

Appendix A-1
Proposed Regulation Order

**The Proposed Amendments to the Advanced Clean Fleets
and Low Carbon Fuel Standards Regulations**

[Note: This version of the Proposed Regulation Order complies with Government Code section 11346.2 subdivision (a)(3). The proposed amendments are shown in underline to indicate additions and strikethrough to indicate deletions from the existing regulatory text. For ease of readability, CARB has also provided a version of the proposed amendments that can toggle between amendments in strikeout/underline and a "clean" version with amendments incorporated into the regulatory text, which can be found in Appendix A-2.

Chapter 1, Motor Vehicle Pollution Control Devices

Article 3.2 State and Local Government Agency Fleet Requirements

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

Section 2013.1 State and Local Government Fleet ZEV Purchase Schedule.

Section 2013.2 State and Local Government Fleet Exemptions and Extensions.

Section 2013.3 State and Local Government Fleet Reporting.

Section 2013.4 State and Local Government Fleet Recordkeeping.

Section 2013.5 State and Local Government Fleet Enforcement.

Section 2013.6 ZEV Milestones Option.

Article 8 Hiring of Compliant Truck Fleets

Section 2049 Hiring Compliant Fleets.

Proposed Regulation Order

Title 13, California Code of Regulations

Amend Chapter 1, Article 3.2, Sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4, and adopt sections 2013.5 and 2013.6 of title 13, California Code of Regulations, to read as follows:

Article 3.2. State and Local Government Agency Fleet Requirements

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

(a) Scope and Applicability

- (1) Fleet Applicability. Except for excluded vehicles as specified in section 2013(c) this article applies to any state or local government agency with jurisdiction in California that owns, leases, or operates one or more vehicles specified in section 2013(a)(2) in California on or after January 1, 2024. -This article does not apply to federal fleets.
- (2) Vehicle Scope. Except for excluded vehicles as specified in section 2013(c), vehicles subject to this article are vehicles that have a gross vehicle weight rating (GVWR) greater than 8,500 lbs. that are operated in California.

(b) Definitions. For the purposes of this article, the following definitions apply:

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

“Backup vehicle” means a vehicle, excluding yard tractors, that is operated infrequently as specified in section 2013.2(a).

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

“Box truck” means a single-unit vehicle with a fully or partially enclosed space with a roof and at least three sides designed for transporting cargo or payload, excluding the driver and passengers. Examples include

vehicles commonly referred to as step vans, refrigerated vans, dry vans, chipper trucks, and box reefer trucks.

“Broker” means any person who, 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 configured with seats for the primary purpose of transporting persons including the driver.

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

“CARB” means the California Air Resources Board.

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

“Day cab tractor” means an on-road tractor without a berth at the back of the cab designed for resting or sleeping 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.

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

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

“Emergency operation” 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.

~~“ePTO” is an integrated vehicle technology system capable of providing power to auxiliary equipment or accessories, such as hydraulic pumps, compressors, liquid pumps, electrical power generators, or winches, which enables the vehicle (and integrated system) to produce no criteria pollutant, precursor pollutant, or greenhouse gas exhaust emissions while the auxiliary equipment or accessories are being operated.~~

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

“Federal fleet” means vehicles owned by a department, agency, or instrumentality of the federal government of the United States of America and its departments, divisions, public corporations, or public agencies that operate in California. With respect to the Department of Defense and its service branches, federal fleets may be managed

regionally, locally, or a combination of regional and local management. There may be multiple federal fleets within a branch of military service or an installation.

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

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

- (A) For vehicles that are rented or leased from a business that is regularly engaged in the trade or business of renting or leasing motor vehicles without drivers, including truck leases that are part of a bundled service agreement, the owner shall be presumed to be the rental or leasing entity for purposes of compliance, unless the rental or lease agreement for the vehicle is for a period of one year or longer ~~and~~.
 - 1. For vehicle leases or rental agreements for a period of one year or longer with a signed date before January 1, 2027, if the terms of the rental or lease agreement identify the renting operator or lessee of the vehicle as the party responsible for compliance with state laws, then the fleet owner shall be considered the rental or lease business.
- (B) A financing company or a person who 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 who only provides financing to a third party for converting a vehicle to a ZEV is not considered to be the owner of the vehicle.

“Good engineering judgement” is using commonly believed scientific and mathematical principles when making a decision that seeks to maximize public benefit and minimize public harm.

“Gross vehicle weight rating” or “GVWR” means the same as CVC section 350, as indicated by the characters in the four through eight 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 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 vehicle” means a vehicle that is equipped with a snow plow or snow blower mounting attachment and a control system for the plow or blower.

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

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

“Low-NOx ICE Vehicle” is a vehicle legally sold into California equipped with an engine certified to a NOx emission standard below the lowest applicable NOx engine standard for the 2026 or subsequent model years.

“Manufacturer” means any entity or person who manufactures or assembles new yard tractors or on-road motor vehicles, or imports such

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

"Milestone Group 1" means 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 shall 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) and achieves a minimum number of miles, or “all-electric range”, as specified in title 13, CCR, section 1963.2(b)(2).

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

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

“Pickup truck” means a vehicle originally manufactured as a complete vehicle with an open box-type bed that meets the definition set forth in CVC section 471. A “pickup truck” with a removable bed cover or camper shell installed is considered a “pickup truck” for the purpose of this article.

~~“Power take-off” or “PTO” is a mechanical component on a vehicle that transfers power from an engine to auxiliary equipment or accessories, such as hydraulic pumps, compressors, liquid pumps, electrical power generators, or winches without requiring a separate power source.~~

~~“Public agency utility” means a local publicly owned electric utility, as defined in Section 224.3 of the Public Utilities Code, a community water system, as defined in Section 116275 of the Health and Safety Code, a water district, as defined in Section 20200 of the Water Code, and a wastewater treatment provider, as defined in Section 116773.2 of the Health and Safety Code.~~

"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 fleet owner no longer operates a vehicle in California on or after the date the vehicle ~~meets one of the following conditions: is destroyed, scrapped, sold out of the fleet, or transferred out-of-state.~~

(C) ~~Is destroyed or scrapped; or~~

(D) ~~Is sold out of the fleet or transferred out-of-state.~~

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

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

"Smoke opacity test" means a test of a vehicle's emissions for smoke opacity level conducted using the procedures specified in "Society of Automotive Engineers (SAE) J1667 Recommended Practice Snap Acceleration Smoke Test Procedure for Heavy-Duty Powered Vehicles. as issued in February 1996.

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

"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.

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

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

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

~~"Traditional utility-specialized vehicle" means an ICE vehicle owned and operated by a public agency utility that meets all the following criteria:~~

- ~~(A) Has a GVWR greater than 10,000 lbs.;~~
- ~~(B) Has a body configuration that is not designed to primarily carry cargo or passengers;~~
- ~~(C) Has maximum limits for tongue weight, axle loading, and a gross combination weight rating;~~
- ~~(D) Is operated greater than 50 percent of the time to maintain reliable public utility services as defined in Section 224.3 of the Public Utilities Code, Section 116275 of the Health and Safety Code, Section 20200 of the Water Code, and Section 116773.2 of the Health and Safety Code; and~~
- ~~(E) Is either:
 - ~~1. Equipped with a power take off device that draws power directly from the engine or transmission, or~~~~

2. ~~Equipped with four wheel drive or six wheel drive capable of providing torque and power to all wheels simultaneously.~~

“TRUCRS” means Truck Regulations Upload, Compliance, and Reporting System.

“Two-engine vehicle” means a specially constructed on-road mobile vehicle that was designed by the original equipment manufacturer to be equipped with two engines: one engine provides the primary source of motive power of the vehicle while the other engine is an auxiliary engine with 50 brake horsepower or greater that is permanently attached and integrated into the original design of the vehicle to perform a specific function, which may include providing auxiliary power to attachments, performing special job functions, or providing additional motive power. If a vehicle was originally designed with the capability to have an auxiliary engine installed, but the auxiliary engine was installed by 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 is a yard tractor that is not intended for use on highways.

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

“Vehicle Identification Number” or “VIN” means an alphanumeric code that 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 or to convert a vehicle to a ZEV; or entered into a lease agreement with a contract term of one year or more. The action taken ~~must~~shall be for immediate delivery or installation and the purchaser ~~must~~shall have

already paid for or entered into a binding agreement with an authorized dealer, entity who converts vehicles to ZEVs, third party, or manufacturer to pay for the vehicle or conversion. A vehicle purchase does not include renewing a lease agreement for a vehicle already in the California fleet. A vehicle purchase includes when the fleet owner has executed any one of the following:

- (A) Identified, committed, and encumbered funds and executed a written notice to proceed to a manufacturer, authorized dealer, or entity who 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 who 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 rental or 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 a vehicle that supports the hauling, transferring, or processing of waste owned or operated by either:

- (A) A municipality; or
- (B) A fleet owner that is contracted with a municipality 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 whose 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.

"Workday" means a calendar day a vehicle is operated in the California fleet and excludes days the vehicle is operated solely for vehicle maintenance purposes, such as being driven to a vehicle repair facility for repairs upon that vehicle.

"Work truck" means a vehicle that does not meet any of the definitions of box truck, van, bus, pickup truck, 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) Excluded Vehicles. The following vehicles are excluded from the requirements specified in sections 2013 through 2013.6:

- (1) School buses as defined in CVC section 545(a);
- (2) Military tactical vehicles as described 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 regulations commencing with title 13, CCR, section 2023;
- (10) Except as specified in ZEV Milestones Option of section 2013.6(a)(1), vehicles that are subject to the Zero-Emission Airport Shuttle regulations of title 17, CCR, sections 95690.1, 95690.2, 95690.3, 95690.4, 95690.5, 95690.6, 95690.7, and 95690.8; and
- (11) Vehicles subject to the regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards commencing with title 13, CCR, section 2479.

(d) General Requirements. Beginning January 1, 2024, fleet owners ~~must~~shall comply with section 2013.1 or may alternately elect to comply with the ZEV Milestones Option specified in section 2013.6 as described in section 2013(e). Renewing a vehicle lease for a vehicle that is already in the California fleet shall not be considered as a vehicle purchase for the California fleet.

- (e) ZEV Milestones Option Flexibility. Until January 1, 2030, in lieu of complying with the requirements of section 2013.1, fleet owners may instead elect to ~~permanently~~ comply with the ZEV Milestones Option of section 2013.6. The fleet owner ~~must~~shall also report their intention to use this option as specified in section 2013.3(c)(1)(I). After electing to use this option, fleet owners are no longer subject to ~~and may not switch back to~~ the requirements specified in section 2013.1. Fleet owners may switch between the ZEV Milestones Option of section 2013.6 and the ZEV Purchase Schedule of section 2013.1 until January 1, 2030, provided their California fleet was compliant with the current option in the prior calendar year, and their California fleet complies with the new option in the current year. Changing compliance options mustshall be reported during the annual reporting period specified in section 2013.3(b).
- (f) NZEV Flexibility. 2035 and earlier model year NZEVs are counted the same as ZEVs for purposes of determining compliance with this article, except as specified in sections 2013.2(b) and 2013.2(d).
- (g) Joint Compliance Option. Individual departments, divisions, districts, subsidiaries, or agencies under the same state or local government agency's jurisdiction have the option to comply jointly instead of complying independently if the combined California fleet meets the requirements of this article. The California Department of General Services may comply jointly for all State agency fleets under its jurisdiction and ~~must~~shall exclude vehicles in subdivisions that opt to comply separately. If such departments, divisions, districts, subsidiaries, or agencies elect to utilize this compliance option and then subsequently do not fully comply with the applicable requirements of section 2013.1 or 2013.6 each of the participating entities ~~must~~shall then demonstrate compliance with the requirements of section 2013.1 or 2013.6 on an individual basis, dependent on whether the fleet owner elects to comply with section 2013.6. Fleet owners choosing to use this option ~~must~~shall meet the reporting requirement specified in section 2013.3(d). Fleet owners may comply jointly even if one or more individual subdivisions opt into the ZEV Milestones Option as specified in section 2013.6.
- (h) Reporting and Recordkeeping Requirement. Beginning January 1, 2024, fleet owners ~~must~~shall meet reporting requirements as specified in section 2013.3 and keep and provide records as specified in section 2013.4.
- (i) Vehicles Acquired with Incentive Funds. Beginning January 1, 2024, if a fleet owner receives California State-provided incentive funding for ZEVs or NZEVs and the funding program guidelines specify that any vehicles acquired with such funds cannot be used to determine compliance with the ZEV Purchase Schedule of section 2013.1 or ZEV Milestones Option of section 2013.6, any vehicle acquired with such funds ~~will~~shall not be counted as a compliant vehicle during

the funding contract period. The fleet owner ~~must~~shall meet the reporting requirements specified in section 2013.3(c)(2)(M).

- (j) Certificate of Reported Compliance and Compliant Fleet List. If the requirements specified in sections 2013 through 2013.6 are met and the required reporting is received to demonstrate compliance, the fleet owner ~~will~~shall be provided with a Certificate of Reported Compliance. The CARB Advanced Clean Fleets webpage ~~will~~shall list the TRUCRS identification number, motor carrier number if applicable, fleet name, and whether the fleet is recognized as a “ZEV Fleet” per section 2013(n) for compliant fleets that have received a Certificate of Reported Compliance. Fleets that do not comply ~~will~~shall not be listed.
- (k) Sales Disclosure of Regulation Applicability. Any person subject to this article selling a vehicle subject to this article ~~must~~shall 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>.”
- (l) ICE Vehicle Purchases. ~~Any new ICE vehicle purchased for the California fleet on or after January 1, 2024, must be certified to the California emissions standards and emissions related requirements applicable to that vehicle.~~ Any used ICE vehicle purchased ~~must~~shall have a 2010 or newer model year engine.
- (m) Transit Agency Exemption. Any vehicle that meets the criteria specified in section 2013(m)(1) or (2) below that is owned or operated by transit agencies subject to the Innovative Clean Transit regulations commencing with title 13, CCR, section 2023 is not subject to sections 2013 through 2013.6 until January 1, 2030:
 - (1) Vehicles that directly support and maintain transit service operations a majority of the time; or
 - (2) Vehicles that provide transit passenger transportation services a majority of the time.
- (n) “ZEV Fleet” Recognition. Fleet owners may optionally elect to be recognized as a “ZEV fleet” beginning January 1, 2024. A fleet ~~will~~shall 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~~section 2013.6(b)(1) Table A: ZEV Milestones Option in section 2013.6~~by Milestone Group and Year;~~
- (2) The California fleet ~~must~~shall 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 section 2013.3~~;~~ and record keeping requirements of ~~a~~ section 2013.4.

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; and section 28500, Vehicle Code.

Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code; and section 28500, Vehicle Code.

Amend Section 2013.1~~;~~ of title 13, California Code of Regulations, to read as follows:

§ 2013.1. State and Local Government Fleet ZEV Purchase Schedule.

- (a) ZEV Purchase Schedule. Beginning January 1, 2024, annual compliance with the ZEV purchase requirements is determined on January 1 of each calendar year.
 - (1) Except as specified in section 2013.1(a)(2), fleet owners ~~must~~shall purchase ZEVs, or NZEVs as specified in section 2013(f), for their California fleet including early or excess ZEV purchases as described in 2013.1(d) in accordance with the following schedule:
 - (A) Starting January 1, 2024, 50 percent of the total number of vehicle purchases for the California fleet in each calendar year ~~must~~shall be ZEVs; and
 - (B) Starting January 1, ~~2027~~30, 100 percent of the total number of vehicle purchases for the California fleet in each calendar year ~~must~~shall be ZEVs.
 - (2) A State or local government agency that meets any one of the following criteria ~~must~~shall meet the requirements specified in section 2013.1(a)(1)(B) and are not subject to the requirements specified in section 2013.1(a)(1)(A): its jurisdiction is solely in a designated low population

county; it owns, leases, or operates ten or fewer vehicles in the California fleet, as specified in section 2013(g); or its jurisdiction or service area is split between a designated low population county and a non-designated county and at least 90 percent of the service area in square miles is in the designated low population county.

- (b) Rounding. If the calculated required minimum number of ZEV purchases at the end of each calendar year as set forth in section 2013.1(a) does not result in a whole number, then fleet owners ~~must~~shall use the "standard rounding convention" as defined in section 2013(b). For example, 50% of 5 vehicle purchases is 2.5 and rounds up to 3 ZEV purchases that year.
- (c) ZEV Accounting. Each ZEV purchase may be counted only once as long as the vehicle remains in the fleet to count towards compliance with the ZEV purchase requirement for a given calendar year.
- ~~(d) — Early ZEV Purchases. ZEV purchases for the California fleet made before the deadlines or in excess of the amounts required in section 2013.1(a) count towards future ZEV purchase requirements as long as the ZEV is still active in the fleet. Each early or excess ZEV purchase counts toward a future requirement only once per the accounting requirements in section 2013.1(c).~~
- (d) Early or Excess ZEV Purchases. Any ZEV purchased before January 1, 2024, will~~shall~~ count as an excess ZEV purchase as long as the vehicle is still active in the California fleet. Any ZEV purchased on or after January 1, 2024, will~~shall~~ count as a -ZEV purchase in perpetuity as long as the vehicle is active in the California fleet for at least 3 calendar years from the date the vehicle is added to the California fleet. A fractional or whole ZEV purchase exceeding the amounts required in section 2013.1(a) will~~shall~~ be applied before any exemptions are granted. For example, 50% of a single ZEV purchase is 0.5, which rounds to 1 ZEV purchase. The excess 0.5 ZEV purchase can carry over to the next calendar year, meaning no ZEV is required the next time a fleet owner needs to purchase 1 ICE vehicle during the 50% purchase requirement. At the end of each calendar year, any excess ZEV purchases will~~shall~~ be carried over into the beginning of the next calendar year. For example, 1 excess ZEV purchase at the end of 2029 can be carried over into 2030 to allow for 1 ICE vehicle purchase in 2030 during the 100% ZEV purchase requirement.

- (e) Order Cancellations. If a fleet owner cancels a notice to proceed, a purchase agreement, or a leasing contract for a ZEV at any time before the vehicle is delivered, the purchase ~~will~~shall not count towards required ZEV purchases for the California fleet. If a vehicle manufacturer ~~cancels~~is unable to fulfill a purchase agreement for ZEVs at any time before the vehicle is delivered for reasons beyond the control of the fleet owner, the fleet owner ~~must~~shall secure another purchase agreement for ZEVs no later than one year after the cancellation. This second purchase will count toward compliance for the calendar year of the original order. Fleet owners ~~must~~shall submit a copy of the manufacturer cancellation notice within 30 calendar days of the cancellation and ~~must~~shall submit the new ZEV purchase agreement within 30 calendar days of placing the order to TRUCRS@arb.ca.gov to maintain compliance. In the event there is no available ZEV of the needed configuration to purchase, the fleet owner may request the ~~ZEV Purchase Exemption~~exemptions specified in ~~section~~sections 2013.2(b), 2013.2(d), or 2013.2(e).
- (f) ZEV Purchase Schedule Exemptions and Extensions. Fleet owners complying with the ZEV Purchase Schedule of section 2013.1 may utilize the ~~following~~ exemptions and extensions as specified in sections 2013.1(f)(1-7) if the specified criteria are met. Until January 1, 2030, fleet owners may request the exemptions in sections 2013.2(b), 2013.2(d), and 2013.2(e) only if they can demonstrate the vehicles qualifying for the exemptions would reduce the required number of ZEV purchases in the applicable calendar year by submitting their application and the expected annual vehicle purchase information specified in section 2013.1(g), unless all ICE vehicle purchases in the calendar year are made pursuant to the Streamlined ZEV Purchase Exemption described in 2013.2(d)(1). If the fleet owner does not adhere to the criteria used to qualify for the exemption, it willshall be deemed void by the Executive Officer. Where applicable, if fewer ICE vehicles qualify for the exemptions in sections 2013.2(b), 2013.2(d), and 2013.2(e) than requested, the Executive Officer willshall only approve an exemption for those vehicles that qualify.
- (1) Backup Vehicle Exemption. Fleet owners may purchase a new or used ICE vehicle and exclude it from the ZEV purchase requirement specified in section 2013.1(a) if the vehicle is designated as a backup vehicle as specified in section 2013.2(a).
- (2) Daily Usage Exemption. ~~Except as provided in section 2013.1(g), fleet~~Fleet owners may request an exemption from the ZEV purchase requirements of section 2013.1(a) to purchase a new ICE vehicle: of the same weight class and vehicle configuration as a vehicle for which the fleet has data to submit per section 2013.2(b). Fleet owners ~~must~~shall request and obtain this exemption pursuant to the criteria specified in section 2013.2(b) ~~ne~~

~~earlier than when the model year of the ICE vehicle being replaced reaches 13 years old. All). Fleet owners may only request an exemption for vehicle purchases other than the vehicles included in the exemption application must be ZEVs during the current or next calendar year until the applicable requirements of 2013.1(a) are met.~~

- (3) ZEV Infrastructure Delay Extension. Fleet owners may request a temporary extension to count an ICE vehicle being replaced as a ZEV purchase when determining compliance with the ZEV purchase requirements of section 2013.1(a). Fleet owners may delay the purchase of ZEVs during the extension period but will shall be required to be in full compliance with the ZEV Purchase Schedule at the end of the extension period. ZEVs purchased under this extension during the delay count toward compliance for the calendar year of the original compliance requirement. The fleet owner ~~must~~shall request and obtain the extension pursuant to the criteria specified in section 2013.2(c).

- (4) ZEV Purchase Exemption. ~~Except as provided in section 2013.1(g), fleet~~Fleet owners ~~must~~may use the exemption in section 2013.2(d)(1) or request the exemption in section 2013.2(d)(2) ~~no earlier than when the model year of the to purchase a new ICE vehicle being replaced reaches 13 years old. All~~exempt from the ZEV purchase requirements of section 2013.1(a). Fleet owners must shall use or request and obtain this exemption pursuant to the criteria specified in section 2013.2(d). Fleet owners may only request an exemption for vehicle purchases other than the vehicles included in the exemption application or purchased pursuant to this exemption must be ZEVs during the current or next calendar year until the applicable requirements of 2013.1(a) are met.
 - (A) ~~ZEV Purchase Exemption List. Fleet owners shall receive an exemption from the ZEV purchase requirements specified in section 2013.1(a) to purchase a new ICE vehicle pursuant to the criteria specified in section 2013.2(d)(1).~~
 - (B) ~~ZEV Purchase Exemption Application. Fleet owners may request and obtain an exemption from the ZEV purchase requirements specified in section 2013.1(a) to purchase a new ICE vehicle pursuant to the criteria specified in section 2013.2(d)(2).~~

- (5) ~~Mutual Aid Assistance.~~Fleet Resiliency Exemption. Fleet owners may request an exemption from the ZEV purchase requirements specified in section 2013.1(a) to purchase a new ICE vehicles. Fleet owners ~~must~~shall request and obtain this exemption pursuant to the criteria specified in

section 2013.2(e). ICE vehicles purchased pursuant to a granted exemption may operate as part of the regular California fleet and are not restricted solely to mutual aid functions. Fleet owners may only request an exemption for vehicle purchases in the current or next calendar year.

- (6) Intermittent Snow Removal Vehicles. Fleet owners shall receive an exemption from the ZEV purchase requirements specified in section 2013.1(a) until January 1, 2030, for intermittent snow removal vehicles. Fleet owners may request the Executive Officer designate vehicles purchased prior to January 1, 2030, as intermittent snow removal vehicles pursuant to the criteria in section 2013.3(kj).
- (7) ~~Non-repairable Vehicles;~~recoverable Vehicle. Fleet owners that need to ~~temporarily~~immediately replace a vehicle due to an accident or other ~~one-time~~one-time 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, or if the vehicle is stolen and not recoverable, may request and obtain an exemption from the ZEV purchase requirements specified in section 2013.1(a)). If the non-recoverable vehicle is a new ICE vehicle, the fleet owner may request the exemption to purchase a new ICE vehicle. If the non-recoverable vehicle is a used ICE vehicle, the fleet owner may request the exemption to purchase a used ICE vehicle. In both cases, the ICE vehicle being purchased must shall be of the same configuration and must shall be equipped with an engine with the same or newer model year as the non-repairable vehicle-recoverable vehicle, provided the engine is 2010 model year or newer. The replacement vehicle must shall be purchased no later than 180 calendar days from the date of the accident, theft, or other event that made the vehicle become non-repaicoverable. Fleet owners must shall report the replacement vehicle within 30 calendar days of adding it to the California fleet as specified in section 2013.3 and keep records for both vehicles as specified in section 2013.4(kj). To apply request the exemption, fleet owners must shall submit the following information and documentation to TRUCRS@arb.ca.gov prior to reporting the used replacement vehicle as part of the California fleet:
 - (A) A copy of a police report, statement from the insurance company, or signed attestation from a fleet owner's governing board indicating the vehicle is non-repaicoverable;
 - (B) The VIN of the non-repaicoverable vehicle; and

- (C) The following clear and legible digital photographs of the replacement used-vehicle:
1. VIN/GVWR label (typically located on the driver side door or door jamb);
 2. License plate with driver side of the vehicle visible;
 3. Entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
 4. Entire right side of the vehicle with doors closed showing the vehicle's body configuration.

~~(g) Traditional Utility Specialized Vehicle Early Access. A public agency utility that requests the exemptions in sections 2013.2(b) or 2013.2(d)(2), or uses the exemption in section 2013.2(d)(1), earlier than when the model year of the traditional utility specialized vehicle being replaced reaches 13 years old must: either meet the criteria specified in section 2013.1(g)(1) or in section 2013.1(g)(2), and if utilizing an exemption pursuant to this section, must meet the criteria specified in sections 2013.2(b)(8) or 2013.2(d)(4). Fleet owners using this provision must keep records as specified in section 2013.4(l).~~

~~(1) A public agency utility that requests the exemptions in sections 2013.2(b) or 2013.2(d)(2) must submit the information specified in section 2013.1(g)(1)(A) to TRUCRS@arb.ca.gov in their exemption application. A public agency utility that uses the exemption in section 2013.2(d)(1), prior to making the vehicle purchase, must submit to TRUCRS@arb.ca.gov the VIN, TRUCRS ID of the fleet, and an attestation that the thresholds specified in Table A in section 2013.1(g)(1)(A) were met by the existing vehicle being replaced.~~

~~(A) Submit documentation as specified in section 2013.4(c) of the vehicle's current odometer reading showing it meets or exceeds the thresholds specified in Table A, based on the vehicle's weight class. For vehicles equipped with PTOs, in lieu of the odometer reading, the public agency utility may alternatively submit documentation as specified in section 2013.4(l) of the vehicle's current engine hour meter reading showing it meets or exceeds the hour threshold specified in Table A.~~

~~**Table A: Usage Thresholds for Traditional Utility Specialized Vehicles**~~

Vehicle Class	Vehicle Mileage or Engine Hour Threshold
Class 3 and 4	70,000 miles
Class 5 and 6	115,000 miles
Class 7 and 8	175,000 miles
Trucks with PTO	4,000 hours

~~(2) A public agency utility that requests or uses the exemptions in sections 2013.2(b) and 2013.2(d)(2) must submit the information specified in section 2013.1(g)(2)(A) that meets the criteria specified in section 2013.1(g)(2)(B) to in their exemption application. A public agency utility that uses the exemption in section 2013.2(d)(1), prior to making the vehicle purchase, must submit to the VIN of the existing vehicle being replaced, the TRUCRS ID of the fleet, and the information specified in section 2013.1(g)(2)(A) that meets the criteria specified in section 2013.1(g)(2)(B):~~

~~(A) An attestation signed by the fleet owner that the vehicle meets replacement criteria that includes minimum vehicle age, vehicle miles traveled, or engine hours as criteria to replace the vehicle and was established prior to using or requesting the exemption; and~~

~~(B) The replacement criteria must have been approved by the fleet owner's governing board, chief executive, or the chief executive's designee in an established written plan, policy, or document.~~

(g) ZEV Purchase, Daily Usage, and Fleet Resiliency Exemptions Expected Vehicle Purchase Information. Until January 1, 2030, the fleet owner must shall submit the following information with the exemption application for vehicle purchases being made during the same calendar year as the exemption request:

(1) The number of ICE vehicles being purchased by weight class and configuration;

(2) The number of ZEVs being purchased by weight class and configuration; and

(3) Which exemption each ICE vehicle being purchased qualifies for.

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, and section 28500, Vehicle Code.

Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212 and 43214, Health and Safety Code, and section 28500, Vehicle Code.

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

§ 2013.2. State and Local Government Fleet Exemptions and Extensions.

This section describes the eligibility criteria and application process for exemptions and extensions. Fleet owners may request the following exemptions or extensions if their California fleets comply with all applicable requirements. ~~Exemptions and extensions are only applicable if the fleet owner cannot comply with the requirements of section 2013.1 or section 2013.6 due to circumstances beyond their control. For example, a ZEV Purchase Exemption is not necessary if a sufficient number of ZEVs are available to purchase in the calendar year to meet the requirements of section 2013.1 without an exemption.~~ Fleet owners requesting or utilizing any exemptions or extensions ~~must~~shall meet applicable reporting and recordkeeping requirements for each exemption or extension as specified in sections 2013.3. and 2013.4. Any exemptions or extensions granted to a fleet owner are not transferrable to another fleet owner. The Executive Officer ~~will~~shall respond to exemption or extension requests as specified in section 2013.3(i).

- (a) Backup Vehicle Exemption. Fleet owners may designate vehicles as backup vehicles during the March reporting period as specified in section 2013.3(b) and renew such designations annually only if the criteria in (1) and (2) below are satisfied:
- (1) The vehicle is operated less than 1,000 miles per year excluding any mileage travelled while performing emergency operations in support of a declared emergency event; and
 - (2) The fleet owner ~~must~~shall report the vehicle as a backup vehicle and ~~must~~shall submit odometer readings as specified in section 2013.3(f).
 - (3) Backup vehicles that no longer meet the criteria specified in (1) and (2) above cannot be operated in California and ~~must~~shall be removed from

the California fleet if the fleet is out of compliance with section 2013.1 or section 2013.6.

- (b) Daily Usage Exemption. Fleet owners may request an exemption as specified in section 2013.1(f)(2) or 2013.6(gf)(2) to purchase a new ICE vehicle of the same configuration as an ICE vehicle being replaced as specified in section 2013.2(b)(1) if no new BEV is available and class for which the fleet has data to purchase that can meet the demonstrated ~~demonstrate~~ daily usage needs of any existing vehicles of the same configuration in the fleet, as determined by the criteria specified in section 2013.2(b)(2) through (5). If 4) cannot be met with an equivalent BEV in a single charge. The new ICE vehicle approved, fleet owners to be purchased must place their new ICE vehicle orders within one year from the date the exemption is granted. Fleet owners may request this exemption only if at least ten percent of their California fleet is comprised of ZEVs or NZEVs be of the same configuration as specified in section 2013.2(b)(2). The Executive Officer will ~~shall~~ not approve exemption requests for a vehicle configuration that is available to purchase as: an NZEV; a FCEV; a Class 7 or 8 BEV tractor or BEV three-axle bus with a rated energy capacity of at least 1,000 kilowatt-hours; a Class 4 through 6 BEV with a rated energy capacity of at least 325 kilowatt-hours; or a Class 7 or 8 BEV that is not a tractor or three-axle bus with a rated energy capacity of at least 450 kilowatt-hours. ~~The~~ To apply, the fleet owner must ~~shall~~ meet the criteria specified in 2013.2(b)(1) and (5) and submit the following information by email specified in sections 2013.2(b)(2) through (4) to TRUCRS@arb.ca.gov to apply:

- (1) Fleet owners may request this exemption only if at least ten percent of their California fleet is comprised of ZEVs or NZEVs.
- (1)(2) Submit the TRUCRS identification number for the fleet, the compliance year for which the exemption is applicable, and make, model, weight class, configuration, VIN, and a photograph an image of each ICE vehicle to be replaced. Until January 1, 2027, if using the ZEV Purchase Schedule of section 2013.1, submit the number of ICE vehicle and number of ZEV and NZEV purchases already placed and planned during the calendar year, and indicate whether any of the ICE vehicle purchases are being purchased with an exemption and include the name of the exemption for which it is eligible or has already been granted.
- (2)(3) Identify the BEV chassis or complete vehicle that is available to purchase in the same weight class and configuration with the highest rated battery energy capacity available. Submit the make, model, weight class, configuration, and rated energy capacity of the identified BEV.

(4) Calculate the range of the vehicle identified There are two methods for a fleet to qualify for this exemption. The first is based on mileage as described in section 2013.2(b)(2) in 4(A). The second is based on total energy use as described in section 2013.2(b)(4)(B).

(A) Mileage Data. Except as specified in section 2013.2(b)(4)(A)1, submit a vehicle mileage report covering at least 30 consecutive workdays from any period within the past 12 months. Fleet owners with mutual aid agreements to send vehicles to assist during declared emergency events may instead submit this data from the past 60 months. The vehicle mileage report ~~must~~shall include the VIN and daily miles traveled for all ICE vehicles of the same weight class and configuration as the ICE vehicle to be purchased under the exemption. The vehicle mileage data may be from telemetry records, maintenance records, fueling records, handwritten logs, or another system that records vehicle mileage readings and dates the readings were taken.

1. If daily data are unavailable, provide at least four mileage intervals that together span the 30 workdays; each interval ~~must~~shall include start and end dates, start and end odometer readings, and the number of workdays the vehicle operated in each period. Daily mileage ~~will~~shall be derived by averaging the periodic data by taking the difference of the odometer readings and dividing the ~~rated energy~~ them by the number of workdays for each period.

1.2. Mileage Data Methodology. The Executive Officer ~~will~~shall convert the daily mileage data to an equivalent battery capacity of the identified BEV for each vehicle in the report by multiplying the daily mileage 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. ~~Submit the calculation and results. Alternatively, for applications that include vehicles that operate truck-mounted or integrated equipment while stationary, the fleet owner may collect and submit energy usage data as described in section 2013.2(b)(3)(A) to calculate the equivalent needed~~ rated energy capacity of a BEV based on real world data instead of the calculated range. ~~For each day, the calculated~~

battery capacity willshall be reorganized into daily truck assignments as follows:

- a. In lieu of calculating rangeThe first assignment willshall include the lowest daily battery capacity, the second assignment willshall include the second lowest daily battery capacity, and the third assignment willshall include the third lowest battery capacity. This process willshall continue until there are as specified in many assignments identified as the number of vehicles in the report.
- b. For each truck assignment, the highest daily value willshall be used to compare to the rated energy capacity of the BEV identified in section 2013.2(b)(3), fleet owners may instead submit measured energy use data from a BEV and an). Truck assignments with a battery capacity that matches or is lower than the BEV's rated energy capacity would not be eligible for an exemption, and the exemption willshall be granted for assignments above the BEV's rated energy capacity.

(B) Total Energy Usage. This method uses miles and total fuel usage to estimate the equivalent battery capacity in kilowatt hours for each vehicle using real-world energy usage factors derived from real-world test data results. To use this option, the fleet owner mustshall submit the information specified in sections 2013.2(b)(4)(B)1. and 2.:

1. The mileage data specified in section 2013.2(b)(4)(A) and fuel usage data for the same time period for each ICE vehicle in the report. The fuel usage data mustshall include the gallons used (or other applicable fuel usage unit), date of each refueling, number of workdays between each recorded interval, and type of fuel for each vehicle. If daily fuel usage data are not provided, daily fuel usage willshall be derived by averaging periodic data by taking the difference of the fuel used readings and dividing it by the number of workdays for each period.

2. Real-world energy usage factors from data collected as specified in section 2013.2(b)(4)(C). A fleet owner may submit real-world energy usage factors from any source, provided their ICE vehicles' operation is similar to those demonstrated in the test when compared based on fuel usage and the test was performed within the 3 years prior to the application date. The ICE fuel type used in the test report data mustshall also match the fuel type of the vehicle in the vehicle mileage and fuel usage report (for example, diesel vehicle in test report data and diesel vehicle in the vehicle mileage report data, etc.). If using test data previously submitted to the Executive Officer from another source, the fleet owner mustshall identify the source in their application.

3. Total Energy Usage Methodology. The Executive Officer willshall convert the daily mileage and fuel data from the report for each workday into an equivalent battery capacity for each ICE vehicle by calculating the sum of sections 2013.2(b)(4)(B)3.a. and 2013.2(b)(4)(B)3.b. The Executive Officer willshall follow the same process for approval as specified in section 2013.2(b)(4)(A)2.a. and b..

a. (Daily miles) multiplied by (BEV kWh per mile)

b. [Daily gallons minus (Daily miles divided by ICE vehicle mpg)] multiplied by (BEV kWh per ICE gallon used at the job site)

(C) Real-World Test Data Collection. Collect test data from a BEV and ICE vehicle of the same weight class and configuration as the ICE vehicles in the exemption request operated on similar daily assignments over at least five workdays to substantiate their exemption request. For each vehicle, the information must include vehicle the exemption request. -Tests mustshall be representative of a typical workday for the vehicle being evaluated; for example, a fleet owner mustshall not excessively load the test vehicles or tow heavy equipment solely for the test if such loading or towing is not representative of a typical workday. The results willshall be used to determine the following real world energy usage factors:

- (ICE miles per gallon) for the ICE vehicle to drive to and from the job site,
- (BEV kWh per mile) for the BEV to drive to and from the job site, and
- (BEV kWh per ICE gallon used at the job site).

For both the BEV and ICE vehicle tested, the data collected mustshall include:

1. Vehicle loading and weight data, route traveled, grade, average ambient daily temperature, vehicle miles travelled per day, and average cabin temperature if climate control (such as heating or air conditioning) is used while stationary, energy used (for example, diesel gallons or kilowatt hours) to drive, energy used to operate truck-mounted or integrated equipment while stationary, total hours the vehicle is stationary while the equipment is in use, and total hours of operation including driving for each workday. Information for the comparative test must be collected over at least five consecutive workdays. The comparative average over the five-day period of,
 2. Total vehicle miles traveled per day,
 - 2-3. Total energy used to drive to and from each job site (for example, in diesel gallons for the ICE vehicle and kilowatt-hours per mile driven and kilowatt hours consumed per hour while stationary will be calculated from this information for use in section 2013.2(b)(4)(A) and (B). A fleet owner may use test data that meets the above criteria from any source provided the fleet owner's ICE vehicles' operation is similar to those demonstrated in the test when compared based on fuel usage for the BEV),
- (3) 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 for all ICE vehicles of the same weight class and configuration of the vehicle to be replaced, except as specified in section 2013.2(b)(4)(A). 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 needed rated energy capacity as calculated per section 2013.2(b)(4)(A) if applicable, for each ICE vehicle of the same weight class and configuration of the vehicle to be replaced. Excluding non-working days for each ICE vehicle, identify the lowest mileage (or if applicable, the lowest needed rated energy capacity) reading for each workday and, except for traditional utility specialized vehicles operated by public agency utilities, exclude the three highest mileage readings or needed rated energy capacities. For the exemption to be granted, the highest remaining mileage number must be greater than the range calculated in 2013.2(b)(3). If using the alternative calculation described in section 2013.2(b)(4)(A) and (B), the highest remaining needed rated energy capacity number must be greater than the rated energy capacity of the BEV submitted in section 2013.2(b)(2).

(A) — For each ICE vehicle that operates truck-mounted or integrated equipment while stationary, if test data is collected pursuant to section 2013.2(b)(3)(A), the daily usage report must also include the total hours the vehicle is stationary while the equipment is in use each workday. In addition, submit the total fuel consumed over the 30-workday period (for example, in gallons of diesel).

(B) — For each ICE vehicle submitted in (A), the equivalent needed rated energy capacity for a BEV will be calculated as follows: first, multiply the miles travelled for each vehicle by the comparable BEV kilowatt-hours per mile; then multiply the hours of stationary operation by the comparable BEV kilowatt-hours consumed per hour; then sum the two products for the total needed rated energy capacity for the comparable BEV submitted in section 2013.2(b)(2).

(4) — 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.

4. Total mileage driven to and from each job site in miles.

5. Total hours the truck is in operation while at the job site, and

6. Total energy used while truck is in operation on the job site.

(5) Fleet owners mustshall meet the reporting requirements specified in section 2013.3(g).

~~(5)~~(6) In granting or denying the exemption request, the Executive Officer willshall rely on the information submitted by the applicantfleet owner and utilize their good engineering judgement to determine whether the information meets the criteria specified in section 2013.2(b). The Executive Officer willshall first identify the number of vehicles that do not meet the criteria and mustshall be purchased as a BEV, then willshall grant the exemption for the number of ICE vehicle purchases that meet the criteria specified in section 2013.2(b). If approved, fleet owners mustshall place their new ICE vehicle orders and any applicable BEV orders in the calendar year indicated in their application.

~~(6)~~— A vehicle being replaced pursuant to the exemption in section 2013.2(b) must be removed from the California fleet within 30 calendar days of receiving the replacement vehicle. Fleet owners must meet the reporting requirements specified in section 2013.3(c)(2)(N).

~~(7)~~— A public agency utility that replaces a traditional utility specialized vehicle using the exemption in section 2013.2(b) and using the early access provision in section 2013.1(g) must consider ePTO in its solicitation of bids for the replacement vehicle if it is configured to perform work that can only be done while the vehicle is stationary.

(c) ZEV Infrastructure Delay Extension. Fleet owners may request the following extensions as specified in section 2013.1(f)(3) or 2013.6(~~g~~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~~purchased that willshall be domiciled at the location 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~~shall 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~~shall 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~~shall submit the documents specified in subsections (A) through (D) below the following by email to TRUCRS@arb.ca.gov to apply:

- (A) Documentation showing the executed contract for the ZEV fueling infrastructure installation including a construction permit indicating the permit issuance date is at least one year prior to the next applicable compliance deadline.
 - (B) Documentation showing the delay is a result of any of the following circumstances that occurred after the fleet owner obtained the construction permit identified in section 2013.2(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~~shall rely on the information submitted by the ~~applicant~~fleet owner and utilize their good engineering judgement to determine whether the information meets the criteria in section 2013.2(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~~shall be charged or refueled before the fleet's next ZEV compliance deadline. The Executive Officer ~~will~~shall grant an extension for the time-period specified in section 2013.2(c)(2)(A) and number of vehicles specified in section 2013.2(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~~shall

meet the criteria specified in subsections (A) and (B) and submit the documentation or information specified in subsection (C) below by email to TRUCRS@arb.ca.gov to apply:

- (A) Site Electrification Delay Time Period. Fleet owners may request an initial extension for a period of up to three years to align the estimated ZEV delivery date with the amount of time the utility determines it needs to supply the needed power to the site. Fleet owners can request an additional two-year extension if the utility still cannot supply the needed power by the end of any granted initial extension period. To renew the initial extension, a fleet owner mustshall submit updated supporting documentation at least 45 calendar days prior to the expiration of the initial extension period.
- (B) Number of Extensions. A fleet owner may request an extension for the number of ZEVs for which, based on information submitted in section 2013.2(c)(2)(C), the utility cannot supply sufficient power. The fleet owner mustshall deploy the maximum number of ZEVs needed to meet its compliance obligations and that can be supported by the utility, and mustshall 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 mustshall 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 at least one year prior to the next applicable compliance deadline requesting site electrification that is consistent with the number of ZEVs the fleet owner mustshall deploy each calendar year to meet their compliance requirements during the requested extension period.
 - 2. Documentation from the utility indicating the reason for delay and that the utility cannot supply sufficient power to the site to support the number of ZEVs needed to meet the fleet's next compliance deadline.
 - 3. A copy of the executed utility contract that includes an estimated project completion date. If the utility can provide annual incremental power increases as part of the project plan, then the fleet owner mustshall provide an estimate 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.

- a. If a utility is unable or unwilling to execute a contract the fleet owner ~~must~~shall submit a signed attestation from the utility about the proposed project that states the reason why the utility ~~will~~shall not proceed with the project.
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 if available. The information ~~must~~shall 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~~shall submit a copy of each site's infrastructure capacity evaluation from the utility or a third-party licensed professional electrical engineer with the information required to be submitted in sections 2013.2(c)(2); and
 6. Submit the TRUCRS identification number for the fleet, and if applicable, the VIN of the ICE vehicles being replaced that are domiciled at the site location experiencing the delay. In granting or denying the extension request, the Executive Officer ~~will~~shall rely on the information submitted by the ~~applicant~~fleet owner and utilize their good engineering judgement to determine whether the information meets the criteria in section 2013.2(c)(2).

(d) ZEV Purchase Exemptions. Fleet owners may request exemptions as specified in section 2013.1(f)(4) or 2013.6(gf)(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 section 2013.2(d)(1) or the ZEV Purchase Exemption Application of section 2013.2(d)(2).

(1) ZEV Purchase Exemption Streamlined List. The Executive Officer ~~will~~shall 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, ~~and maintain it thereafter~~. That list ~~will~~shall specify vehicle configurations that are not available to purchase as ZEVs or NZEVs and the date the exemption expires for listed configurations determined to be available to purchase as specified in section 2013.2(d)(2)(G). The list ~~will~~shall include the configurations specified in section 2013.2(d)(1)(A). The Executive Officer ~~will~~shall rely on the information submitted and gathered in section 2013.2(d)(2) and utilize their good engineering ~~and business~~ judgement to determine if the information establishes that the criteria in sections 2013.2(d)(2)(C) through (G) are met when determining whether to add a vehicle configuration to the list or to identify the expiration date for a vehicle configuration on the list. The list ~~will~~shall not include the following configurations: ~~pickups~~, any buses, box trucks, vans, or any tractors. Fleet owners may purchase a new ICE vehicle of the same configuration and weight class as one on the list as specified in sections 2013.1(f)(4) or 2013.6(gf)(5), report the purchase as specified in section 2013.3(g), and keep records as specified in section 2013.4(ef), and CARB ~~will~~shall recognize that vehicle as having met the criteria for the exemption.

(A) Configurations List. The list ~~will~~shall include an evaluation of the following vehicle configurations: Bucket truck, boom truck, dump truck, flatbed truck, stake bed truck, front-loader refuse compactor truck, side-loader refuse compactor truck, rear-loader refuse compactor truck, refuse roll-off truck, service body truck, street sweeper, tank truck, tow truck, water truck, car carrier truck, concrete mixer truck, concrete pump truck, crane, drill rig, vacuum truck, digger derrick, combination vacuum-jetter truck, jetter truck, and Class 2b and 3 pickup trucks.

(2) ZEV Purchase Exemption Application. Fleet owners may request an exemption as specified in sections 2013.1(f)(4) or 2013.6(gf)(5) to purchase a new ICE vehicle ~~of the same configuration as an ICE vehicle being replaced~~ as specified in section 2013.2(d)(2)(A)1. If approved, fleet owners ~~must~~shall place their new ICE vehicle orders ~~within 1~~in the calendar

~~year from the date the exemption is granted.~~ indicated in their application. The fleet owner ~~must~~shall submit information specified in (A) and (B) below by email to TRUCRS@arb.ca.gov. The Executive Officer ~~will~~shall rely on the information submitted in sections 2013.2(d)(2)(A) and (B) and their good engineering ~~and business~~ judgement to determine if the information establishes that the criteria specified in sections 2013.2(d)(2)(C) through (G) are met:

(A) Fleet owners ~~must~~shall submit the TRUCRS identification number for the fleet, ~~the compliance year for which the exemption is applicable,~~ and the following information about the vehicle configuration ~~of the existing ICE vehicle being replaced.~~ Until January 1, 2027, if using the ZEV Purchase Schedule of section 2013.1, submit the number of ICE vehicle and number of ZEV and NZEV purchases already placed and planned during the calendar year, and indicate whether any of the ICE vehicle purchases are being to be purchased with an exemption and include the name of the exemption for which it is eligible or has already been granted: specified in sections 2013.2(d)(2)(A)1. through 3:

1. ~~Make, model, Wweight class, body configuration, whether the vehicle has a crew cab, cabover, or all-wheel drive, VIN, and a clear and legible photograph~~image of the entire left and right sides of the ICE vehicle with doors closedconfiguration to be purchased showing the vehicle's body configuration;
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.~~ If the body does not have a make and model, describe the body and its needed specifications to perform the vehicle's primary intended function.

(B) Fleet owners ~~must~~shall also submit documentation from two or more manufacturers or authorized dealers that offer for sale a ZEV or NZEV chassis, or a complete ZEV or NZEV, in the same or next higher weight class as the ICE vehicle being ~~replaced~~purchased (except for Class 8 vehicles, which ~~must~~shall only be in the same weight class). The documentation ~~must~~shall state the manufacturer

or authorized dealer does not offer for sale a ZEV or a NZEV chassis or complete vehicle in the same or next higher weight class and of the same body configuration as the ICE vehicle being ~~replaced~~purchased. If there are no manufacturers or dealers offering ZEV or NZEV chassis of the same or next higher weight class, the statements can come from other ICE vehicle manufacturers or dealers.

1. ~~After receiving a complete submission, the~~In lieu of submitting the documentation specified in section 2013.2(d)(2)(B), if the vehicle is being purchased under a request for proposal or similar public bid process and receives no responsive bids for ZEVs or NZEVs, the fleet owner mustshall submit an electronic copy of the request for proposal and all bids received, if any. The fleet owner may redact identifying information as necessary to prevent breach of confidentiality agreements in their bid process.

(C) ~~The~~ Executive Officer shall rely on information gathered from fleet owners or manufacturers, including information gathered to comply with other CARB-administered programs, manufacturer websites, manufacturer documentation, authorized dealers, CARB-issued Executive Orders, and their good engineering ~~and business~~ judgement to determine whether the configuration is available for purchase as a ZEV or NZEV from any manufacturer, and whether the identified body submitted in section 2013.2(d)(2)(A)3. or a body from another manufacturer that can perform the same primary intended function can be installed on the offered ZEV or NZEV. If the Executive Officer does not have sufficient information to make the determination, they shall ~~solicit public feedback regarding the~~disclose information submitted by the fleet owner specified in ~~section 2013.2(d)(2)(A) from~~about the needed vehicle configuration provided in the application to 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, and body outfitters to make their 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 Zero-Emission

Powertrain Certification Regulation in tit. 13, CCR, section 1956.8(a)(8) and tit. 17, CCR, section 95663(d);

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~~ shall identify which of these safety laws or standards would be in conflict and for what reasons in their application; ~~;~~
 6. The chassis or complete vehicle manufacturer must shall have been issued an Executive Order(s) to certify vehicles or chassis that can be sold in California for one or more chassis or complete vehicles for at least 3 model years of the previous 5 model years;
 7. The manufacturer is not in bankruptcy or in bankruptcy proceedings; and
 8. The manufacturer offers a powertrain warranty period for at least three years or 50,000 miles, whichever occurs first, for zero-emission powertrain components.
- (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~~ shall only be in the same weight class, in the needed configuration, with the needed frame attachments, and on which the identified body submitted in section 2013.2(d)(2)(A) or an equivalent body from another manufacturer or authorized dealer

that can perform the same primary intended function can be installed, the Executive Officer ~~will~~shall supply the manufacturer or authorized dealer name to the fleet owner ~~applicant~~, deny the exemption request, and remove the vehicle configuration from the ZEV Purchase Exemption List pursuant to section 2013.2(d)(2)(G).

- (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~~shall be added to the ZEV Purchase Exemption List specified in section 2013.2(d)(1) if the configuration is included in section 2013.2(d)(1)(A).
 - (G) The Executive Officer ~~will~~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 any vehicle configuration listed on the ZEV Purchase Exemption List specified in section 2013.2(d)(1) no longer meets the criteria specified in section 2013.2(d)(2)(C) through (G). If such a determination is made, on the Advanced Clean Fleets website, the Executive Officer ~~will~~shall notify the public of the determination by posting the vehicle configuration, weight class, and exemption expiration date on and after which the vehicle ~~will~~shall 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~~shall 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 within this timeframe, the exemption ~~will~~shall be deemed approved.
 - (I) Fleet owners whose exemption request has been granted ~~must~~shall comply with the reporting and recordkeeping requirements specified in sections 2013.3(g) and 2013.4(ef).
- (3) ~~A vehicle being replaced pursuant to the exemption in section 2013.2(d) must be removed from the California fleet within 30 calendar days of receiving the replacement vehicle. Fleet owners must~~shall meet the reporting requirements specified in section 2013.3(e)(2)(Ng).

~~(4) A public agency utility that replaces a traditional utility specialized vehicle using the exemptions in section 2013.2(d) and using the early access provision in section 2013.1(g) must consider ePTO in its solicitation of bids for the replacement vehicle if it is configured to perform work that can only be done while the vehicle is stationary.~~

~~(e) Mutual Aid Assistance-Fleet Resiliency Exemption. Fleet owners may either request this exemption to purchase a new ICE vehicle or use this exemption to designate an existing ICE vehicle to address any fleet resiliency concerns such as emergency response support, towing, or range limitations for any ICE vehicle in the fleet as specified in section 2013.1(f)(5) or 2013.6(gf)(6). ICE vehicles. The total number of new ICE vehicles allowed to be purchased under this or designated pursuant to a granted exemption must not exceed 25 percent may operate as part of the total number of vehicles in the fleet owner's California fleet in the calendar year the exemption is approved, less the number of ICE vehicles already in the fleet purchased pursuant to a granted exemption. Fleet owners must have a mutual aid agreement to send vehicles to assist other entities during a declared emergency event to apply. The California fleet must be comprised of ZEVs in the following minimum proportions to apply: at least 25 percent until January 1, 2032; 50 percent until January 1, 2035; and 75 percent thereafter. This exemption does not apply to pickup trucks, buses, box trucks, vans, tractors, or any vehicle configurations available to purchase as NZEVs.~~

~~(1) The Executive Officer willshall rely on the information submitted in sections 2013.2(e)(1) through (5) by the fleet owner and their good engineering judgement in determining whether the information establishes that the criteria in section 2013.2(e)(2) and (3) are met. If all the criteria in section 2013.2(e)(1)(A) through (D) are met, then the Executive Officer willshall grant the Fleet Resiliency Exemption. Starting January 1, 2030, the Executive Officer willshall use the criteria specified in section 2013.2(e)(3) when determining whether to grant or deny a Fleet Resiliency Exemption.~~

~~(A) Fleet owners mustshall have a mutual aid agreement to send vehicles to assist other entities during a declared emergency event to be eligible;~~

~~(B) To apply, the California fleet mustshall be comprised of at least 5 percent ZEVs as of the date the application is emailed to CARB;~~

~~(C) The number of exemptions mustshall not exceed the number of ZEVs in the California fleet as of the date the application is emailed to CARB; and~~

- (D) The total number of exemptions must shall not exceed 25 percent of the total number of vehicles in the California fleet less the number of ICE vehicles already in the fleet purchased pursuant to a granted exemption as of the date the application is emailed to CARB.
- (5)(2) The fleet owner must shall submit all of the following by email to CARB at TRUCRS@arb.ca.gov to apply:
- (A) The TRUCRS identification number for the fleet;
- (B) The compliance year to which the exemption is applicable;
- (C) The VIN number of an existing ICE vehicle being designated under the exemption if applying under section 2013.6(f)(6), or the make, model, weight class, and configuration, of the ICE vehicle to be purchased; and;
- ~~(6) — The title or name and a photograph of the needed ICE vehicle;~~
- ~~(7) — Documentation from each manufacturer offering ZEVs for sale of the same configuration and weight class as the ICE vehicle identified in section 2013.2(e)(1) describing the charging or fueling connector and charging or fueling time capability;~~
- ~~(8) — Documentation from three mobile ZEV fueling providers, with mobile fueling options that are compatible with the vehicle's charging or hydrogen fueling connector and system identified in section 2013.2(e)(2) to show the ZEV cannot be refueled from 10 to 80 percent of the ZEV's rated energy capacity within one hour. If less than three mobile ZEV fueling providers have compatible mobile fueling options for the ZEV, documentation must be submitted from all mobile ZEV fueling providers that do have compatible mobile fueling options;~~
- (D) A copy effective year of the mutual aid agreement in effect.
- (9)(3) Starting January 1, 2030, the Executive Officer will shall evaluate whether fast mobile fueling options are available for ZEV chassis or complete ZEVs in the same weight class and configuration as the vehicles being requested to be designated or purchased under this exemption. The Executive Officer shall rely on information gathered from fleet owners or manufacturers, including information gathered to comply with other entities to assist with affected vehicles during declared emergency events; and CARB-administered programs, manufacturer websites, manufacturer documentation, authorized dealers, mobile fueling provider websites and

documentation, CARB-issued Executive Orders, and their good engineering judgement to determine whether the mobile fueling option is commercially available from any manufacturer for use in California. If any one of the criteria in sections 2013.2(e)(3)(A-C) are not met, the fleet resiliency exemption willshall be granted.

~~(10) A letter to the Executive Officer that has an explanation of the reason for the exemption request.~~

(A) The ZEV is capable of refueling from 10 to 80 percent of its rated energy capacity within one hour;

(B) The mobile fueling option is compatible with the available ZEV's charging or hydrogen fueling connector and capable of refueling the ZEV from 10 to 80 percent of its rated energy capacity within one hour; and

(C) The mobile fueling option is not a demonstration, test, or experimental unit.

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; and section 28500, Vehicle Code.

Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code; and section 28500, Vehicle Code.

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

§ 2013.3. State and Local Government Fleet Reporting.

- (a) Method of Reporting. Reports submitted to comply with sections 2013 through 2013.6 ~~must~~shall be submitted online through the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets> in the TRUCRS reporting system, except exemption or extension requests requiring documentation to be submitted via TRUCRS@arb.ca.gov.
- (b) Reporting Deadline and End Date. Except as specified in section 2013.3(e), no later than April 1 of each year until April 1, 2045, fleet owners ~~must~~shall annually submit a compliance report that includes all of the information specified in

section 2013.3 for their California fleet as it is composed as of January 1 of the corresponding calendar year. The initial report ~~must~~shall be submitted by April 1, 2024. The annual reporting period is during the month of March.

(c) Fleet Reporting. Fleet owners ~~must~~shall report all of the following:

(1) State or local government agency information.

(A) State or local government agency name or, if applicable, subdivision name;

(B) State or local government agency's physical and mailing addresses;

(C) Designated contact person name;

(D) Designated contact person phone number;

(E) Designated contact person email;

(F) The following operating authority numbers, if applicable: motor carrier identification number, United States Department of Transportation number, California Carrier Identification number, California Public Utilities Commission transportation charter permit number, International Registration Plan number;

(G) Identify the jurisdiction (state, county name, city name, or other local government);

(H) Name of the responsible official;

(I) Whether the fleet owner opts into the ZEV Milestones Option of section 2013.6 as described in section 2013(e); and

~~(H)~~(J) Identify whether the fleet owner is a waste or wastewater fleet owner as defined in section 2013.6(b) if using the ZEV Milestones Option of section 2013.6.

(2) Vehicle Information. The fleet owner ~~must~~shall report the following information for each vehicle in the California fleet:

(A) VIN;

(B) Vehicle make and model;

(C) Vehicle model year;

- (D) Vehicle license plate number and state or jurisdiction of issuance;
- (E) Vehicle GVWR (Greater than 8,500 lbs. and equal to or less than 14,000 lbs., greater than 14,000 lbs. and equal to or less than 26,000 lbs., or greater than 26,000 lbs.);
- (F) Vehicle body type;
- (G) Fuel and powertrain type;
- (H) Date vehicle purchase was made;
- (I) Date vehicle was added to or removed from the California fleet;
- (J) Whether the vehicle ~~is~~ will be designated under or was purchased pursuant to any exemption or extension specified in section 2013.2 and if the vehicle meets the definition of a traditional utility-specialized vehicle;
- (K) Odometer, or if applicable, hubodometer readings for vehicles as specified in section 2013.3(f);
- (L) Engine family and engine model year for any vehicles added to the California fleet after January 1, 2024;
- (M) Funding contract's 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;
- ~~(N) Exemption Reporting. Fleet owners that are replacing a vehicle pursuant to the exemptions specified in sections 2013.2(b) and (d) must identify which vehicle is being replaced within 30 calendar days of purchasing a vehicle pursuant to these exemptions, and must remove the identified vehicle from the TRUCRS system and the California fleet within 30 calendar days of receiving the replacement vehicle.~~
- ~~(N)~~ (N) Identify whether the vehicle is replacing another vehicle that was in an accident or stolen and is non-repairable, if applicable; and
- (O) Identify whether the vehicle has a heavy front axle as defined in section 2013.6(b) if the fleet owner uses the ZEV Milestones Option of section 2013.6; and

(P) Identify whether the vehicle is designated under section 2013.6(h) as a low-NOx ICE vehicle.

- (d) Joint Compliance Reporting. If an agency chooses to comply jointly as specified in section 2013(g), each individual department, division, district, subsidiary, or agency mustshall report separately, and include the TRUCRS identification number of the primary controlling agency or designated primary entity.
- (e) Changes to an Existing Fleet. Fleet owners mustshall comply with all of the following reporting requirements when adding or removing vehicles from the California fleet:
- (1) Vehicles added to the California fleet mustshall be reported within 30 calendar days of being added to the fleet;
 - (2) Vehicles that are permanently removed from the California fleet mustshall be reported within 30 calendar days of removal. The report mustshall include the date of removal;
 - (3) If a backup vehicle exceeds the allowable mileage limit the change mustshall 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 mustshall report the vehicle's new fuel type within 30 calendar days of being converted.
- (f) Odometer Reading Reporting. This subsection applies to fleet owners that own or operate backup vehicles or tractors that are ICE vehicles purchased pursuant to a granted exemption specified in sections 2013.6(gf)(2), 2013.6(gf)(5), and 2013.6(gf)(7) with a vehicle model year that is 12 years old or older and are owned by fleet owners following the ZEV Milestones Option specified in section 2013.6. Fleet owners meeting the above conditions mustshall comply with the following reporting requirements for the backup vehicle or tractor:-
- (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~~shall equip the vehicle with a hubodometer. Fleet owners ~~must~~shall 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~~shall report the number of miles travelled in support of the emergency for backup vehicles used in emergency operations that would exceed the backup vehicle mileage limit.

~~(g) Exemption ICE Fleet Resiliency, ZEV Purchase, and Daily Usage Exemptions~~ Supporting Documentation Reporting. Fleet owners that purchase an ~~ICE~~a vehicle pursuant to the exemptions specified in section 2013.2(b) ~~and~~, (d), and (e) ~~must~~shall submit an email to TRUCRS@arb.ca.gov within 30 calendar days of receiving the new ~~ICE~~ vehicle with the purchase agreement and the following: e

~~(g)~~ Clear and legible digital photographs of:

- (1) ~~The~~ VIN/GVWR label (typically located on the driver side door or door jamb);
- (2) ~~License~~ Clear and legible digital photographs of the license plate with driver's side of the vehicle visible;
- (3) ~~Entire~~ Clear and legible digital photographs of the entire left side of the vehicle with doors closed showing the vehicle's body configuration; and
- (4) ~~Entire~~ Clear and legible digital photographs of the entire right side of the vehicle with doors closed showing the vehicle's body configuration.
- (5) ~~If approved for a Daily Usage Exemption in section 2013.2(b) conditioned on purchasing BEVs specified in section 2013.2(b)(5), submit all purchase agreements for the BEVs along with the new ICE vehicle documentation required in sections 2013.3(g)(1-4) to show you have met the BEV purchase condition specified in section 2013.2(b)(5). This documentation only needs to be submitted with the first ICE vehicle received and reported.~~
- (6) ~~If approved for a ZEV Purchase Exemption as specified in section 2013.2(d), submit the body make and model if applicable, frame attachments if applicable, and whether the vehicle has AWD, crew cab, or cabover.~~

- (h) Requirement for Signature. All reports submitted to CARB electronically are deemed signed by the responsible official. ~~Hard-copy documentation submitted must be signed by the responsible official.~~
- (i) Method for Requesting and Approval of Exemptions or Extensions. The Executive Officer ~~will~~shall notify the fleet owner by email whether any exemption or extension requests that are required to be submitted to TRUCRS@arb.ca.gov, as specified in sections 2013.2(b-e) and 2013.6(g-h), are approved within 45 calendar days from receipt of the date a complete submission application is received. If the fleet owner does not provide enough information to demonstrate they meet the necessary criteria, then the Executive Officer may ask the fleet owner to modify their application before the application is considered complete.
- ~~(j) Late Reporting. Until January 1, 2027, fleet owners that submit initial reporting information specified in section 2013.3 after the initial reporting deadline specified in section 2013.3(b) may still establish the vehicles in their California fleet as of January 1, 2024, by reporting the information in the TRUCRS Reporting System and submitting vehicle records specified in section 2013.4(a) to CARB by email to TRUCRS@arb.ca.gov when submitting their late report. Beginning January 1, 2025, fleet owners that submit initial reporting information specified in section 2013.3 after the initial reporting deadline specified in section 2013.3(b) are also subject to penalties specified in section 2013.5(b)(1).~~
- ~~(k)~~(j) Intermittent Snow Removal Vehicle Reporting. Fleet owners may request that vehicles be designated by the Executive Officer as intermittent snow removal vehicles by submitting via email to TRUCRS@arb.ca.gov a copy of the vehicle's specifications sheet from the manufacturer showing the vehicle meets the definition of an intermittent snow removal vehicle, or the following clear and legible digital photographs. The Executive Officer ~~will~~shall rely on the information and photos submitted by the fleet owner and their good engineering judgement to determine whether vehicle meets the definition of an intermittent snow removal vehicle specified in section 2013(b) and ~~will~~shall notify the fleet owner via email within 45 calendar days of receiving a request whether the request is approved. If approved, the Executive Officer ~~will~~shall 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.

(k) Vehicle Delivery Delay Reporting. Fleet owners utilizing the Vehicle Delivery Delay extension ~~will~~shall 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.-

(l) ZEV Infrastructure Delay Extension Reporting. Fleet owners utilizing the Infrastructure Delay extension will~~shall~~ have 30 calendar days at the end of the extension to report ZEVs added to the fleet. The fleet owner must~~shall~~ submit an email to TRUCRS@arb.ca.gov with a copy of the approved extension and the following information:

- (1) Clear and legible digital photographs of the VIN/GVWR label (typically located on the driver side door or door jamb);
- (2) Clear and legible digital photographs of the license plate with driver side of the vehicle visible;
- (3) Location at which the vehicle is domiciled; and either (4) or (5)
- (4) If using the ZEV Purchase Schedule of Section 2013.1, the fleet owner must~~shall~~ identify to what year each ZEV purchase should be counted for compliance and what existing vehicles will~~shall~~ be removed from delay status; or
- (5) If using the ZEV Milestones Option of Section 2013.6, the fleet owner must~~shall~~ identify what existing vehicles will~~shall~~ be removed from delay status.

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; and section 28500, Vehicle Code.

Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code; and section 28500, Vehicle Code.

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

§ 2013.4. State and Local Government Fleet Recordkeeping.

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

- (a) Entity and Vehicle Documentation.
 - (1) Records of all vehicle information required to be reported as specified in section 2013.3;
 - (2) Vehicle purchase, rental, and leasing documents, such as purchase agreements, orders, notices to proceed, leasing agreements, or rental agreements for the vehicles;
 - (3) The following information about all vehicles that have been removed from the California fleet:
 - (A) If the vehicle is sold, a transfer of liability form filed with DMV, including the date of sale and odometer reading at the time of sale;
 - (B) If the vehicle is transferred out-of-state, but not sold, a copy of the out-of-state registration;
 - (C) If the vehicle is registered with DMV as non-revivable junked or dismantled, a copy of the registration demonstrating it was filed as such with DMV; and
 - (D) If the vehicle is sold or consigned to an auction house, a copy of the contract and the transfer of liability form filed with DMV, if applicable.
 - (4) Backup Vehicle Documentation. Fleet owners with backup vehicles that perform emergency operations ~~must~~shall keep records to document dispatch by a local, state, federal or other emergency management agency.
- (b) Operator Documentation. Fleet owners ~~must~~shall keep documentation identifying the entity responsible for paying the driver who is not a state or local government agency employee and any applicable shipping documentation or

other documentation that identifies the origin and destination of the cargo and the pick-up and termination destination of the cargo.

- (c) Odometer Reading Documentation. Fleet owners required to report odometer readings ~~must~~shall keep records of the vehicle miles traveled. Acceptable records are those that have an odometer reading from the vehicle and are provided in smoke opacity test results, Basic (previously Biennial) Inspection of Terminals inspection forms, California Highway Patrol-Truck and/or Tractor Maintenance and Safety Inspections Forms (108-Form), maintenance or service work orders, invoices or receipts, unaltered photographs of the odometer or hubodometer, driver logs or inspection sheets, or onboard diagnostics system information downloads that include the vehicle miles travelled or odometer information. Fleet owners of backup vehicles used in emergency operations in support of a declared emergency event ~~must~~shall keep records to document vehicle mileage accrued under contract in support of an emergency event.
- (d) ZEV Infrastructure Delay Documentation. Fleet owners utilizing the ZEV Infrastructure Delay Extension ~~must~~shall keep copies of documents submitted as specified in section 2013.2(c).
- (e) ZEV Purchase Exemption Documentation. Fleet owners utilizing the ZEV Purchase Exemption ~~must~~shall keep copies of documents submitted as specified in section 2013.3(g), and copies of documents submitted as specified in section 2013.2(d).
- (f) Documentation for ~~Mutual Aid Assistance~~Fleet Resiliency Exemption. Fleet owners utilizing the ~~Mutual Aid Assistance exemption~~Fleet Resiliency Exemption ~~must~~shall keep copies of the mutual aid agreement in effect with other entities to assist with affected vehicles during declared emergency events and the documents submitted to CARB as specified in section 2013.2(e) and 2013.3(g).
- (g) Daily Usage Exemption Documentation. Fleet owners utilizing the Daily Usage Exemption ~~must~~shall keep copies of documents submitted as specified in section 2013.2(b) and 2013.3(g).
- (h) Intermittent Snow Removal Vehicle Documentation. Fleet owners approved to designate vehicles as intermittent snow removal vehicles ~~must~~shall keep copies of the vehicle specification sheet from the manufacturer or photographs submitted as specified in section 2013.3(kj).
- (i) Sales Disclosure Documentation. Any person required to submit a sales disclosure as specified in section 2013(k) ~~must~~shall keep a copy of the written sales disclosure.

- (j) ~~Non-repairable~~ Vehicle Documentation. Fleet owners approved to utilize the Non-repairable Vehicle exemption of section 2013.1(f)(7) ~~must~~shall keep records of the police report, insurance statement, or signed attestation, photographs, and information submitted to CARB as specified in section 2013.1(f)(7).
- (k) Vehicle Delivery Delay Documentation. Fleet owners that utilize the Vehicle Delivery Delay extension ~~must~~shall 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 2013.6(hg).
- ~~(l) Traditional Utility Specialized Vehicle Early Access Documentation. Fleet owners who utilize the Traditional Utility Specialized Vehicle Early Access of section 2013.1(g)(1) must keep documentation specified in section 2013.4(c) to substantiate the vehicle's odometer readings or must keep records of the vehicle's engine hour meter readings as recorded in maintenance or service work orders, invoices or receipts, unaltered photographs of the vehicle engine hour meter device, driver logs or inspection sheets, or onboard diagnostics system information downloads that include the vehicle's engine hour information to substantiate the vehicle's engine hour meter readings. Fleet owners who utilize the Traditional Utility Specialized Vehicle Early Access of section 2013.1(g)(2) must keep records of the attestation submitted and the written replacement criteria plan, policy or document established by the fleet owner's governing board, chief executive, or the chief executive's designee. Fleet owners approved to utilize the Traditional Utility Specialized Vehicle Early Access of section 2013.1(g) must keep the solicitation of bids for the replacement traditional utility specialized vehicle specified in section 2013.1(g)(3).~~
- ~~(m)~~(l) Waste and Wastewater Fleet Option Documentation. Fleet owners utilizing the Waste and Wastewater Fleet Option specified in section 2013.6(fe) ~~must~~shall keep the following evidence ~~of records demonstrating~~ eligibility for the option, if applicable:
 - (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. Documentation must include a~~ copy of the local ordinance, regulation, or code that includes the above eligibility provisions ~~requires the fleet owner to either collect, haul, or process diverted in-state organic waste.~~

- (2) ~~Documentation to show a waste fleet's tractors are exclusively used as transfer trucks for transferring waste are a~~ 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~~ 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~~ A copy 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~~ 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.

(m) Captive Biofuel Use Exemption: A fleet owner utilizing an exemption pursuant to section 2013.6(h) must ~~shall~~ keep copies of documents submitted as specified in section 2013.6(h). In addition, fleet owners utilizing an exemption pursuant to section 2013.6(h) must ~~shall~~ keep the following waste or wastewater treatment facility records:

- (1) A copy of the local ordinance, regulation, code, or contract that requires the fleet owner to haul, transfer, or process diverted in-state organic waste;
- (2) Dispensed renewable biofuel volume records;
- (3) Total renewable biofuel capacity calculations along with any assumptions; and
- (4) A copy of a permit or license to operate, or proof of ownership of, a waste or wastewater treatment facility.

(n) Approval Documentation. If approved for the exemptions and extensions specified in sections 2013.2(b-e) and 2013.6(g-h), fleet owners must ~~shall~~ keep a copy of the approval letter.

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; and section 28500, Vehicle Code.
Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214 Health and Safety Code; and section 28500, Vehicle Code.

Amend Section 2013.5 of title 13, California Code of Regulations, to read as follows:

§ 2013.5. State and Local Government Agency Fleet Enforcement.

- (a) Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this article is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this article.
- (b) Penalties. Any person who fails to comply with the requirements of this article, who fails to submit any information, report, or statement required by this article, or who knowingly submits any false statement or representation in any application, report, statement, or other document filed, maintained, or used for the purposes of compliance with this article may be subject to penalties.
 - (1) ~~Late Reporting Penalties. Beginning January 1, 2025, and until January 1, 2027, failure to submit any information as specified in section 2013.3 shall constitute a single, separate violation for each vehicle and each month the information is not submitted past the initial reporting period specified in section 2013.3(b).~~
- (c) Right of Entry. An agent or employee of CARB, upon presentation of proper credentials, has the right to enter any motor carrier, broker, or hiring entity facility (with any necessary safety clearances) where vehicles are located or vehicle records, including hiring and brokering records, are kept to verify compliance.
- (d) ~~Fleet Owner Enforcement. For purposes of enforcement, if the vehicle is inspected and cited for noncompliance with this article and neither the operator of the vehicle nor the rental or leasing entity can produce evidence, as specified in the "Fleet owner" definition of section 2013(b), of the party responsible for compliance with state laws, the owner shall be presumed to be both the rental or leasing entity and the renting operator or lessee of the vehicle.~~

Note: Authority cited: Sections: 38505, 38510, 38560, 38566, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 43013, 43018, 43100, 43101,

43102, and 43104, Health and Safety Code; and section 28500, Vehicle Code.
Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code; and section 28500, Vehicle Code.

Amend Section 2013.6 of title 13, California Code of Regulations, to read as follows:

§ 2013.6. ZEV Milestones Option.

- (a) ~~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 Milestone of section 2013.6(c) and (d). By using this option, fleet owners must~~shall acknowledge that they are knowingly and voluntarily waiving the provisions of Health and Safety Code section 43021(a) that would otherwise apply to commercial motor vehicles as defined in ~~California Vehicle Code~~CVC section 34601 in their California fleet, except for new ICE vehicles purchased pursuant to a granted or used exemption specified in sections 2013.6(~~g~~)(2), 2013.6(~~g~~)(5), and 2013.6(~~g~~)(7)f(8) and existing ICE vehicles designated under the exemption specified in section 2013.6(f)(6), that are guaranteed a minimum useful life.
- (1) Fleet owners that are subject to the Zero-Emission Airport Shuttle regulations in title 17, CCR, sections 95690.1, 95690.2, 95690.3, 95690.4, 95690.5, 95690.6, 95690.7, and 95690.8 that elect to use the ZEV Milestones Option of section 2013.6 may exclude vehicles in their California fleet that are subject to the Zero-Emission Airport Shuttle regulations from the requirements of sections 2013 and 2013.2 through 2013.6 until January 1, 2027.
- ~~(b) Definitions. For the purposes of this section, the following definitions apply:~~
- ~~“Day cab tractor” means an on-road tractor without a berth designed for resting or sleeping at the back of the cab and that is not a yard tractor.~~
- ~~“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. “Milestone Group 1” means 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.~~

~~“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, drilling rigs, and concrete pump trucks.~~

~~“Waste fleet” means the vehicles owned and operated by 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 whose primary purpose is the collection, treatment, and recycling of wastewater and biosolids.~~

~~“Work truck” means a vehicle that does not meet any of the definitions of box truck, van, bus, pickup truck, day cab tractor, sleeper cab tractor, or specialty vehicle.~~

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

- (1) NZEV Flexibility. 2035 and earlier model year NZEVs are counted the same as ZEVs for purposes of determining compliance with section 2013.6, except as specified in sections 2013.2(b) and 2013.2(d).

Table ~~BA~~: ZEV Milestones by Milestone Group and Year

Percentage of vehicles that must <u>shall</u> be ZEVs	10%	25%	50%	75%	100%
Milestone Group 1: Box trucks, vans, buses with two axles, yard tractors	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

(c) ZEV Milestone Calculation.

- (2)(1) ~~The annual~~ ZEV Milestone is calculated by counting the vehicles in the California fleet for each of the three Milestone Groups listed in Table ~~B~~A.

excluding vehicles as specified in sections 2013.6(c)(1)(A) and (B), then multiplying the number of vehicles in each Milestone Group by the ZEV percentage requirement for that Milestone year as shown in Equation 1: ZEV Milestone Equation. If the sum of the ZEV Milestones is not a whole number, the value ~~must~~shall be rounded using standard rounding convention.

(A) Existing ICE vehicles designated for fleet resiliency as specified in section 2013.6(f)(6); and

(B) Vehicles purchased pursuant to a used or granted exemption as specified in sections 2013.6(f)(1), 2013.6(f)(2), 2013.6(f)(5), 2013.6(f)(7), and 2013.6(f)(8), for each of the three Milestone Groups listed in Table A.

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

The following example shows how the ZEV Milestone is calculated for the 2031 calendar year for a fleet owner that has 100 Milestone Group 1 vehicles and 50 Milestone Group 2 vehicles and two 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)

- (d) Any ZEVs Count for Compliance. Any ZEV from any Milestone Group can 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 total ZEV Milestone requirement with ZEV day cab tractors instead of ZEV box trucks.
- (e) Waste and Wastewater Fleet Option. Waste and Wastewater fleet owners may delay compliance with the ZEV Milestones Option as specified in section 2013.6(d) for the vehicles in the California fleet as of January 1, 2024, that meet the criteria specified in (1) through (3) below:
 - (1) ~~Must~~Shall 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 support 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 2013.6~~(e)~~(1) through (3) ~~will~~shall 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 option ~~must~~shall report fleet and vehicle information as specified in section 2013.3(c)(1)~~(H)~~ and keep records as specified in section 2013.4(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~~shall 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~~shall be subtracted from the count of vehicles in Milestone Group 2 and added to Milestone Group 3, as specified in section 2013.6~~(d)~~. No adjustment ~~will~~shall be made for eligible waste and wastewater vehicles that already are designated in Milestone Group 3.
- (f) ZEV Milestones Option Exemptions and Extensions. Fleet owners complying with the ZEV Milestones Option specified in section 2013.6 may utilize the following exemptions and extensions if the specified criteria are met: If an exemption is granted pursuant to sections 2013.6(f)(2) or 2013.6(f)(5), the fleet will~~shall~~be considered in compliance until the next calendar year.
- (1) Backup Vehicle Exemption. Fleet owners may exclude designated backup vehicles from the vehicle count for each applicable Milestone Group when determining the ZEV Milestone Calculation specified in section 2013.6~~(d)~~ if it is designated as a backup vehicle as specified in section 2013.2(a).
 - (2) Daily Usage Exemption. Fleet owners may request an exemption to purchase a new ICE vehicle and exclude it from the ZEV Milestone Calculation specified in section 2013.6~~(d)~~. Fleet owners ~~must~~shall request and obtain this exemption pursuant to the criteria specified in section 2013.2(b) no later than ~~one year~~45 calendar days and no earlier than two

years before the next applicable ~~upcoming~~ ZEV Milestone compliance date specified in section 2013.6(e). ~~The Executive Officer will grant this exemption only if the fleet owner demonstrates their next applicable upcoming ZEV Milestone cannot be reached without exemptions by requesting and obtaining exemptions for all other ICE vehicles in their California fleet.~~ b).

- (3) ZEV Infrastructure Delay Extension. Fleet owners may request an extension to count an ICE vehicle being ~~replaced~~purchased as a ZEV when determining compliance with the ZEV Milestone Calculation specified in section 2013.6(d)~~-c~~. Fleet owners may delay the purchase of ZEVs during the extension period and are required to be in full compliance with the ZEV Milestones Option at end of the extension period. The fleet owner ~~must~~shall request and obtain the extension pursuant to the applicable criteria specified in section 2013.2(c) no later than 45 calendar days and no earlier than two years before the next applicable ~~upcoming~~ ZEV Milestone compliance date specified in section 2013.6(eb).
- (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 2013.6(dc). Fleet owners ~~must~~shall request and obtain this extension pursuant to the criteria specified in section 2013.6(hg). Fleet owners ~~must~~shall request this extension no later than April 1 of the same calendar year as the ~~next~~ applicable ZEV Milestone compliance date specified in section 2013.6(eb). The fleet owner may transfer the extension to another vehicle in the fleet if the criteria specified in section 2013.6(hg)(2) are met.
- (5) ZEV Purchase Exemption. Fleet owners ~~must~~shall use the exemption in section 2013.2(d)(1) or request the exemption in section 2013.2(d)(2) no later than ~~one year~~45 calendar days and no earlier than two years before the next applicable ~~upcoming~~ ZEV Milestone compliance date specified in section 2013.6(e). ~~The Executive Officer will grant the following exemptions only if the fleet owner demonstrates their next applicable upcoming ZEV Milestone cannot be reached without exemptions by requesting and obtaining exemptions for all other ICE vehicles in their California fleet.~~ b).
 - (A) ZEV Purchase Exemption Streamlined List. Fleet owners shall ~~receive~~can use an exemption to purchase a new ICE vehicle and exclude it from the ZEV Milestone Calculation specified in section 2013.6(dc) pursuant to the criteria specified in section 2013.2(d)(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 2013.6(~~dc~~) pursuant to the criteria specified in section 2013.2(d)(2).

- (6) ~~Mutual Aid Assistance.~~ Fleet Resiliency Exemption. At any time, fleet owners may request an exemption to ~~purchase new ICE vehicles and exclude them~~ an existing or newly added ICE vehicle from the ZEV Milestone ~~Calculations~~ calculations as specified in section 2013.6(d). ~~Fleet owners must request and obtain this exemption~~ c) pursuant to the criteria specified in section 2013.2(e). ICE vehicles ~~purchased~~ designated pursuant to a granted exemption may operate as part of the regular California fleet and are not restricted solely to mutual aid functions.

- (7) Intermittent Snow Removal Vehicles. Fleet owners shall receive an exemption to exclude intermittent snow removal vehicles from the ZEV Milestone Calculation specified in section 2013.6(~~dc~~) until January 1, 2030, if the Executive Officer designates the vehicle as an intermittent snow removal vehicle pursuant to the criteria in section 2013.3(kj).

- (8) Captive Biofuel Use Exemption. Until January 1, 2035, fleet owners may request and obtain this exemption within 30 calendar days of receiving the new low-NOx ICE vehicle to exclude it from the Milestone Calculation specified in section 2013.6(c) pursuant to the criteria specified in section 2013.6(h).

- (g) Vehicle Delivery Delay Extension. Fleet owners may request an extension as specified in section 2013.6(~~gf~~)(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 2013.6(~~hg~~)(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~~ shall meet the following criteria:
 - (1) Fleet owners ~~must~~ shall email the following information to TRUCRS@arb.ca.gov during the annual reporting period specified in section 2013.3(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. It identifies 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. It shows the new ZEV was ordered at least one year prior to the next upcoming ZEV Milestone specified in section 2013.6(eb).
- (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~~shall secure another purchase agreement for ZEVs within one year of the cancellation. Fleet owners ~~must~~shall submit a copy of the manufacturer cancellation notice within 30 calendar days of the cancellation and ~~must~~shall 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~~exemptions specified in ~~section~~sections 2013.2(b), 2013.2(d), or 2013.2(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~~shall be treated as invalid and the agreement ~~will~~shall be treated as if it were never executed.
- (4) In granting or denying the exemption request, the Executive Officer ~~will~~shall rely on the information submitted by the ~~applicant~~fleet owner and utilize their good engineering judgement to determine whether the information meets the criteria in section 2013.6(hg).

(h) Captive Biofuel Use Exemption. Fleet owners may request an exemption for a low-NOx ICE vehicle that utilizes excess renewable biofuel capacity at the fleet owner's waste or wastewater treatment facility as specified in section 2013.6(f)(8). The Executive Officer willshall rely on information submitted by the fleet owner specified in section 2013.6(h)(2) and their good engineering judgement to determine whether the criteria in section 2013.6(h)(1) are met. If so, they willshall grant the low-NOx ICE vehicle an exemption based on any excess renewable biofuel capacity at the waste or wastewater treatment facility.

(1) The Executive Officer willshall approve this exemption if all of the following criteria are met:

(A) The fleet owner shall be subject to a requirement to haul, transfer, or process in-state organic waste, or shall be in a contract with another entity subject to a requirement to haul, transfer, or process in-state organic waste;

(B) The fleet owner mustshall own and operate either a waste or a wastewater treatment facility producing excess renewable biofuel;

(C) The vehicle mustshall be a low-NOx ICE vehicle;

(D) The low-NOx ICE vehicle mustshall be fueled exclusively at the facility where the excess renewable biofuel is produced; and

(E) The facility mustshall have enough excess renewable biofuel capacity to fully fuel the low-NOx ICE vehicle as demonstrated by fuel production and usage data from the prior year.

(2) The fleet owner mustshall submit all of the following by email to TRUCRS@arb.ca.gov to apply:

(A) A clear and legible digital photograph of the ICE vehicle's emissions control label (typically located in the engine compartment);

(B) Clear and legible digital photographs of the VIN/GVWR label (typically located on the driver side door or door jamb);

(C) Clear and legible digital photographs of the license plate with driver side of the vehicle visible;

(D) The average amount of renewable biofuel the ICE vehicle willshall use in a year based on manufacturer-stated average fuel efficiency and expected annual mileage;

- (E) The waste or wastewater treatment facility location;
- (F) If the facility is generating LCFS credits, the Low Carbon Fuel Standard pathway certification number of the facility;
- (G) The total volume of renewable biofuel dispensed in diesel gallons equivalent for the previous calendar year; and
- (H) The renewable biofuel capacity of the facility in diesel gallons equivalent for the previous calendar year.

(i) ZEV Purchase and Daily Usage Exemptions Expected Purchase Information. The Executive Officer will shall grant the exemptions specified in sections 2013.6(f)(2) and 2013.6(f)(5)(B) if the following criteria are met:

- (1) The fleet owner must shall demonstrate all ICE vehicles with a vehicle model year 10 years old or older in their California fleet, except those already operating under an exemption, cannot be replaced by ZEVs by submitting documentation to show that all such vehicles are eligible for any of the exemptions specified in section 2013.2;
- (2) The fleet owner must shall submit to TRUCRS@arb.ca.gov with their exemption application information about ICE vehicle purchases planned for the calendar year for which they are requesting the exemptions as specified in 2013.1(g)(1) and (3); and
- (3) If the Executive Officer determines that any of the existing ICE vehicles specified in section 2013.6(i)(1) or those planned to be purchased as specified in section 2013.6(i)(2) are available to be purchased as ZEVs, the exemption request will shall be denied.

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; and section 28500, Vehicle Code.

Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code; and section 28500, Vehicle Code.

Section 2013.7 was renumbered to Section 2049 to read as follows:

Article 8 Hiring of Compliant Truck Fleets

§ 2013.72049. Hiring Compliant Fleets.

(a) Scope and Applicability.

(1) Hiring Entities. The requirements specified in this section apply to any motor carrier, broker, governmental agency, person, or entity that hires and dispatches vehicles with a GVWR greater than 8,500 lbs. in California that are subject to:

(A) Title 13, California Code of Regulations (CCR) sections 2013 through 2013.6.

(b) Definitions. For the purposes of this section, the following definitions apply:

“Broker” means any person who, 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.

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

“Motor carrier” means the same as defined in ~~California Vehicle Code~~CVC section 408.

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

(c) Requirement to Hire Compliant Fleets. Any hiring entity ~~must~~shall:

(1) Verification of Compliance. For each calendar year, verify that each fleet it hires or dispatches to operate in California is listed on the California Air Resources Board 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 California Air Resources Board Advanced Clean Fleets webpage as a compliant fleet, it ~~must~~shall obtain a signed statement from the fleet owner stating their fleet is not subject to the regulations listed in section ~~2013.72049~~(a)(1).

(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. operated in California may be subject to California Air Resources Board regulations. Such vehicles may therefore be subject to requirements to reduce emissions of air pollutants. For more information, please visit the California Air Resources Board Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>."

(3) Comply with the recordkeeping requirements specified in section 2013.72049(d).

(d) Hiring Entity Documentation. Hiring entities ~~must~~shall keep documentation as specified in sections 2013.72049(d)(1), (2), or (3). Additionally, hiring entities ~~must~~shall keep copies of contracts or addendums to contracts with hired fleets that include the disclosure of regulation applicability as specified in section 2013.72049(c)(2). Hiring entities ~~must~~shall keep records of documentation specified in this section for a period of at least five years. Hiring entities ~~must~~shall make such records available in an electronic or paper format to CARB staff within 72 hours of a written or verbal request for audit.

(1) A certificate of reported compliance;

(2) A photograph or ~~screen~~digital image of the hired fleet listed on the CARB ACF webpage as a compliant fleet; or

(3) A signed statement received from the hired fleet used to verify that the hired fleet is compliant with the applicable regulations listed in section 2013.72049(a)(1).

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; and section 28500, Vehicle Code.

Reference: Sections 38501, 38505, 38510, 38560, 38566, 38580, 39000, 39003, 39010, 39500, 39600, 39601, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023, 43100, 43101, 43102, 43104, 43105, 43106, 43153, 43154, 43211, 43212, and 43214, Health and Safety Code; and section 28500, Vehicle Code.