

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). In this Attachment A-1, the 45-Day Changes (proposed regulatory language as posted on July 29, 2025) and the First 15-Day Changes (proposed regulatory language as posted on April 2, 2026) are shown in "normal type." The deletions and additions to the first 45-Day Changes and the First 15-Day Changes that comprise the Second 15-Day Changes are shown in strikeout to indicate deletions and underline to indicate additions. 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.]

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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 2013.4 State and Local Government Fleet Recordkeeping.

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~~ This article applies to any state or local government agency with jurisdiction in California that owns, leases, rents, contracts for the operation of, 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.

“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 or operated by a fleet owner. It also includes ~~rental or leased~~contracted vehicles that are considered owned by the "fleet owner" as defined in section 2013(b).

"Fleet owner" means the person or entity who owns, rents, leases, operates, or contracts for the operation of 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.
 - 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 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.

“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 its California fleet on or after the date the vehicle: is destroyed, scrapped, sold out of the fleet, removed from a contract, 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.

"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).

"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.~~ adds a vehicle to its California fleet. The action taken shall be for immediate delivery or installation and the purchaser 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 or service contract 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 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 comply with the ZEV Milestones Option of section 2013.6. The fleet owner 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 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

shall 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 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 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 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 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 shall not be counted as a compliant vehicle during the funding contract period. The fleet owner 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 shall be provided with a Certificate of Reported Compliance. The CARB Advanced Clean Fleets webpage 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 shall not be listed.

- (k) Sales Disclosure of Regulation Applicability. Any person subject to this article selling a vehicle subject to this article 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 used ICE vehicle purchased 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 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 section 2013.6(b)(1) Table A: ZEV Milestones by Milestone Group and Year;
 - (2) The California fleet 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 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 2013.4 of title 13, California Code of Regulations, to read as follows:

§ 2013.4. State and Local Government Fleet Recordkeeping.

Fleet owners 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 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 shall keep records to document dispatch by a local, state, federal or other emergency management agency.
- (b) Operator Contract Documentation. Fleet owners shall keep ~~documentation identifying the entity responsible~~copies of any agreement contracting for paying the driver who is not a state~~vehicles 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~~services using vehicles.
- (c) Odometer Reading Documentation. Fleet owners required to report odometer readings 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 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 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 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 Fleet Resiliency Exemption. Fleet owners utilizing the Fleet Resiliency Exemption 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 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 shall keep copies of the vehicle specification sheet from the manufacturer or photographs submitted as specified in section 2013.3(j).
- (i) Sales Disclosure Documentation. Any person required to submit a sales disclosure as specified in section 2013(k) shall keep a copy of the written sales disclosure.
- (j) Non-recoverable Vehicle Documentation. Fleet owners approved to utilize the Non-recoverable Vehicle exemption of section 2013.1(f)(7) 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 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(g).
- (l) Waste and Wastewater Fleet Option Documentation. Fleet owners utilizing the Waste and Wastewater Fleet Option specified in section 2013.6(e) shall keep the following records demonstrating eligibility for the option, if applicable:
 - (1) A copy of the local ordinance, regulation, or code that requires the fleet owner to either collect, haul, or process diverted in-state organic waste.
 - (2) A copy of the waste fleet's internal database identifying which tractors are exclusively used as transfer trucks within the fleet.
 - (3) A copy of a permit or license to operate, or proof of ownership of, a wastewater treatment facility.
 - (4) 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) 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) 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) 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 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.

~~Section 2013.7 was renumbered to Section~~Amend Chapter 1, Article 8, Sections 2049 of title 13, California Code of Regulations, to read as follows:

Article 8 Hiring of Compliant Truck Fleets

§ 2049. 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 ~~anda State or local government agency or~~ dispatches State or local government agency 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 CVC section 408.

“Vehicle” means either a device as defined in 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 shall:

- (1) Verification of Compliance. For each calendar year, verify that each fleet, as defined in Section 2013(b), that 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 shall obtain a signed statement from the fleet owner, as defined in Section 2013(b), stating their fleet is not subject to the regulations listed in section 2049(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 2049(d).

(d) Hiring Entity Documentation. Hiring entities shall keep documentation as specified in sections 2049(d)(1), (2), or (3). Additionally, hiring entities shall keep copies of contracts or addendums to contracts with hired fleets that include the disclosure of regulation applicability as specified in section 2049(c)(2). Hiring entities shall keep records of documentation specified in this section for a period of at least five years. Hiring entities 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 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 2049(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.