

Appendix A-4

Proposed Regulation Order Advanced Clean Fleets Regulation

2040 100 Percent Medium- and Heavy-Duty Zero- Emission Vehicle Sales Requirements

Note: The entire text of section 2016 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
Date of Hearing: October 27, 2022

Chapter 1. Motor Vehicle Pollution Control Devices

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

Proposed Regulation Order

Title 13, California Code of Regulations

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

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

- (a) Sunset Provision. The requirements of title 13, sections 1963, 1963.1, 1963.2, 1963.3, 1963.4, and 1963.5 sunset at the end of the 2039 model year.
- (b) Scope and Applicability. Any manufacturer that certifies on-road vehicles over 8,500 lbs. gross vehicle weight rating for sale in California is subject to this section beginning with the 2040 model year.
- (c) Definitions. The following definitions apply to this section:

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

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

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

“Manufacturer” means any entity or person who assembles new on-road motor vehicles, or imports such vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, but shall not include any dealer with respect to new motor vehicles received in commerce. In general, this term 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 and persons that assemble glider vehicles. This does not include persons who supply parts to the importer or vehicle manufacturer of record.

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

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

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

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

- (d) 2040 ZEV Requirement. Beginning with the 2040 model year, all vehicles produced by manufacturers subject to this section that are produced and delivered for sale to the ultimate purchaser in California must be ZEVs. This requirement does not apply to authorized emergency vehicles.
- (e) Zero-Emission Powertrain Certification Requirement. ZEVs over 14,000 pounds GVWR and incomplete medium-duty ZEVs from 8,501 through 14,000 pounds GVWR produced and delivered for sale in California must meet the requirements of title 13, CCR section 1956.8 and title 17, CCR section 95663 as amended by the Zero-Emission Powertrain Certification regulation.
- (f) Reporting Requirements. Beginning with the 2040 model year, and no later than 90 calendar days following the end of each model year, a manufacturer must report the following information to the Executive Officer for each on-road vehicle produced and delivered for sale in California for each model year.
 - (1) Vehicle identification number;
 - (2) Fuel and drivetrain type; and
 - (3) If the vehicle is not a ZEV, documentation showing the vehicle is an authorized emergency vehicle.
- (g) Retention of Records. Records of reported information required in section 2016(f) and documentation showing vehicle delivery to the ultimate purchaser at a location in California must be kept by manufacturers for CARB to audit for a period of eight years from the end of the model year the vehicles were produced.

(h) Enforcement of Requirements

- (1) Audit of Records. A manufacturer must make records of vehicle sales into California available to the Executive Officer within 30 calendar days of a request for audit to verify the accuracy of the reported information. Submitting false information is a violation of this regulation and violators will be subject to penalty.
- (2) Penalty for Selling Combustion Powered Vehicles after 2040. 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.

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