

# Appendix A-1

## Proposed 15-day Changes to the Proposed Regulation Order Advanced Clean Fleets Regulation

### State and Local Government Agency Fleet Requirements

[Note: The proposed modifications, referred to as Second 15-Day Changes, to the proposed regulations are shown below. The proposed regulatory language released for a period of 15-days on March 23, 2023, is shown in "normal type." The deletions and additions to the originally proposed language that comprise the Second 15-day Changes that are made public with this Notice and available for comment are shown in strikethrough to indicate deletions and underline to indication additions. The Second 15-Day Changes are being presented in two versions. This version, acf215d1.pdf, also complies with Government Code sections 11346.2, subdivision (a)(3), and 11346.8, subdivision (c). For ease of readability, and to review the Second 15-Day Changes in an Accessible format, please refer to version acf215d11.docx]

## Chapter 1 Motor Vehicle Pollution Control Devices

Section 2013.	State and Local Government Agency Fleet Applicability, Definitions, and General Requirements
Section 2013.1	State and Local Government Agency Fleet Exemptions
Section 2013.2	State and Local Government Agency Fleet Reporting
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Section 2013.4	State and Local Government Agency Fleet Enforcement

## Proposed Regulation Order

Title 13, California Code of Regulations

Adopt Chapter 1, Article 3.2, Section 2013 of title 13, California Code of Regulations, to read as follows:

### Article 3.2. State and Local Government Agency Fleet Requirements

#### **§ Section 2013. State and Local Government Fleet Applicability, Definitions, and General Requirements.**

(a) Scope and Applicability

- (1) Fleet Applicability. Except as provided in the exemptions specified in section 2013(c) and 2013(e), this ~~regulation~~article applies to any state or local government agency with jurisdiction in California that owns, leases, or operates one or more vehicles specified in section 2013(a)(2) in California as described in the vehicle scope specified in section 2013(a)(2) on or after January 1, 2024. This ~~regulation~~article does not apply to federal fleets subject to title 13, California Code of Regulations (CCR), section 2015.
- (2) Vehicle Scope. Except as provided in the exemptions specified in section 2013(c), vehicles subject to this ~~regulation~~article are vehicles that have a gross vehicle weight rating (GVWR) greater than 8,500 lbs. that are operated in California.
- (3) Hiring Entities. The requirements specified in section 2013(j) apply to any motor carrier, broker, governmental agency, person, or entity that hires and operates or hires and directs the operation of vehicles in California that are subject to this ~~regulation~~article.

(b) Definitions. For the purposes of this ~~regulation~~article, the following definitions apply ~~to section 2013 through 2013.4~~:

“Authorized dealer” means an independent sales, service, or repair facility that is recognized by a motor vehicle manufacturer as a sales representative or is both authorized by a motor vehicle manufacturer to perform repairs on vehicles and is in fact capable of performing repairs needed to maintain vehicles to factory specifications, including performing warranty repair work.

“Backup vehicle” means a vehicle, excluding yard tractors, that is operated infrequently as specified in section 2013.1(a).

“Battery-electric vehicle” or “BEV” has the same definition as “Electric Vehicle” in Title 40, Code of Federal Regulations (CFR) ~~§~~, section 1037.801, last amended by the United States Environmental Protection Agency (U.S. EPA) on June 17, 2013, incorporated by reference herein.

“Box truck” means a single-unit vehicle with a fully- or partially enclosed space with a roof and at least three sides designed for transporting cargo or payload, excluding the driver and passengers. Examples include vehicles commonly referred to as step vans, refrigerated vans, dry vans, chipper trucks, and box reefer trucks.

“Broker” means any person that, as a principal or agent, sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation by motor carrier for compensation. A motor carrier, or person who is an employee or bona fide agent of a carrier, is not a broker when it arranges or offers to arrange the transportation of shipments which it is authorized to transport and which it has accepted and legally bound itself to transport.

“Bus” means any vehicle designed, used, or maintained for carrying more than ten persons, including the driver, and ~~is~~ configured with seats for the primary purpose of transporting persons including the driver.

“California fleet” means the subset of vehicles in the total fleet operated in California by a fleet owner during a calendar year.

“CARB” means the California Air Resources Board.

“Configuration” means the primary intended function for which a complete vehicle is designed, or as determined by the body permanently attached to the chassis of an incomplete vehicle. Examples of configurations include bucket trucks, box trucks, concrete pump trucks, dump trucks, digger derricks, drill rigs, stake bed trucks, flatbed trucks, and tow trucks. The configuration does not include any auxiliary equipment or secondary uses of equipment added to or carried on the vehicle body. Examples of such truck-mounted equipment includes welding equipment, lift gates, portable tanks, generators, storage cabinets, and winches.

“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 any of the conditions or degrees of emergency described in California Government Code, section 8558.

“Dedicated snow removal vehicle” means a vehicle that has permanently affixed snow removal equipment such as a snow blower or auger and is operated exclusively to remove snow from public roads, private roads, or other paths to allow on-road vehicle access.

“Designated low population counties” means the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, and Yuba.

“Dispatch” means to provide direction or instruction for routing a vehicle, whether owned or under contract, to specified destinations for specific purposes, including delivering cargo, passengers, property or goods, or providing a service.

“Emergency operations” means operation of an emergency support vehicle to help alleviate an immediate threat to public health or safety in response to a declared emergency event. Emergency operation includes emergency support vehicle travel to and from a declared emergency event when dispatched by a local, state, federal, or other responsible emergency management agency. Routine operation to prevent public health risks does not constitute emergency operation.

“Emergency support vehicle” means a vehicle other than an authorized emergency vehicle as defined in California Vehicle Code (CVC) section 165 that has been dispatched by a local, state, federal, or other responsible emergency management agency that is used to provide transport services or supplies in connection with an emergency operation.

“Energy storage system” means a system that is designed to store energy on a ZEV or NZEV, such as the battery pack or hydrogen storage tank.

“Executive Officer” means the Executive Officer of the California Air Resources Board or their delegated representative.

“Federal fleet” means vehicles owned by a department, agency, or instrumentality of the federal government of the United States of America and its departments, divisions, public corporations, or public

agencies that operate in California. With respect to the Department of Defense and its service branches, federal fleets may be managed regionally, locally, or a combination of regional and local management. There may be multiple federal fleets within a branch of military service or an installation.

“Fleet” or “total fleet” means one or more vehicles owned by a fleet owner. It also includes rental or leased vehicles that are considered owned by the “fleet owner” as defined in section 2013(b).

“Fleet owner” means the person or entity that owns the vehicles comprising the fleet. The owner shall be presumed to be either the person or entity registered with the California Department of Motor Vehicles (DMV) as the owner or lessee of a vehicle, or its equivalent in another state, province, or country; vehicle ownership is based on the vehicle registration document or the vehicle title, except as specified below:

- (A) For vehicles that are rented or leased from a business that is regularly engaged in the trade or business of renting or leasing motor vehicles without drivers, including truck leases that are part of a bundled service agreement, the owner shall be presumed to be the rental or leasing entity for purposes of compliance, unless the rental or lease agreement for the vehicle is for a period of one year or longer and the terms of the rental or lease agreement identifies the renting operator or lessee of the vehicle as the party responsible for compliance with state laws.
- (B) A financing company or a person that only provides financing to a third party in the form of “finance leases,” as defined in California Uniform Commercial Code §section 10103(a)(7), is not considered to own the vehicles that are financed. Similarly, a financing company or a person that only provides financing to a third party for converting a vehicle to a ZEV is not considered to be the owner of the vehicle.

“Gross vehicle weight rating” or “GVWR” means the same as CVC section 350, as indicated by the characters in the ~~4~~four through ~~8~~eight positions in a standard 17-character Vehicle Identification Number (VIN).

“Historical vehicle” means a vehicle that meets the qualifications for a historical vehicle and has been issued a historical vehicle license plate pursuant to ~~the~~CVC section 5004 and is operated or moved over the

highway primarily for the purpose of historical exhibition or other historic vehicle club activities.

“Hubodometer” means a non-resettable device mounted on the axle of a vehicle that measures distance traveled that has a serial number and a lock-out feature that permanently prevents tampering.

“Hydrogen fuel-cell electric vehicle” or “FCEV” means a vehicle with an electric motor where energy for the motor is supplied by an electrochemical cell that produces electricity via the non-combustion reaction of hydrogen.

“Intermittent snow removal vehicles” means a vehicle that is equipped with a snow plow or snow blower mounting attachment and a control system for the plow or blower.

“Internal combustion engine vehicle” or “ICE vehicle” means a vehicle with a powertrain that includes an internal combustion engine that is powered by gasoline, diesel, natural gas, propane, or other fuel where the sole source of power is from the combustion of the on-board fuel to provide motive power.

“Lessee” has the same meaning as defined in CVC section 371.

“Manufacturer” means any entity or person who manufactures or assembles new yard tractors or on-road motor vehicles, or imports such yard tractors or on-road motor vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of yard tractors or new motor vehicles, but shall not include any dealer with respect to yard tractors or new motor vehicles received in commerce. In general, the term “manufacturer” includes any entity or person who manufactures or assembles an on-road vehicle, a yard tractor, a cab and chassis, or other incomplete on-road vehicle for sale in California, or otherwise introduces a yard tractor or new on-road motor vehicle into commerce in California. ~~¶~~“Manufacturer” also includes any intermediate- or final-stage manufacturer that completes vehicle assembly prior to first purchase of the vehicle other than for resale. ~~This~~“Manufacturer” does not include entities or persons who supply parts to the importer or vehicle manufacturer of record.

“Mobile ZEV fueling provider” means an entity that provides the service of, or is engaged in the sale, rental, or lease of equipment for the purpose of, delivering hydrogen fuel or electricity directly from a mobile

vehicle or portable equipment into another vehicle's fuel tank or battery for other than the dispenser's own consumption.

"Model year" means the production period as assigned by the manufacturer when certifying an engine or vehicle for sale, pursuant to title 17, CCR, section 95662(a)(16).

"Motor carrier" means the same as defined in CVC section 408.

"Motor vehicle" means the same as defined in CVC section 415.

"Near-zero-emissions vehicle" or "NZEV" means a vehicle as defined in title 13, CCR, section 1963(c)(16) that is capable of operating like a ZEV using electricity stored on-board the vehicle for a minimum number of miles, or "all-electric range", as specified and tested in accordance with section 1037.150p(2)(ii) of "California Greenhouse Gas Exhaust Emission Standards and Test Procedures for 2014 and Subsequent Model Heavy-Duty Vehicles," as last amended September 9, 2021, which is incorporated by reference herein.

"New vehicle" means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser.

"Notice to proceed" means a written direction to a vehicle manufacturer or entity that converts vehicles to ZEVs to commence production or conversion of a vehicle as provided in a contract.

"Pickup truck" means a vehicle originally manufactured as a complete vehicle with an open box-type bed ~~and that~~ meets the definition set forth in CVC section 471. A "pickup truck" with a removable bed covers or camper shells installed ~~are~~ is considered a "pickup trucks" for the purpose of this ~~regulation~~ article.

"Rated energy capacity" means the amount of electrical energy, in watt-hours (Wh), that can be extracted from a fully charged energy storage system, based on or derived from the results of testing or analysis procedures specified in section D., "California Standards and Test Procedures for New 2021 and Subsequent Model Heavy-Duty Zero-Emission Powertrains", ," adopted June 27, 2019, which is incorporated by reference herein. The rated energy capacity includes the electrical energy of the battery pack that is not accessible due to a manufacturer-programmed decrease in energy capacity for battery pack protection.



"Removed from the California fleet" means a ~~vehicle that is~~ fleet owner no longer ~~operated~~ operates a vehicle in California ~~by the fleet owner~~ on or after the date the vehicle meets one of the following conditions:

- (A) Is destroyed or scrapped; or
- (B) Is sold out of the fleet or transferred out-of-state.

"Responsible official" means either a principal executive officer, ranking elected official, or delegated representative of the State or local government agency.

"SAE J1667" means SAE Recommended Practice SAE J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty ~~Diesel~~-Powered Vehicles," as issued February 1996 (~~"1996-02"~~), which is incorporated herein by reference.

"Smoke opacity test" means a test of a vehicle's emissions for smoke opacity level conducted using the procedures specified in SAE J1667 Recommended Practice: Snap Acceleration Smoke Test Procedure for Heavy-Duty Powered Vehicles.

"Standard rounding convention" means if the calculated value is not equal to a whole number, the value shall round up to the nearest whole number when the fractional part is equal to or greater than 0.5, and round down to the nearest whole number if the fractional part is less than 0.5.

"State or local government agency" means a city, county, public utility, special district, local agency or district, ~~or a public agency of the State of California,~~ and any department, division, public corporation, or public agency of the State of California.

"Tractor" means an on-road vehicle meeting one of the following:

- (A) The definition of "tractor" in title 17, CCR, section 95662(a)(23); or
- (B) The definition of "vocational tractor" in title 17, CCR, section 95662(a)(27).

"Two-engine vehicle" means a specially constructed on-road mobile vehicle that was designed by the original equipment manufacturer to be equipped with ~~2~~ two engines: ~~1~~ one engine provides the primary source of motive power of the vehicle while the ~~second~~ other engine is an auxiliary

engine with 50 brake horsepower or greater that is permanently attached and integrated into the original design of the vehicle to perform a specific function, which may include providing auxiliary power to attachments, performing special job functions, or providing additional motive power. If a vehicle was originally designed with the capability to have an auxiliary engine installed, but the auxiliary engine was installed by ~~someone else~~ a person or entity other than the original equipment manufacturer, the vehicle still qualifies as a two-engine vehicle. Two-engine street sweepers are not included in this definition.

“Van” means a single unit vehicle ~~with~~ configured with seats to transport passengers or with an enclosed space for the primary purpose of transporting cargo and equipment.

“Vehicle” means either a device as defined in CVC section 670, or is a yard tractor that is not intended for use on highways.

“Vehicle awaiting sale” means a vehicle in the possession of a dealer, financing company, a private party, or other entity that does not intend to operate the vehicle in California or offer the vehicle for hire for operation in California, and it is operated only to demonstrate functionality to potential buyers, to move short distances to make repairs, or for maintenance or storage. It also includes new vehicles when driven to be delivered to the fleet owner.

“Vehicle Identification Number” or “VIN” means an ~~alpha~~ numerical ~~code~~ alphanumeric code ~~which~~ that has been permanently assigned by the manufacturer to a vehicle.

“Vehicle purchase” or “purchase” means an action wherein a fleet owner has ~~either~~ placed an order to acquire the legal or equitable title to a vehicle ~~or~~ to convert a vehicle to a ZEV; or to enter into a lease agreement with a contract term of one year or more. The action taken must be for immediate delivery or installation and the purchaser has already paid for or has entered into a binding agreement with an authorized dealer, entity that converts vehicles to ZEVs, third party, or manufacturer to pay for the vehicle or conversion. A vehicle purchase does not include renewing a lease agreement for a vehicle already in the California fleet. A vehicle purchase includes when the fleet owner has executed any one of the following:

- (A) Identified, committed, and encumbered funds and executed a written notice to proceed to a manufacturer, authorized dealer, or

entity that converts vehicles to ZEVs to begin production of the vehicle either:

1. Under a previously entered purchase contract; or
  2. To execute a contract option.
- (B) A written purchase agreement between a fleet owner and the manufacturer, authorized dealer, or entity that converts vehicles to ZEVs that specifies the date when the work to manufacture or convert the vehicle is to proceed;
- (C) A written purchase agreement between a fleet owner and another party for the purchase and immediate delivery of a used vehicle;  
or
- (D) A signed, written lease agreement between a fleet owner and the manufacturer or authorized dealer for a new vehicle to be placed in service in the California fleet for a contract term of one year or more.

“Weight class” means the category of a vehicle’s GVWR as specified below:

- (A) “Light-duty” means a vehicle with a GVWR less than or equal to 8,500 lbs.
- (B) “Class 2b” means a vehicle with a GVWR greater than 8,500 lbs. and less than or equal to 10,000 lbs.
- (C) “Class 3” means a vehicle with a GVWR greater than 10,000 lbs. and less than or equal to 14,000 lbs.
- (D) “Class 4” means a vehicle with a GVWR greater than 14,000 lbs. and less than or equal to 16,000 lbs.
- (E) “Class 5” means a vehicle with a GVWR greater than 16,000 lbs. and less than or equal to 19,500 lbs.
- (F) “Class 6” means a vehicle with a GVWR greater than 19,500 lbs. and less than or equal to 26,000 lbs.
- (G) “Class 7” means a vehicle with a GVWR greater than 26,000 lbs. and less than or equal to 33,000 lbs.

(H) "Class 8" means a vehicle with a GVWR greater than 33,000 lbs.

"Yard tractor" means a vehicle that has a movable fifth wheel that can be elevated and is used in moving and spotting trailers and containers at a location or facility. Yard tractors are also commonly known as yard goats, hostlers, yard dogs, trailer spotters, or jockeys.

"Zero-emissions powertrain" has the same definition as title 13, CCR<sub>x</sub> section 1956.8(j)(27).

"Zero-emissions vehicle" or "ZEV" means a vehicle with a zero-emissions powertrain that produces zero exhaust emission of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions.

"ZEV fueling infrastructure" means a fueling system that provides the appropriate fuel type to power a ZEV (e.g., electric charging infrastructure or cryogenic fueling tank and dispenser).

- (c) Exemptions. The following ~~entities and~~ vehicles are exempt from the requirements specified in sections 2013 through 2013.4:
- (1) School buses as defined in CVC section 545(a);
  - (2) Military tactical vehicles as described in title 13, CCR<sub>x</sub> section 1905;
  - (3) Vehicles awaiting sale;
  - (4) Emergency vehicles as defined in CVC section 165;
  - (5) Historical vehicles;
  - (6) Dedicated snow removal vehicles;
  - (7) Two-engine vehicles;
  - (8) Heavy cranes as defined in title 13, CCR<sub>x</sub> section 2021(b)(16);
  - (9) Transit vehicles subject to the Innovative Clean Transit regulation commencing with title 13, CCR<sub>x</sub> section 2023; ~~or~~ and
  - (10) Vehicles that are subject to the Zero-Emission Airport Shuttle Regulation of title 17, CCR<sub>x</sub> sections 95690.1, 95690.2, 95690.3, 95690.4, 95690.5, 95690.6, 95690.7, and 95690.8.

- (d) General Requirements. Beginning January 1, 2024, fleet owners must comply with the schedules specified in subsections (1) or (2) below. The fleet owner may alternately elect to comply with the ZEV Milestones Option commencing with title 13, CCR, section 2015.2 as described in section 2013(e). Renewing a vehicle lease for a vehicle that is already in the California fleet shall not be considered as a vehicle purchase for the California fleet.
- (1) Except as specified in section 2013(d)(2), fleet owners must purchase ZEVs, or NZEVs as specified in section 2013(f), for their California fleet in accordance with the following schedule:
- (A) Starting January 1, 2024, 50 percent of the total number of vehicle purchases for the California fleet in each calendar year must be ZEVs; and
- (B) Starting January 1, 2027, 100 percent of the total number of vehicle purchases for the California fleet in each calendar year must be ZEVs.
- (2) A State or local government agency that meets any one of the following criteria must meet the requirements specified in section 2013(d)(1)(B) and are not subject to the requirements specified in section 2013(d)(1)(A): its jurisdiction is solely in a designated low population county; it owns, leases, or operates ten or fewer vehicles in the California fleet, as specified in section 2013(k); or its jurisdiction or service area is split between a designated low population county and a non-designated county and at least 90 percent of the service area in square miles is in the designated low population county.
- (e) ZEV Milestones Option Flexibility. Until January 1, 2030, in lieu of complying with the requirements of sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4, fleet owners may instead elect to permanently comply with the ZEV Milestones Option of title 13, CCR, section 2015.2. If choosing to use this option, fleet owners must comply with all of the requirements otherwise applicable to federal government fleets specified in title 13, CCR, sections 2015, 2015.2, 2015.3, 2015.4, 2015.5, and 2015.6. The fleet owner must also report their intention to use this option as specified in section 2013.2(c)(1)(i). After electing to use this option, fleet owners are no longer subject to and may not switch back to the State or local government fleet requirements specified in sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4.

- (f) NZEV Flexibility. ~~2035 model year~~ and earlier model year NZEVs are counted the same as ZEVs for purposes of determining compliance with this regulation article, except as specified in sections 2013.1(b) and 2013.1(d).
- (g) Rounding. If the calculated required minimum number of ZEV purchases as set forth in section 2013(d) does not result in a whole number, then fleet owners must use the “standard rounding convention” as defined in section 2013(b).
- (h) ZEV Accounting. Each ZEV may be counted only once as long as the vehicle remains in the fleet to count towards compliance with the ZEV purchase requirement for a given calendar year.
- (i) Early ZEV Purchases. ZEV purchases for the California fleet made before the deadlines or in excess of the amounts required in section 2013(d) count towards future ZEV purchase requirements as long as the ZEV is still active in the fleet. Each early or excess ZEV purchase counts toward a future requirement only once per the accounting requirements in section 2013(h).
- (j) Requirement to Hire Compliant Fleets. Any hiring entity that is subject to this section as specified in section 2013(a)(3) must:
  - (1) Verification of Compliance. For each calendar year, verify that each fleet it hires or dispatches to operate in California is listed on the CARB Advanced Clean Fleets webpage as a compliant fleet. Alternatively, for each calendar year that an entity hires a fleet to operate in California that is not listed on the CARB Advanced Clean Fleets webpage as a compliant fleet, it must obtain a signed statement from the fleet owner stating their fleet is not subject to the High Priority and Federal Fleets regulation of title 13, CCR, section 2015 through 2015.6 and the State and Local Government Fleets regulation of title 13, CCR, section 2013 through 2013.4.
  - (2) Disclosure of Regulation Applicability. Provide the following disclosure in writing to the hired fleet either in the hiring contract or agreement or as an addendum to the hiring contract or agreement: “Vehicles with a GVWR greater than 8,500 lbs. and light-duty package delivery vehicles operated in California may be subject to the California Air Resources Board Advanced Clean Fleets regulations. Such vehicles may therefore be subject to requirements to reduce emissions of air pollutants. For more information, please visit the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>.”

- (3) Comply with the recordkeeping requirements specified in section 2013.3(g).
- (k) Joint Compliance Option. Individual departments, divisions, districts, subsidiaries, or agencies under the same state or local government agency's jurisdiction have the option to comply jointly instead of complying independently if the combined California fleet meets the requirements of this regulation article. The California Department of General Services may comply jointly for all State agency fleets under its jurisdiction and must exclude vehicles in subdivisions that opt to comply separately. If such departments, divisions, districts, subsidiaries, or agencies elect to utilize this compliance option and then subsequently do not fully comply with the applicable requirements of section 2013(d), each of the participating entities must then demonstrate compliance with the requirements of section 2013(d) on an individual basis. Fleet owners choosing to use this option must meet the reporting requirement specified in section 2013.2(d). Fleet owners may comply jointly even if one or more individual subdivisions opt into the ZEV Milestones Option as specified in section 2013(e).
- (l) Order Cancellations. If a fleet owner cancels a notice to proceed, a purchase agreement, or a leasing contract for a ZEV at any time before the vehicle is delivered, the purchase will not count towards required ZEV purchases for the California fleet. If a vehicle manufacturer cancels a purchase agreement for ZEVs at any time before the vehicle is delivered for reasons beyond the control of the fleet owner, the fleet owner must secure another purchase agreement for ZEVs no later than one year after the cancellation. Fleet owners must submit a copy of the manufacturer cancellation notice within 30 calendar days of the cancellation and must submit the new ZEV purchase agreement within 30 calendar days of placing the order to TRUCRS@arb.ca.gov to maintain compliance. In the event there is no available ZEV of the needed configuration to purchase, the fleet owner may request the ZEV Purchase Exemption specified in section 2013.1(d).
- (m) Compliance Date. Beginning January 1, 2024, annual compliance with the ZEV purchase requirements is determined on January 1 of each calendar year.
- (n) Exemptions and Extensions. Fleet owners complying with section 2013(d) may utilize the following exemptions and extensions if the specified criteria are met:
- (1) Backup Vehicle Exemption. Fleet owners may purchase a new or used ICE vehicle and exclude it from the ZEV purchase requirement specified in section 2013(d) if the vehicle is designated as a backup vehicle as specified in section 2013.1(a).

- (2) Daily Usage Exemption. Fleet owners may request an exemption from the ZEV purchase requirements of section 2013(d) to purchase a new ICE vehicle. Fleet owners must request and obtain this exemption pursuant to the criteria specified in section 2013.1(b) no earlier than when the model year of the ICE vehicle being replaced reaches 13 years old.
- (3) ZEV Infrastructure Delay Extension. Fleet owners may request a temporary extension to count an ICE vehicle being replaced as a ZEV purchase when determining compliance with the ZEV purchase requirements of section 2013(d). The fleet owner must request and obtain the extension pursuant to the criteria specified in section 2013.1(c) no earlier than when the model year of the ICE vehicle being replaced reaches 13 years old.
- (4) ZEV Purchase Exemption. Fleet owners must use the exemption in section 2013.1(d)(1) or request the exemption in section 2013.1(d)(2) no earlier than when the model year of the ICE vehicle being replaced reaches 13 years old.
  - (A) ZEV Purchase Exemption List. Fleet owners shall receive an exemption from the ZEV purchase requirements specified in section 2013(d) to purchase a new ICE vehicle pursuant to the criteria specified in section 2013.1(d)(1).
  - (B) ZEV Purchase Exemption Application. Fleet owners may request and obtain an exemption from the ZEV purchase requirements specified in section 2013(d), pursuant to the criteria specified in section 2013.1(d)(2), to purchase a new ICE vehicle.
- (5) Mutual Aid Assistance. Fleet owners may request an exemption from the ZEV purchase requirements specified in section 2013(d) to purchase new ICE vehicles. Fleet owners must request and obtain this exemption pursuant to the criteria specified in section 2013.1(e). ICE vehicles purchased pursuant to a granted exemption may operate as part of the regular California fleet and are not restricted solely to mutual aid functions.



- (6) Intermittent Snow Removal Vehicles. Fleet owners shall receive an exemption from the ZEV purchase requirements specified in section 2013(d) until January 1, 2030, for ~~designated~~ intermittent snow removal vehicles. Fleet owners may request the Executive Officer designate vehicles added to the California fleet prior to January 1, 2030 as intermittent snow removal vehicles pursuant to the criteria in section 2013.2(k).
  
- (7) Non-repairable Vehicles. Fleet owners that need to temporarily replace a vehicle due to an accident or other onetime event due to circumstances beyond the fleet owner's control, such as fire or catastrophic failure, that damages both the engine and vehicle such that the vehicle is not repairable may request and obtain an exemption from the ZEV purchase requirements specified in section 2013(d). If approved, they may purchase a used ICE vehicle of the same configuration and with an engine with the same or newer model year as the non-repairable vehicle no later than 180 calendar days from the date the vehicle became non-repairable. Fleet owners must report the replacement vehicle within 30 calendar days of adding it to the California fleet as specified in section 2013.2 and keep records for both vehicles as specified in section 2013.3(k). To apply, fleet owners must submit the following information and documentation to TRUCRS@arb.ca.gov prior to adding the used vehicle to the California fleet:

- (A) A copy of a police report, statement from the insurance company, or signed attestation from a fleet owner's governing board indicating the vehicle is non-repairable;
- (B) The VIN of the non-repairable vehicle;
- (C) The following clear and legible digital photographs of the replacement used vehicle:
  - 1. VIN/GVWR label (typically located on the driver side door or door jamb);
  - 2. License plate with driver side of the vehicle visible;
  - 3. Entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
  - 4. Entire right side of the vehicle with doors closed showing the vehicle's body configuration;
- (o) Reporting and Recordkeeping Requirement. Beginning January 1, 2024, fleet owners must meet reporting requirements as specified in section 2013.2 and keep and provide records as specified in section 2013.3.
- (p) Vehicles Acquired with Incentive Funds. Beginning January 1, 2024, if a fleet owner receives California State-provided incentive funding for ZEVs or NZEVs and the funding program guidelines specify that any vehicles acquired with such funds cannot be used to determine compliance with the general requirements section of 2013(d), any vehicles acquired with such funds will not be counted as a compliant vehicle during the funding contract period. The fleet owner must meet the reporting requirements specified in section 2013.2(c)(2)(M).
- (q) Certificate of Reported Compliance and Compliant Fleet List. If the requirements specified in sections 2013 through 2013.4 are met and the required reporting is received to demonstrate compliance, the fleet owner will be provided with a Certificate of Reported Compliance. The CARB Advanced Clean Fleets webpage will list the CARB-issued ID number, motor carrier number if applicable, fleet name, and whether the fleet is recognized as a "ZEV Fleet" per title 13, CCR, section 2015(p) for compliant fleets that have received a Certificate of Reported Compliance. Fleets that do not comply will not be listed.

- (r) Sales Disclosure of Regulation Applicability. Any person subject to this ~~regulation~~article selling a vehicle subject to this ~~regulation~~article must provide the following disclosure in writing to the purchaser on or with the bill of sale, sales contract addendum, or invoice: "A vehicle operated in California may be subject to the California Air Resources Board Advanced Clean Fleets regulations. It therefore could be subject to requirements to reduce emissions of air pollutants. For more information, please visit the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>."
- (s) ICE Vehicle Purchases. Any new ICE vehicle purchased for the California fleet on or after January 1, 2024, must be certified to the California emissions standards and emissions related requirements applicable to that vehicle. Any used ICE vehicle purchased must have a 2010 or newer model year engine.
- (t) Transit Agency Exemption. Transit agencies subject to the Innovative Clean Transit regulation commencing with title 13, CCR, section 2023 are not subject to any section of this ~~regulation~~article until January 1, 2030.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102; and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, ~~43000, 43000.5~~, 42400, 42400.1, 42400.2, 42402.2, 42410, ~~43000, 43000.5~~, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212; and 43214, Health and Safety Code.

Adopt Section 2013.1 of title 13, California Code of Regulations, to read as follows:

**§ Section 2013.1—State and Local Government Fleet Exemptions.**

Fleet owners may request the following exemptions or extensions if their California fleets comply with all applicable requirements. Fleet owners requesting or utilizing any exemptions or extensions must meet applicable reporting and recordkeeping requirements for each exemption or extension as specified in sections 2013.2 and 2013.3. Any exemptions or extensions granted to a fleet owner are not transferrable to another fleet owner. The Executive Officer will respond to exemption or extension requests as specified in section 2013.2(i).

- (a) Backup Vehicle Exemption. Fleet owners may designate vehicles as backup vehicles during the March reporting period as specified in section 2013.2(b) and renew such designations annually only if the ~~following~~ criteria in (1) and (2) below are satisfied:

- (1) The vehicle is operated less than 1,000 miles per year excluding any mileage travelled while performing emergency operations in support of a declared emergency event;
  - (2) The fleet owner must report the vehicle as a backup vehicle and must submit odometer readings as specified in section 2013.2(f); ~~and~~.
  - (3) Backup vehicles that no longer meet the criteria specified in ~~section 2013.1(a)~~ and (2) above cannot be operated in California and must be removed from the California fleet if the fleet is out of compliance with section 2013(d).
- (b) Daily Usage Exemption. Fleet owners may request a ~~calendar~~ calendar exemption as specified in sections 2013(n)(2) to purchase a new ICE vehicle of the same configuration as an ICE vehicle being replaced as specified in section 2013.1(b)(1) if no new BEV is available to purchase that can meet the demonstrated daily usage needs of any existing vehicles of the same configuration in the fleet, as determined by the criteria specified in section 2013.1(b)(2) through (5). If approved, fleet owners must place their new ICE vehicle orders within ~~four~~ one year from the date the exemption is granted. Fleet owners may request this exemption only if at least ten percent of their California fleet is comprised of ZEVs or NZEVs. The Executive Officer will not approve exemption requests for a vehicle configuration that is available to purchase as: an NZEV; an FCEV; a Class 7 or 8 BEV tractor or BEV ~~three~~ three-axle bus with a rated energy capacity of at least 1,000 kilowatt-hours; a Class 4 through 6 BEV with a rated energy capacity of at least 325 kilowatt-hours; or a Class 7 or 8 BEV that is not a tractor or ~~three~~ three-axle bus with a rated energy capacity of at least 450 kilowatt-hours. The fleet owner must submit the following information by email to TRUCRS@arb.ca.gov to apply:
- (1) Submit the make, model, weight class, configuration, and a photograph of the ICE vehicle to be replaced.
  - (2) Identify the BEV that is available to purchase in the same weight class and configuration with the highest rated energy capacity available. Submit the make, model, weight class, configuration, and rated energy capacity of the identified BEV.
  - (3) Calculate the range of the vehicle identified in section 2013.1(b)(2) in miles by dividing the rated energy capacity of the identified BEV by the following factors: for Class 2b through 3 vehicles, 0.6 kilowatt-hours per mile; for Class 4 through 6 vehicles, 1.3 kilowatt-hours per mile; for Class 7 and 8 vehicles that are not tractors, 1.8 kilowatt-hours per mile; for

Class 7 and 8 tractors, 2.1 kilowatt-hours per mile. For vehicles that operate truck-mounted or integrated equipment while stationary, in lieu of calculating the needed rated energy capacity based on vehicle miles travelled, the needed rated energy capacity is the same as the measured BEV energy use specified in section 2013.1(b)(3)(A). Submit the calculation and results.

- (A) In lieu of calculating range as specified in section 2013.1(b)(3), fleet owners may instead submit measured BEV energy use data from BEVs of the same configuration already operated on similar daily assignments to substantiate their exemption request. Information must include vehicle loading and weight data, route grade, average ambient daily temperature, vehicle miles travelled per day, energy used to drive, and state of charge at the beginning and end of the daily shift to show typical daily energy usage for the BEV, over five consecutive business days. For vehicles that operate truck-mounted or integrated equipment while stationary, the information must also include the energy used while stationary and number of hours such truck-mounted or integrated equipment is operated each day.
- (4) Submit a daily usage report for a period of at least 30 consecutive workdays from within the last 12 months using telemetry data or other data collection system that tracks daily mileage and energy use, and hours of vehicle operation if applicable, for all ICE vehicles of the same weight class and configuration of the vehicle to be replaced. Fleet owners that have a mutual aid agreement to send vehicles to assist other entities during a declared emergency event may alternatively submit this report from within the last 60 months. The report must include the daily miles traveled and energy used to drive for each ICE vehicle of the same weight class and configuration of the vehicle to be replaced. Identify the lowest mileage reading for each day and exclude the ~~3~~three highest readings. For the exemption to be granted, the highest remaining mileage or energy use number must be greater than the range calculated in 2013.1(b)(3) or the energy use data submitted per section 2013.1(b)(3)(A).
  - (A) For vehicles that operate truck-mounted or integrated equipment while stationary, the daily usage report must include the energy used while stationary and number of hours such truck-mounted or integrated equipment is operated each day, for at least 30 consecutive workdays from within the last 12 months.

- (5) Submit a description of the daily assignments or routes used by existing vehicle configurations with an explanation of why all BEVs available to purchase of the same weight class and configuration cannot be charged or fueled during the workday at the depot, within one mile of the routes, or where ZEV fueling infrastructure is available. The explanation must include a description of why charging could not be managed during driver rest periods or breaks during the workday.
  - (6) In granting or denying the exemption request, the Executive Officer will rely on the information submitted by the applicant and utilize their good engineering judgement to determine whether the information meets the criteria specified in section 2013.1(b).
- (c) ZEV Infrastructure Delay Extension. Fleet owners may request the following extensions as specified in sections 2013(n)(3) if they experience delays due to circumstances beyond their control on a project to install ZEV fueling infrastructure. Fleet owners may only request the following extensions for ICE vehicles being replaced at the site experiencing the delay. These extensions also apply for locations where the fleet owner has entered into a contract of one year or longer to charge or fuel their ZEVs at a single location prior to beginning the infrastructure project. The fleet owner must request the following extensions at least 45 calendar days prior to the next applicable compliance date for CARB to consider the request.
- (1) ZEV Infrastructure Construction Delays. Fleet owners may request this extension if they experience a construction delay due to circumstances beyond their control. The Executive Officer will grant an extension for up to two years, beginning on the applicable compliance date for the number of vehicles that qualify for the extension, per project, if they determine the fleet owner meets the criteria specified below. The fleet owner must submit all of the following by email to TRUCRS@arb.ca.gov to apply:
    - (A) Documentation showing the executed contract for the ZEV fueling infrastructure installation including a construction permit indicating the permit issuance date is at least one year prior to the next applicable compliance deadline:.

- (B) Documentation showing the delay is a result of any of the following circumstances that occurred after the fleet owner obtained the construction permit identified in section 2013.1(c)(1)(A): change of a general contractor; delay in manufacture and shipment of ZEV fueling 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.
  - (C) A letter to CARB from the responsible official explaining the reason for the delay, why retail ZEV fueling infrastructure cannot be used, the estimated completion date of the project, and 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.
  - (D) Documentation showing the executed ZEV purchase agreement.
  - (E) In granting or denying the extension request, the Executive Officer will rely on the information submitted by the applicant and utilize their good engineering judgement to determine whether the information meets the criteria in section 2013.1(c)(1).
- (2) ZEV Infrastructure Site Electrification Delays. Until January 1, 2030, fleet owners may request this extension if their electric utility provider determines it cannot provide the requested power to the site where ZEVs will be charged or refueled before the fleet's next ZEV compliance deadline. The Executive Officer will grant an extension for the time-period specified in section 2013.1(c)(2)(A) and number of vehicles specified in section 2013.1(c)(2)(B) if they determine the fleet owner satisfies the criteria for this delay, based on the information submitted below and the exercise of their good engineering judgment. The fleet owner must meet the criteria and submit the documentation or information specified below by email to TRUCRS@arb.ca.gov to apply:

- (A) Site Electrification Delay Time Period. Fleet owners may request an initial extension for a period of up to ~~3~~three years to align the estimated ZEV delivery date with the amount of time the utility determines it needs to supply the needed power to the site. Fleet owners can request an additional two-year extension if the utility still cannot supply the needed power by the end of any granted initial extension period. To renew the initial extension, a fleet owner must submit updated supporting documentation at least 45 calendar days prior to the expiration of the initial extension period.
- (B) Number of Extensions. A fleet owner may request an extension for the number of ZEVs for which, based on information submitted in section 2013.1(c)(2)(C), the utility cannot supply sufficient power. The fleet owner must deploy the maximum number of ZEVs needed to meet its compliance obligations and that can be supported by the utility, and must deploy any additional ZEVs that can be supported by utility upgrades to the site's electrical capacity each calendar year during the delay until the project is complete to maintain the extension.
- (C) The fleet owner must submit all of the following information by email to TRUCRS@arb.ca.gov to request this extension:
1. A copy of the application submitted to the utility requesting site electrification that is consistent with the number of ZEVs the fleet owner must deploy each calendar year to meet their compliance requirements during the requested extension period~~;~~.
  2. The utility's response showing that the project will take longer than a year, and the executed utility contract. If a utility is unable or unwilling to execute a contract, a fleet owner must submit the initial contract or application requesting site electrification to the utility, and a signed attestation from the utility stating they will proceed with the project~~;~~.



3. Documentation indicating the reason for the delay, an estimated delivery date provided by the manufacturer for the ZEV replacing an ICE vehicle at the site, an estimate provided by the utility of the available electrical capacity the utility can supply to the site within one year of the extension request, and for each year of the requested delay, in kilowatts, and estimated project completion date.
4. Information about the ZEV fueling infrastructure equipment that can be installed consistent with the utility's capacity estimate and the associated number, configuration, and weight class of the ZEVs that can be supported by such equipment within one year of the extension request, and for each year of the requested extension. The information must include:
  - a. The number, type, and rated capacity for chargers in kilowatts; or
  - b. For hydrogen stations, dispensing capacity in kilograms per day and the electrical demand in kilowatts.
5. Fleet owners with multiple sites where vehicles are domiciled must submit a copy of each site's infrastructure capacity evaluation from the utility or a third-party licensed professional electrical engineer with the information required to be submitted in sections 2013.1(c)(2)(C)(3) and (4).

(D) In granting or denying the extension request, the Executive Officer will rely on the information submitted by the applicant and utilize their good engineering judgement to determine whether the information meets the criteria in section 2013.1(c)(2).

(d) ZEV Purchase Exemptions. Fleet owners may request exemptions as specified in sections 2013(n)(4) to purchase a new ICE vehicle if a needed configuration is not available to purchase as a ZEV or NZEV under either the ZEV Purchase Exemption List of section 2013.1(d)(1) or the ZEV Purchase Exemption Application of section 2013.1(d)(2).

(1) ZEV Purchase Exemption List. The Executive Officer will establish and maintain a list of vehicle configurations on the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets> no later than January 1, 2025. That list will specify vehicle configurations that are not available to purchase as ZEVs or NZEVs and the date the exemption expires for listed configurations determined to be available to purchase as specified in section 2013.1(d)(2)(G). The list will include the configurations specified in section 2013.1(d)(1)(A). The Executive Officer will rely on the information submitted and gathered in section 2013.1(d)(2) and utilize their good engineering and business judgement to determine if the information establishes that the criteria in sections 2013.1(d)(2)(C) through (G) are met when determining whether to add a vehicle configuration to the list or to identify the expiration date for a vehicle configuration on the list. The list will not include the following configurations: pickups, any buses, box trucks, vans, or any tractors. Fleet owners may purchase a new ICE vehicle of the same configuration and weight class as one on the list as specified in section 2013(n)(4), report the purchase as specified in section 2013.2(g), and keep records as specified in section 2013.3(e), and CARB will recognize that vehicle as having met the criteria for the exemption.

(A) Configurations List. The list will include the following vehicle configurations: Bucket truck, boom truck, dump truck, flatbed truck, stake bed truck, front-loader refuse compactor truck, side-loader refuse compactor truck, rear-loader refuse compactor truck, refuse roll-off truck, service body truck, street sweeper, tank truck, tow truck, water truck, car carrier truck, concrete mixer truck, concrete pump truck, crane, drill rig, vacuum truck.

(2) ZEV Purchase Exemption Application. Fleet owners may request an exemption as specified in section 2013(n)(4) to purchase a new ICE vehicle of the same configuration as an ICE vehicle being replaced as specified in section 2013.1(d)(2)(A) ~~1.7.2~~. If approved, fleet owners must place their new ICE vehicle orders within 1 year from the date the exemption is granted. The fleet owner must submit ~~the following~~ information specified in (A) and (B) below by email to TRUCRS@arb.ca.gov. The Executive Officer will rely on the information submitted in sections 2013.1(d)(2)(A) and (B) and their good engineering and business judgement to determine if the information establishes that the criteria specified in sections 2013.1(d)(2)(C) through (G) are met:

(A) Fleet owners must submit the following information about the vehicle configuration needed:

1. Make, model, weight class, configuration, whether the vehicle has a crew cab, cabover, or all-wheel drive, and clear and legible photographs of the entire left and right sides of the vehicle with doors closed showing the vehicle's body configuration, for an existing ICE vehicle being replaced in the fleet;
  2. A list of any frame attachments other than the body itself necessary to support or perform the primary intended function of the vehicle. Examples of frame attachments include rail wheels and stabilizing outriggers; and
  3. The make and model of the body equipped on the vehicle, if applicable.
- (B) Fleet owners must also submit documentation from two or more manufacturers that offer ZEV or NZEV chassis, or complete ZEVs or NZEVs, that states the manufacturer does not offer for sale ZEV or NZEV chassis, or complete ZEVs or NZEVs, of the needed configuration submitted in section 2013.1(d)(2)(A). If there are no manufacturers offering ZEV chassis, the statements can come from other vehicle manufacturers.
- (C) After receiving a complete submission, the Executive Officer shall rely on information gathered from fleet owners or manufacturers, including information gathered to comply with other CARB-administered programs, manufacturer websites, manufacturer documentation, authorized dealers, CARB-issued Executive Orders, and their good engineering and business judgement to determine whether the configuration is available for purchase as a ZEV or NZEV from any manufacturer, and whether the identified body submitted in section 2013.1(d)(2)(A)(3), or a body from another manufacturer that can perform the same primary intended function can be installed on the offered ZEV or NZEV. If the Executive Officer does not have sufficient information to make the determination, they shall solicit public feedback regarding the information submitted by the fleet owner specified in section 2013.1(d)(2)(A) for public feedback from vehicle manufacturers and authorized dealers on the CARB Advanced Clean Fleets webpage, available at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>, to assist in making the determination.

- (D) The Executive Officer shall consider an offered ZEV or NZEV available to purchase if all of the following criteria are met:
1. If applicable, the manufacturer has certified the ZEV's powertrain with CARB in accordance with the "California Standards and Test Procedures for New 2021 and Subsequent Model Heavy-Duty Zero-Emission Powertrains," as adopted June 27, 2019, which is incorporated by reference herein;
  2. ZEVs or NZEVs ~~with offered~~ have a model years 18 months or less from the date the fleet owner submitted the complete exemption request;
  3. ZEV or NZEV configuration is not solely for demonstration, test, or experimental purposes;
  4. ZEVs or NZEVs are not offered as a temporary placeholder for a vehicle that may or may not be offered for sale in the future; and
  5. ZEVs or NZEVs do not conflict with safety standards that the fleet owner is subject to, if applicable, as prescribed under title 8, CCR, by the California Department of Industrial Relations, Division of Occupational Safety and Health, comparable federal or state health and safety laws where the vehicle operates, or federal highway safety laws. The fleet owner must ~~submit~~ identify which of these safety laws or standards would be in conflict and for what reasons in their application.

- (E) If the Executive Officer identifies any manufacturer or authorized dealer that offers for sale a ZEV or NZEV chassis, or complete ZEV or NZEV in the same or next higher weight class, except for Class 8 vehicles which must only be in the same weight class, in the needed configuration, with the needed frame attachments, and on which the identified body submitted in section 2013.1(d)(2)(A) or an equivalent body from another manufacturer or authorized dealer that can perform the same primary intended function can be installed, the Executive Officer will supply the manufacturer or authorized dealer name to the fleet owner applicant, deny the exemption request, and remove the vehicle configuration from the ZEV Purchase Exemption List pursuant to section 2013.1(d)(2)(G). ~~Otherwise, the Executive Officer will rely on the information specified in sections 2013.1(d)(2)(A) through (G) and their good engineering judgement to determine if the information established that the criteria specified in sections 2013.1(d)(2)(C) through (G) are met, and the exemption will be approved.~~
- (F) If the Executive Officer cannot identify any manufacturer that offers a ZEV or NZEV chassis, or complete ZEV or NZEV for sale in the needed configuration and weight class, the vehicle configuration will be added to the ZEV Purchase Exemption List specified in section 2013.1(d)(1).
- (G) The Executive Officer will rely on information gathered from fleet owners or manufacturers, including information gathered to comply with other CARB-administered programs, manufacturer websites, manufacturer documentation, authorized dealers, CARB-issued Executive Orders, and their good engineering and business judgement to determine whether any vehicle configuration listed on the ZEV Purchase Exemption List specified in section 2013.1(d)(1) no longer meets the criteria specified in section 2013.1(d)(2)(C) through (G). If such a determination is made, on the Advanced Clean Fleets website, the Executive Officer will notify the public of the determination by posting the vehicle configuration, weight class, and exemption expiration date on and after which the vehicle will no longer be eligible to purchase as an ICE vehicle from the ZEV Purchase Exemption List, which shall be the first day of the month after 180 calendar days after posting the determination.

- (H) The Executive Officer will notify the fleet owner by email whether the exemption has been approved within 45 calendar days from the date a complete application is received. If the Executive Officer does not respond ~~to~~ within this timeframe, the exemption will be deemed approved.
  - (I) Fleet owners whose exemption request has been granted must comply with the reporting and recordkeeping requirements specified in sections 2013.2(g) and 2013.3(e).
- (e) Mutual Aid Assistance. Fleet owners may request this exemption as specified in sections 2013(n)(5) to purchase new ICE vehicles. The total number of new ICE vehicles allowed to be purchased under this exemption must not exceed 25 percent of the total number of vehicles in the fleet owner's California fleet in the calendar year the exemption is approved, less the number of ICE vehicles already in the fleet purchased pursuant to a granted exemption. Fleet owners must have a mutual aid agreement to send vehicles to assist other entities during a declared emergency event to apply. The California fleet must be comprised of ZEVs in the following minimum proportions to apply: at least 25 percent until January 1, 2032; 50 percent until January 1, 2035; and 75 percent thereafter. This exemption does not apply to pickup trucks, buses, box trucks, vans, tractors, or any vehicle configurations available to purchase as NZEVs. The Executive Officer will rely on the information submitted in sections 2013.1(e)(1) through (5) and their good engineering judgment in determining whether the information establishes that the criteria in 2013.1(e)(2) and (3) are met. The fleet owner must submit all of the following by email to TRUCRS@arb.ca.gov to apply:
  - (1) The make, model, weight class, configuration, and a photograph of the needed ICE vehicle;
  - (2) Documentation from each manufacturer offering ZEVs for sale of the same configuration and weight class as the ICE vehicle ~~submitted~~ identified in section 2013.1(e)(1) describing the charging or fueling connector and charging or fueling time capability;

- (3) Documentation from three mobile ZEV fueling providers, with mobile fueling options that are compatible with the vehicle's charging or hydrogen fueling connector and system identified in section 2013.1(e)(2) to show the ZEV cannot be refueled from 10 to 80 percent of the ZEV's rated energy capacity within ~~four~~ one hour. If less than three mobile ZEV fueling providers have compatible mobile fueling options for the ZEV, documentation must be submitted from all mobile ZEV fueling providers that do have compatible mobile fueling options;
- (4) A copy of the mutual aid agreement in effect with other entities to assist with affected vehicles during declared emergency events; and
- (5) A letter to the Executive Officer that has an explanation of the reason for the exemption request.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, ~~43000, 43000.5,~~ 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2013.2 of title 13, California Code of Regulations, to read as follows:

**§ Section 2013.2—State and Local Government Fleet Reporting**

- (a) Method of Reporting. Reports submitted to comply with sections 2013 through 2013.4 must be submitted online through the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets> in the TRUCRS reporting system, except exemption or extension requests requiring documentation to be submitted via TRUCRS@arb.ca.gov.
- (b) Reporting Deadline and End Date. Except as specified in section 2013.2(e), no later than April 1 of each year until April 1, 2045, fleet owners must annually submit a compliance report that includes all of the information specified in section 2013.2 for their California fleet as it is composed as of January 1 of the corresponding calendar year. The initial report must be submitted by April 1, 2024. The annual reporting period is during the month of March.
- (c) Fleet Reporting. Fleet owners must report all of the following:
  - (1) State or local government agency information.

- (A) State or local government agency name or, if applicable, subdivision name;
  - (B) State or local government agency 's physical and mailing addresses;
  - (C) Designated contact person name;
  - (D) Designated contact person phone number;
  - (E) Designated contact person email;
  - (F) The following operating authority numbers, if applicable: motor carrier identification number, United States Department of Transportation number, California Carrier Identification number, California Public Utilities Commission transportation charter permit number, International Registration Plan number;
  - (G) Identify the jurisdiction (state, county name, city name, or other local government);
  - (H) Name of the responsible official; and
  - (I) Whether the fleet owner will permanently opt-in to the ZEV Milestones Option of title 13, CCR, section 2015.2 as described in section 2013(e) and no longer be subject to the requirements specified in sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4.
- (2) Vehicle Information. The fleet owner must report the following information for each vehicle in the California fleet:
- (A) VIN;
  - (B) Vehicle make and model;
  - (C) Vehicle model year;
  - (D) Vehicle license plate number and state or jurisdiction of issuance;
  - (E) Vehicle GVWR (Greater than 8,500 lbs. and equal to or less than 14,000 lbs., greater than 14,000 lbs. and equal to or less than 26,000 lbs., or greater than 26,000 lbs.);
  - (F) Vehicle body type;



- (G) Fuel and powertrain type;
  - (H) Date vehicle purchase was made;
  - (I) Date vehicle was added to or removed from the California fleet;
  - (J) Whether the vehicle will be designated under or was purchased pursuant to any exemption or extension specified in section 2013.1;
  - (K) Odometer, or if applicable, hubodometer readings for vehicles as specified in section 2013.2(f);
  - (L) Engine family and engine model year for any vehicles added to the California fleet after January 1, 2024;
  - (M) Funding contract start and end date for vehicles purchased with California State-funding if the vehicle is to be excluded during the funding contract period as specified by the funding program; and
  - (N) ZEV Purchase Reporting. Fleet owners that are replacing a vehicle pursuant to the ZEV Purchase Exemption specified in section 2013.1(d) must identify which vehicle is being replaced.
- (d) Joint Compliance Reporting. If an agency chooses to comply jointly as specified in section 2013(k), each individual department, division, district, subsidiary, or agency must report separately, and include the CARB-issued ID number of the primary controlling agency or designated primary entity.
- (e) Changes to an Existing Fleet. Fleet owners must comply with all of the following reporting requirements when adding or removing vehicles from the California fleet:
- (1) Vehicles added to the California fleet must be reported within 30 calendar days of being added to the fleet;
  - (2) Vehicles that are permanently removed from the California fleet must be reported within 30 calendar days of removal. The report must include the date of removal;
  - (3) If a backup vehicle exceeds the allowable mileage limit the change must be reported within 30 calendar days of the date the mileage limit was exceeded; and

- (4) ZEV Conversions. Fleet owners that convert a vehicle to a ZEV must report the vehicle's new fuel type within 30 calendar days of being converted.
- (f) Odometer Reading Reporting. ~~This section applies to fleet owners that own or operate backup vehicles.~~ Fleet owners with backup vehicles must comply with the following reporting requirements:
- (1) Odometer Readings. Report annually the odometer reading from January 1 of the current calendar year and the date the reading was recorded from a properly functioning odometer or hubodometer.
  - (2) Odometer Failure and Replacement. If the vehicle's originally equipped odometer has failed and is replaced, report the following information within 30 calendar days of the date the original odometer failed or was replaced, whichever comes first: the original odometer's final reading, the new odometer's initial reading, and the date of replacement.
    - (A) Hubodometers. If the vehicle's originally equipped odometer has failed and is not being replaced, the fleet owner must equip the vehicle with a hubodometer. Fleet owners must report the serial number of the hubodometer within 30 calendar days of the date the hubodometer was installed;
  - (3) Emergency Mileage. The fleet owner must report the number of miles travelled in support of the emergency for backup vehicles used in emergency operations that would exceed the backup vehicle mileage limit.
- (g) ZEV Purchase Exemption Supporting Documentation Reporting. Fleet owners that purchase an ICE vehicle pursuant to the ZEV Purchase exemption specified in section 2013.1(d) must submit an email to TRUCRS@arb.ca.gov within 30 calendar days of receiving the new ICE vehicle with the purchase agreement and the following clear and legible digital photographs of:
- (1) VIN/GVWR label (typically located on the driver side door or door jamb);
  - (2) License plate with driver's side of the vehicle visible;
  - (3) Entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
  - (4) Entire right side of the vehicle with doors closed showing the vehicle's body configuration.

- (h) Requirement for Signature. All reports submitted to CARB electronically are deemed signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.
- (i) Method for Requesting and Approval of Exemptions or Extensions. The Executive Officer will notify the fleet owner by email whether any exemption or extension requests that are required to be submitted to TRUCRS@arb.ca.gov are approved within 45 calendar days from receipt of a complete submission.
- (j) Late Reporting. Until January 1, 2027, fleet owners that submit initial reporting information specified in section 2013.2 after the initial reporting deadline specified in section 2013.2(b) may still establish the vehicles in their California fleet as of January 1, 2024 by reporting the information in the TRUCRS Reporting System and submitting vehicle records specified in section 2013.3(a) to CARB by email to TRUCRS@arb.ca.gov when submitting their late report. Beginning January 1, 2025, fleet owners that submit initial reporting information specified in section 2013.2 after the initial reporting deadline specified in section 2013.2(b) are also subject to penalties specified in section 2013.4(b)(1).
- (k) Intermittent Snow Removal Vehicle Reporting. Fleet owners may request that vehicles be designated by the Executive Officer as intermittent snow removal vehicles by submitting via email to TRUCRS@arb.ca.gov a copy of the vehicle's specifications sheet from the manufacturer showing the vehicle meets the definition of an intermittent snow removal vehicle, or the following clear and legible digital photographs. The Executive Officer will rely on the information and photos submitted by the fleet owner and their engineering judgement to determine whether vehicle meets the definition of an intermittent snow removal vehicle specified in section 2013(b) and will notify the fleet owner via email within 45 days of receiving a request whether the request is approved. If approved, the Executive Officer will immediately designate the requested vehicles as intermittent snow removal vehicles.
  - (1) VIN/GVWR label (typically located on the driver side door or door jamb);
  - (2) License plate with driver side of the vehicle visible;
  - (3) Entire left side of the vehicle with doors closed showing the vehicle's body configuration;
  - (4) Entire right side of the vehicle with doors closed showing the vehicle's body configuration; and

- (5) The plow mounting attachment and control system; traction material spreader attachment and control system; or the de-icing system attachment and control system.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, ~~43000, 43000.5,~~ 42400, 42400.1, 42400.2, 42402.2, 42410, ~~43000, 43000.5,~~ 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2013.3 of title 13, California Code of Regulations, to read as follows:

**§ Section 2013.3—State and Local Government Fleet Recordkeeping.**

Fleet owners must keep records of reported information required in reporting section 2013.2 and documentation specified in this section ~~2013.3~~ for a period of at least five years. Fleet owners must make such records available in an electronic or paper format to CARB staff within 72 hours of a written or verbal request for audit. The following records are required to be kept and provided upon request for vehicles in the California fleet:

- (a) Entity and Vehicle Documentation.
  - (1) Records of all vehicle information required to be reported as specified in section 2013.2;
  - (2) Vehicle purchase, rental, and leasing documents, such as purchase agreements, orders, notices to proceed, leasing agreements, or rental agreements for the vehicles;
  - (3) The following information about all vehicles that have been removed from the California fleet:
    - (A) If the vehicle is sold, a transfer of liability form filed with DMV, including the date of sale and odometer reading at the time of sale;
    - (B) If the vehicle is transferred out-of-state, but not sold, a copy of the out-of-state registration;

- (C) If the vehicle is registered with DMV as non-revivable junked or dismantled, a copy of the registration demonstrating it was filed as such with DMV; and
  - (D) If the vehicle is sold or consigned to an auction house, a copy of the contract and the transfer of liability form filed with DMV, if applicable.
- (4) Backup Vehicle Documentation. Fleet owners with backup vehicles that perform emergency operations must keep records to document dispatch by a local, state, federal or other emergency management agency.
- (b) Operator Documentation. Fleet owners must keep documentation identifying the entity responsible ~~to pay for~~ paying the driver who is not a state or local government agency employee and any applicable shipping documentation or other documentation that identifies the origin and destination of the cargo and the pick-up and termination destination of the cargo.
  - (c) Odometer Reading Documentation. Fleet owners required to report odometer readings must keep records of the vehicle miles traveled. Acceptable records are those that have an odometer reading from the vehicle and are provided in smoke opacity test results, Basic (previously Biennial) Inspection of Terminals inspection forms, California Highway Patrol-Truck and/or Tractor Maintenance and Safety Inspections Forms (108-Form), maintenance or service work orders, invoices or receipts, unaltered photographs of the odometer or hubodometer, driver logs or inspection sheets, or ~~an on-board~~ onboard diagnostics system information downloads that includes the vehicle miles travelled or odometer information. Fleet owners of backup vehicles used in emergency operations in support of a declared emergency event must keep records to document vehicle mileage accrued under contract in support of an emergency event.
  - (d) ZEV Infrastructure Delay Documentation. Fleet owners ~~that utilize~~ utilizing the ZEV Infrastructure Delay ~~Extensions of section 2013.1(c)~~ Extension must keep copies of ~~all documents, letters, and contracts~~ submitted to ~~CARB~~ as specified in section 2013.1(c) ~~to support their request and qualifications for the extensions.~~
  - (e) ZEV Purchase Exemption Documentation. Fleet owners utilizing the ZEV Purchase Exemption must keep copies of documents submitted as specified in section 2013.2(g), and copies of documents submitted as specified in section 2013.1(d).
  - (f) Documentation for Mutual Aid Assistance. Fleet owners ~~that utilize~~ utilizing the Mutual Aid Assistance exemption must keep copies of ~~all documents, mutual~~

~~aid agreements, and letters submitted to CARB as specified in section 2013.1(e) to support their request and qualifications for the exemption.)~~

- (g) Hiring Entity Documentation. Hiring entities that are subject to ~~the regulation as specified in~~ section 2013(a)(3) must keep certificates of reported compliance or signed statements received from hired fleets used to verify that hired fleets are compliant with the applicable regulations. Additionally, hiring entities must keep copies of contracts with hired entities that include the disclosure of regulation applicability as specified in section 2013(j)(2).
- (h) Daily Usage Exemption Documentation. Fleet owners ~~that utilize~~utilizing the Daily Usage Exemption must keep copies of ~~all documents, data, letters, and analysis submitted to CARB as specified in section 2013.1(b) to support their request and qualifications for the exemption.)~~
- (i) Intermittent Snow Removal Vehicle Documentation. Fleet owners approved to designate vehicles as intermittent snow removal vehicles must keep copies of the vehicle specification sheet from the manufacturer or photographs submitted as specified in section 2013.2(k).
- (j) Sales Disclosure Documentation. Any person required to submit a sales disclosure as specified in section 2013(r) must keep a copy of the written sales disclosure.
- (k) Non-repairable Vehicle Documentation. Fleet owners approved to utilize the Non-repairable Vehicle exemption of section 2013(n)(7) must keep records of the police report, insurance statement, or signed attestation, photographs, and information submitted to CARB as specified in section 2013(n)(7).

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104 Health and Safety Code. Reference: 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, ~~43000, 43000.5,~~ 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214 Health and Safety Code.

Adopt Section 2013.4 of title 13, California Code of Regulations, to read as follows:

**§ Section 2013.4—State and Local Government Fleet Enforcement.**

- (a) Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation article is, for any reason, held invalid,

unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of ~~the regulation~~this article.

- (b) Penalties. Any person who fails to comply with the requirements of this ~~regulation~~article, who fails to submit any information, report, or statement required by this ~~regulation~~article, or who knowingly submits any false statement or representation in any application, report, statement, or other document filed, maintained, or used for the purposes of compliance with this ~~regulation~~article may be subject to penalties.
  - (1) Late Reporting Penalties. Beginning January 1, 2025, and until January 1, 2027, failure to submit any information as specified in section 2013.2 shall constitute a single, separate violation for each vehicle and each month the information is not submitted past the initial reporting period specified in section 2013.2(b).
- (c) Right of Entry. An agent or employee of CARB, upon presentation of proper credentials, has the right to enter any motor carrier, broker, or hiring entity facility (with any necessary safety clearances) where vehicles are located or vehicle records, including hiring and brokering records, are kept to verify compliance.
- (d) Fleet Owner Enforcement. For purposes of enforcement, if the vehicle is inspected and cited for noncompliance with this ~~regulation~~article and neither the operator of the vehicle nor the rental or leasing entity can produce evidence, as specified in the "Fleet owner" definition of section 2013(b), of the party responsible for compliance with state laws, the owner shall be presumed to be both the rental or leasing entity and the renting operator or lessee of the vehicle.

Note: Authority cited: Sections: 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, ~~43000, 43000.5,~~ 42400, 42400.1, 42400.2, 42402.2, 42410, ~~43000, 43000.5,~~ 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.