

# Truck and Bus Regulation

## How to Verify if Hired Fleets Comply

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This summary describes how to obtain a certificate of reporting and how brokers, motor carriers, contractors, public agencies, developers, and other dispatching or hiring entities must verify the fleets they hire or dispatch are in compliance with the Truck and Bus regulation (regulation). The regulation does not apply to state and local government vehicles; most solid waste collection trucks; drayage trucks that transport marine cargo; and public transit buses because they are already subject to other regulations.

### **I am a Public Agency or Utility. Do I have to verify fleets I have hired are compliant with the Truck and Bus regulation?**

Yes. Even though the vehicles in public agency or utility fleets are not subject to the Truck and Bus regulation, vehicle(s) that are hired or dispatched by these agencies that are subject to the Truck and Bus regulation must confirm the fleet is in compliance with the regulation.

### **What are my responsibilities if I hire trucks as part of my business?**

Anyone who operates or directs the operation of any vehicle subject to the Truck and Bus regulation must verify that each hired company is in compliance with the regulation. This requirement applies to any in-state or out-of-state motor carrier, California broker, or any California resident including but not limited to contractors, public agencies, and developers. A California broker is any person or entity, physically located in or outside of California, that arranges for the transportation of goods or property into or within California by motor carriers with vehicles subject to the regulation. The requirement does not apply to receivers or other parties that do not hire, and do not direct the operation of any vehicle that is subject to the regulation.

### **How can I determine if the carrier that I hire is in compliance with the regulation?**

Vehicle owners that report to the California Air Resources Board (CARB) must report information about the diesel vehicles with a GVWR greater than 14,000 pounds in their fleet that operate in California during the year to demonstrate compliance with the Truck and Bus regulation if they use a flexibility option. Once the fleet information is completed, the owner will need to attest that the information is complete, true and correct. After attesting to this under penalty of perjury, the fleet owner will be allowed to print a certificate of compliance. The certificate can be used by a motor carrier, broker or other entity as evidence the hired fleet has reported compliance with the regulation. Motor carriers/brokers or other entities must obtain copies of the certificate annually. CARB also posts the names and motor carrier numbers of the fleets that have reported compliance and the date the certificate was last printed on the [Check Compliance Page](http://www.arb.ca.gov/msprog/onrdiesel/tblookup.php) (<http://www.arb.ca.gov/msprog/onrdiesel/tblookup.php>).

*While this document is intended to assist fleets with their compliance efforts, it is the sole responsibility of fleets to ensure compliance with the Truck and Bus Regulation.*

## **What can I do if the company I hire does not have a certificate?**

Fleet owners complying with the engine model year schedule for their entire fleet do not need to report to CARB. However, the fleet owner must provide you with other documentation annually to demonstrate compliance with the engine model year schedule. You should obtain a dated and signed statement from the owner that confirms that they are aware of the compliance requirements of the engine model year schedules of the Truck and Bus regulation (Title 13, California Code of Regulations, Section 2025) and including engine model year and PM filter information about their trucks to demonstrate compliance with the engine model year schedules.

If a fleet owner does report to CARB, they have until January 31 of each compliance year to update their information. Therefore, it is not necessary for motor carriers, brokers, and dispatchers to require a certificate to verify compliance from January 1 to January 31 of each compliance year. However, the responsible hiring party should obtain a written statement from the vehicle owner that verifies that their fleet is in compliance with the Truck and Bus regulation during the month of January in lieu of a certificate.

The responsible hiring party must perform due diligence by confirming that compliance statements are factual in the contract. For example, if you become aware that one or more vehicles in a fleet do not comply or the fleet no longer appears as compliant on the public look up feature, then you cannot continue to use the services of the fleet.

## **Do I need to verify compliance if I hire for services that require specific trucks or buses?**

Yes. If you hire a subcontractor for services of a truck, like dump trucks, concrete pumps, tow trucks, cranes, or charter buses, you are actively determining which companies and type of vehicle is needed to perform the service, and you will need to verify that the company CARB is in compliance with the Truck and Bus regulation. For example, a contractor that directly hires a dump truck company to move debris from the roadside or hires a crane to lift a load must verify compliance.

## **If I order materials from a supplier, do I need to verify compliance for the shipper?**

No. If you are not actively involved in determining which transportation company will deliver the materials or products then you are not responsible for verifying that the fleet is in compliance. In other words, the receiver does not actively determine whose trucks will make the delivery. The shipper could use their own trucks or ultimately contract out the delivery to another motor carrier. Therefore, the receiver would not be responsible for verifying compliance. For example, if you order supplies and parts you are not actively involved in determining how your order is delivered nor in determining who ultimately delivers your order. Similarly, if you hire a contractor to do plumbing or electrical work, you are not actively involved in determining whether the contractor will use diesel trucks, and you are not involved in determining how the contractor arranges for equipment or supplies to be delivered to the job site.

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## **Sometimes I work with other brokers to supplement a job, do I need to check compliance?**

The contractual arrangement with a broker determines who is responsible for hiring each truck and verifying compliance with the regulation. The following are examples:

- If you contract with a broker to get more trucks to a job, but you ultimately deal directly with the sub-haulers and pay them for their services, then you need to verify compliance.
- If you have an arrangement with another broker where the other broker hires and pays the sub-haulers when you need them, then the broker is responsible to verify compliance of the sub-haulers that he hires, and you are not because you do not determine who he hires.

## **What does a Compliance Certificate look like?**

The Truck and Bus certificate of compliance has the State of California emblem along with the company name, the number of vehicles reported, any motor carrier numbers that may have been reported, and the date on which the certificate was printed. The certificate can be used by a motor carrier, broker or other entity as evidence the hired fleet has reported compliance with the regulation. Motor carriers/brokers or other entities must obtain copies of the certificate annually. CARB also posts the names and motor carrier numbers of the fleets that have reported compliance and the date the certificate was last printed on the [Check Compliance Page](http://www.arb.ca.gov/msprog/onrdiesel/tblookup.php) ([www.arb.ca.gov/msprog/onrdiesel/tblookup.php](http://www.arb.ca.gov/msprog/onrdiesel/tblookup.php)).

## **Where can I find more information about the regulation?**

Fact sheets, compliance tools and regulatory documents about the Truck and Bus Regulation are available at [www.CARB.ca.gov/dieseltruck](http://www.CARB.ca.gov/dieseltruck). If you have questions or wish to obtain this document in an alternative format or language, please call CARB's diesel hotline at (866) 6DIESEL (634-3735). TTY/TDD/ Speech to Speech users may dial 711 for the California Relay Service.