

# **Attachment A-2**

## Final Regulation Order

### Advanced Clean Fleets Regulation

#### High Priority and Federal Fleets Requirements

[Note: The entire text of sections 2015 through 2015.6 set forth below is new language in "normal type" proposed to be added to title 13, California Code of Regulations]

## Chapter 1 Motor Vehicle Pollution Control Devices

Section 2015.	High Priority and Federal Fleets Applicability, Definitions, and General Requirements
Section 2015.1	High Priority and Federal Fleets Model Year Schedule
Section 2015.2	High Priority and Federal Fleets Fleet ZEV Milestones Option
Section 2015.3	High Priority and Federal Fleets Exemptions and Extensions
Section 2015.4	High Priority and Federal Fleets Reporting
Section 2015.5	High Priority and Federal Fleets Recordkeeping
Section 2015.6	High Priority and Federal Fleets Enforcement

## Final Regulation Order

Title 13, California Code of Regulations

Adopt Section 2015 of title 13, California Code of Regulations, to read as follows:

### **§ 2015. High Priority and Federal Fleets Applicability, Definitions, and General Requirements**

(a) Scope and Applicability.

- (1) Fleet Applicability. Except as provided in the exemptions specified in section 2015(c), this regulation applies to any entity that owns, operates, or directs the operation of one or more vehicles specified in section 2015(a)(2) in California on or after January 1, 2024, and that also meets any of the following criteria. Fleet owners are subject to this regulation for a minimum period of time as specified in section 2015(l).
  - (A) Is an entity that has \$50 million or more in total gross annual revenues, including revenues from all subsidiaries, subdivisions, and branches, reported to the United States Internal Revenue Service, or its equivalent in another country in the calendar year immediately preceding the prior to the current calendar year;
  - (B) Is a fleet owner that owns, operates, or directs the operation of 50 or more vehicles in the total fleet, excluding light-duty package delivery vehicles;
  - (C) Is a fleet owner or a controlling party whose fleet in combination with other fleets operated under common ownership and control totals 50 or more vehicles in the total fleet, excluding light-duty package delivery vehicles; or
  - (D) Is any federal government agency, or is a State or local government agency as defined in title 13, California Code of Regulations (CCR) section 2013(b) that has elected to comply with the ZEV Milestones Option specified in section 2015.2 pursuant to title 13, CCR section 2013(e).
- (2) Vehicle Scope. Except as provided in the exemptions specified in section 2015(c), vehicles subject to this regulation are vehicles that: have a gross vehicle weight rating (GVWR) greater than 8,500 lbs., are light-duty package delivery vehicles, or are yard tractors, and that are operated in California.

(3) Hiring Entities. The requirements specified in section 2015(g) 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.

(b) Definitions. The following definitions apply to sections 2015 through 2015.6:

“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 that is operated infrequently as specified in section 2015.3(a) but excludes yard tractors.

“Battery-electric vehicle” or “BEV” has the same definition as “Electric Vehicle” in Title 40, Code of Federal Regulations (CFR) § 1037.801, last amended by the United States Environmental Protection Agency (U.S. EPA) on June 17, 2013, which is 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 of included vehicles are those 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 a motor carrier for compensation. A motor carrier, or person who is an employee or bona fide agent of a motor 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, including those under common ownership or control, in the total fleet operated in California by

a fleet owner or controlling party during a calendar year. Rental vehicles are counted as specified in section 2015.2(d).

“CARB” means the California Air Resources Board.

“Common ownership or control” means being owned or managed on a day-to-day basis by the same persons or entities. Vehicles managed by the same directors, officers, or managers, or by distinct corporations that are controlled by the same majority stockholders are under common ownership or control, even if their titles are held by different business entities or they have different taxpayer identification numbers. A vehicle is under an entity’s control if the vehicle is operated using that entity’s state or federal operating authority or other registration. Vehicles owned by different entities but operated using common or shared resources to manage the day-to-day operations using the same motor carrier number, displaying the same name or logo, or contractors whose services are under the day-to-day control of the hiring entity are under common ownership or control. Common ownership or control of a federal government vehicle shall be the primary responsibility of the governmental agency that is directly responsible for the day-to-day operational control of the vehicle. Common ownership or control includes relationships where the controlling party has the right to direct or control the vehicle as to the details of when, where, and how work is to be performed or where expenses for operating the vehicle, such as fuel or insurance, are shared. Common ownership or control does not include agreements for individual loads that are competitively bid and issued to the lowest qualifying bid.

“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 such commonly understood terms as 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. Such equipment may include such commonly understood terms as welding equipment, lift gates, portable tanks, generators, storage cabinets, and winches.

“Controlling party” means a motor carrier, broker, or entity that directs or otherwise manages the day-to-day operation of one or more vehicles under its common ownership or control to serve its customers or clients.

“Corporate parent” means a business that possesses the majority of shares in another business.

“Day cab tractor” means an on-road tractor without a berth designed for resting or sleeping at the back of the cab and is not a yard tractor.

“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.

“Dispatch” means to provide direction or instruction for routing a vehicle, whether owned or under contract, to specified destinations for specific purposes, including delivering or receiving 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.

“Five-day pass” means a pass that allows a fleet owner to operate a non-compliant vehicle up to five consecutive days in California one time per calendar year per vehicle.

“Fleet” or “total fleet” means one or more vehicles owned by a fleet owner or that are operated under the common ownership or control of a controlling party. It also includes rental or leased vehicles that are considered owned by the “fleet owner” as defined in section 2015(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 owned by the federal government and not registered in any state or local jurisdiction, the owner shall be the department, agency, branch, or other entity of the United States, including the United States Postal Service, to which the vehicles in the fleet are assigned or which has responsibility for maintenance of the vehicles.
- (B) 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.

- (C) 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.

"Government agency" means any federal, state, or local public agency, or any other public entity with taxing authority.

"Gross annual revenue" means the total revenue, receipts, and sales for a consecutive 12-month period as filed with the Internal Revenue Service, or its equivalent in another country.

"Gross vehicle weight rating" or "GVWR" means the same as California Vehicle Code (CVC) section 350, as indicated by the characters in the 4-8 positions in a standard 17-character Vehicle Identification Number (VIN).

"Heavy front axle" means any front steering axle whose gross weight imposed upon the highway by the wheels is rated to exceed 12,500 lbs. The axle weight rating is typically found on the manufacturer's affixed certification label which contains the gross axle weight ratings and the gross vehicle weight rating.

"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.

“Interstate rental fleet owner” means a fleet owner that regularly engages in the trade or business of renting vehicles without drivers with rental origins and destinations outside of California.

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

“Light-duty package delivery vehicle” means a motor vehicle with a GVWR equal to or less than 8,500 lbs. with equal to or greater than 100 cubic feet of cargo-carrying volume, as defined in title 49, C.F.R. section 523.2 as it existed on June 3, 2022, which is incorporated by reference herein, that is regularly used to deliver packages, parcels, or mail.

“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. It also includes any intermediate- or final-stage manufacturer that completes vehicle assembly prior to first purchase of the vehicle other than for resale. This does not include entities or persons who supply parts to the importer or vehicle manufacturer of record.

“Milestone Group 1” means the light-duty package delivery vehicles, box trucks, vans, buses with two axles, and yard tractors in the California fleet.

“Milestone Group 2” means the work trucks, day cab tractors, pickup trucks, and buses with three axles in the California fleet.

“Milestone Group 3” means the sleeper cab tractors and specialty vehicles within the California fleet.

“Minimum useful life” means the minimum time period a vehicle may remain in the California fleet. It is the later of the dates specified in subsection (A) or (B) below, as modified by subsection (C):

- (A) Thirteen years commencing from the model year that the engine and emissions control system in a vehicle was first certified for use by CARB or United States Environmental Protection Agency (U.S. EPA); or
- (B) The date that the vehicle exceeded 800,000 vehicle miles traveled or 18 years from the model year that the engine and emissions control system of that vehicle was first certified for use by CARB or U.S. EPA (whichever is earlier).
- (C) If the vehicle no longer has its originally equipped engine, or the model year of the originally equipped engine is not able to be determined, the model year of the vehicle less one year must be used to determine when the thresholds described in subsections (A) and (B) above are met.

“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 or 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 meets the definition set forth in CVC section 471. A “pickup truck” with removable bed covers or camper shells installed are considered “pickup trucks” for the purpose of this regulation.

“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 no longer operated in California by the fleet owner or controlling party on or after the date the vehicle meets one of the following conditions:

- (A) Is destroyed or scrapped;
- (B) Is sold out of the fleet or transferred out-of-state; or
- (C) For controlling parties, when common ownership or control of the vehicle ends.

“Rental vehicle” means a vehicle that is rented to an entity for a period of less than one year without a driver.

“Responsible official” means one of the following:

- (A) For a corporation: A president, chief executive officer, chief financial officer, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or a delegate, designee, or any other person who performs similar policy or decision-making functions for the corporation.

- (B) For a partnership or sole proprietorship: A general partner or the proprietor, the delegate or designee of the aforementioned, or any other person who performs similar policy or decision-making functions for the business, or the chief executive officer, or the chief financial officer.
- (C) For a federal government agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the U.S. EPA). For the purposes of the Department of Defense Military Services, a principal executive officer includes a commanding officer of an installation, base, or tenant organization.

“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.

“Sleeper cab tractor” means a tractor with a berth designed for resting or sleeping at the back of the cab.

“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.

“Specialty vehicle” means one of the following:

- (A) A vehicle with a GVWR greater than 33,000 lbs. and with a heavy front axle; or
- (B) A vehicle with a GVWR greater than 33,000 lbs. that is not designed to carry cargo and is configured to perform work that can only be done while the vehicle is stationary and the auxiliary mechanism to perform that work is an integral part of the vehicle design. Examples include vehicles commonly known as vacuum trucks, digger derricks, drilling rigs, and concrete pump trucks.

“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.

“Subsidiary” means an entity controlled by another entity.

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

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

“Test fleet” means vehicles owned and operated by a manufacturer that are not used for commercial purposes and are operated only to demonstrate functionality to buyers, test durability, or gather data for engine or vehicle certification or research, and vehicles operating under a CARB-issued experimental permit as authorized by California Health and Safety Code section 43014.

“Two-engine vehicle” means a specially constructed on-road mobile vehicle that was designed by the original equipment manufacturer to be equipped with 2 engines: 1 engine provides the primary source of motive power of the vehicle while the second 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 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 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 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 numeric code which has been permanently assigned by the manufacturer to a vehicle.

“Vehicle purchase” or “purchase” means an action wherein a fleet owner has: placed an order to acquire the legal or equitable title to a vehicle; 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 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.

“Waste fleet” means the vehicles owned and operated by a fleet owner that is contracted with a municipality that is mandated to support the

hauling, transfer, and processing of diverted in-state organic waste to produce biomethane via franchise agreement or long-term contract, with either a minimum length of ten years or more, or with a minimum length of three years but includes a renewal provision when satisfying the contract terms.

“Wastewater fleet” means the vehicles owned and operated by a government agency or subdivision that owns and operates a wastewater treatment facility, and the agency’s primary purpose is the collection, treatment, and recycling of wastewater and biosolids.

“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.

“Work truck” means a vehicle that does not meet any of the definitions of box truck, van, bus, light-duty package delivery vehicle, day cab tractor, sleeper cab tractor, or specialty vehicle.

“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 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 2015 through 2015.6:
- (1) School buses as defined in CVC section 545(a);
  - (2) Military tactical vehicles as defined in title 13, CCR 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 section 2021(b)(16);
  - (9) Transit vehicles subject to the Innovative Clean Transit regulation commencing with title 13, CCR section 2023;
  - (10) Vehicles subject to the regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards commencing with title 13, CCR section 2479;
  - (11) Government agencies and vehicles owned by such agencies that are subject to the regulation for State and Local Government Fleets commencing with title 13, CCR section 2013, unless pursuant to title 13, CCR section 2013(e), the state or local government fleet owner has elected to comply with the ZEV Milestones Option specified in section 2015.2; or

- (12) Vehicles in a test fleet.
- (d) General Requirements. Beginning January 1, 2024, fleet owners must comply with the Model Year Schedule specified in section 2015.1 unless the fleet owner voluntarily elects to comply with the alternative ZEV Milestones Option specified in section 2015.2. Until January 1, 2030, fleet owners may switch between the compliance options, and only if their California fleet is in compliance with both the requirements of the currently elected compliance option and the desired alternative compliance option from January 1, 2024, through the date the option is switched.
- (e) NZEV Flexibility. 2035 and earlier model year NZEVs are counted the same as ZEVs for purposes of this regulation, except as specified in sections 2015.3(b) and 2015.3(e).
- (f) Controlling Party Requirements. Controlling parties are subject to all of the same requirements as fleet owners specified in sections 2015, 2015.1, 2015.2, 2015.3, 2015.4, 2015.5, and 2015.6. Controlling parties must also report all vehicles, including vehicles in their California fleet, that they operated in California under common ownership or control during the calendar year, and must include all such vehicles when determining compliance with sections 2015, 2015.1, 2015.2, 2015.3, 2015.4, 2015.5, and 2015.6. Controlling parties are eligible to use or request the same exemptions or extensions as fleet owners. A controlling party must comply with the reporting requirements specified in section 2015.4(c)(2)(N) in addition to the general reporting requirements.
- (g) Requirement to Hire Compliant Fleets. This section applies to hiring entities specified in section 2015(a)(3). These requirements do not apply to a controlling party if the hired vehicles are included in the combined fleet subject to the controlling party compliance requirements specified in section 2015(f). Any hiring entity that is subject to this section must meet the following requirements:
- (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 stating the fleet is not subject to the High Priority and Federal Fleets regulation of title 13, CCR section 2015 through 2015.6, the State and Local Government Fleets regulation of title 13, CCR section 2013 through

2013.4, and the Drayage Fleet Requirements regulation of title 13, CCR section 2014 through 2014.2;

- (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>"; and
  - (3) Comply with the recordkeeping requirements specified in section 2015.5(i).
- (h) Corporate Joint Compliance Option. Subsidiaries, parent companies, or joint ventures have the option to comply jointly with the ZEV Milestones Option specified in section 2015.2 instead of complying independently if the combined California fleet meets the requirements specified in section 2015.2. If such subsidiaries, parent companies or joint ventures elect to utilize this compliance option and then subsequently do not fully comply with any requirement in section 2015.2, each of the participating entities must then demonstrate compliance with the requirements of section 2015.2 on an individual basis. Entities choosing to use this option must meet the reporting requirement specified in section 2015.4(d).
- (i) Newly Formed Fleet. Any fleet that is newly formed on or after January 1, 2024, and that meets the applicability criteria specified in section 2015(a)(1) must comply with the requirements of either section 2015.1 or 2015.2, and the reporting requirements specified in section 2015.4 and recordkeeping requirements specified in section 2015.5, within 30 calendar days of newly adding vehicles to the California fleet.
- (j) Newly Affected Fleets. Fleet owners of fleets that existed prior to January 1, 2024, that own, operate, or direct the operation of one or more vehicles specified in section 2015(a)(2) in California on or after January 1, 2024, and that newly meet the applicability criteria specified in section 2015(a)(1)(A) through (C) at any point on or after January 1, 2024, must do all the following:

- (1) Within 30 calendar days of the date that the fleet meets the applicability criteria specified in section 2015(a)(1)(A) through (C), meet the reporting requirements specified in section 2015.4 and recordkeeping requirements specified in section 2015.5.
  - (2) Within 30 calendar days of the date that the fleet meets the applicability criteria specified in section 2015(a)(1)(A) through (C), notify CARB of the month and year that the fleet newly became subject to the regulation.
  - (3) Within two years of the date that the fleet meets the applicability criteria specified in section 2015(a)(1)(A) through (C), meet all requirements of the regulation.
- (k) Mergers and Acquisitions. If any entity merges with another entity or acquires vehicles as part of the merger on or after January 1, 2024, the fleet owner must:
- (1) Comply with the requirements of either section 2015.1 or 2015.2 no later than one year from the date the merger or acquisition completes;
  - (2) Verify whether any previously granted exemption(s) or extension(s) still apply, based on the exemption(s) or extension(s) criteria for the newly formed fleet;
  - (3) Meet the reporting requirements specified in section 2015.4 and recordkeeping requirements specified in section 2015.5 within 30 calendar days from the date the merger or acquisition completes.
- (l) Fleets No Longer Affected. Any fleet subject to the regulation that no longer meets the applicability criteria specified in section 2015(a)(1) for two consecutive calendar years shall no longer be subject to the regulation requirements, until such time as the fleet again is affected per the applicability criteria specified in section 2015(a)(1).
- (m) Reporting and Recordkeeping Requirement. Beginning January 1, 2024, fleet owners must meet reporting requirements as specified in section 2015.4 and keep and provide records as specified in section 2015.5.
- (n) 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 any vehicles acquired with such funds cannot be used to determine compliance with the general requirements section of 2015(d), any vehicles acquired with such incentive 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 2015.4(c)(2)(O).

- (o) Certificate of Reported Compliance and Compliant Fleet List. If the requirements specified in sections 2015 through 2015.6 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” as specified in section 2015(p) for compliant fleets that have received a Certificate of Reported Compliance. Fleets that do not comply with either compliance path specified in sections 2015.1 or 2015.2 will not be listed.
- (p) “ZEV Fleet” Recognition. Fleet owners may optionally elect to be recognized as a “ZEV fleet” beginning January 1, 2024. A fleet will be recognized as a “ZEV fleet” on the CARB Advanced Clean Fleets webpage if it meets or exceeds all the following criteria regardless of the compliance path being used:
  - (1) The number of ZEVs in the California fleet meets or exceeds the number of ZEVs as specified in the fleet ZEV Milestones Option in section 2015.2;
  - (2) The California fleet must have at least one ZEV;
  - (3) The California fleet consists of at least five percent ZEVs; and
  - (4) The fleet owner meets the reporting requirements of 2015.4 and record keeping requirements of a section 2015.5.
- (q) Sales Disclosure of Regulation Applicability. Any person subject to this regulation selling a vehicle subject to this regulation 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>.”
- (r) ICE Vehicle Additions. Any ICE vehicle added to the California fleet on or after January 1, 2024 must have a 2010 through 2023 model year engine or a 2024 model year or newer engine certified to applicable California emissions standards and emissions related requirements. Any new ICE vehicle added to the California fleet must be certified to applicable California emissions standards and emissions related requirements.

- (s) Airport Shuttle Bus Fleet Exemption. Fleet owners that are subject to the Zero-Emission Airport Shuttle Regulation of title 17, CCR sections 95690.1, 95690.2, 95690.3, 95690.4, 95690.5, 95690.6, 95690.7, and 95690.8 may exclude vehicles in their California fleet that are subject to that regulation from the requirements of sections 2015.1 and 2015.2 until January 1, 2027.

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, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2015.1 of title 13, California Code of Regulations, to read as follows:

**§ Section 2015.1 High Priority and Federal Fleet Model Year Schedule**

Beginning January 1, 2024, fleet owners must comply with the following requirements unless they choose to comply with the ZEV Milestones Option specified in section 2015.2:

- (a) ZEV Addition. Any vehicle added to the California fleet must be a ZEV. Renewing a vehicle lease for a vehicle that is already in the California fleet shall not be considered as the addition of a vehicle to the California fleet.
  - (1) ICE Vehicle Ordered in Advance. A new ICE vehicle may be added to the California fleet on or after January 1, 2024, only if the vehicle was purchased before [INSERT EFFECTIVE DATE]. Fleet owners must email the purchase agreement to TRUCRS@arb.ca.gov when initially reporting the vehicle as specified in section 2015.4 and keep records of the purchase agreement as specified in section 2015.5(a)(2).
- (b) ICE Vehicle Removal. Beginning January 1, 2025, ICE vehicles must be removed from the California fleet by January 1 of the calendar year after the minimum useful life mileage threshold was exceeded, or January 1 of the calendar year the engine model year is 18 years old or older, whichever occurs first. This requirement applies to new ICE vehicles purchased pursuant to the exemptions or extensions specified in section 2015.3. The California fleet remains in compliance if the following conditions are met:

- (1) No ICE vehicles were added to the California fleet on or after January 1, 2024, with the exception of ICE vehicles purchased pursuant to an exemption or extension specified in section 2015.3 or the ICE vehicle was ordered prior to the effective date of the regulation as specified in section 2015.1(a)(1); and
  - (2) The fleet has no ICE vehicles in the California fleet that were otherwise required to be removed as specified in section 2015.1(b) unless the ICE vehicle was granted an exemption or extension.
- (c) Exemptions and Extensions. Fleet owners complying with the Model Year Schedule specified in section 2015.1 may utilize the following exemptions and extensions if the specified criteria are met:
- (1) Backup Vehicle Exemption. Fleet owners may exclude a vehicle from the ICE Vehicle Removal requirements compliance date specified in section 2015.1(b) if the vehicle is designated as a backup vehicle as specified in section 2015.3(a).
  - (2) Daily Usage Exemption. Fleet owners may request an exemption from the ZEV Addition requirement of section 2015.1(a) to purchase a new ICE vehicle. Fleet owners must request and obtain this exemption pursuant to the criteria specified in section 2015.3(b). The fleet owner must request this exemption no later than 1 year before the applicable compliance date specified in the ICE Vehicle Removal requirement of section 2015.1(b), and no earlier than when the model year of the ICE vehicle being replaced reaches 16 years old, or when the vehicle reaches 700,000 miles, whichever occurs first.
  - (3) ZEV Infrastructure Delay Extension. Fleet owners may request an extension from the ICE Vehicle Removal requirements compliance date specified in section 2015.1(b) for an ICE vehicle that is otherwise required to be removed from the fleet. The fleet owner must request and obtain this extension pursuant to the criteria specified in section 2015.3(c). The fleet owner must request this extension no later than 45 calendar days before the applicable compliance date specified in section 2015.1(b) for the ICE vehicle to be replaced.
  - (4) Vehicle Delivery Delay Extension. Fleet owners may request an extension from the ICE Vehicle Removal requirements compliance date specified in section 2015.1(b) for an existing ICE vehicle that is otherwise required to be removed from the fleet. Fleet owners must request and obtain this extension pursuant to the criteria specified in section 2015.3(d). The fleet

owner must request this extension no later than February 1 of the same calendar year as the compliance date specified in the ICE Vehicle Removal requirement specified in section 2015.1(b).

- (5) ZEV Purchase Exemptions. Fleet owners must use the exemption in section 2015.3(e)(1) or request the exemption of section 2015.3(e)(2) no later than 1 year before the compliance date specified in section 2015.1(b) and no earlier than when the model year of an existing ICE vehicle that is otherwise required to be replaced reaches 16 years old, or when the vehicle reaches 700,000 miles, whichever occurs first:
  - (A) ZEV Purchase Exemption List. Fleet owners shall receive an exemption from the ZEV Addition requirement specified in section 2015.1(a) to purchase a new ICE vehicle, and shall receive an extension from the ICE Vehicle Removal requirements compliance date specified in section 2015.1(b) for the ICE vehicle being replaced, which shall remain in effect until the new ICE vehicle they have ordered is received. Fleet owners must meet the criteria specified in section 2015.3(e)(1) to qualify.
  - (B) ZEV Purchase Exemption Application. Fleet owners may request and obtain an exemption from the ZEV Addition requirement specified in section 2015.1(a), pursuant to the criteria specified in section 2015.3(e)(2), to purchase a new ICE vehicle. If approved, the fleet owner shall also receive an extension from the ICE Vehicle Removal requirements compliance date specified in section 2015.1(b) for the ICE vehicle being replaced, which shall remain in effect until the ordered new ICE vehicle is received.
- (6) Declared Emergency Response. Fleet owners may exclude vehicles that are performing emergency operations from the Model Year Schedule requirements specified in section 2015.1 during declared emergency events pursuant to the criteria specified in section 2015.3(f)(1).
- (7) Mutual Aid Assistance. Fleet owners may request an exemption from the ZEV Addition requirement in section 2015.1(a) to purchase new ICE vehicles. Fleet owners must request and obtain this exemption pursuant to the criteria specified in section 2015.3(f)(2) at any time. 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.

- (8) Five-day Pass. Fleet owners may report to claim a five-day pass to exclude any vehicle from the California fleet for five consecutive days once per calendar year per vehicle in their fleet pursuant to the criteria specified in section 2015.3(g).
- (9) 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 Addition requirement specified in section 2015.1(a) 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. The fleet owner may also exclude it from the ICE vehicle removal requirement specified in section 2015.1(b) until the end of the useful life of the non-repairable vehicle as determined by the criteria specified in section 2015.1(b). The useful life of the replacement will be based on the engine model year of the non-repairable vehicle and the mileage accrued on the non-repairable vehicle plus the mileage accrued on the replacement vehicle. Fleet owners must report the replacement vehicle within 30 calendar days of adding it to the California fleet as specified in section 2015.4 and keep records for both vehicles as specified in section 2015.5(n). By using this option, fleet owners must acknowledge that they knowingly and voluntarily waive the provisions of Health and Safety Code 43021(a), specific to the replacement vehicle in this section, that would otherwise apply to any purchased commercial motor vehicles as defined in CVC section 34601, except for new ICE vehicles purchased pursuant to an exemption specified in section 2015.3. To apply, fleet owners must submit the following information and documentation to [TRUCRS@arb.ca.gov](mailto:TRUCRS@arb.ca.gov) prior to adding the used vehicle to the California fleet:
1. A copy of a police report, statement from the insurance company, or signed attestation from a federal fleet owner's governing board indicating the vehicle is non-repairable;
  2. The VIN of the non-repairable vehicle;
  3. The following clear and legible digital photographs of the replacement used vehicle:

- a. VIN/GVWR label (typically located on the driver side door or door jamb);
- b. License plate with driver side of the vehicle visible;
- c. Entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
- d. Entire right side of the vehicle with doors closed showing the vehicle's body configuration;

Note: Authority cited: 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, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2015.2 of title 13, California Code of Regulations, to read as follows:

**§ Section 2015.2 High Priority and Federal Fleets ZEV Milestones Option**

Until January 1, 2030, fleet owners may opt-in to this option in lieu of the Model Year Schedule Requirements of section 2015.1 to have the flexibility to manage their California fleet while meeting the ZEV Fleet Milestones regardless of vehicle age and mileage. If a vehicle is operated in California at any time during a calendar year, it will be considered part of the California fleet for the entire calendar year for purposes of calculating the ZEV Fleet Milestones of section 2015.2(a) and (b). By using this option, fleet owners must acknowledge that they are knowingly and voluntarily waiving the provisions of Health and Safety Code 43021(a) that would otherwise apply to commercial motor vehicles as defined in CVC section 34601 in their California fleet, except for new ICE vehicles purchased pursuant to a granted exemption specified in sections 2015.2(f)(2), 2015.2(f)(5), and 2015.2(f)(9). Fleet owners choosing to use this path must comply with the following:

- (a) ZEV Fleet Milestones. Beginning January 1, 2025, fleet owners must continuously meet or exceed the ZEV Fleet Milestone percentage requirements set forth below in Table A: ZEV Fleet Milestones by Milestone Group and Year for their California fleets. The ZEV Fleet Milestone percentages must be maintained each year until the next compliance milestone; for example, Milestone Group 1 vehicles must comprise at least ten percent of the California fleet each year beginning January 1, 2025 until December 31, 2027.

Table A: ZEV Fleet Milestones by Milestone Group and Year

Percentage of vehicles that must be ZEVs	10%	25%	50%	75%	100%
Milestone Group 1: Box trucks, vans, buses with two axles, yard tractors, light-duty package delivery vehicles	2025	2028	2031	2033	2035 and beyond
Milestone Group 2: Work trucks, day cab tractors, pickup trucks, buses with three axles	2027	2030	2033	2036	2039 and beyond
Milestone Group 3: Sleeper cab tractors and specialty vehicles	2030	2033	2036	2039	2042 and beyond

- (b) ZEV Fleet Milestone Calculation. The annual ZEV Fleet Milestone is calculated by counting the vehicles in the California fleet for each of the three Milestone Groups listed in Table A, then multiplying the number of vehicles in each Milestone Group by the ZEV percentage requirement for that year as shown in Equation 1: ZEV Fleet Milestone Equation. If the sum of the ZEV Fleet Milestones is not a whole number, the value must be rounded using standard rounding convention.

Equation 1: ZEV Fleet Milestone Equation

$$([\text{Milestone Group 1 Vehicle Count}] \times [\text{Milestone Group 1 Percentage Requirement}]) + ([\text{Milestone Group 2 Vehicle Count}] \times [\text{Milestone Group 2 Percentage Requirement}]) + ([\text{Milestone Group 3 Vehicle Count}] \times [\text{Milestone Group 3 Percentage Requirement}]) = \text{ZEV Fleet Milestone}$$

The following example shows how the ZEV Fleet Milestone is calculated for the 2031 calendar year for a fleet owner that has 100 Milestone Group 1 vehicles and 50 Milestone Group 2 vehicles and 2 backup vehicles that are excluded from the calculation:

$$\text{Milestone Group 1: } 100 \text{ vehicles} \times 50\% = 50 \text{ ZEVs}$$

$$\text{Milestone Group 2: } 50 \text{ vehicles} \times 25\% = 12.5 \text{ ZEVs}$$

Total ZEV Fleet Milestone = 62.5 (rounds up to 63 ZEVs)

- (c) Any ZEVs Count for Compliance. Any ZEV from any Milestone Group can be used to count toward the fleet's ZEV Fleet Milestone requirement. For example, a fleet with box trucks and day cab tractors can meet the total ZEV Fleet Milestone requirement with ZEV day cab tractors instead of ZEV box trucks.
- (d) Rental Vehicle Option. In lieu of counting all rental vehicles that operate in California, interstate rental fleet owners may choose to report the average number of rental vehicles that are operated in California. To use this option, four quarterly snapshots of the number of rental vehicles operated in California must be taken on the first Monday after January 1, April 1, July 1, and October 1. For purposes of this option, rental vehicles operated in California are those that are in California, but are under contract to leave California; vehicles to be picked up and dropped off in California; and vehicles that are not under contract while in California on the date of the snapshot. In lieu of counting rental vehicles under contract, rental fleet owners must supply telemetry data showing each rental vehicle that is in California on the snapshot dates. Each vehicle should only be counted once for purposes of each snapshot. Fleet owners utilizing this option must report the average number of rental vehicles as specified in section 2015.4(h) and keep records of snapshots taken and supporting documents as specified in section 2015.5(h).
- (e) Waste and Wastewater Fleet Option. Waste and Wastewater fleet owners may delay compliance with the ZEV Milestones Option as specified in section 2015.2(b) for the vehicles in the California fleet as of January 1, 2024, that meet the following criteria:
  - (1) Must exclusively be fueled with biomethane.
  - (2) Eligible garbage vehicle configurations are rear-, side-, and front-loader compactor trucks, tractors exclusively used as transfer trucks, and roll-off trucks.
  - (3) Eligible wastewater vehicle configurations are all vehicles that directly supporting the operation of facilities that collect and process diverted in-state organic waste to produce biomethane.
  - (4) Each vehicle that no longer meets the criteria specified in section 2015.3(e)(1) through (3) will reduce the number of eligible vehicles from each originally designated Milestone Group by one, unless the vehicle is replaced with a ZEV or another eligible ICE vehicle that is exclusively fueled with biomethane.

- (5) Fleet owners utilizing this section must report fleet and vehicle information as specified in sections 2015.4(c)(1)(J) and keep records as specified in section 2015.5(m).
  - (6) ZEV Milestone Calculation Adjustment. For vehicles that meet the criteria, each year the count of eligible waste and wastewater fleet vehicles in Milestone Group 1 will be subtracted from the count of vehicles in Milestone Group 1 and added to Milestone Group 3, and the count of eligible waste and wastewater fleet vehicles in Milestone Group 2 will be subtracted from the count of vehicles in Milestone Group 2 and added to Milestone Group 3, as specified in section 2015.2(e). No adjustment will be made for eligible waste and wastewater vehicles that already are designated in Milestone Group 3.
- (f) Exemptions and Extensions. Fleet owners complying with the ZEV Milestones Option specified in section 2015.2 may utilize the following exemptions and extensions if the specified criteria are met:
- (1) Backup Vehicle Exemption. Fleet owners may exclude designated backup vehicles from the vehicle count for each Milestone Group when determining the ZEV Milestone Calculation specified in section 2015.2(b) if it is designated as a backup vehicle as specified in section 2015.3(a).
  - (2) Daily Usage Exemption. Fleet owners may request an exemption to purchase a new ICE vehicle and exclude it from the ZEV Fleet Milestone Calculation specified in section 2015.2(b). Fleet owners must request and obtain this exemption pursuant to the criteria specified in section 2015.3(b) no later than 1 year before the next applicable upcoming ZEV Fleet Milestone compliance date specified in section 2015.2(a). The Executive Officer will grant this exemption only if the fleet owner demonstrates their next applicable upcoming ZEV Fleet Milestone cannot be reached without exemptions by requesting and obtaining exemptions for all other ICE vehicles in their California fleet.
  - (3) ZEV Infrastructure Delay Extension. Fleet owners may request an extension to count an ICE vehicle being replaced as a ZEV when determining compliance with the ZEV Milestone Calculation specified in section 2015.2(b). The fleet owner must request and obtain the extension pursuant to the applicable criteria specified in section 2015.3(c) no later than 45 calendar days before the next applicable upcoming ZEV Fleet Milestone compliance date specified in section 2015.2(a).

- (4) Vehicle Delivery Delay Extension. Fleet owners may request an extension to count an ICE vehicle as a ZEV when determining compliance with the ZEV Milestone Calculation specified in section 2015.2(b). Fleet owners must request and obtain this extension pursuant to the criteria specified in section 2015.3(d). Fleet owner must request this extension no later than February 1 of the same calendar year as the next applicable ZEV Fleet Milestone compliance date specified in section 2015.2(a). The fleet owner may transfer the extension to another vehicle in the fleet if the criteria specified in section 2015.3(d)(2) are met.
- (5) ZEV Purchase Exemption. Fleet owners must use the exemption in section 2015.3(e)(1) or request the exemption in section 2015.3(e)(2) no later than one year before the next applicable upcoming ZEV Fleet Milestone compliance date specified in section 2015.2(a). The Executive Officer will grant the following exemptions only if the fleet owner demonstrates their next applicable upcoming ZEV Fleet Milestone cannot be reached without exemptions by requesting and obtaining exemptions for all other ICE vehicles in their California fleet:
  - (A) ZEV Purchase Exemption List. Fleet owners shall receive an exemption to purchase a new ICE vehicle and exclude it from the ZEV Milestone Calculation specified in section 2015.2(b) pursuant to the criteria specified in section 2015.3(e)(1).
  - (B) ZEV Purchase Exemption Application. Fleet owners may request and obtain an exemption to purchase a new ICE vehicle and exclude it from the ZEV Milestone Calculation specified in section 2015.2(b) pursuant to the criteria specified in section 2015.3(e)(2).
- (6) Declared Emergency Response. Fleet owners may exclude vehicles that are performing emergency operations from the ZEV Milestones Option requirements specified in section 2015.2 during declared emergency events pursuant to the criteria specified in section 2015.3(f)(1).
- (7) Mutual Aid Assistance. Fleet owners may request an exemption to purchase new ICE vehicles and exclude them from the ZEV Milestone Calculations specified in section 2015.2(b). Fleet owners must request and obtain this exemption pursuant to the criteria specified in section 2015.3(f)(2). 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.

- (8) Five-day Pass. Fleet owners may report to claim a five-day pass to exclude any vehicle from the California fleet for five consecutive days once per calendar year per vehicle in their fleet pursuant to the criteria specified in section 2015.3(g).
- (9) Intermittent Snow Removal Vehicles. Fleet owners shall receive an exemption to exclude designated intermittent snow removal vehicles from the ZEV Milestone Calculation specified in section 2015.2(b) until January 1, 2030, if the Executive Officer designates the vehicle as an intermittent snow removal vehicle pursuant to the criteria in section 2015.4(m).

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, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2015.3 of title 13, California Code of Regulations, to read as follows:

**§ Section 2015.3 High Priority and Federal Fleets Exemptions and Extensions**

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 2015.4 and 2015.5. 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 2015.4(k).

- (a) Backup Vehicle Exemption. Fleet owners may designate vehicles as backup vehicles during the January reporting period as specified in section 2015.4(b) and renew such designations annually only if the following criteria are satisfied:
  - (1) The vehicle is operated less than 1,000 miles per year excluding any mileage travelled under contract 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 2015.4(f).

- (3) Backup vehicles that no longer meet the criteria specified in section 2015.3(a) cannot be operated in California and must be removed from the California fleet if the vehicle is out of compliance with section 2015.1, or the fleet is out of compliance with section 2015.2.
  
- (b) Daily Usage Exemption. Fleet owners may request an exemption as specified in sections 2015.1(c)(2) and 2015.2(f)(2) to purchase a new ICE vehicle of the same configuration as an ICE vehicle being replaced as specified in section 2015.3(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 2015.3(b)(2) through (5). If approved, fleet owners must place their new ICE vehicle orders within 180 calendar days, and government fleet owners must place their new ICE vehicle orders within 1 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 2b or 3 BEV with a rated energy capacity of at least 150 kilowatt-hours; a Class 7 or 8 BEV tractor or BEV 3-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 3-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 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 2015.3(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 measured

BEV energy use specified in section 2015.3(b)(3)(A). Submit the calculation and results.

- (A) In lieu of calculating range as specified in section 2015.3(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 or energy use reading for each day and exclude the 3 highest readings. For the exemption to be granted, the highest remaining mileage or energy use number must be greater than either the range calculated in 2015.3(b)(3) or the energy use data submitted per section 2015.3(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 2015.3(b).
- (c) ZEV Infrastructure Delay Extension. Fleet owners may request the following extensions as specified in sections 2015.1(c)(3) and 2015.2(f)(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 2015.3(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 2015.3(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 2015.3(c)(2)(A) and number of vehicles specified in section 2015.3(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:

- (A) Site Electrification Delay Time Period. Fleet owners may request an initial extension for a period of up to 3 years from the applicable compliance date, based on 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 Vehicle Extensions. A fleet owner may request an extension for the number of ZEVs for which, based on information submitted in section 2015.3(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 estimate provided by the utility of the available electrical capacity in kilowatts the utility can supply to the site within one year of the extension request, and for each year of the requested delay, 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 2015.3(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 2015.3(c)(2).

(d) Vehicle Delivery Delay Extension. Fleet owners may request an extension as specified in sections 2015.1(c)(4) and 2015.2(f)(4) until a ZEV they have ordered is received if they have placed an order for a ZEV prior to the fleet owner's next applicable compliance date as specified in section 2015.3(d)(1)(B), but the ZEV cannot be delivered to the fleet owner by the next applicable compliance date due to circumstances beyond the fleet owner's control. The fleet owner must meet the following criteria:

- (1) Fleet owners must email the following information to TRUCRS@arb.ca.gov during the annual reporting period specified in section 2015.4(b):
  - (A) VIN of the ICE vehicle for which the extension is being requested.
  - (B) A purchase agreement that meets the following criteria:

1. It is a written, signed, and dated legally binding contract. The extension cannot be claimed if the purchase agreement is modified by the fleet owner 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 must identify the specific ZEV that the fleet owner committed to purchase, the date of the purchase, and that the purchase is for immediate delivery to the fleet owner in California; and
  3. The purchase agreement shows the new ZEV was ordered at least one year prior to the next upcoming ZEV Fleet Milestone if using the ZEV Milestones Option specified in section 2015.2, or ICE vehicle removal date for a vehicle that must be removed from the California fleet per the Model Year Schedule section 2015.1(b). If the order was placed before January 1, 2024, the purchase agreement must show the order was placed on or before [INSERT EFFECTIVE DATE].
- (2) **Manufacturer Cancellation.** If a vehicle manufacturer cancels a purchase agreement for ZEVs used to qualify for this extension due to circumstances beyond the control of the fleet owner, the fleet owner must secure another purchase agreement for ZEVs within 180 calendar days of the cancellation, except for government fleet owners who must secure another purchase agreement within 1 year of 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 the extension. If no ZEV is available to purchase, the fleet owner may request the ZEV Purchase Exemption specified in section 2015.3(e).
- (3) **Fleet Owner Cancellation.** If a fleet owner cancels a purchase agreement used to qualify for this extension, the claim for the extension will be treated as invalid and the agreement will be treated as if it were never executed.

- (4) 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 in section 2015.3(d).
- (e) ZEV Purchase Exemption. Fleet owners may request exemptions as specified in sections 2015.1(c)(5) and 2015.2(f)(5) 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 2015.3(e)(1) or the ZEV Purchase Exemption Application of 2015.3(e)(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 as specified in section 2015.3(e)(2)(G). The list will include the configurations specified in section 2015.3(d)(1)(A). The Executive Officer will rely on the information submitted and gathered in section 2015.3(e)(2) and utilize their good engineering and business judgement to determine if the information establishes that the criteria in sections 2015.3(e)(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, report the purchase as specified in section 2015.4(i), and keep records as specified in section 2015.5(j), and CARB will recognize that vehicle as having met the criteria for the exemption.
    - (A) Configurations List. The list will include the following 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 sections 2015.1(c)(5) and 2015.2(f)(5) to purchase a new ICE vehicle of the same configuration as an ICE vehicle being replaced as specified in section 2015.3(e)(2)(A)(1.). If approved, fleet owners must place their new ICE vehicle orders within 180 calendar days, and government 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 by email to TRUCRS@arb.ca.gov. The Executive Officer will rely on the information submitted in sections 2015.3(e)(2)(A) and (B) and their good engineering and business judgement to determine if the information establishes that the criteria specified in sections 2015.3(e)(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 2015.3(e)(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 2015.3(e)(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 the information submitted by the fleet owner specified in section 2015.3(e)(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 offered have a model year 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 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 2015.3(e)(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 names of manufacturers or authorized dealers to the fleet owner applicant, deny the exemption request, and remove the vehicle configuration from the ZEV Purchase Exemption List pursuant to section 2015.3(e)(2)(G). Otherwise, the Executive Officer will rely on the information specified in sections 2015.3(e)(2)(A) through (G) and their good engineering and business judgement to determine if the information established that the criteria specified in sections 2015.3(e)(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 2015.3(e)(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 2015.3(e)(1) no longer meets the criteria specified in section 2015.3(e)(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 2015.4(i) and 2015.5(j).
- (f) Exemptions Pursuant to Declared Emergency Events.
- (1) Declared Emergency Response. Any vehicle dispatched by a local, state, federal, or other responsible emergency management agency or its contractors to support a declared emergency event shall be exempt from the requirements specified in section 2015.1 and 2015.2 for the duration of the emergency event. Fleet owners must keep records as specified in section 2015.5(a)(4) and 2015.5(g). Fleet owners must also provide proof of the contract with the emergency management agency to entities whose vehicles perform emergency operations under that contract that are otherwise not complying with the regulation.
  - (2) Mutual Aid Assistance. Fleet owners may request this exemption as specified in sections 2015.1(c)(7) and 2015.2(f)(7) 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 any 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 2015.3(f)(2)(A) through (E) and their good engineering judgment in determining whether the information establishes that the criteria in 2015.3(f)(2)(B) and (C) are met. The fleet owner must submit the following by email to TRUCRS@arb.ca.gov to apply:

- (A) The make, model, weight class, configuration, and photograph of the needed ICE vehicle;
- (B) Documentation from each manufacturer offering ZEVs for sale of the same configuration and weight class as the ICE vehicle submitted in section 2015.3(f)(2)(A) describing the charging or fueling connector and charging or fueling time capability;
- (C) 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 2015.3(f)(2)(B) to show the ZEV cannot be refueled from 10 to 80 percent of the ZEV's rated energy capacity within 1 hour. If less than three mobile fueling providers have compatible mobile ZEV fueling options for the ZEV, documentation must be submitted from all mobile ZEV fueling providers that do have compatible mobile fueling options;
- (D) A copy of the mutual aid agreement in effect with other entities to assist with affected vehicles during declared emergency events; and
- (E) A letter to the Executive Officer that has an explanation of the reason for the exemption request.

- (g) Five-day Pass. Until January 1, 2035, fleet owners may report to claim a pass online through the CARB Advanced Clean Fleets webpage as specified in section 2015.4(c)(2)(Q) to temporarily exclude a vehicle from the California fleet for five consecutive calendar days. Passes begin at 12:00am on the start date requested, and end 5 consecutive 24-hour periods later at 12:00am on the beginning of the 6<sup>th</sup> day. A pass may not be claimed more than one time per vehicle per calendar year. The Executive Officer will only issue the pass after they first verify the fleet owner has not either previously requested and been issued a pass for the vehicle for the current calendar year. The pass cannot be changed once issued. If the fleet owner has reported to claim a pass and does not receive a response from the Executive Officer within 5 business days, the pass is deemed approved. The vehicle's operator must carry and provide to CARB enforcement personnel upon request a physical or electronic copy of an approved pass, or evidence the fleet owner has reported to claim and is qualified to claim a five-day pass and has not received confirmation their pass was granted.

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, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2015.4 of title 13, California Code of Regulations, to read as follows:

### **§ Section 2015.4 High Priority and Federal Fleets Reporting**

- (a) Method of Reporting. Reports submitted to comply with sections 2015 through 2015.6 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 for 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 2015.4(e), no later than February 1 of each year until February 1, 2045, fleet owners must annually submit a compliance report that includes all of the information specified in section 2015.4 for their California fleet as it is composed as of January 1 of the corresponding calendar year. The initial report must be submitted by February 1, 2024. The annual reporting period is during the month of January.

- (c) Fleet Reporting. Fleet owners must report all of the following:
- (1) Entity Information.
    - (A) Entity name;
      1. Fictitious business name, if applicable;
    - (B) Entity owner name;
    - (C) Entity physical and mailing addresses;
    - (D) Designated contact person name;
    - (E) Designated contact person phone number;
    - (F) Designated contact person email;
    - (G) Federal Taxpayer Identification Number;
    - (H) 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;
    - (I) Identify whether the fleet is a federal, state, or local government fleet;
    - (J) Identify whether the fleet owner is an interstate rental fleet owner or is a waste or wastewater fleet owner;
    - (K) Identify which of the following apply:
      1. The reported fleet is owned by an entity with total annual gross revenue in the year prior to submitting the report that exceeds \$50 million;
      2. The reported fleet owns, or operates under common ownership and control with other fleets, 50 vehicles or more; or
      3. The reported fleet is not in the scope of the regulation and is voluntarily being reported to be recognized as a "ZEV fleet".

- (L) Newly formed or newly subject fleets must report the date the fleet was either formed or became subject to the regulation;
  - (M) Fleets that fall below the threshold of the scope and applicability of this regulation must report the date the fleet became no longer subject to the regulation;
  - (N) Identify whether the fleet owner has elected to opt-in to the ZEV Milestones Option specified in section 2015.2; and
  - (O) Name of the responsible official.
- (2) Vehicle Information. The fleet owner must report all of the following information for each vehicle in the California fleet. Controlling parties that comply as a whole with vehicles under common ownership or control as specified in section 2015(f) must also report the following information in their own CARB account for all vehicles in the California fleet including those operated under common ownership or control.
- (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 (Less than or equal to 8,500 lbs., 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 2015.3;
  - (K) Odometer, or if applicable, hubodometer readings for vehicles as specified in section 2015.4(f);

- (L) Engine family for: any vehicles added to the California fleet after January 1, 2024; tractors with a vehicle model year that is 12 years old or older; and all other vehicles with a vehicle model year that is 17 years old or older;
  - (M) Engine model year for: any vehicles added to the California fleet after January 1, 2024; tractors with a vehicle model year that is 12 years old or older; and all other vehicles with a vehicle model year that is 17 years old or older;
  - (N) Whether the vehicle being reported by the controlling party is owned by another entity, if applicable;
  - (O) 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;
  - (P) Identify whether the vehicle has a heavy front axle;
  - (Q) Five-day Pass Reporting. Fleet owners claiming a five-day pass for the vehicle must report the first day the pass will be used;
  - (R) ZEV Purchase Reporting. Fleet owners utilizing the Model Year Schedule specified in section 2015.1 that are replacing a vehicle pursuant to the ZEV Purchase Exemption specified in section 2015.3(e) must identify which vehicle is being replaced pursuant to the minimum useful life limitations specified in section 2015.1(c)(5); and
  - (S) Identify whether the vehicle is replacing another vehicle that was in an accident and is non-repairable, if applicable;
- (d) Corporate Joint Compliance Reporting. If an entity chooses to comply jointly as specified in section 2015(h), each individual subsidiary or joint venture must report separately, and include the CARB-issued ID number of the primary controlling corporate parent, joint venture business, or designated primary entity.
- (e) Changes to an Existing Fleet. Fleet owners must comply with 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; vehicles utilizing an exemption due to a declared emergency event as specified in section 2015.3(f)(1); tractors that are ICE vehicles or NZEVs with a vehicle model year that is 12 years old or older and are following the Model Year Schedule specified in section 2015.1; tractors that are ICE vehicles purchased pursuant to an exemption with a vehicle model year that is 12 years old or older and are following the ZEV Milestones Option specified in section 2015.2; or tractors that are ICE vehicles or NZEVs with a vehicle model year that is 12 years old or older and are following the ZEV Milestones Option specified in section 2015.2, but the fleet owner wants to switch to the Model Year Schedule specified in section 2015.1. Fleet owners meeting the above conditions 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 an emergency for backup vehicles used in emergency operations that would exceed the backup vehicle mileage

limit, or other vehicles utilizing an exemption due to a declared emergency event as specified in section 2015.3(f)(1).

- (g) Vehicle Delivery Delay Reporting. Fleet owners utilizing the Vehicle Delivery Delay extension will have 30 calendar days to report the delivery of the newly added ZEV and to either remove the ICE vehicle from the California fleet or to designate it as a backup vehicle.
- (h) Rental Vehicle Option Reporting. Individual rental vehicles rented fewer than 180 calendar days under contract with origins and destinations in California do not need to be reported if using the Rental Vehicle Option specified in section 2015.2(d). Interstate rental fleet owners must report the average number of rental vehicles in California within each Milestone Group as determined by contracts or telemetry data as specified in section 2015.2(d).
- (i) ZEV Purchase Exemption Supporting Documentation Reporting. Fleet owners that purchase an ICE vehicle pursuant to the ZEV Purchase exemption specified in section 2015.3(e) must submit an email to [TRUCRS@arb.ca.gov](mailto: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.
- (j) Requirement For Signature. All reports submitted to CARB electronically are considered signed by the responsible official. Hard-copy documentation submitted must be signed by the responsible official.
- (k) 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](mailto:TRUCRS@arb.ca.gov) are approved within 45 calendar days from receipt of a complete submission.

- (l) Late Reporting. Until January 1, 2027, fleet owners that submit initial reporting information specified in section 2015.4 after the initial reporting deadline specified in section 2015.4(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 2015.5(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 2015.4 after the initial reporting deadline specified in section 2015.4(b) are also subject to penalties specified in section 2015.6(b)(1).
  
- (m) Intermittent Snow Removal Vehicle Reporting. Fleet owners may request 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 2015(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, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code

Adopt Section 2015.5 of title 13, California Code of Regulations, to read as follows:

**§ Section 2015.5 High Priority and Federal Fleets Recordkeeping**

Fleet owners must keep records of reported information required in reporting section 2015.4 and documentation specified in section 2015.5 for a period of at least five years. Fleet owners must make such records available in an electronic or paper format upon request or make them available 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. The following records are required to be kept for vehicles in the California fleet:

- (1) Records of all vehicle information required to be reported as specified in section 2015.4.
- (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 for 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) Emergency Operation Dispatch Documentation. Fleet owners with backup vehicles that perform emergency operations or other emergency support vehicles utilizing the exemptions specified in section 2015.3(f) must keep records to document dispatch by a local, state, federal, or other emergency management agency. Additionally, fleet owners of emergency support vehicles utilizing the exemptions specified in section

2015.3(f) must keep records of any contracts with a company or agency that was dispatched by a government agency to support emergency operations.

- (5) Gross Annual Revenue Documentation. Entities that are subject to this regulation based on gross annual revenues as specified in section 2015(a)(1) must keep tax filing records that show the entity's gross annual revenues.
- (b) Operator Documentation. Fleet owners must keep documentation identifying the entity responsible to pay the driver 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 photograph of the odometer or hubodometer, driver logs or inspection sheets, or an on-board diagnostics system information download 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 or for an exemption due to a declared emergency event as specified in section 2015.3(f) must keep and provide records that document vehicle mileage accrued in support of an emergency event.
- (d) Vehicle Delivery Delay Documentation. Fleet owners that utilize the Vehicle Delivery Delay extension must keep copies of the purchase agreement used to qualify for the extension and documentation of order cancellations by the manufacturer outside the control of the fleet owner submitted to CARB as specified in section 2015.3(d) to support their request and qualifications for the extension.
- (e) Daily Usage Exemption Documentation. Fleet owners that utilize the Daily Usage Exemption must keep copies of all documents, data, letters, and analysis submitted to CARB as specified in section 2015.3(b) to support their request and qualifications for the exemption.
- (f) ZEV Infrastructure Delay Documentation. Fleet owners that utilize the ZEV Infrastructure Delay extensions specified in section 2015.3(c) must keep copies

of all documents, letters, and contracts submitted to CARB as specified in section 2015.3(c) to support their request and qualifications for the extension.

- (g) Documentation for Exemptions Pursuant to Declared Emergency Events. Fleet owners that utilize the Exemptions Pursuant to Declared Emergency Events must keep copies of all documents, mutual aid agreements, dispatch records, and letters submitted to CARB as specified in section 2015.3(f) to support their request and qualifications for the exemptions.
- (h) Rental Vehicle Option Records. Interstate rental fleet owners utilizing section 2015.2(d) must keep all documents, records, contracts, global positioning system data, rental vehicle snapshots, or other data used to support their reported annual average number of rental vehicles in the California fleet as specified in section 2015.2(d).
- (i) Hiring Entity Documentation. Hiring entities that are subject to the regulation as specified in section 2015(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 required by section 2015(g)(2).
- (j) ZEV Purchase Exemption Documentation. Fleet owners utilizing the ZEV Purchase Exemption must keep copies of documents submitted as specified in section 2015.4(i), and copies of documents submitted as specified in section 2015.3(e).
- (k) 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 and photographs submitted to CARB as specified in section 2015.4(m).
- (l) Sales Disclosure Documentation. Any person required to submit a sales disclosure as specified in section 2015(q) must keep a copy of the written sales disclosure.
- (m) Waste and Wastewater Fleet Option Documentation. Fleet owners utilizing the Waste and Wastewater Fleet Option specified in section 2015.2(e) must keep the following evidence of eligibility for the option:
  - (1) Documentation to show a waste fleet owner's eligibility must have provisions requiring the collection, hauling, and/or processing of diverted in-state organic waste. The following documents must be kept:

- (A) Government agency waste fleets must keep a copy of the local ordinance, regulation, or code that includes the above eligibility provisions;
  - (B) Waste fleet owners that are not government agencies must keep a copy of the fleet owners' franchise agreement or other contract with a government agency implementing organic waste diversion that meets the following criteria: it includes provisions specified in section 2015.5(m)(1), and either has a minimum term length of ten years, or a minimum term length of three years but includes a renewal provision when satisfying the contract terms.
- (2) Documentation to show a waste fleet's tractors are exclusively used as transfer trucks for transferring waste are a copy of the waste fleet's internal database identifying which tractors are exclusively used as transfer trucks within the fleet.
  - (3) Documentation to show a wastewater fleet's eligibility are a copy of a permit or license to operate, or proof of ownership of, a wastewater treatment facility.
  - (4) Documentation to show vehicles are fueled exclusively using biomethane are records of all fuel contracts in effect for affected vehicles as of January 1, 2024, and all fuel contracts that are executed on and after January 1, 2024.
  - (5) Documentation to show wastewater vehicles are owned or exclusively assigned to the wastewater entity are a copy of the vehicle registration identifying the wastewater fleet as the owner, or documentation showing the vehicle was purchased with an account indicating expenses incurred by the wastewater entity and assigned to the wastewater fleet.
- (n) Non-repairable Vehicle Documentation. Fleet owners approved to utilize the Non-repairable Vehicle exemption of section 2015.1(c)(9) must keep records of the police report, insurance statement, or signed attestation, photographs, and information submitted to CARB as specified in section 2015.1(c)(9).

- (o) Documentation for ZEVs Operated In California. Fleet owners utilizing the ZEV Milestones Option of section 2015.2 must keep documentation showing each reported ZEV was operated in California during every calendar year in which the ZEV was reported as being part of the fleet owner's California fleet, including: the ZEV's registration in California; 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; driver logs or inspection sheets; Global Positioning System (GPS) data; Electronic Logging Device (ELD) data; or telematics system data.

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, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.

Adopt Section 2015.6 of title 13, California Code of Regulations, to read as follows:

### **§ Section 2015.6 High Priority and Federal Fleets Enforcement**

- (a) Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation 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.
- (b) Penalties. Any person who fails to comply with the requirements of this regulation, who fails to submit any information, report, or statement required by this regulation, 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 may be subject to penalties.
  - (1) Late Reporting Penalties. Beginning January 1, 2025, and until January 1, 2027, failure to submit any information required by section 2015.4 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 2015.4(b). CARB will assess compliance violations based on the Model Year Schedule specified in section 2015.1 for fleet owners that report late.

- (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 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 2015(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, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code.