

# Appendix A-2

## Proposed Regulation Order Advanced Clean Fleets Regulation

### High Priority and Federal Fleet 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.

Date of Release: August 30, 2022

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## 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

## Proposed Regulation Order

Title 13, California Code of Regulations

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

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

(a) Scope and Applicability.

- (1) Fleet Applicability. Except as provided in section 2015(c), this regulation applies to any entity that owns, operates, or directs one or more vehicles in California as described in the vehicle scope of section 2015(a)(2) on or after January 1, 2024, and that meets any of the following criteria:
  - (A) Is an entity or combination of entities operating under common ownership or control that have \$50 million or more in total gross annual revenue in the prior year;
  - (B) Is a fleet owner that owns, operates, or directs 50 or more vehicles in the total fleet, excluding light-duty package delivery vehicles;
  - (C) Is a fleet owner or controlling party whose fleet in combination with other fleets operated under common ownership and control total 50 or more vehicles in the total fleet, excluding light-duty package delivery vehicles; or
  - (D) Is any federal government agency.
- (2) Vehicle Scope. Except as provided in section 2015(c), vehicles subject to this regulation are vehicles operated in California that: have a gross vehicle weight rating (GVWR) greater than 8,500 lbs., are light-duty package delivery vehicles with a GVWR equal to or less than 8,500 lbs., or are yard tractors.
- (3) Hiring Entities. The requirements of 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 fleets subject to title 13, California Code of Regulations (CCR) sections 2013 through 2013.4, or vehicles in fleets subject to this regulation per the scope and applicability of section 2015(a)(1-2).

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

“Authorized dealer” means a sales, service, or repair facility that is recognized by a motor vehicle manufacturer as a sales representative or is authorized and capable of performing repairs to factory specifications, including warranty repair work.

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

“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 motor carrier for compensation. A motor carrier, or person who is an employee or bona fide agent of a carrier, is not a broker when it arranges or offers to arrange the transportation of shipments which it is authorized to transport and which it has accepted and legally bound itself to transport.

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

“California fleet” means the subset of vehicles, including those under common ownership or control, in the total fleet operated by a fleet owner or controlling party in California during a calendar year. 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. Rental vehicles are counted as specified in section 2015.2(d).

“CARB” means the California Air Resources Board.

“Class 4” means a vehicle with a GVWR greater than 14,000 lbs. and less than or equal to 16,000 lbs.

“Class 5” means a vehicle with a GVWR greater than 16,000 lbs. and less than or equal to 19,500 lbs.

“Class 6” means a vehicle with a GVWR greater than 19,500 lbs. and less than or equal to 26,000 lbs.

“Class 7” means a vehicle with a GVWR greater than 26,000 lbs. and less than or equal to 33,000 lbs.

“Class 8” means a vehicle with a GVWR greater than 33,000 lbs.

“Common ownership or control” means being owned or managed on a day-to-day basis by the same person or entity. 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 vehicle is designed as determined by the body of a complete vehicle or by the equipment integrated into the body that is permanently attached to the chassis. It does not include auxiliary equipment or secondary uses of equipment that is added to or carried on the vehicle body.

“Controlling party” means the motor carrier, broker, or entity that directs or otherwise manages the day-to-day operation of one or more fleets under 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 the emergency conditions 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.

“Fleet” or “total fleet” means one or more vehicles owned by a fleet owner or under 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 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 or other equally reliable evidence identifies the renting operator or lessee of the vehicle as the party responsible for compliance with state laws.
- (C) 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 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.
- (D) 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 powertrain retrofits 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.

“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.

“Internal combustion engine vehicle” or “ICE vehicle” means a vehicle with a powertrain 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, that is regularly used to deliver packages, parcels, or mail.

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

- (A) 13 years commencing from the model year that the engine and emissions control system in a vehicle was first certified for use by CARB or 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).

“Model year” means a designation meeting the definition of “model year” under title 17, CCR section 95662(a)(16).

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

“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.

“Notice to proceed” means a written direction to a vehicle manufacturer or powertrain conversion installer 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.

“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. 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 on or after the date the vehicle meets one of the following conditions:

- (A) Destroyed or scrapped;
- (B) Sold out of the fleet or transferred out-of-state; or
- (C) For controlling parties, 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.

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

“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, 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 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).

“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 someone else 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” or “motor vehicle” means self-propelled equipment that meets one of the following criteria:

- (A) Equipment that has a GVWR that is greater than 8,500 lbs. that is intended for use on highways, and meets the definition set forth in title 17, CCR section 95662(a)(26);
- (B) Equipment that has a GVWR equal to or less than 8,500 lbs. and meets the definition of “light duty package delivery vehicle” as defined by section 2015(b) and is intended for use on highways; or
- (C) Is a yard tractor that is not intended for use on highways.

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

“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 the fleet owner has placed an order for a vehicle or powertrain conversion for immediate delivery or installation and has already paid for or has entered into a binding agreement with the authorized dealer, powertrain conversion installer, or manufacturer to pay for the vehicle or conversion. A vehicle purchase includes where 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 or powertrain conversion installer 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 or powertrain conversion installer 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 for a contract term of one year or more.

“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(i)(12).

"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.

- (c) Exemptions. The following entities and vehicles are exempt from the requirements of 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; and
  - (11) Public agencies and vehicles owned by them that are subject to the regulation for State and Local Government Fleets commencing with title 13, CCR section 2013.
- (d) General Requirements. Beginning January 1, 2024, fleet owners must comply with the requirements of section 2015.1 unless the fleet owner voluntarily elects to comply with the alternative compliance requirements of section 2015.2.
- (e) NZEV Flexibility. NZEVs with a 2035 model year or older are counted the same as ZEVs for the purpose of complying with the requirements of sections 2015.1 and 2015.2.
- (f) Controlling Party Compliance Requirements. Controlling parties must meet the same requirements as fleet owners and must report all vehicles that they

operated in California under common ownership or control during the compliance year and must comply by including all those vehicles as part of the total California fleet. Controlling parties may take advantage of the same exemptions, extensions, or provisions as fleet owners. The controlling party must comply with the reporting requirements of 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 identified in section 2015(a)(3). These requirements do not apply to the controlling party when the hired vehicles are included in the combined fleet subject to the controlling party compliance requirements of section 2015(f). Any hiring entity that is subject to this section must meet the following requirements:
- (1) Verification of Compliance. Verify that each fleet it hires or dispatches 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, it must obtain a signed statement from the fleet stating it 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 in 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. It therefore could be subject to requirements to reduce emissions of air pollutants. For more information, please visit the California Air Resources Board website at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>"; and
  - (3) The hiring entity must comply with the recordkeeping requirements of section 2015.5(i).
- (h) Corporate Joint Compliance Option. Subsidiaries, parent companies, or joint ventures have the option to comply jointly with the fleet milestones of alternative 2015.2 instead of complying independently if the combined California fleet meets the requirements of 2015.2. If the group fails to comply, all participants must immediately comply individually. Entities choosing to use this option must meet the reporting requirement of section 2015.4(d).

- (i) **Newly Formed Fleet.** Any fleet that is newly formed on or after January 1, 2024 and meets the applicability criteria specified in section 2015(a)(1) must comply with the requirements of either section 2015.1 or 2015.2 within 30 calendar days of newly adding vehicles to the California fleet. Within 30 calendar days, the fleet owner must meet the reporting requirements specified in section 2015.4 and recordkeeping requirements specified in section 2015.5.
- (j) **Newly Affected Fleet.** For any fleet that existed prior to January 1, 2024, and newly meets the applicability criteria specified in section 2015(a)(1) at any point on or after January 1, 2024, the fleet owner must do all the following:
  - (1) Within 30 calendar days of the change, meet the reporting requirements specified in section 2015.4 and recordkeeping requirements specified in section 2015.5.
  - (2) Within 30 calendar days of the change, notify CARB of the month and year that the fleet newly became subject to the regulation.
  - (3) Within two years of the change, meet all requirements of the regulation.
- (k) **Mergers and Acquisitions.** For any entity that merges with another entity or acquires vehicles as part of the merger on or after January 1, 2024, the fleet owner must do the following within 30 calendar days from the date the merger or acquisition occurs:
  - (1) Comply with the requirements of either section 2015.1 or 2015.2;
  - (2) Verify whether any previously granted exemption or extension still apply based on the exemption or extension criteria for the newly formed fleet;
  - (3) Meet the reporting requirements specified in section 2015.4 and recordkeeping requirements specified in section 2015.5.
- (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 the vehicle cannot be used to count toward determining compliance with the general requirements section of 2015(d), the vehicle 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 of 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" per section 2015(p) for compliant fleets that have received a Certificate of Reported Compliance. Fleets that do not comply with either compliance path of 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 certified "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 fleet ZEV Milestones in section 2015.2;
  - (2) The California fleet must have at least one ZEV;
  - (3) The California fleet consists of at least 5 percent ZEVs; and
  - (4) The fleet owner meets the reporting requirements of 2015.4 and record keeping requirements of a section 2015.5.

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 unless choosing to comply with the flexibility of the ZEV Milestone requirements of section 2015.2:

- (a) ZEV Additions. All vehicles added to the California fleet must be ZEVs.
  - (1) ICE vehicle Ordered in Advance. A new ICE vehicle may be added to the California fleet after January 1, 2024 only if the vehicle was purchased on or before [INSERT EFFECTIVE DATE]. Fleet owners must email the purchase agreement to TRUCRS@arb.ca.gov when initially reporting the vehicle per section 2015.4 and keep records of the purchase agreement per section 2015.5(a)(2).
- (b) ICE Vehicle Removal. ICE vehicles must be removed from the California fleet by January 1 of the calendar year following the end of the vehicle's minimum useful life. This requirement extends to new ICE vehicles purchased with or granted exemptions or extensions under section 2015.1(c). The California fleet remains in compliance as long as the fleet has no ICE vehicles added on or after January 1, 2024, unless the ICE vehicle was granted an exemption or extension of section 2015.3 or was ordered in advance of the regulation start date per section 2015.1(a)(1).
- (c) Exemptions and Extensions. Fleet owners complying with section 2015.1 may utilize the following exemptions and extensions:
  - (1) Backup Vehicle Exemption. Fleet owners may exclude a vehicle from the ICE vehicle removal requirements of section 2015.1(b) if the vehicle is designated as backup vehicle as specified in section 2015.3(a) and may exclude mileage accrued when the vehicle is operated in support of a declared emergency event as specified in section 2015.3(f)(1).
  - (2) Daily Usage Exemption. Fleet owners shall receive a one-year exemption from the ZEV addition requirement of section 2015.1(a) to purchase a new ICE vehicle of a given configuration if a new ZEV is available, but it cannot be placed anywhere in the California fleet while meeting the daily usage needs of any existing vehicle in the fleet provided the criteria specified in section 2015.3(b) are met.
  - (3) Infrastructure Construction Delay Extension. Fleet owners shall receive a one-year extension from the ICE vehicle removal requirements of section 2015.1(b) and delay delivery of ordered ZEVs that would be reliant on

the ZEV charging or fueling infrastructure for one year if the criteria described in section 2015.3(c) are met.

- (4) **Vehicle Delivery Delay Extension.** Fleet owners may exclude an existing ICE vehicle from the removal requirements of section 2015.1(b) if a new ZEV is ordered one year in advance of the compliance date for the ICE vehicle being replaced and the newly purchased ZEV will not be delivered by the compliance deadline for reasons beyond the fleet owner's control. Fleet owners must meet criteria of section 2015.3(d) to qualify.
- (5) **ZEV Unavailability Exemption.** Fleet owners may purchase a new ICE vehicle and exclude it from the ZEV addition requirement of section 2015.1(a) if no ZEV or NZEV of the needed configuration is commercially available and the conditions of section 2015.3(e) are met.
- (6) **Exemptions Pursuant to Declared Emergency Events.** Fleet owners may purchase a new ICE vehicle and exclude it from the ZEV addition requirement of section 2015.1(a) for up to 25 percent of the fleet if the vehicles are needed to provide emergency response services and the conditions described in section 2015.3(f)(2) are met.

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**

Fleet owners that opt-in to this option have the flexibility to manage their California fleet while meeting the ZEV milestone requirements regardless of vehicle age and mileage. By using this option, fleet owners must acknowledge that they knowingly and voluntarily waive the provisions of Health and Safety Code 43021(a) that would otherwise apply to any commercial motor vehicles as defined in CVC section 34601 in their California fleet except for new ICE vehicles purchased pursuant to the exemptions of sections 2015.3(b), 2015.3(e), and 2015.3(f)(2). Fleet owners choosing to use this path must comply with the following:

- (a) ZEV Fleet Milestones. Beginning January 1, 2025, and each year afterwards by January 1, fleet owners must continuously meet or exceed the ZEV milestone for the California fleet as calculated in 2015.2(b) based on the milestone percentage requirements set forth below in Table A ZEV Fleet Milestones by Milestone Group and Year. At minimum, ZEV milestone percentages must be maintained each year until the next compliance milestone; for example, Milestone Group 1 vehicles should be calculated as at least 10 percent of the California fleet each year for 2025, 2026, and 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, 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 Milestone Calculation.* The annual ZEV 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 the calculation below. If the sum of the ZEV milestones is not a whole number, the value must be rounded using standard rounding convention. Designated backup vehicles may be excluded from the vehicle count for each milestone group.

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

The following example shows how the ZEV milestone is calculated for the 2031 compliance 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:

Milestone Group 1: 100 vehicles x 50% = 50 ZEVs

Milestone Group 2: 50 vehicles x 25% = 12.5 ZEVs

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

- (c) Any ZEVs Count for Compliance. Any ZEV from any Milestone Group may be used to count toward the fleet's ZEV Milestone requirement. For example, a fleet with box trucks and day cab tractors can meet the initial ZEV fleet milestone with ZEV tractors instead of ZEV box trucks.
- (d) Rental Vehicle Provision. 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. Rental vehicles operated in California are those that are under contract to leave California, to be picked up and dropped off in California, and those 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 provision must report the average number of rental vehicles per section 2015.4(h) and keep records of snapshots taken and supporting documents per section 2015.5(h).
- (e) Exemptions and Extensions. A fleet owner complying with section 2015.2 may utilize the following exemptions and extensions:
  - (1) Backup Vehicle Exemption. Fleet owners may exclude a vehicle from the ZEV milestone calculation of section 2015.2(b) if it is designated as a backup vehicle as specified in section 2015.3(a) and may exclude mileage accrued when the vehicle is operated in support of a declared emergency event as specified in section 2015.3(f)(1).
  - (2) Daily Usage Exemption. Fleet owners shall receive a one-year exemption to purchase a new ICE vehicle and exclude it from the ZEV milestone calculation of section 2015.2 if a new ZEV is available, but it cannot be placed anywhere in the California fleet while meeting the daily usage

needs of any existing vehicle in the fleet provided the criteria specified in section 2015.3(b) are met.

- (3) Infrastructure Construction Delay Extension. Fleet owners are excused from taking immediate delivery of an ordered ZEV for one year and may count the vehicle to be replaced as a ZEV when determining compliance with section 2015.2(b) until the ZEV is delivered if the criteria described in section 2015.3(c) are met.
- (4) Vehicle Delivery Delay Extension. Fleet owners may count a vehicle to be replaced as a ZEV when determining compliance with the ZEV milestone calculation of section 2015.2(b) if a new ZEV is ordered one year in advance of the compliance date for the ICE vehicle being replaced and the newly purchased ZEV will not be delivered by the compliance deadline for reasons beyond the fleet owner's control. Fleet owners must meet criteria of section 2015.3(d) to qualify.
- (5) ZEV Unavailability Exemption. Fleet owners may purchase a new ICE vehicle and exclude it from the ZEV milestone calculation of section 2015.2 if the fleet owner can demonstrate that all the remaining ICE vehicles in the fleet that are not already using an exemption or extension cannot be replaced with a ZEV or NZEV of the needed configuration because they are not available to purchase, and the conditions of section 2015.3(e) are met. Additionally, if the only remaining ICE vehicles in the fleet cannot be replaced with a ZEV or NZEV of the needed configuration because they are not available to purchase, and the conditions of section 2015.3(e) are met, those ICE vehicles are excluded from the ZEV milestone calculation.
- (6) Exemptions Pursuant to Declared Emergency Events. Fleet owners may purchase a new ICE vehicle and exclude it from the ZEV milestone calculation of section 2015.2(b) for up to 25 percent of the fleet if the vehicles are needed to provide emergency response services and the conditions of section 2015.3(f) are met.

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 claim or apply for the following exemptions or extensions if the California fleet complies with the requirements that are in effect, and it would otherwise be impossible to comply with the next upcoming regulation requirement. 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 approved for a fleet owner are not transferrable to another fleet owner. The Executive Officer will respond to exemption requests as described in section 2015.4(k).

- (a) Backup Vehicle Exemption. Fleet owners may designate vehicles as backup vehicles during the reporting period and renew the designation annually if the fleet owner meets each of the following requirements:
  - (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 per section 2015.4(f).
  - (3) Backup vehicles must immediately stop being operated and must be removed from the California fleet if the vehicle exceeds the allowed number of annual miles travelled and 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 apply for an exemption to replace vehicles with a GVWR greater than 14,000 lbs. if at least ten percent of their California fleet is comprised of ZEVs or NZEVs. Fleet owners may not apply for a vehicle configuration that is commercially available as: an NZEV; a hydrogen fuel cell ZEV; a Class 7 or 8 ZEV tractor or ZEV three-axle bus with a rated energy capacity of at least 1,000 kilowatt-hours; a Class 4 through 6 ZEV with a rated energy capacity of at least 325 kilowatt-hours; or a Class 7 or 8 ZEV that is not a tractor or three-axle bus with a rated energy capacity of at least 450 kilowatt-hours. The Executive Officer will approve the exemption based on their good engineering judgement in determining that the criteria specified in section 2015.3(b) have been met. The fleet owner must submit all of the following by email to TRUCRS@arb.ca.gov to apply:
  - (1) The make, model, weight class, configuration, and photograph of the ICE vehicle to be replaced.

- (2) Identify the commercially available ZEV with the highest rated energy capacity available in the same weight class and configuration. Submit the make, model, weight class, configuration, and rated energy capacity of the ZEV.
- (3) Calculate the range of the vehicle in miles by dividing the rated energy capacity of the identified ZEV by the following factors: for Class 4 through 6 vehicles, 1.3 kilowatt-hours per mile; for Class 7 and 8 non-tractors, 1.8 kilowatt-hours per mile; for Class 7 and 8 tractors, 2.1 kilowatt-hours per mile. For vehicles that operate truck mounted or integrated equipment while stationary, in lieu of calculating the needed rated energy capacity based on vehicle miles travelled, the needed rated energy capacity is the same as the optionally submitted measured ZEV energy use of section 2015.3(b)(6). Submit the calculation and results.
- (4) A daily usage report for a period of at least 30 consecutive workdays from within the last 12 months using telemetry data or other industry accepted data collection method for all ICE vehicles of the same weight class and configuration of the vehicle to be replaced. The report must include the daily miles traveled for each vehicle. Identify the lowest mileage reading for each day and exclude the 3 highest readings. For the exemption to be granted, the highest remaining mileage number must be greater than the range calculated in 2015.3(b)(3).
  - (A) For vehicles that operate truck mounted or integrated equipment while stationary, the daily usage report must include daily equipment usage information such as hours of operation.
- (5) A description of the daily assignments or routes used by existing vehicle types with an explanation of why all commercially available ZEVs 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 charging or fueling is available. The explanation must include a description of why charging or fueling could not be managed during driver rest periods or breaks during the workday.
- (6) Optionally substantiate their exemption request by submitting measured ZEV energy use data from ZEVs of the same configuration already operated on similar daily assignments in the fleet's service. Optional information must include vehicle loading and weight data, route grade, average ambient daily temperature, and state of charge at the beginning and end of the daily shift to show typical daily energy usage over one month of regular service.



- (c) Infrastructure Construction Delay Extension. A fleet owner may apply for this extension if they experience construction delays beyond their control on a project to purchase ZEVs and install ZEV charging or fueling stations. The Executive Officer will grant a single extension per project to delay the vehicle delivery for one year if they determine the fleet owner satisfies the criteria for the delay, based on the information submitted below and the exercise of good engineering judgment. The fleet owner must submit all of the following by email to TRUCRS@arb.ca.gov to apply:
- (1) Documentation showing the executed contract for the infrastructure installation with a construction project start date at least one year prior to the next immediately applicable compliance date for the purchased vehicle.
  - (2) Documentation showing the delay is a result of any of the following circumstances beyond the fleet owner's control after obtaining construction permits: change of a general contractor; delays obtaining power from a utility; delays due to unexpected safety issues; discovery of archeological, historical, or tribal cultural resources described in the California Environmental Quality Act, Public Resources Code Division 13, Section 21000 et. seq.; or natural disasters.
  - (3) A letter to CARB from the responsible official explaining the reason for the delay, why retail 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.
  - (4) Documentation showing the executed ZEV purchase agreement.
- (d) Vehicle Delivery Delay Extension. If ZEVs or NZEVs are ordered at least one year prior to the next compliance date, fleet owners may submit the information below to receive an extension and continue to remain in compliance.
- (1) Fleet owners may claim this extension by emailing the following information to TRUCRS@arb.ca.gov during the annual reporting period:
    - (A) Identify the VIN of the vehicle that is to be replaced by the forthcoming ZEV or NZEV.
    - (B) Submit the purchase agreement showing the new ZEV or NZEV was ordered at least one year prior to the next compliance date to

remain in compliance due to delays beyond the fleet owner's control. The purchase agreement must meet the following criteria:

1. It is a written and legally binding contract signed at least one year before the upcoming fleet milestone or vehicle compliance date for the vehicle being replaced. 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 are contingent upon other decisions that remain unresolved within one year of the upcoming deadline are not sufficient to qualify for the extension; and
  2. The purchase agreement must identify that a specific vehicle or agreement with a zero-emissions powertrain conversion installer was purchased, the date of the purchase, and that the purchase is for immediate delivery to the ultimate purchaser in California.
- (2) **Manufacturer Cancellation.** If a manufacturer cancels a purchase agreement used to qualify for the extension for reasons beyond the control of the fleet owner, the fleet owner must secure another purchase agreement within 90 calendar days to maintain the provision.
- (3) **Fleet Owner Cancellation.** If a fleet owner cancels a purchase agreement used to qualify for the extension, the claim for the extension will be treated as invalid and the agreement will be treated as if it were never executed.
- (e) **ZEV Unavailability Exemption.** The Executive Officer will maintain a list of vehicle configurations that are eligible for this extension on the CARB Advanced Clean Fleets webpage. The list will include commercially unavailable vehicles with a GVWR greater than 14,000 lbs. and will not include pickup trucks, two-axle buses, box trucks, vans, or any tractors. Fleet owners may replace existing ICE vehicles with vehicles on the list without submitting an exemption request. To use the exemption, fleet owners must:
- (1) Verify the vehicle in the weight class and configuration being replaced is listed on the CARB Advanced Clean Fleets webpage as commercially unavailable.
  - (2) Comply with the reporting and recordkeeping requirements of sections 2015.4(i) and 2015.5(j).

The following describes the criteria for adding or removing vehicles to the list. Fleet owners or vehicle manufacturers may request the Executive Officer to add or remove vehicles from the list if the conditions of this section have been met. The Executive Officer will rely on the information submitted below and their good engineering judgement in determining whether to add vehicles to the list. The vehicle will be added to the list unless a ZEV or NZEV is commercially available as a completed vehicle or is certified for sale in California. The applicant must submit the following by email to TRUCRS@arb.ca.gov to request a vehicle configuration be added to the list:

- (3) Submit the make, model, weight class, configuration, a photograph, and a specifications sheet to show the vehicle is commercially available as an ICE vehicle.
  - (4) For each commercially available ZEV or NZEV chassis in the same and next higher weight class that is certified for sale in California, show the chassis cannot be equipped in the applicable configuration. For example, if a Class 4 vehicle is needed, the following information must be submitted for Class 4 and Class 5 chassis. To do so, applicants must submit either of the following:
    - (A) A signed statement or email from the vehicle manufacturer stating the chassis is not compatible with the applicable configuration and for what reasons; or
    - (B) A signed statement or email from each authorized installer of the needed vehicle body stating that for each available ZEV or NZEV chassis, the installer is unable to configure the body on the chassis without violating safety standards 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 statement must identify which of these safety laws or standards would be violated and for what reasons.
  - (5) If the Executive Officer determines the conditions specified in section 2015.3(e)(4) are no longer met the vehicle configuration will be removed from the list six months after the determination is made and the configuration is considered commercially available.
- (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 of section 2015.1 or 2015.2 for the duration of the emergency event. Fleet owners must keep and provide records per 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 apply for this exemption if they have a mutual aid agreement to send vehicles to assist other entities during a declared emergency event and at least 75 percent of their California fleet is comprised of ZEVs. The exemption is limited to replacing vehicles with a GVWR greater than 14,000 lbs. and does not apply to pickup trucks, buses, box trucks, vans, any tractors, or any vehicle configurations commercially available as NZEVs. The Executive Officer will rely on the information submitted in sections 2015.3(f)(2)(A-D) and their good engineering judgment in determining whether to approve the exemption. The fleet owner must do and 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) For each commercially available ZEV or NZEV complete vehicle or incomplete chassis in the same and next higher weight class that is certified for sale in California, submit the following: documentation from the manufacturer and all mobile fueling providers with compatible mobile fueling options to show the vehicle or chassis cannot be refueled with compatible mobile fueling options that would fuel from 10 to 80 percent of the ZEV's rated energy capacity within 1 hour of fueling time; a signed statement or email from the vehicle manufacturer stating the chassis is not compatible with the applicable configuration and for what reasons; or a signed statement or email from each authorized installer of the needed vehicle body stating that for each available ZEV or NZEV chassis, the installer is unable to configure the body on the chassis without violating safety standards 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 statement must identify which of these safety laws or standards would be violated and for what reasons.

- (C) A copy of the mutual aid agreement in effect with other entities to assist with affected vehicles during declared emergency events.
- (D) Submit a letter to the Executive Officer that has an explanation of the reason for the exemption request.

Note: Authority cited: Sections 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 43000, 43000.5, 42400, 42400.1, 42400.2, 42402.2, 42410, 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 CARB's Advanced Clean Fleets webpage.
- (b) Reporting Deadline and End Date. No later than February 1 of each year until February 1, 2045, fleet owners must annually submit a compliance report showing the California fleet composition as of January 1 of each 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. Fleet owners must report the following:
    - (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 fleet;
  - (J) Identify whether the fleet owner is an interstate rental 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 prior year 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 will follow the compliance path of 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 per 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) Vehicle Identification Number (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 provision of section 2015.3;
  - (K) Odometer, or if applicable, hubodometer readings as specified in section 2015.4(f);
  - (L) Engine family for tractors that are 12 years or older;
  - (M) Engine model year for tractors that are 12 years 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; and
  - (P) Identify whether the vehicle has a heavy front axle.
- (d) Corporate Joint Compliance Reporting. If an entity chooses to comply jointly per 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:

- (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 Re-powers or Conversions. Vehicles repowered with zero-emissions powertrains must report the vehicle's new fuel type within 30 calendar days of being repowered or converted.
- (f) Odometer Reading Reporting. This section applies to fleet owners that have: backup vehicles; vehicles utilizing an exemption due to a declared emergency event per section 2015.3(f)(1-2); day or sleeper cab ICE vehicle or NZEV tractors following the Model Year Schedule of section 2015.1; or day or sleeper cab ICE vehicle or NZEV tractors following the ZEV Milestones pathway of section 2015.2 that want to switch to the Model Year Schedule of section 2015.1. Fleet owners meeting the above conditions must comply with the following reporting requirements:
- (1) Odometer Readings. Report annually the mileage reading and the date the reading was recorded from a properly functioning odometer or hubodometer;
  - (2) Odometer Replacement. If the odometer is replaced, report the following within 30 calendar days of the original odometer failure: the original odometer's final reading, the new odometer's initial reading, and the date of replacement;
    - (A) Hubodometers. If the vehicle's odometer is not functional and is not being replaced, report the serial number from a hubodometer with a non-resettable odometer;
  - (3) Emergency Mileage. 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 per section 2015.3(f)(1), the fleet owner must report the number of miles travelled in support of the emergency.



- (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 or NZEV and to either remove the ICE vehicle from the California fleet or to designate it as a backup vehicle.
- (h) Rental Vehicle Provision 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 Provision 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 Unavailability Supporting Documentation Reporting. Fleet owners that purchase an ICE vehicle pursuant to the ZEV Unavailability exemption of section 2015.3(e) must submit an email to TRUCRS@arb.ca.gov 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 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. Requests and required information for Executive Officer consideration of the exemptions or extensions of sections 2015.3(b), 2015.3(c), 2015.3(d), 2015.3(e), and 2015.3(f)(2) must be submitted via email to TRUCRS@arb.ca.gov. The Executive Officer will notify the fleet owner by email whether the exemption or extension request is approved within 30 calendar days from receipt of a complete submission.

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 and provide the following forms of documentation in an electronic or paper format upon request or make them available to CARB staff within 72 hours of a request:

- (a) Entity and Vehicle Documentation. The following records are required to be kept for the duration in section 2015.5(k) and provided upon request for vehicles in the California fleet:
  - (1) Records of all vehicle information reported per 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) For all vehicles that have been removed from the California fleet, keep and provide the following:
    - (A) If the vehicle is sold, a transfer of liability form filed with DMV, including the date of sale and mileage 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 provisions of section 2015.3(f) must keep and provide records to document dispatch by a local, state, federal, or other emergency management agency. Additionally, fleet owners of vehicles with emergency support vehicles utilizing the provisions of section 2015.3(f) must keep and provide 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 on the basis of gross annual revenues per section 2015(a)(1) must keep and provide tax filing records that show the entity's gross annual revenues.
- (b) Operator Documentation. Fleet owners must keep and provide 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 and provide records of the vehicle miles traveled. Acceptable records are those provided in smoke opacity test results, Biennial Inspection of Terminals inspection records, fuel tax records, maintenance records, unaltered photograph of the odometer or hubodometer, 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 per 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 and provide copies of the purchase agreement used to qualify for the extension, and any records or documentation of order cancellations by the manufacturer outside the control of the fleet owner.
- (e) Daily Usage Exemption Documentation. Fleet owners that utilize the Daily Usage Exemption must keep and provide copies of all documents, data, letters, and analysis used to support their request and qualifications for the exemption.
- (f) Infrastructure Construction Delay Documentation. Fleet owners that utilize the Infrastructure Delay Exemption must keep and provide copies of all documents, letters, contracts, and purchase agreements used to support their request and qualifications for the exemption.
- (g) Documentation for Exemptions Pursuant to Declared Emergency Events. Fleet owners that utilize the Exemptions Pursuant to Declared Emergency Events must keep and provide copies of all documents, mutual aid agreements,

publicly issued bids and requests for information, and letters used to support their request and qualifications for the exemptions.

- (h) Rental Vehicle Provision Records. Interstate rental fleet owners utilizing section 2015.2(d) must keep and provide 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.
- (i) Hiring Entity Documentation. Hiring entities that are subject to the regulation per section 2015(a)(3) must keep and provide 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 and provide copies of contracts with hired entities that include the disclosure of regulation applicability required by section 2015(g)(2).
- (j) ZEV Unavailability Documentation. Fleet owners utilizing the ZEV Unavailability exemption must keep and provide purchase agreements and photographs submitted per section 2015.4(i), and a copy of the specifications sheet or a list of the specifications for the vehicle and if applicable, the body installed for ICE vehicles purchased pursuant to the exemption.
- (k) Retention of Records. Records of reported information required in reporting section 2015.4 and documentation required in record keeping section 2015.5 must be kept by the fleet owner and made available to CARB staff for audit for a period of eight years from the date the information is used to demonstrate compliance.

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.
- (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.

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.