement engines in California.

When will these new requirements go into effect?

The new requirements for TRU dealers went into effect February 12, 2013. The dealer requirements for purchasing, selling, acquiring, possessing, and transporting noncompliant TRUs have been in effect since October 15, 2012.

What are the new requirements?

Dealers that sell and/or install TRUs. Dealers that sell and/or install TRUs in California are required to pass the registration information document provided by the TRU or TRU gen set original equipment manufacturer (OEM)³ to the ultimate purchaser upon sale of a new TRU that includes the TRU unit information and the TRU engine information required for registration in the Air Resources Board's Equipment Registration (ARBER) system.⁴ Alternatively, the dealer must print-out the registration information from the TRU OEM web-based look-up system, if it is available this way, and pass that on to the ultimate purchaser.

Dealers that sell and/or install new or rebuilt replacement engines. Dealers that sell and/or install new or rebuilt replacement engines for TRUs in California are required to pass the registration information document provided by the TRU OEM or engine rebuilder⁵ to the ultimate purchaser upon sale of a new replacement engine or rebuilt replacement engine that includes the engine information required for registration in ARBER. Alternatively, the dealer must print-out the registration information from the OEM's web-based look-up system, if it is available this way, and pass that on to the ultimate purchaser.

¹ Transport Refrigeration Units (TRU) and TRU generator sets are subject to the TRU Airborne Toxic Control Measure (ATCM or Regulation) under title 13 California Code of Regulations (13 CCR) sections 2477.1 through 2477.21.

² Hereinafter, all references to TRUs include TRU generator sets and TRU-equipped trucks and trailers, unless otherwise noted.

³ TRU OEMs are subject to the requirements codified at 13 CCR section 2477.13(c)(2).

⁴ TRUs are subject to the registration requirements codified at 13 CCR section 2477.5(e).

⁵ Engine rebuilders are subject to the requirements codified at 13 CCR section 2477.16(e).

Dealers that sell replacement engines that are not supplied by a TRU OEM. If a replacement engine is not supplied by a TRU OEM, the dealer must provide a registration information document that lists all of the TRU engine information needed to register in ARBER under section 2477.5(e)(1)(A)7. This information must be exactly the same as the information on the engine emissions label and/or supplemental label that is attached to the engine. A registration information document that originates at the dealer must include a certification statement by the dealer stating that the engine information provided is exactly the same as listed on the engine emissions label.

Dealers that sell TRUs that are equipped with flexibility engines. If a new TRU is equipped with a flexibility engine, the dealer must notify the ultimate purchaser of the written disclosures provided by the OEM under section 2477.13(a)(3) prior to sale and pass these disclosures to the ultimate purchaser at point of sale of a new TRU.

Under what conditions can TRU dealers purchase, sell, acquire, possess, and transport noncompliant TRUs?

13 CCR, section 2477.18 prohibits any person, including dealers, from purchasing, acquiring, delivering, receiving, or selling noncompliant TRUs. 13 CCR, section 2477.14(b), however, allows dealers that sell TRUs from businesses located in California to purchase, receive, or otherwise acquire and have in their possession, TRUs that are noncompliant with the in-use performance standards of section 2477.5(a) and the registration requirements of section 2477.5(e), if those activities meet certain conditions, as listed below:

- (1) Noncompliant TRUs must not be sold for use in California prior to being brought into compliance with the requirements. Dealers should also assist the new owner with registration in ARBER by providing a registration information document with all of the information listed in 13 CCR, section 2477.5(e).
- (2) The noncompliant TRU may be sold to a person that would not be reasonably expected to do business in California; but, a written disclosure to the buyer is required in the bill of sale which notifies the buyer that the TRU is not compliant for use in California. The following statement must be included in the bill of sale of any noncompliant TRU: “This TRU does not currently meet California’s in-use performance standards under title 13, California Code of Regulations, section 2477.5, and is therefore not compliant for use in California.”
- (3) Noncompliant TRUs must not be rented or leased prior to being brought into compliance with the in-use standards and ARBER registration requirements.
- (4) Noncompliant TRUs that are under the dealer’s control may be operated at the dealers place of business only for the purpose of demonstrating its operation to a potential customer. Noncompliant TRUs must not be operated at the dealers place of business or on California highways for the purposes of controlling the environment of temperature sensitive products while in California. This condition does not apply to TRUs owned by others that are being repaired by the dealer. Noncompliant TRUs that are owned by others are subject to enforcement if they are in California.
- (5) Noncompliant TRUs under a dealer’s control may be in transit on California highways if all of the following conditions are met:
 - (A) The TRU or TRU gen set is not operating;
 - (B) No temperature-sensitive products are transported in the vehicle;
 - (C) The dealer provides the driver with a document that says the noncompliant TRU is under the control of the dealer and includes all of the following information:

1. Dealer's business name;
2. Dealer's street address, state, zip code;
3. Dealer contact person's name;
4. Dealer contact person's business phone number;
5. Date(s) transport will take place;
6. Statement of the reason for transporting the noncompliant equipment;
7. TRU serial number;
8. Physical address of starting location;
9. Physical address of ending location; and
10. Dealer owner's or responsible official's signature, after the statement: "I certify under penalty of perjury under the laws of the State of California that the information provided is true, accurate, and complete."

(D) During transit on California highways, the driver, upon request, must show authorized enforcement personnel that no temperature-sensitive products are being transported and must present the document provided by the dealer, described above in section (C), indicating the noncompliant TRU is under the control of a dealer. All circumstances at the time of inspection must be consistent with the requirements described above.

Why are these requirements needed?

Some TRU owners have had a difficult time finding the information necessary to register their units in ARBER. TRU OEMs and dealers have access to this information so assisting their customers with registration will improve compliance and reduce citations. Additionally, dealers need flexibility because, in their normal course of business, they acquire noncompliant TRUs as trade-ins. These noncompliant TRUs then need to be moved and either brought into compliance or sold outside of California.

Where will these requirements be enforced?

Inspections will take place at scales, agricultural and roadside inspection stations, border crossings, distribution centers, ports, intermodal facilities, terminals, truck stops, and dealerships. ARB investigators may audit dealers if warranted by inspectors' reports.

How would a dealer know if the TRU OEM has established a web-based look-up system for the registration information?

In lieu of the registration information document, the TRU OEM would be required to include instructions with the TRU or engine on how to access the web-based information.

When a dealer sells a new replacement engine that is not supplied by a TRU OEM, what ARBER registration information must be provided?

The engine information that is needed to register in ARBER includes the following: engine manufacturer, engine model, engine model year, engine serial number, engine power rating (either under 25 hp (under 19 kW) or 25 hp or greater (19 kW or greater)), and emissions standard tier that the engine meets. The dealer must also provide a certification statement by the dealer stating that the engine information provided is exactly the same as listed on the engine emissions label.

Can a dealer sell a noncompliant TRU to a person that will operate that TRU in California?

No, not unless the terms of the sale include bringing the TRU into compliance before the TRU is operated in California. The bill of sale must state that the TRU is noncompliant and must not be operated in California until it is brought into compliance. The bill of sale must also state that the noncompliant TRU will be brought into compliance prior to being operated in California and must describe who is responsible for compliance and how compliance will be achieved.

Can a dealer sell a TRU that is equipped with electric standby or hybrid electric and call that TRU compliant?

A TRU that is equipped with electric standby or that is hybrid electric (hereinafter referred to as E/S) is not compliant unless it is operated in a way that qualifies it as an Alternative Technology. The owner of a TRU that is equipped with an E/S is prohibited from selling the TRU without disclosing in writing that it must be used in a way that qualifies it as an Alternative Technology in accordance with 13 CCR, section 2477.5(a)(3) in order to be compliant. For example, the diesel engine must not operate at nonretail delivery and pick-up locations and must be plugged in to electric power plugs whenever they have perishable goods in the van while at such a facility. Furthermore, TRU engine run time is limited to no more than 30 minutes at retail delivery points or they must be plugged into electric power plugs. Also, the TRU must be equipped with an electronic tracking system that automatically monitors and records the TRU engine operation at all stationary locations lasting over 5 minutes, in accordance with 13 CCR, section 2477.5(d)(3)(B). *ARB Regulatory Guidance for TRU for Alternative Technology Compliance Strategies for Electric Standby and Hybrid Electric Systems* is available at: http://www.arb.ca.gov/diesel/tru/documents/guidance_electricstandby_ets.pdf

Background

TRUs are refrigeration systems powered by integral diesel internal combustion engines designed to control the environment of temperature-sensitive products that are transported in trucks, trailers, shipping containers, and railcars. The emissions from these units are a source of unhealthy air pollutants including particulate matter, toxic air contaminants, nitrogen oxides, carbon monoxide, and hydrocarbons, that all pose a potential threat to both public health and the environment. These units often congregate in large numbers at California distribution centers, grocery stores, and other facilities where they run for extended periods of time to ensure their perishable contents remain cold or frozen. These distribution and loading facilities are often in close proximity to schools, hospitals, and residential neighborhoods. In 2004, the TRU Airborne Toxic Control Measure (ATCM) was adopted by the Board to reduce diesel particulate matter emissions from TRUs and TRU gen set engines. Amendments were adopted by the Board in November 2010 and October 2011.

For more information

To obtain a copy of the regulation or other related compliance assistance documents, visit the TRU website at <http://www.arb.ca.gov/diesel/tru.htm>. Additional questions may be addressed by calling the toll-free TRU Help Line at 888-878-2826 (888-TRU-ATCM). If you need this document in an alternative format or another language, please call 888-878-2826 or email tru@arb.ca.gov. TTY/TDD/Speech users may dial 711 for a California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame 1-888-878-2826. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.