

Appendix A-4

Proposed 15-day Changes to the Proposed Regulation Order

Advanced Clean Fleets Regulation

2036 100 Percent Medium- and Heavy-Duty Zero Emissions Vehicle Sales 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 indicate additions. The Second 15-Day Changes are being presented in two versions. This version, acf215d4.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 acf215d41.docx]

Chapter 1. Motor Vehicle Pollution Control Devices

Section 2016. 100 Percent Medium- and Heavy-Duty Zero-Emission
Vehicle Sales

Proposed Regulation Order

Title 13, California Code of Regulations

Adopt Article 3.5, Section 2016 of title 13, California Code of Regulations, to read as follows:

Article 3.5. 2036 100 Percent Medium- and Heavy-Duty Zero Emissions Vehicle Sales Requirements

§ Section 2016. 100 Percent Medium- and Heavy-Duty Zero-Emission Vehicle Sales

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~~(a)~~ ~~Sunset Provision. The requirements of title 13, sections 1963, 1963.1, 1963.2, 1963.3, 1963.4, and 1963.5 sunset at the end of the 2035 model year.~~

~~(b)~~(a) Scope and Applicability. Any manufacturer that certifies on-road vehicles over 8,500 lbs. gross vehicle weight rating for sale in California is subject to this section beginning with the 2036 model year.

~~(c)~~(b) Definitions. The following definitions apply to this section:

“Authorized emergency vehicle” has the same meaning as defined in California Vehicle Code (CVC) section 165.

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

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

“Manufacturer” means any entity or person who assembles new on-road motor vehicles, or imports such vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, but shall not include any dealer with respect to new motor vehicles received in commerce. In general, ~~this~~ the term “manufacturer” includes any person who manufactures or assembles an on-road vehicle, a cab and chassis, or other incomplete on-road vehicle for sale in California or otherwise introduces a new on-road motor vehicle into commerce in California. ~~This~~ This “Manufacturer” includes importers who import on-road vehicles for resale and persons that assemble glider vehicles. ~~This~~ This “Manufacturer” does not include persons who supply parts to the importer or vehicle manufacturer of record.

~~“Model year” means a designation meeting the definition of “model year” under production period as assigned by the manufacturer when certifying an engine or vehicle for sale, pursuant to title 17, California Code of Regulations (CCR), section 95662(a)(16).~~

“Vehicle” or “on-road vehicle” means new equipment that meets the following criteria:

- (1) Equipment that has a GVWR that is greater than 8,500 lbs. intended for use on highways, and meets the definition set forth in title 17, CCR, section 95662(a)(26); and
- (2) Is not a trailer as defined in title 17, CCR, section 95662(a)(24).

"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.

~~(d)~~(c) 2036 ZEV Requirement. Beginning with the 2036 model year, all vehicles produced by manufacturers subject to this ~~section~~ article that are produced and delivered for sale to the ultimate purchaser in California must be ZEVs. This requirement does not apply to authorized emergency vehicles.

~~(e)~~(d) Zero-Emission Powertrain Certification Requirement. Beginning with the 2036 model year, ZEVs over 14,000 pounds GVWR and incomplete medium-duty ZEVs from 8,501 through 14,000 pounds GVWR produced and delivered for sale in California must meet the requirements of title 13, CCR, section 1956.8 and title 17, CCR, section 95663 as amended by the Zero-Emission Powertrain Certification regulation.

~~(f)~~(e) Reporting Requirements. Beginning with the 2036 model year, and no later than 90 calendar days following the end of each model year, a manufacturer must report the following information to the Executive Officer for each on-road vehicle produced and delivered for sale in California for each model year.

- (1) Vehicle identification number;
- (2) Fuel and drivetrain type; and
- (3) If the vehicle is not a ZEV, documentation showing the vehicle is an authorized emergency vehicle.

~~(g)~~(f) Retention of Records. Records of reported information required in section 2016(~~f~~e) and documentation showing vehicle delivery to the ultimate purchaser at a location in California must be kept by manufacturers for CARB to audit for a period of eight years from the end of the model year the vehicles were produced.

~~(h)~~(g) Enforcement of Requirements

- (1) Audit of Records. A manufacturer must make records of vehicle sales into California available to the Executive Officer within 30 calendar days of a request to verify the accuracy of the reported information.
- (2) Penalties. Any person who fails to comply with the requirements of this regulationarticle, who fails to submit any information, report, or statement required by this regulationarticle, 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 regulationarticle may be subject to penalties.

Note: Authority cited: Sections 38505, 38510, 38560, 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, 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.