

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 43 Advanced Clean Trucks Program

Authority: Environment Article, §§1-404, 2-102, 2-103, 2-301, 2-1102, and 2-1103, 2-1103.1, Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to implement the requirements of the Maryland Clean Trucks Act of 2023 by establishing regulations implementing California's Advanced Clean Truck regulation.

.02 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference.

B. Documents Incorporated.

(1) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1963 Advanced Clean Trucks Purpose, Applicability, Definitions, and General Requirements, as effective March 15, 2021.

(2) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1963.1 Advanced Clean Truck Deficits, as effective March 15, 2021.

(3) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1963.2 Advanced Clean Trucks Credit Generation, Banking, and Trading, as effective March 15, 2021.

(4) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1963.3 Advanced Clean Trucks Compliance Determination, as effective March 15, 2021.

(5) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1963.4 Advanced Clean Trucks Reporting and Recordkeeping, as effective March 15, 2021.

(6) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1963.5 Advanced Clean Trucks Enforcement, as effective March 15, 2021.

C. In all provisions of CCR Title 13 incorporated by reference, replace the year "2021" with the year "2027," except at 13 CCR §1963.2(g) and 13 CCR §1963.2(e).

D. Unless specifically excluded by this chapter, when a provision of the CCR is incorporated by reference, all notes, comments, appendices, diagrams, tables, forms, figures, publications, and cross-references are also incorporated by reference.

.03 Definitions

A. In General.

(1) In this chapter, the following terms have the meanings indicated.

(2) Any term that is not defined in this regulation shall be as defined in the California documents incorporated by reference in Regulation .02 of this chapter.

(3) Definitions in the California documents shall prevail in any case of discrepancy.

B. Terms Defined.

(1) "California Air Resources Board" or "CARB" means the agency, or its successor agency, established and empowered to regulate sources of air pollution in the State of California, including motor vehicles, pursuant to the California Health & Safety Code §39003, as amended or supplemented.

(2) "CCR" means the California Code of Regulations.

(3) "Class 2b-3" means an on-road vehicle with a GVWR that is 8,501 pounds up to 14,000 pounds.

(4) "Class 2b-3 group" means the group of all on-road vehicles with a GVWR that is 8,501 pounds up to 14,000 pounds.

(5) "Class 4" means an on-road vehicle with a GVWR that is 14,001 pounds up to 16,000 pounds.

(6) "Class 4-8 group" means the group of all on-road vehicles with a GVWR that is 14,001 pounds and above, including "yard tractors" as defined in 13 CCR §1963(c)(20), except for a "tractor" as defined in 13 CCR §1963(c)(18).

(7) "Class 5" means an on-road vehicle with a GVWR that is 16,001 pounds up to 19,500 pounds.

(8) "Class 6" means an on-road vehicle with a GVWR that is 19,501 pounds up to 26,000 pounds.

(9) "Class 7" means an on-road vehicle with a GVWR that is 26,001 pounds up to 33,000 pounds.

(10) "Class 7-8 tractor group" means a group of on-road vehicles, that have a GVWR 26,001 pounds and above, including all vehicles that meet the definition of "tractor" as defined in 13 CCR §1963(c)(18), except "yard tractors" as defined in 13 CCR §1963(c)(20).

(11) "Class 8" means an on-road vehicle with a GVWR that is 33,001 pounds and above.

(12) "Department" means the Maryland Department of the Environment.

(13) "Executive Officer" means the Executive Officer of the California Air Resources Board as used in California-adopted statutes, regulations, and procedures related to the California Standards. This meaning is extended for purposes of the application of California Standards in Maryland to include the Secretary, who shall act as the agent of the California Executive Officer in Maryland.

(14) "GVWR" means the same as the term "gross vehicle weight rating" as defined at 13 CCR §1963(c).

(15) "Model year (MY)" means the following: For tractors and vocational vehicles with a date of manufacture on or after January 1, 2021, the vehicle's model year is the calendar year corresponding to the date of manufacture; however, the vehicle's model year may be designated to be the year before the calendar year corresponding to the date of manufacture if the engine's model year is also from an earlier year. Note that 40 Code of Federal Regulations (CFR) §1037.601(a)(2), as amended October 25, 2016, limits the extent to which vehicle manufacturers may install engines built in earlier calendar years.

(16) "NZEV" means the same as the term "near-zero-emission vehicle" as defined at 13 CCR §1963(c).

(17) "Ultimate purchaser" means in respect to any vehicle, the first person who in good faith purchases a new motor vehicle for purposes other than resale and registers it with the Maryland Motor Vehicle Administration.

(18) "ZEV" means the same as the term "zero-emission vehicle" as defined at 13 CCR §1963(c).

.04 Applicability and Exemptions

A. Applicability

(1) Except as provided in §B of this regulation, this chapter applies to all manufacturers that produce 2027 and subsequent model year on-road vehicles over 8,500 pounds GVWR for sale in Maryland that are subject to the California Advanced Clean Truck regulation.

(2) Beginning with model year 2026, any manufacturer that produces on-road vehicles over 8,500 pounds GVWR may generate, bank, and trade ZEV and NZEV credits pursuant to 13 CCR §1963.2, as incorporated by reference herein.

(3) In the event that there are inconsistencies or duplications in the requirements of the provisions incorporated by reference from the CCR and the rules set forth in this chapter, the provisions incorporated by reference from the CCR shall prevail.

B. Exemptions. This chapter does not apply to the following vehicles:

(1) An emergency vehicle;

(2) A vehicle defined as an "excluded bus" pursuant to 13 CCR §1963(c)(11); and

(3) A vehicle designed exclusively for off-highway use.

.05 Advanced Clean Trucks Reporting and Recordkeeping.

A. Sales Reporting. Beginning with the 2027 model year, and no later than 90 days following the end of each model year, a manufacturer must report the following information to the Department for each on-road vehicle produced and delivered for sale in Maryland for each model year, except as provided in 13 CCR §1963.4(e):

(1) Vehicle Identification Number (VIN) for each vehicle;

(2) Vehicle weight class;

(3) Whether the vehicle type is a tractor, yard tractor, or is another vehicle type;

(4) Fuel and drivetrain type;

(5) Volume produced and delivered for sale in Maryland for the vehicle type; and

(6) If the vehicle is a NZEV, the tested all-electric range of the vehicle.

B. Credit Transfer Reporting.

(1) A manufacturer that transfers to or receives ZEV or NZEV added credits from another manufacturer must submit to the Executive Officer an annual report of all credit trades, transfers, and transactions.

(2) The Department will not recognize any credit transfers until the report is received.

(3) Reports must be submitted no later than 90 days following the end of each model year to demonstrate compliance.

(4) Manufacturers that transfer or receive ZEV or NZEV credits must submit a letter or document signed by authorized agents of both parties to the transaction summarizing the transfer, which must include the following:

(a) Corporate name of credit transferor;

(b) Corporate name of credit transferee;

(c) Number of ZEV credits transferred for each model year, rounded to the nearest tenth according to 13 CCR §1963.2(c);

(d) Number of NZEV credits transferred for each model year, rounded to the nearest tenth according to 13 CCR §1963.2(c); and

(e) Indicate whether the ZEV or NZEV credits are Class 7-8 Tractor credits, or other credits.

C. Class 2b-3 Credit Declaration. A manufacturer that generates ZEV or NZEV credits from the Class 2b-3 group must submit no later than 90 days following the end of each model year a declaration to the Executive Officer which includes:

(1) The number of on-road vehicles produced and delivered for sale in Maryland to generate credits according to 13 CCR §1963.2; and

(2) The number of on-road vehicles produced and delivered for sale in Maryland to generate credits according to 13 CCR §1962.2.

D. Retention of Records. Records of reported information required in 13 CCR §1963.4 and documentation showing vehicle delivery to the ultimate purchaser at a location in Maryland must be kept by manufacturers for the Department to audit for a period of eight (8) years from the end of the model year the vehicles were produced.

E. Grouped Sales Reporting.

(1) Manufacturers may optionally submit information required in 13 CCR §1963.4(a) grouped by categories for vehicles that are not ZEVs or NZEVs without providing individual VINs.

(2) If exercising this option, manufacturers must still retain records available for The Department to audit including the individual VINs according to 13 CCR §1963.4(d).