

DRAFT REGULATION ORDER

This document provides updated draft regulatory concepts and language that are intended to facilitate discussion and stakeholder feedback. New deletions and additions to the draft language released July 2022 are shown in strikethrough to indicate deletions and underline to indicate additions. This document should not be construed as a formal regulatory proposal. All elements of this draft are open to feedback, including the language and framework.

The draft regulatory concepts and language are organized as follows:

- Section 3000: Purpose, Applicability, Definitions, General Requirements, and Severability
- Section 3001: Fleet Operator Requirements
- Section 3002: Dealer Requirements
- Section 3003: Rental Agency Requirements
- Section 3004: Forklift and Engine Manufacturer Requirements
- Section 3005: Fleet Phase-Out Provisions
- Section 3006: Exemptions, Extensions
- Section 3007: Reporting and Labeling Requirements
- Section 2433: Emission Standards and Test Procedures - Off-Road Large Spark-Ignition Engines

ZERO-EMISSION FORKLIFT FLEET REQUIREMENTS REGULATION

Create sections 3000 through 3007, title 13; create chapter 16, article 1, California Code of Regulations, to read as follows:

§ 3000. Purpose, Applicability, Definitions, General Requirements, and Severability.

- (a) Purpose. The purpose of this regulation is to accelerate the transition to zero-emission forklifts throughout the state to reduce emissions of oxides of nitrogen (NO_x), fine particulate matter (PM), other criteria pollutants, toxic air contaminants, and greenhouse gases (GHG).

- (b) Applicability. This regulation applies to forklift and engine manufacturers, as well as any person, business, public utility, special district, or government agency that operates, allows the operation of, owns, leases, rents, offers for sale, offers for lease, or offers for rent an Affected Forklift in California within California any forklift powered by a large-spark ignition engine with a Rated Capacity of 12,000 pounds or less unless:
- (1) The forklift is a Rough Terrain Forklift.
 - (2) The forklift is Combat and Tactical Support Equipment.
 - (3) The forklift is a Pallet Jack.
 - (4) The forklift has a permanently integrated telescoping boom as its primary work implement.
 - (5) The forklift is owned and operated by a facility subject to the Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards Regulation, set forth in Title 13, California Code of Regulations, Section 2479, which is hereby incorporated by reference herein.
- (c) Definitions. The following definitions apply to this article regulation:
- (1) "Affected Forklift" means a forklift subject to this regulation, as set forth in section 3000(b), an internal combustion forklift with a lift capacity (as defined herein) of 12,000 pounds or less that is not a:
 - (A) Rough terrain forklift;
 - (B) Military tactical vehicle;
 - (C) Pallet jack;
 - (D) Forklift with a permanently integrated telescoping boom as its primary work implement;
 - (E) Forklift with a diesel fueled or alternative diesel fueled off road compression ignition engine subject to the In Use Off Road Diesel Fueled Fleets Regulation, set forth in Title 13, California Code of Regulations, Section 2449, which is hereby incorporated by reference herein; or
 - (F) Forklift owned or operated by a facility subject to the Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards Regulation, set forth in Title 13, California Code of Regulations, Section 2479, which is hereby incorporated by reference herein.
 - (G) This section shall not apply to any internal combustion forklift that falls within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act (42 United States Code (U.S.C.) 7543(e)(1)(A)) and as defined by regulation of the U.S. Environmental Protection Agency (U.S. EPA).

- (2) "Affected Revenue Forklift" means an Affected Forklift owned, possessed, or controlled by a Dealer or Rental Agency that is intended for the sale, lease, or rental to another entity.
- (3) "Aggregated Operations" means all of an operator's California facilities that operate forklifts.
- (4) "Agricultural Crop Preparation Services" means packinghouses, cotton gins, nut hullers and processors, dehydrators, feed and grain mills, activities involving first processing after harvest, and other related activities that fall within the United States Census Bureau NAICS (North American Industry Classification System) definition for Industry 115114 – "Postharvest Crop Activities," as published in the North American Industry Classification System – United States, 2002. For forest operations, "Agricultural Crop Preparation Services" means milling, peeling, producing particleboard and medium density fiberboard, and producing woody landscape materials and other related activities that fall within the United States Census Bureau NAICS definition for Industries 321113 (Sawmills) and 321219 (Reconstituted Wood Product Manufacturing)," as published in the North American Industry Classification System – United States, 2007.
- (5) Agricultural operations means (1) the growing or harvesting of crops from soil (including forest operations) and the raising of plants at wholesale nurseries, but not retail nurseries, or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution, or (2) agricultural crop preparation services.
- For purposes of this regulation, a Forklift that is used by its owner for both agricultural and nonagricultural operations is considered to be a Forklift engaged in agricultural operations, only if over half of its annual operating hours are for agricultural operations.
- (6) "Class IV Forklift" means an Affected Forklift that is not a Class V Forklift.
- (7) "Class V Forklift" means an Affected Forklift that is designed to be operated with air-filled pneumatic tires or solid pneumatic tires. ~~These tires have treads and are designed to operate on non-smooth surfaces.~~
- (8) "Combat and Tactical Support Equipment" means equipment that meets military specifications, is owned by the U.S. Department of Defense and/or the U.S. military services or its allies, and is used in combat, combat support, combat service support, tactical or relief operations or training for such

operations.

- (9) "Dealer" means an entity engaged in the business of selling or leasing of forklifts to an Ultimate Purchaser. A Dealer may also be a Rental Agency if it meets the respective definitions set forth in this section.
- (10) "Declared Emergency Event" means the time period of an emergency event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States during the emergency conditions described in California Government Code section 8558.
- (11) "Dedicated Emergency Forklift" means a forklift maintained by a governmental agency, or other entity operating under the authority of a governmental agency, for the primary purpose of supporting emergency operations.
- (12) "Designated Official" means a person designated by the Responsible Official as the person who has the responsibility of providing the required information to the Executive Officer pursuant to section 3005 ~~3005~~ 3007 on behalf of the Responsible Official.
- (13) "Emergency Operation" means an operation that helps alleviate an immediate threat to public health or safety in response to a declared emergency event. Examples of emergency operation include repairing or preventing damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, other infrequent act of nature, or terrorism. Routine operations, maintenance, or construction to prevent public health risks does not constitute emergency operation.
- (14) "Entity" means a person, business, public utility, special district, or government agency subject to this article, as set forth in Section 3000(b).
- (15) "Equipment Identification Number" or "EIN" means a unique identification number assigned by the Executive Officer to a forklift once the forklift has been reported in accordance with section 3007(a). The EIN is used to link all reporting and recordkeeping required under this regulation.
- (16) "Executive Officer" means the Executive Officer of the California Air Resources Board, or his or her delegate.
- (17) "Facility" means a location where an entity operates one or more forklifts.
- (18) "Fleet" means all applicable forklifts that are owned or leased ~~controlled~~ by a common entity and are operated within California. Individual federal or state agencies may report as separate entities. Forklifts owned by rental agencies are

considered part of the Rental Agency fleet, and not part of the entity to which the forklifts are rented.

- (19) "Fleet Operator" means an entity that operates one or more forklifts to fulfill operational needs of said entity or to fulfill contractual obligations of said entity to a person or organization in California.
- (20) "Forklift" means a self-propelled industrial truck whose primary purpose is to lift, transport, and stack heavy loads. A forklift consists of a chassis with three or more wheels, an area for the forklift operator to ride, and the following components in front of the operator: a lift cylinder and a vertical or angled mast, to which a carriage is mounted. In order for the forklift to lift loads, the carriage generally has attachments. The most typical configuration is for two forks and a load backrest to be attached to the carriage, but specialized attachments also exist to serve other purposes.
- (21) "Internal-Combustion Forklift" means a forklift powered by an internal-combustion engine.
- (22) "Large Fleet" means a fleet that owns or operates consists of 26 or more Affected Forklifts, battery-electric forklifts, and fuel-cell-electric forklifts as part of its aggregated operations in California at any point during the calendar year. This does not include forklifts rented from a Rental Agency, not including forklifts that it rents from a rental agency, in California at any point during a calendar year.
- (23) ~~"Lift Capacity means the rated capacity in units of weight denoted in the forklift's model number and stated in the forklift's specification sheet as required by ANSI/ITSDF B56.1 issued March 27, 2020 section 7.4 and 7.5.~~
- (24) ~~"Military Tactical Vehicle" means equipment that meets military specifications, is owned by the U.S. Department of Defense and/or the U.S. military services or its allies, and is used in combat, combat support, combat service support, tactical or relief operations or training for such operations.~~
- (25) "Microbusiness" means a fleet of any size with annual gross receipts of \$5,000,000 or less and with 25 or fewer employees California Government Code 14837, effective January 1, 2018, which is hereby incorporated by reference herein).
- (26) "Model Year" means the engine or forklift manufacturer's annual production period, which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year.

- (27) "Pallet Jack" means a piece of equipment that is designed to move pallets but is pulled by hand and is not designed to be ridden.
- (28) "Phase Out" means to remove of an Affected Forklift from fleet service, so that the forklift is not subsequently operated by the fleet in the State of California. To phase out an Affected Forklift, the forklift may be moved outside of California, sold to another fleet (outside California), or scrapped.
- (29) "Rated Capacity" means the lift capacity of a forklift rated in accordance with section 7.4 of ANSI/ITSDF B56.1, issued March 27, 2020, which is hereby incorporated by reference herein, or equivalent methodology, in units of weight, as inscribed on the nameplate, as specified by section 7.5 of ANSI/ITSDF B56.1, and stated in the forklift's specification sheet. The Rated Capacity used for determining regulatory applicability shall be the rating derived using forks at a 24" or greater load center at the maximum load elevation for that load center. If the lift capacity of a forklift is not rated with forks, the highest lift capacity rated for the forklift shall be considered the Rated Capacity for the purposes of this regulation.
- (30) "Rental Agency" means an entity engaged in the business of providing forklifts for rent. A Rental Agency may also be a Dealer if it meets the respective definitions in this section.
- (31) "Responsible Official" means a person who is authorized by an entity to make decisions regarding said entity's forklifts.
- (32) "Rough Terrain Forklift" means a powered industrial truck that
- (A) Meets the design and construction requirements for a rough terrain forklift truck established in ANSI/ITSDF B56.6-1987, ANSI/ITSDF B56.6-1992, ANSI/ITSDF B56.6-2005, ANSI/ITSDF B56.6-2011, ANSI/ITSDF B56.6-2016, or ANSI/ITSDF B56.6-2021, "Safety Standard for Rough Terrain Forklift Trucks," hereby incorporated by reference herein;
 - (B) Bears a manufacturer label or some other equivalent identifying mark indicating the forklift meets the design and construction requirements set forth in ANSI/ITSDF B56.6-1987, ANSI/ITSDF B56.6-1992, ANSI/ITSDF B56.6-2005, ANSI/ITSDF B56.6-2011, ANSI/ITSDF B56.6-2016, or ANSI/ITSDF B56.6-2021, "Safety Standard for Rough Terrain Forklift Trucks," incorporated by reference; and
 - (C) Is identified and marketed as a rough terrain or Class VII forklift by the forklift manufacturer.

- (33) "Small Fleet" means a fleet that consists of 25 or fewer Affected Forklifts or and zero-emission forklifts, combined, as part of its aggregated operations, not including forklifts that it rents from a Rental Agency, in California during the entire calendar year.
- (34) "Qualified Microbusiness" means a fleet of any size that has demonstrated to the satisfaction of the Executive Officer to meet the revenue and employee number criteria set forth in this regulation for a Microbusiness.
- (35) "Ultimate Purchaser" means an entity who in good faith purchases, leases, or rents a forklift for purposes other than resale or rental to others. An Ultimate Purchaser also includes entities that purchase forklifts to scrap and recycle.
- (36) "Zero-Emission Forklift" or "ZEF" means a forklift that uses fuel-cell-electric, battery-electric, or other zero-emission technology as the only source of power for operational propulsion and work. For the purposes of this regulation, this term does not include Pallet Jacks.

(d) General Requirements

- (1) Any entity subject to this regulation shall maintain a documented inventory of all Affected forklifts within its aggregated operations in California during the entire calendar year, not including forklifts rented from a Rental Agency. Said inventory shall include all applicable information set forth in section 3007(a)(6). Said documentation shall be provided to the Executive Officer within 30 days upon request.
- (2) Any entity subject to this regulation shall ensure, for every Affected Forklift in their fleet, that manufacturer labels for the engine and forklift are intact and readable at all times. In addition, any entity subject to this regulation shall ensure that the Rated Capacity of the Affected Forklift is inscribed on the forklift nameplate, as specified by section 7.5 of ANSI/ITSDF B56.1, and readable at all times.

- (e) Non-Compliance. Any entity who fails to comply with the requirements of this article, may be subject to civil or criminal penalties. Such penalties shall apply on a per-engine or per-equipment unit basis. Each day in which there is a violation shall be a separate violation. Knowingly submitting any false statement or representation in any application, request, document, report, statement, or other document filed, maintained, or used for the purposes of compliance with this article is considered a violation of this article.

- (f) Severability. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation (or the application thereof to any person or circumstances) is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion or application shall be deemed separate, distinct, and independent, and such holding shall not affect the validity of the remaining applications or portions of this regulation or the application of this regulation to other persons or circumstances. Each part of this article is severable, and in the event that any part of this chapter or article is held to be invalid, the remainder of the article shall remain in full force and effect.

§ 3001. Fleet Operator Requirements.

- (a) Starting January 1, 2026, a Fleet Operator shall not acquire, possess, operate, or allow the operation of, an Affected Forklift in California unless:
- (1) The forklift is a 2025 or previous model-year (MY) forklift with a 2025 or previous MY engine ~~that has been reported by the fleet operator in accordance with the Reported Fleet Phase Out Provisions set forth in Section 3005, and the Fleet Operator is in compliance with all applicable provisions of the Reported Fleet Phase-Out Provisions, including the phase-out schedules in Section 3005(e); or~~
 - ~~(2) The forklift is a 2025 or previous MY forklift with a 2025 or previous MY engine, rented from a rental agency so long as the MYs of both the forklift and its engine are not phased out MY pursuant to the applicable phase-out schedule described in the Reported Fleet Phase Out Provisions set forth in section 3005; or~~
 - (2) The forklift is a 2026 MY Class V forklift with a 2026 or previous MY engine rented from a Rental Agency and operated prior to January 1, 2038 ~~2036~~; or
 - (3) The forklift is a 2027 MY Class V forklift with a 2027 or previous MY engine rented from a Rental Agency and operated prior to January 1, 2038 ~~2037~~; or
 - (4) The forklift is a 2028 MY Class V forklift with a 2028 or previous MY engine rented from a Rental Agency and operated prior to January 1, 2038; or
 - (5) The forklift qualifies for an exemption or extension set forth in section 3006.

(b) Microbusiness Qualification Criteria

(1) Qualifying as a Microbusiness. To qualify as a microbusiness, a Fleet Operator shall meet the following criteria:

(A) ~~In order to qualify as a microbusiness, t~~ The Fleet Operator shall submit to the Executive Officer between September 1, 2030, and October 31, 2030, an Initial Report pursuant to section 3007(a)(1)(A)4.a. with the following information:

1. Entity information specified in section 3007(a)(5);
2. An attestation that the entity has average gross annual receipts of \$5,000,000 or less over the previous three years (or the number of years the entity has been in business, if less than three), as evidenced by the entity's tax returns for those respective years;
3. An attestation that the entity has 25 or fewer employees, as evidenced by the entity's Quarterly Contribution Return & Report of Wages (Continuation) Form DE 9C for the four most recently completed quarters (or the number of quarters the entity has been in business, if less than four); and
4. An attestation that copies of the tax returns for those respective years and the Quarterly Contribution Return & Report of Wages (Continuation) Form DE 9Cs for the four most recently completed quarters will be maintained onsite.

(B) A qualified microbusiness shall submit Annual Reports to the Executive Officer between January 1 and ~~February 1~~ April 30 of each subsequent calendar year following the submittal of the Initial Report up until such time the entity no longer qualifies as a microbusiness or all Affected Forklifts have been phased out, whichever occurs first. Annual reports shall contain ~~all applicable information and elements specified in Section 3007(a)(1)(A)4.b.~~ the following information:

1. Entity information specified in section 3007(a)(5); and
2. An attestation that the entity has average annual gross receipts of \$5,000,000 or less over the previous three years (or the number of years the entity has been in business, if less than three), as evidenced by the entity's tax returns for those

respective years.

3. An attestation that the entity has 25 or fewer employees, as evidenced by the entity's Quarterly Contribution Return & Report of Wages (Continuation) Form DE 9C for the four most recently completed quarters; and

(C) Maintains at the facility where the Affected Forklifts are located copies of tax returns for the previous 3 years (or the number of years the entity has been in business, if less than three) showing gross receipts of less than \$5,000,000 each year, and copies of the Quarterly Contribution Return & Report of Wages (Continuation) Form DE 9C for the four most recently completed quarters, if the firm has employees, demonstrating that the firm has fewer than 25 employees. In lieu of the above documentation, a microbusiness may instead maintain proof of certification as a microbusiness provided by the California Department of General Services. Documentation shall be provided to the Executive Officer upon request.

(2) Changes to Business Size. If business growth causes an entity to no longer qualify as a microbusiness, said businesses shall have one calendar year from such determination to resolve any non-compliance with this regulation that directly resulted from the business-size change.

~~(c) Acquiring an Affected Forklift after January 1, 2026. After January 1, 2026, a fleet operator may not acquire an Affected Forklift, except as provided below.~~

~~(1) A fleet operator may acquire a MY 2025 or previous Affected Forklift with a MY 2025 or previous engine if the forklift is being acquired as a low-use forklift; if the following conditions are met:~~

~~(A) The operation of said forklift as a low-use forklift is allowed under this article; and~~

~~(B) The fleet operator submits an Initial Report for the low-use exemption to the Executive Officer in accordance with the reporting requirements set forth in section 3005(a)(1)(A)4.a ~~3007(a)(1)(A)3.a~~ within 60 days of receiving possession or control of said forklift [Note low-use hours limitation set forth in section 3004 ~~3006(a)(3)~~].~~

~~(2) A fleet operator may acquire a MY 2025 or previous Affected Forklift with a MY 2025 or previous engine and phase-out said forklift as part of its own fleet in~~

~~accordance with the Reported Fleet Phase Out Provisions if the following conditions are met:~~

- ~~(A) — The forklift is being acquired as part of a total business acquisition where the entire fleet of Affected Forklifts belonging to the acquired business is being transferred to the fleet operator;~~
- ~~(B) — The forklift has already been reported as part of the seller's/transferor's fleet in accordance with the Reported Fleet Phase Out Provisions;~~
- ~~(C) — The seller/transferor and its fleet are in compliance with all applicable provisions of the Reported Fleet Phase Out Provisions at the time of transfer;~~
- ~~(D) — The fleet operator reports the acquisition to the Executive Officer, in accordance with section 3007(a)(1)(A)2 within 60 days of receiving ownership or control of said forklift; and~~
- ~~(E) — The fleet operator labels the Affected Forklift with its EIN in accordance with Section 3007(b). The fleet operator shall maintain said label such that it remains legible up until the forklift is removed from the facility and fleet.~~

(c) Starting January 1, 2026, a Fleet Operator shall not acquire or operate a forklift with a diesel-fueled or alternative-diesel-fueled off-road compression-ignition engine that is subject to Title 13, California Code of Regulations, Section 2449, incorporated by reference, to replace an Affected Forklift or the operation of an Affected Forklift.

(d) ~~For Affected Forklift, the fleet owner shall ensure manufacturer labels for the engine and forklift remain intact and readable.~~

(e) ~~The Fleet Operator shall maintain documentation of each sale, transfer, or retirement of an Affected Forklift until January 1, 2038. For each forklift, said documentation shall contain a clear description of the forklift and engine (including model year, make, model, and serial number), the name and address of the recipient of the forklift (if applicable), and the date of sale, transfer, or retirement. Said documentation shall be provided to the Executive Officer within 30 days upon request.~~

(d) Changes to Fleet Size

- (1) A small fleet that becomes a large fleet must meet the Large Fleet requirements on the compliance date two years subsequent to the year it became a Large Fleet.

- (2) A Large Fleet that becomes a Small Fleet may meet either the Small or Large Fleet requirements for as long as it remains a Small Fleet.
- (e) Entities that Hire Fleet Operators. An entity that hires a Fleet Operator shall not allow the operation of an Affected Forklift that does not comply with the provisions in this Regulation.

§ 3002. Dealer Requirements.

- (a) Reporting.
 - (1) Initial Report. ~~Between November 1, 2025 and January 1, 2026~~October 31, 2025, a Dealer ~~or rental agency~~ shall submit an Initial Report to the Executive Officer ~~in accordance with section 3007(a)(1)(B)1.~~ with the following:
 - (A) Entity information specified in section 3007(a)(5); and
 - (B) Attestation by the Responsible Official that he/she understands the Dealer's obligations under this regulation.
 - (2) The Dealer shall submit an Annual Report between January 1 and April 30 of the year following each calendar year an Affected Forklift is offered for sale or lease. The Annual Report shall contain the following:
 - (A) Updates to any information provided in a previously submitted report, if applicable; and
 - (B) Attestation by the Responsible Official that he/she understands the Dealer's obligations under this regulation.
- (b) Dealer Requirements
 - (1) Starting January 1, 2026, a Dealer shall not sell, lease, offer for sale, or offer for lease a ~~MY 2026~~ or subsequent MY Affected Forklift to any Fleet Operator operating in California.
 - (2) Starting January 1, 2026, a Dealer shall not sell, lease, offer for sale, or offer for lease a ~~MY 2025~~ or previous MY Affected Forklift that has already been phased out according to the phase-out schedule set forth in Section 3005(e) to any Fleet Operator or Rental Agency in California. unless the Dealer has met the following criteria:

- (A) ~~For the transaction, the dealer has received a signed and dated attestation from the ultimate purchaser that the forklift will be operated in accordance with the low-use exemption set forth in section 3006;~~
- (B) ~~For the transaction, the Dealer has gathered the following:-~~
1. ~~Copy of the ultimate purchaser's identification;~~
 2. ~~Ultimate purchaser's company name;~~
 3. ~~Ultimate purchaser's company address;~~
 4. ~~DOORS ID of the ultimate purchaser's company;~~
 5. ~~Copy of attestation completed and signed by the ultimate purchaser;~~
 6. ~~Address where forklift will be deployed;~~
 7. ~~Forklift information as specified in section 3007(a)(6);~~
 8. ~~Date of transaction;~~
 9. ~~Hour meter reading at time of transaction; and~~
 10. ~~Photograph of the hour meter taken at the time of reading.~~
- (C) ~~The dealer maintains at its facility all information and documentation gathered pursuant to section 3002(b)(2)(B) for a period of at least five years from the date of transaction.~~
- (D) ~~The Dealer shall provide the information and documentation gathered pursuant to section 3002(b)(2)(B) to the Executive Officer within 30 days upon request.~~
- (3) Starting January 1, 2026, a Dealer shall not sell, lease, offer for sale, or offer for lease a 2026 or subsequent MY Class IV Forklift to any Rental Agency for use in California.
- ~~(4) Starting January 1, 2026, a Dealer shall not sell, lease, offer for sale, or offer for lease a MY 2025 or previous Class V Forklift to any rental agency.~~
- (4) Starting January 1, 2026, a Dealer shall not sell, lease, offer for sale, or offer for lease a 2026 or subsequent MY Class V Forklift to any Rental Agency for use in California except, through December 31, 2028, a Dealer may sell, lease, offer for sale, or offer for lease a new 2026, 2027, or 2028 MY Class V Forklift to a Rental Agency for use as an Affected Revenue Forklift in California.
- (5) Starting January 1, 2026, a Dealer shall maintain information and documentation of each sale or lease of an Affected Forklift for a minimum

of five years following the transaction.

(A) Said information and documentation shall include:

1. Transaction type (i.e., sale or lease);
2. Transaction date;
3. Name of recipient;
4. Address of recipient; and
5. Model year, manufacturer, model, and serial number of Affected Forklift.

(B) Said documentation shall be provided to the Executive Officer within 30 days upon request.

~~(5) — The dealer shall submit an Annual Report between January 1 and March 1 of the year following each calendar year an Affected Forklift is offered for sale or lease. The Annual Report shall contain all applicable information specified in section 3007(a)(1)(B)2.~~

§ 3003. Rental Agency Requirements.

- (a) Starting January 1, 2026, a Rental Agency in California shall not rent out, offer for rent, keep within its inventory, or otherwise allow the operation of an Affected Revenue Forklift within California unless:
- (1) The forklift is a 2025 or previous MY forklift with a 2025 or previous MY engine ~~that has been reported by the rental agency in accordance with the Reported Fleet Phase Out Provisions set forth in section 3005, and the Rental Agency is in compliance with all applicable provisions of the Reported Fleet Phase-Out Provisions, including the phase-out schedules in Section 3005(e);~~ or
 - (2) The forklift is a 2026 MY Class V Forklift with a 2026 or previous MY engine acquired pursuant to Section 3003(b), rented out to a Fleet Operator, and operated prior to January 1, ~~2038~~ 2036 (said forklift is required to be phased out by January 1, ~~2038~~ 2036); or
 - (3) The forklift is a 2027 MY Class V forklift with a 2027 or previous MY engine acquired pursuant to Section 3003(b), rented out to a Fleet Operator, and operated prior to January 1, ~~2038~~ 2037 (said forklift is required to be phased out by January 1, ~~2038~~ 2037); or
 - (4) The forklift is a 2028 MY Class V forklift with a 2028 or previous MY engine acquired pursuant to Section 3003(b), rented out to a Fleet Operator, and

operated prior to January 1, 2038 (said forklift is required to be phased out by January 1, 2038).

- (b) Up until January 1, 2029, a Rental Agency may acquire new MY 2026, MY 2027, and MY 2028 MY Class V Forklifts as Affected Revenue Forklifts, ~~as long as the Rental Agency reports the information specified in Section 3007(a)(1)(A)1.b.v. in the applicable Annual Reports, and the Rental Agency is in compliance with all applicable provisions of the Reported Fleet Phase Out Provisions.~~
- (c) ~~For Affected Forklifts, the Rental Agency shall ensure manufacturer labels for the engine and forklift remain intact and readable.~~

§ 3004. Forklift and Engine Manufacturer Requirements.

- (a) Production/Sales Requirements. Starting January 1, 2026, the manufacturer of a forklift shall not produce for sale or offer for sale a Class IV Affected Forklift in California and starting January 1, 2029, the manufacturer of a forklift shall not produce for sale or offer for sale a Class V Affected Forklift in California unless the engine/powertrain meets the zero-emission standards set forth in Section 2433, Title 13, California Code of Regulations.
- (b) Production/Sales Reporting. Forklift manufacturers shall submit to the Executive Officer annual production and sales reports ~~in accordance with section 3007(a)(1)(C)1.~~

§ 3005. ~~Reported Fleet Phase-Out Provisions~~

- (a) Any entity phasing out Affected Forklifts shall comply with the applicable provisions set forth in this section.
- (b) General Provisions Reporting and Labeling.
 - (1) ~~Initial Report: In order for an entity to phase out its~~ Any entity that owns or operates Affected Forklifts pursuant to the Reported Fleet Phase Out Provisions, the entity shall submit a completed Initial Report to the Executive Officer between ~~October~~ September 1, 2025, and January 1, 2026 October 31, 2025. The Initial Report shall contain all information ~~specified in Section 3007(a)(1)(A)1.a.~~ the following:
 - (A) Entity information specified in section 3007(a)(5);
 - (B) For a Fleet Operator or Rental Agency opting to phase out Class IV Forklifts according to the Small Fleet phase-out schedule, for each Affected Forklifts and zero-emission forklift within the fleet, forklift information as specified in section 3007(a)(6).

- ~~(4) The entity shall maintain documentation of the acquisition of each Affected Forklift for the entire duration of the fleet phase out. For each forklift, said documentation shall contain a clear description of the forklift and engine (including model year, make, model, and serial number) as well as the date of acquisition. Said documentation shall be provided to the Executive Officer within 30 days upon request.~~
- ~~(5) The entity shall label each Affected Forklift and zero emission forklift within its fleet with its EIN in accordance with Section 3007(b). The entity shall maintain said label such that it remains legible up until the forklift is removed from the facility and fleet.~~
- ~~(6) For each Affected Forklift, the entity shall ensure that the forklift and engine information plates remain intact and readable up until the forklift is removed from the facility and fleet.~~
- (2) An entity subject to these provisions shall submit required Annual Reports to the Executive Officer between ~~April 30~~ January 1 and ~~June~~ April 30 of each calendar year starting in 2027 and until a Final Report is submitted. Annual reports shall contain all applicable information and elements specified in Section 3007(a)(1)(A)1.b. ~~the following information:~~
- (A) Updates to any information provided in a previously submitted report;
 - (B) Attestation by the Responsible Official that he/she understands the fleet operator's obligations under this regulation; and
 - (C) For a Fleet Operator or Rental Agency opting to phase out Class IV Forklifts according to the Small Fleet phase-out schedule, any updates to its fleet of Affected Forklifts and zero-emission forklifts.
- ~~(8) If applicable, a rental agency that acquires a MY 2026, MY 2027, or MY 2028 Affected Forklifts as an Affected Revenue Forklift, as allowed by Section 3003(b), must report the information specified in Section 3007(a)(1)(A)1.b.v. for said forklift in the Annual Report following the calendar year in which the forklift was acquired.~~
- (3) The entity shall submit a Final Report confirming the completion of the phase-out to the Executive Officer ~~upon completion of the fleet phase out~~ and no later than June 30, 2035, for Class IV Forklifts and June 30, 2038, for Class V Forklifts. ~~Final Reports shall contain all information specified in Section 3007(a)(1)(A)1.c.~~
- ~~(10) The entity shall remain in full compliance with all provisions herein, including~~

~~the Phase Out Schedules set forth in section 3005(c). Non-compliance with any provision herein, including operating an Affected Forklift that is phased out pursuant to the Phase Out Schedule set forth in section 3005(c), constitutes a violation of this article.~~

(c) Phase-Out for Fleet Operators. A Fleet Operator is prohibited from possessing or operating in California an Affected Forklift of a model year that has already been phased out pursuant to Table 1 of Section 3005(e).

(d) Phase-Out for Rental Agencies.

(1) A Rental Agency is prohibited from renting out, offering for rent, or otherwise allowing the operation of in California an Affected Forklift of a model year that has already been phased out pursuant to Table 1 of Section 3005(e).

(2) For a Rental Agency that has acquired Affected Revenue Forklifts in accordance with Section 3003(b), said Affected Revenue Forklifts shall be phased out by January 1, 2038.

(e) Phase-Out Schedules. Table 1, below, sets forth the model year phase-out schedules for Fleet Operators and Rental Agencies.

~~(1) Phase Out Schedule for Fleet Operators.~~

~~(A) As of the compliance dates in Table 1, fleet operators phasing out Affected Forklifts pursuant to this section are prohibited from possessing or operating an Affected Forklift that has been phased out pursuant to the table. For example, as of January 1, 2026, a fleet operator may not possess, operate, or allow the operation of a MY-2016 or older Class IV Affected Forklift.~~

[Table 1 Replaced]

Table 1. Model Year Forklift Phase-Out Schedules for Fleet Operators and Rental Agencies (based on MY of engine or forklift, whichever is older)

<u>Compliance Date</u>	<u>MY Phase-Out Schedule for Class IV Forklifts</u>	<u>MY Phase-Out Schedule for Class IV Forklifts in Small Fleets and Agricultural Operations ¹</u>	<u>MY Phase-Out Schedule for Class V Forklifts</u>
<u>1/1/2028</u>	<u>2018 MY and older</u>	=	
<u>1/1/2029</u>	=	<u>2016 MY and older</u>	=
<u>1/1/2030</u>	=	=	<u>2017 MY and older</u>
<u>1/1/2031</u>	<u>2019 - 2021 MY</u>	=	=
<u>1/1/2032</u>	=	<u>2017 - 2019 MY</u>	=
<u>1/1/2033</u>	<u>2022 and 2023 MY</u>	=	<u>2018 - 2020 MY</u>
<u>1/1/2034</u>	=	<u>2020 and 2021 MY</u>	=
<u>1/1/2035</u>	<u>2024 and 2025 MY</u>	=	<u>2021 and 2022 MY</u>
<u>1/1/2036</u>	=	<u>2022 and 2023 MY</u>	=
<u>1/1/2037</u>	=	=	=
<u>1/1/2038</u>	=	<u>2024 and 2025 MY</u>	<u>2023 - 2028 MY ²</u>

¹ For Small Fleets opting to follow this MY Phase-Out Schedule, additional reporting requirements apply.

² Includes 2026 through 2028 MY Class V Forklifts maintained by Rental Agencies as Affected Revenue Forklifts.

(B) ~~Percentage Caps~~

1. ~~Subject to the requirements of this subsection, fleet operators may utilize the provided percentage caps in Table 1 (25%, 50%, and 75% for Class IV Forklifts and 15%, 30%, 45%, 60%, 75%, and 90% for Large Fleet Class V Forklifts) to reduce compliance burden in the early years of each respective phase out. If percentage caps are used, the fleet operator is only required to phase out Affected Forklifts up to the applicable percentage identified for the compliance year relative to the total number of Affected Forklifts reported in the fleet operator's Initial Report. Where the calculated number of forklifts is a fraction, fleet operators shall round to the nearest whole number. (e.g., A Fleet with 10 Class IV MY 2010 Affected Forklifts would be required to phase-out no more than 3 by January 1, 2026, no more than 5 by January 1, 2027, no more than 8 by January 1, 2028, and all 10 by January 1, 2029.)~~
2. ~~In order to use any of the percentage caps, the fleet operator must:~~
 - a. ~~Indicate in the Initial Report that percentage caps will be used;~~
 - b. ~~For each year a percentage cap is used, identify in the applicable Annual Report which Affected Forklifts were phased out during the compliance year and which have been designated to be phased out in a future compliance year.~~

~~(2) Phase Out Schedule for Rental Agencies. As of the compliance dates in Table 2, a rental agency phasing out Affected Forklifts pursuant to this section is prohibited from renting out, offering for rent, or otherwise allowing the operation of an Affected Forklift that has been phased out in the table. For example, as of January 1, 2026, a rental agency may not rent out, offer for rent, or otherwise allow the operation of a MY 2016 or older Class IV Forklift.~~
~~[Table 2 Deleted]~~

~~(d) Production Equipment Delay Compliance Extension. If, due to supply chain issues beyond the control of the Fleet Operator or Rental Agency, a zero-emission forklift ordered to replace an Affected Forklifts scheduled to be phased out cannot be delivered on time, the phase out of said Affected Forklift may be delayed for one compliance year subject to the following conditions:~~

- ~~(1) The Affected Forklift has been reported in accordance with the Reported Fleet Phase Out Provisions;~~
 - ~~(2) The following information and documentation have been submitted prior to the phase out date of the Affected Forklift:
 - ~~(A) Copy of the signed purchase order for the zero emission forklift executed at least 18 months in advance of the phase out date of the Affected Forklift;~~
 - ~~(B) Expected delivery date of the zero emission forklift;~~
 - ~~(C) EIN of Affected Forklift for which the entity is seeking a compliance extension, and~~
 - ~~(D) An explanation and/or documentation substantiating the delay.~~~~
 - ~~(3) The Affected Forklift has been labeled in accordance with the provisions in Section 3007(b);~~
 - ~~(4) The entity may no longer possess the Affected Forklift within five business days of the delivery of the zero emission forklift described in the purchase order.~~
- (f) Credit for Deployment of Heavy Zero-Emission Forklifts. Subject to the conditions set forth in this section, a Fleet Operator or Rental Agency may receive compliance credit for turning over large-spark ignition forklift with a lift capacity greater than 12,000 pounds.
- (1) Credit. A Fleet Operator or Rental Agency that phases out forklifts with a Rated Capacity greater than 12,000 pounds and replaces said forklifts with zero-emission versions of equal or greater lift capacity may delay the phase out of one Affected Forklift per forklift replaced.
 - (2) Credit shall only be used within the same fleet.
 - (3) The phase-out of the Affected Forklift may be delayed until January 1, 2038.
 - (4) Reporting. The Fleet Operator or Rental Agency shall provide the following information to the Executive Officer at least 45 days prior to the phase-out date of the Affected Forklift for which the credit will be used to delay compliance:
 - (A) For the forklift being replaced, forklift information as specified in section 3007(a)(6);
 - (B) For the zero-emission forklift being deployed, forklift information as specified in section 3007(a)(6); and

- (C) For the Affected Forklift for which compliance is being delayed, forklift information as specified in section 3007(a)(6).

§ 3006. Exemptions, ~~Extensions~~ for Fleet Operators

(a) Exemptions

- (1) Low-Use Forklift. Through December 31, 2030, subject to the following conditions, a Fleet Operator may designate a 2013 through 2025 MY or previous model-year Affected Forklift as a Low-Use Forklift. If all conditions set forth in section 3006(a)(1) are met, said forklift is deemed that a fleet operator operates less than 200 hours cumulatively per calendar year is exempt from the requirements of Section 3005(c)3001(a).

(A) Reporting.

1. Prior to operation, the Fleet Operator shall submit an Initial Report to the Executive Officer in accordance with the reporting requirements set forth in section 3007(a)(1)(A)3.a. with the following information:

- a. Entity information specified in section 3007(a)(5); and
- b. For each Low-Use Forklift:
 - i. Forklift information as specified in section 3007(a)(6);
 - ii. Hour meter reading taken on, or prior to, the date the exemption is being requested;
 - iii. Date of hour meter reading; and
 - iv. Photograph of hour meter taken at time of reading.

2. Subsequent to the submittal of the Initial Report, the Fleet Operators utilizing the low-use exemption shall submit Annual Reports to the Executive Officer between January 1 and April 30 of each year following a calendar year in which a low-use forklift exemption was requested. Annual Reports shall include the following for each Low-Use Forklift:

- a. Hour meter reading on December 31 of the previous calendar year;
- b. Date of hour meter reading;
- c. Photograph of hour meter taken at time of reading; and
- d. The total calculated hours of operation during the previous calendar year.

- (B) Except as provided in section 3006(a)(1)(C), the The Fleet Operator shall not operate a low-use forklift for more than 200 hours per

calendar year. The 200-hour low-use limit applies to the forklift for the duration of the calendar year and does not reset even if ownership or control of said forklift is transferred during that calendar year.

- (C) For a Microbusiness, a three-year rolling 200-hour average may be applied to a Low-Use Forklift if the following conditions are met:
1. The forklift is operated only in California for three consecutive years;
 2. The forklift is operated an average of 200 or fewer hours per year during that consecutive three-year period and all subsequent three-year periods;
 3. The forklift's hours are reported for all three consecutive years and subsequent three-year periods in accordance with section 3006(a)(1)(A)2.
- (D) The low-use forklift shall be equipped with an operational, non-resettable hour meter.
- (E) The Fleet Operator shall maintain hours-of-use records for the low-use forklift demonstrating low-use operation.
- ~~(F) Subsequent to the submittal of the Initial Report, the Fleet Operator shall submit Annual Reports in accordance with section 3007(a)(1)(A)3.b to the Executive Officer between January 1 and March 1 of each year following a calendar year in which a low-use forklift exemption was requested.~~
- (F) The Fleet Operator shall label each Affected Forklift, including each low-use forklift and each zero-emission forklift, with its EIN in accordance with section 3007(b). ~~The Fleet Operator shall maintain said label such that it remains legible up until the forklift is removed from the facility and fleet.~~
- ~~(G) A fleet operator may not operate more than 10 percent of its total fleet at any one location as low-use forklifts, accounting for both Affected Forklifts and zero-emission forklifts. Where the calculated number of allowed low-use forklifts is a fraction, fleet operators may round up.~~
- (G) A Fleet Operator shall not report or operate a rented or leased forklift as a low-use forklift unless the term of the rental or lease

agreement for said forklift is at least 12 consecutive months.

- (H) Starting January 1, 2031, except as provided in section 3006(a)(1)(I)(11), Fleet Operators are no longer eligible for the low-use exemption and shall not operate an Affected Forklift as a low-use forklift.
 - (I) Qualified Microbusinesses remain eligible for the one low-use forklift exemption per calendar year after December 31, 2030, but a microbusiness shall only report and operate one low use forklift within a calendar year. In addition to 2013 through 2025 MY Affected Forklifts, a Qualified Microbusiness also has the option to operate a 2026, 2027, or 2028 MY forklift as a low-use Forklift.
 - ~~(J) Non-compliance with any of the conditions of the low use forklift exemption constitutes a violation of this regulation.~~
- (2) Emergency Operations-Dedicated Emergency Forklift Exemption. Subject to the following conditions, a Dedicated Emergency Forklift is exempt from the requirements in section 3005.
- (A) Reporting.
 - 1. Initial Report. Prior to operation, the Fleet Operator shall report all the following to the Executive Officer:
 - a. Entity information specified in section 3007(a)(5); and
 - b. For each Dedicated Emergency Forklift:
 - i. Forklift information as specified in section 3007(a)(6);
 - ii. Hour meter reading taken on, or prior to, the date of the Initial Report;
 - iii. Date of hour meter reading; and
 - iv. Photograph of hour meter taken at time of reading.
 - 2. Subsequent to the submittal of the Initial Report, Fleet Operators that maintain a Dedicated Emergency Forklift shall submit Annual Reports to the Executive Officer between January 1 and April 30 of each year. Annual Reports shall include the following information:
 - a. Dates of emergency operations that occurred during the previous calendar year; and
 - b. For each Dedicated Emergency Forklift:
 - i. Hour meter readings upon commencement and at the completion of each emergency operation that occurred the previous calendar year.

- ii. Hour meter reading on December 31 of the previous calendar year;
 - iii. Date of each hour meter reading;
 - iv. Photograph of each hour meter reading taken at time of reading;
 - v. The total calculated hours of emergency operation during the previous calendar year; and
 - vi. The total calculated hours of operation (including non-emergency use) during the previous calendar year.
- (H) The Fleet Operator shall label each Dedicated Emergency Forklift with its EIN in accordance with section 3007(b).
- (B) Except for hours accrued to support an Emergency Operation, a Dedicated Emergency Forklift shall be limited to 200 hours per year.
- (C) Dedicated Emergency Forklift do not need to be included when determining fleet size for the purposes of the Phase-Out Schedules.
- (3) Temporary Storage of Non-Compliant Affected Forklifts Awaiting Sale, Scrap, or Relocation. Subject to the following conditions, a Fleet Operator may temporarily store a retired Affected Forklift while said forklift is awaiting sale, scrap, or relocation. If all conditions set forth in this section 3006(a)(3) are met, said forklift is deemed exempt from the requirements of section 3005(c) for up to six months from the Affected Forklift's phase-out date.
- (A) Applicable Affected Forklift shall be stored with all of the following removed:
- 1. Forks or any other work attachment,
 - 2. Propane tank, if applicable,
 - 3. Battery,
 - 4. Seat, and
 - 5. Steering wheel.
- (B) Applicable Affected Forklift shall not be operated while awaiting sale, scrap, or relocation.
- (4) Affected Forklifts Transported for Delivery Out-of-State. Subject to the following conditions, a new Affected Forklift is exempt from the requirements of the Regulation.
- (A) The entity in possession of the Affected Forklift in California shall

provide to the Executive Officer upon request a bill of lading certified by the shipper indicating the ultimate delivery address and estimated date of delivery of the Affected Forklift.

- (B) The ultimate delivery address of the Affected Forklift shall be located outside of California.
- (C) The Affected Forklift shall not be operated in California other than for the purpose of preparing the forklift for final delivery or its transportation to the Ultimate Purchaser. The entity in possession of the Affected Forklift shall provide to the Executive Officer upon request hour meter readings and other information demonstrating the forklift has not been operated other than for the purpose of preparing the forklift for final delivery or its transportation to the Ultimate Purchaser.
- (D) The forklift shall not remain in California for more than three months.

(b) Extensions. A California Fleet Operator may apply for one of the following extensions if said Fleet Operator complies with the requirements that are in effect, and it would otherwise be impossible to comply with the next upcoming regulation requirement. Fleet Operators requesting or utilizing any extension must meet applicable reporting and recordkeeping requirements for each extension. Any extensions granted to a Fleet Operator are not transferrable to another Fleet Operator.

(1) Forklift Delivery Delay Extension. If a Fleet Operator orders zero-emission forklifts prior to its next compliance date as specified in Table 1 of section 3005(e), and delivery of the zero-emission forklift is delayed for reasons beyond the Fleet Operator's control, the Fleet Operator may request a Forklift Delivery Delay Extension in accordance with the following criteria:

- (A) The Fleet Operator shall apply for the extension at least 45 calendar days prior to the next compliance date.
- (B) A purchase agreement that meets the following criteria shall be in place:
 1. The purchase agreement is a written, signed, and dated legally binding contract. The extension cannot be claimed if the purchase agreement has been modified by the Fleet Operator within one year of the compliance deadline. Letters of intent or other agreements that are not binding, or that are contingent upon other decisions that remain unresolved within one year of the upcoming deadline, are not sufficient to qualify for the extension;

2. The purchase agreement identifies the specific zero-emission forklift that the Fleet Operator committed to purchase (including model year, make, model, and serial number), the date of the purchase, and that the purchase is for immediate delivery to the Ultimate Purchaser in California;
 3. The purchase agreement shows the new zero-emission forklift was ordered at least one year prior to the next upcoming Affected Forklift phase-out date for a forklift that must be phased out per Table 1 of section 3005(e); and
 4. The purchase agreement must be for enough zero-emission forklifts for the Fleet Operator to remain in compliance.
- (C) The Fleet Operator must submit the following to the Executive Officer in its application for extension:
1. Entity information specified in section 3007(a)(5);
 2. For the Affected Forklift to be replaced by the zero-emission forklift, forklift information as specified in section 3007(a)(6); and
 3. Signed purchase agreement order showing the order date and estimated delivery date of the zero-emission forklift.
- (D) Renewal. To renew an extension due to zero-emission forklifts that have not yet been delivered due to factors beyond the Fleet Operator's control, the Fleet Operator shall provide the following at least 45 days before the expiration of the current extension:
1. Updated estimated delivery date of the zero-emission forklift; and
 2. Documentation of the delay provided by the Dealer.
- (2) Infrastructure Delay Extensions. A Fleet Operator may apply for the following extension if the Fleet Operator experiences delays beyond their control on a project to install ZEF-related infrastructure. The Fleet Operator must apply for the following extensions at least 45 calendar days prior to the next compliance date.
- (A) Infrastructure Construction Delay Extension. A Fleet Operator may apply for this extension if they experience a construction delay beyond their control. The Executive Officer will grant an extension for up to two years per project

to delay delivery of ordered ZEFs if it is determined that the Fleet Operator has a construction permit issued at least one year ahead of the compliance deadline. The Fleet Operator must submit all of the following to the Executive Officer:

1. Documentation showing the executed contract for the infrastructure installation with necessary construction permit showing a permit-issue date that is at least one year prior to the next upcoming compliance deadline.
 2. Documentation showing the delay is a result of any of the following circumstances beyond the Fleet Operator's control after obtaining construction permits: change of a general contractor; delay in manufacture and shipment of zero-emission charging infrastructure equipment; delays obtaining power from a utility; delays due to unexpected safety issues on the project; discovery of archeological, historical, or tribal cultural resources described in the California Environmental Quality Act, Public Resources Code Division 13, Section 21000 et. seq.; or natural disasters.
 3. A letter to the Executive Officer from the Responsible Official with the following:
 - a. The reason for the delay,
 - b. The estimated completion date of the project, and
 - c. Documentation supporting the reason for the delay from the licensed contractor performing the work, related utility, building department, or other organization involved in the project.
 4. Documentation showing the executed ZEF purchase agreement.
- (B) Infrastructure Site Electrification Delay Extension. Until January 1, 2031, a Fleet Operator may apply for an initial extension if their electric utility provider determines it cannot provide the requested power to the site where ZEFs will be charged before the next compliance deadline. A Fleet Operator utilizing this extension shall deploy as many ZEFs as can be supported by the power the utility can serve over time needed to meet its compliance requirement. The Executive Officer will grant an extension for the time-period specified in section 3006(b)(2)(B)1 and number of forklifts specified in section 3006(b)(2)(B)2 if it is determined the Fleet Operator satisfies the criteria for the delay based on the information submitted below and the exercise of good engineering judgment.

1. Site Electrification Delay Time Period. The initial extension may be granted for a period of up to three years based on the amount of time the utility determines it will take to deliver the needed power to the site. An additional two-year extension may be granted if the utility still cannot deliver the needed power by the end of the initial extension period. A Fleet Operator shall renew the extension with updated supporting documentation to extend the delay at least 45 calendar days prior to the expiration of the current extension period.
2. Number of Extensions. The Executive Officer will evaluate the request and if approved, will grant the Fleet Operator the same number of extensions as the number of ZEFs for which the executed contract with the utility determines it cannot provide power. The Fleet Operator must deploy the number of ZEFs needed to meet their compliance requirement the utility determines it can immediately support and any additional ZEFs that it can support for each calendar year during the delay until the project is complete to maintain the extension.
3. The Fleet Operator must meet the criteria in this section and submit the documentation and information specified below to the Executive Officer:
 - a. A copy of the application that the Fleet Operator submitted to the utility requesting site electrification;
 - b. The utility's response showing that the project will take longer than a year;
 - c. Documentation indicating the reason for delay,
 - d. Estimated project completion date;
 - e. The number of ZEFs;
 - f. The charging equipment the site can immediately support;
 - g. The charging equipment the site can support during each year of the requested extension until the project is complete; and
 - h. The executed utility contract (If a utility is unable or unwilling to execute a contract, a Fleet Operator can submit the initial contract or application requesting the utility and a signed attestation from the utility stating they will proceed with the project).
4. Fleet Operators with multiple sites where forklifts are operated must submit a copy of each site's infrastructure capacity evaluation from the utility or a third-party licensed professional electrical engineer indicating the number and types of ZEFs and charging equipment the site can

immediately support.

(3) Method for Requesting and Approval of Extensions.

- (A) Upon submittal of an extension request, if the Executive Officer determines that the information provided as part of the request is insufficient to serve as the basis for an extension, the Executive Officer may request additional information and/or clarification prior to the application being deemed complete.
- (B) In the event that the Executive Officer does not respond to the Fleet Operator within 45 days of submittal, the request is deemed approved.

§ 3007. Reporting and Labeling Requirements.

(a) Reporting

~~(1) Requirements. A Responsible Official reporting to the Executive Officer pursuant to this regulation shall provide the following, if applicable:~~

~~(A) Fleet Operators and Rental Agencies~~

~~1. Reporting for the Reported Fleet Phase Out Provisions~~

~~a. Initial Report~~

~~i. Entity information specified in section 3007(a)(5);~~

~~ii. For Affected Forklifts and zero emission forklift within the fleet, forklift information as specified in section 3007(a)(6);~~

~~b. Annual Report~~

~~i. DOORS ID;~~

~~ii. Updates/corrections to any company or contact information provided in a previously submitted report;~~

~~iii. If using percentage caps, identify Affected Forklifts phased out and Affected Forklifts designated for phase out in a future compliance year;~~

~~iv. Attestation by the Responsible Official that he/she understands the fleet operator's obligations under this article.;~~

~~v. If a rental agency that has acquired one or more MY 2026, MY 2027, or MY 2028 Class V Forklifts, forklift information as specified in section 3007(a)(6);~~

- ~~c. Final Report
 - ~~i. DOORS ID;~~
 - ~~ii. Confirmation that the fleet operator's phase-out is complete.~~~~

- ~~2. Affected Forklift Purchase or Acquisition Reporting
 - ~~a. Entity information specified in section 3007(a)(5) or DOORS ID;~~
 - ~~b. Seller's/Transferor's Entity information specified in section 3007(a)(5) or Seller's/Transferor's DOORS ID;~~
 - ~~c. Forklift information as specified in section 3007(a)(6);~~
 - ~~d. Forklift EIN assigned to Seller/Transferor, if available;~~
 - ~~e. Documentation of business acquisition, if applicable; and~~
 - ~~f. Date of Transfer.~~~~

- ~~3. Low Use Exemption Reporting
 - ~~a. Initial Report
 - ~~i. Entity information specified in section 3007(a)(5) or DOORS ID;~~
 - ~~ii. For all Affected Forklifts and zero emission forklifts in the fleet, forklift information as specified in section 3007(a)(6) or EIN;~~
 - ~~iii. Identified low use forklift(s);~~
 - ~~iv. Hour meter reading taken on, or prior to, the date the exemption is being requested;~~
 - ~~v. Date of hour meter reading; and~~
 - ~~vi. Photograph of hour meter taken at time of reading;~~~~

 - ~~b. Annual Reporting
 - ~~i. DOORS ID;~~
 - ~~ii. Changes/updates to fleet;~~
 - ~~iii. Hour meter reading on December 31 of the previous calendar year;~~
 - ~~iv. Date of hour meter reading;~~
 - ~~v. Photograph of hour meter taken at time of reading; and~~
 - ~~vi. The total calculated hours of operation of each low use forklift during the previous calendar year.~~~~~~

- ~~4. Microbusiness Qualification
 - ~~a. Initial Reporting
 - ~~i. Entity information specified in section 3007(a)(5) or~~~~~~

- ~~ii. DOORS ID;~~
- ~~ii. Gross annual receipts for the previous three years (or the number of years the entity has been in business, if less than three);~~
- ~~iii. An attestation that the entity does not have more than 25 employees, as evidenced by the entity's most recently completed Quarterly Contribution Return & Report of Wages (Continuation) Form DE 9C;~~
- ~~iv. An attestation that copies of the tax returns for those respective years will be maintained onsite; and~~
- ~~v. An attestation that copies of the Quarterly Contribution Return & Report of Wages (Continuation) Form DE 9C for the four most recently completed quarters will be maintained onsite.~~

~~b. Annual Reporting~~

- ~~i. DOORS ID;~~
- ~~ii. Gross annual receipts for the previous year as reported on the entity's tax returns for that year; and~~
- ~~iii. If the microbusiness has employees, the number of employees reported on the entity's Quarterly Contribution Return & Report of Wages (Continuation) Form DE 9C for the four most recently completed quarters,~~

~~5. Product Delay Compliance Extension Reporting~~

~~a. Initial Reporting~~

- ~~i. Entity information specified in section 3007(a)(5) or DOORS ID;~~
- ~~ii. Purchase order showing the order date and estimated delivery date of the zero-emission forklift.~~

~~b. Annual Reporting~~

- ~~i. Updated estimated delivery date of the zero-emission forklift with documentation provided by the Dealer,~~

~~(B) Dealers~~

~~1. Initial Report~~

- a. Entity information specified in section 3007(a)(5) and/or DOORS ID;
- b. For Affected Forklifts, forklift information as specified in section 3007(a)(6) or EIN;

~~2. Dealer Annual Report~~

- a. ~~DOORS ID;~~
- b. ~~Updates/corrections to any company or contact information provided in a previously submitted report; and~~
- c. ~~Attestation by the Responsible Official that he/she understands the Dealer's obligations under this regulation;~~
- d. ~~Entity Name; and~~
- e. ~~Sales/lease transaction information for all Affected Revenue Forklifts from the previous calendar year, including for each transaction:~~
 - i. ~~DOORS ID of purchasing company;~~
 - ii. ~~Name of purchasing company;~~
 - iii. ~~Transaction Date; and~~
 - iv. ~~Purchaser Attestation Information.~~

~~(C) Manufacturers~~

~~1. Sales/Production Reports [Placeholder]~~

- (1) The Responsible Official shall certify all information and documentation provided to the Executive Officer for the purposes of this regulation, and attest to their accuracy, truthfulness, and completeness.
- (2) Upon request, the Responsible Official shall provide all requested information and documents needed to demonstrate compliance with this regulation to the Executive Officer within 30 days, or within a timeframe otherwise noted.
- (3) A Responsible Official for an entity required to report pursuant to this regulation shall:
 - ~~(A) Notify the Executive Officer of any changes to the entity or fleet and provide the necessary information to fulfill the Responsible Official's reporting obligations under this regulation within 30 calendar days of such change (Applicable changes include, but are not limited to, changes in exemption status, and fleet ownership changes); and~~
 - ~~(B) Retain, at the Responsible Official's facility, records of all applicable information for at least five (5) years after the information is collected and/or reported.~~

- (4) Responsible Officials who maintain multiple facilities may aggregate the records at a centralized facility or headquarters. Records for all Affected Forklifts at all facilities shall be available to the Executive Officer within 30 calendar days upon request.
- (5) Information about the entity.
- (A) Entity name;
 - (B) Corporate parent name, if applicable;
 - (C) Entity address(es);
 - (D) Contact name(s);
 - (E) Contact phone number(s);
 - (F) Contact e-mail address(es);
 - (G) Responsible Official Name;
 - (H) Responsible Official Title; and
 - (I) Whether this entity is a Fleet Operator, Dealer, and/or Rental Agency.
- (6) Forklift Information.
- (A) Existing Equipment Identification Number (EIN), if applicable;
 - (B) Forklift model year;
 - (C) Forklift manufacturer;
 - (D) Forklift model;
 - (E) Forklift serial number;
 - (F) Forklift rated lift capacity, ~~as described on forklift model specification sheet;~~
 - (G) Date forklift entered fleet;
 - (H) Primary operating location address;
 - (I) ~~For~~ Whether the forklift is a zero-emission forklifts;
 - 1. ~~Power source (e.g., battery, fuel cell, etc.);~~
 - 2. ~~Battery or fuel capacity (e.g., amp-hour for battery, kg for hydrogen fuel cell); and~~
 - 3. ~~Operating voltage;~~
 - (J) For internal combustion forklifts:
 - 1. Engine model year;
 - 2. Engine manufacturer;
 - 3. Engine model;
 - 4. Engine serial number; and
 - 5. ~~Engine displacement;~~
 - 6. ~~Power rating (in horsepower or kilowatts); and~~
 - 7. Fuel type.
- (7) Reporting shall be submitted electronically per the guidelines approved by the Executive Officer for electronic data reporting or by mail.

(b) Labeling Requirements.

- (1) A Responsible Official for a Fleet Operator ~~or Rental Agency~~ required to label a forklift pursuant to this regulation shall:
 - (A) Report all ~~necessary~~ applicable entity and forklift information, as required, to the Executive Officer in accordance with this regulation (a unique EIN will be assigned to each forklift once reported);
 - (B) Affix at least one EIN label to each applicable forklift within 30 days of receiving the EIN for such forklifts;
 - (C) Maintain all labels affixed pursuant to section 3007(b), so that they remain permanently affixed to the Affected Forklift and the legibility and visibility criteria set forth in section 3007(b)(2) are met at all times; and
 - (D) Maintain records of the forklift purchase date or the date the forklift enters the fleet for newly purchased or acquired forklifts that are subject to these labeling requirements but have not yet been labeled pursuant to section 3007(b).
- (2) *Label Specifications.* Each label affixed pursuant to section 3007(b) shall meet all the following specifications:
 - (A) Each label shall contain the assigned EIN;
 - (B) The label shall be permanently affixed to the Affected Forklift. The label shall be applied as a decal or painted directly onto the Affected Forklift;
 - (C) The EIN shall be in white on a red background for any Affected Forklift ~~that will not be rented out~~;
 - ~~(D) The EIN shall be in white on a blue background for any Affected Forklift that will be rented out;~~
 - (D) The label shall be located in clear view on the outside of the Affected Forklift approximately 2 feet above the ground so that the label remains visible;
 - (E) Each character of the EIN shall be at least 3 inches (7.6 centimeters) in height and 1.5 inches (3.8 centimeters) in width; and

(F) Each character of the EIN shall remain legible for the entire life of the Affected Forklift.

(c) *Naming a Designated Official.* A Responsible Official may name a person as Designated Official to meet the Reporting and Labeling Requirements of section 3007 on behalf of the Responsible Official. The Designated Official shall be used interchangeably with the Responsible Official where applicable in this regulation. To name a person as Designated Official, the Responsible Official shall submit to the Executive Officer the following information:

- (1) Designated Official's first and last names;
- (2) Designated Official's job title;
- (3) Designated Official's telephone number;
- (4) Designated Official's mailing address; and
- (5) Designated Official's email address.

Amend sections 2433, title 13, California Code of Regulations, to read as follows:

§ 2433. Emission Standards and Test Procedures - Off-Road Large Spark-Ignition Engines.

* * * *

(c) Standards.

(1)

(A) Exhaust Emission Standards. Exhaust emissions from off-road large spark-ignition engines manufactured for sale, sold, or offered for sale in California, or that are introduced, delivered or imported into California for introduction into commerce, must not exceed:

Exhaust Emission Standards
(grams per brake horsepower-hour)
[grams per kilowatt-hour]⁽¹⁾

Model Year	Engine Displacement	Durability Period	HC+NOx	Carbon Monoxide
2002-2010	≤1.0 liter	1,000 hours or 2 years	9.0 [12.0]	410 [549]
2011 and subsequent	≤ 825 cc	1,000 hours or 2 years	6.0 [8.0]	410 [549]
2011-2014	> 825 cc – ≤ 1.0 liter	1,000 hours or 2 years	4.8 [6.5]	280 [375]
2015 and subsequent	> 825 cc – ≤ 1.0 liter	1,000 hours or 2 years	0.6 [0.8]	15.4 [20.6]
2001-2003 ^{(2),(3)}	> 1.0 liter	N/A	3.0 [4.0]	37.0 [49.6]
2004-2006 ⁽⁴⁾	> 1.0 liter	3,500 hours or 5 years	3.0 [4.0]	37.0 [49.6]
2007-2009	> 1.0 liter	5,000 hours or 7 years	2.0 [2.7]	3.3 [4.4]
2010 and subsequent ^{(5),(6)}	> 1.0 liter	5,000 hours or 7 years	0.6 [0.8]	15.4 [20.6]
<u>2026 and subsequent⁽⁷⁾</u>	<u>N/A</u>	<u>N/A</u>	<u>0.0 [0.0]</u>	<u>0.0 [0.0]</u>

Note:

(1) For 2006 and previous model years, standards in grams per kilowatt-hour are given only as a reference. For 2007 and subsequent model years, pollutant emissions reported to ARB by manufacturers must be in grams per kilowatt-hour.

(2) Small volume manufacturers are not required to comply with these emission standards.

(3) Manufacturers must show that at least 25 percent of its California engine sales comply with the standards in 2001, 50 percent in 2002, and 75 percent in 2003.

(4) The standards for in-use compliance for engine families certified to the standards in the row noted are 4.0 g/bhp-hr (5.4 g/kW-hr) hydrocarbon plus oxides of nitrogen and 50.0 g/bhp-hr (67.0 g/kW-hr) carbon monoxide, with a useful life of 5000 hours or 7 years. In-use averaging, banking, and trading credits may be generated for engines tested in compliance with these in-use compliance standards. If the in-use compliance level is above 3.0 but does not exceed 4.0 g/bhp-hr hydrocarbon plus oxides of nitrogen or is above 37.0 but does not

exceed 50.0 g/bhp-hr carbon monoxide, and based on a review of information derived from a statistically valid and representative sample of engines, the Executive Officer determines that a substantial percentage of any class or category of such engines exhibits within the warranty periods noted in Section 2435, an identifiable, systematic defect in a component listed in that section, which causes a significant increase in emissions above those exhibited by engines free of such defects and of the same class or category and having the same period of use and hours, then the Executive Officer may invoke the enforcement authority under Section 2439, Title 13, California Code of regulations to require remedial action by the engine manufacturer. Such remedial action is limited to owner notification and repair or replacement of defective components, without regard to the requirements set forth in Section 2439(b)(5) or Section 2439(c)(5)(B)(vi). As used in the section, the term "defect" does not include failures that are the result of abuse, neglect, or improper maintenance.

(5) For severe-duty engines, the HC+NO_x standard is 2.7 g/kW-hr and the CO standard is 130.0 g/kW-hr.

(6) Small volume manufacturers are required to comply with these emission standards in 2013.

(7) Per Section 3004, Title 13, California Code of Regulations, starting January 1, 2026, the manufacturer of a forklift shall not produce for sale or offer for sale a Class IV large spark-ignition forklift in California and starting January 1, 2029, the manufacturer of a forklift shall not produce for sale or offer for sale a Class V large spark-ignition forklift in California unless the large-spark ignition engine or powertrain meets the zero-emission standards set forth in this Section.

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