

Note to Reviewers: Only the portions of 310 CMR 7.40 that were amended by the emergency regulation amendments or assist in locating the emergency regulation amendments are shown below. The remainder of 310 CMR 7.40 not shown below was not amended.

7.40: U Low Emission Vehicle Program

(1) U Applicability and Definitions.

(a) Under the authority of 42 U.S.C. 7507, M.G.L. c. 111, §§ 142A through 142M, and M.G.L. c. 21N the Department hereby adopts the California Code of Regulations sections cited in 310 CMR 7.40(1)(c): *Table 1* and *Table 2*.

(b) Definitions. When used in 310 CMR 7.40 or in communications, notices or orders relative thereto, the following words and phrases shall have the meanings ascribed to them below:

...

Model Year. ~~A manufacturer's annual production period which includes January 1st of a calendar year or, if the manufacturer has no annual production period, the calendar year. In the case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.~~ As defined in Title 13 CCR § 1962.2 for Advanced Clean Cars I, Title 13 CCR § 1962.4 for Advanced Clean Cars II, Title 13 CCR § 1963(c) for Advanced Clean Trucks and Title 17 CCR § 95662 for Greenhouse Gas Exhaust Emission Standards and Test Procedures and Heavy-duty Omnibus.

...

Test Vehicle. An experimental or prototype motor vehicle which appears to have very low emission characteristics or a used motor vehicle within which an experimental motor vehicle pollution control device is installed, and which has also received a test vehicle or fleet permit from the California ARB pursuant to Manufacturers Advisory Correspondence No. 8301.

Transit agency. ~~A public entity responsible for administering and managing transit services. Public transit agencies can directly operate transit service or contract out for all or part of the total transit service provided. A transit agency does not mean a correctional facility, airport, college or university, national park, tour bus service provider, or an entity that provides shuttle services solely for patrons of its organization.~~

Zero Emission Vehicle (ZEV). As defined in Title 13 CCR § 1962.2 for Advanced Clean Cars I, Title 13 CCR § 1962.4 for Advanced Clean Cars II and Title 13 CCR § 1963(c) for Advanced Clean Trucks.

(c) Wherever 310 CMR 7.40 refers to a specific section of the CCR, the reference is made to that version of the section as of the operative/effective date provided for that section in 310 CMR 7.40(1)(c): Table 1 or Table 2. The Department hereby incorporates by reference each of the sections of Titles 13 and 17 CCR that are listed in 310 CMR 7.40(1)(c): Table 1 and Table 2. Wherever 310 CMR 7.40 refers to Titles 13 or 17 CCR without a reference to a specific section of the CCR, the reference is made to all those sections listed in, and that version of those sections as of the operative/effective dates provided for in, 310 CMR 7.40(1)(c): Table 1 or Table 2, respectively.

310 CMR 7.40(1)(c): *Table 1:*

Title 13 CCR	Title	Section Operative/ Effective Date in California
Division 3. Air Resources Board.		

Title 13 CCR	Title	Section Operative/ Effective Date in California
CHAPTER 1. Motor Vehicle Pollution Control Devices.		
Article 1. General Provisions.		
1900	Definitions.	12/22/21
1905	Exclusion and Exemption of Military Tactical Vehicles and Equipment.	7/3/96
Article 2. Approval of Motor Vehicle Pollution Control Devices (New Vehicles).		
1956.8	Exhaust Emissions Standards and Test Procedures - 1985 and Subsequent Model Heavy-duty Engines and Vehicles, 2021 and Subsequent Zero-emission Powertrains, and 2022 and Subsequent Model Heavy-duty Hybrid Powertrains.	12/22/21 5/31/24
...		
1962.2(a), (b), (c), (d), (g)(1) through (7), (h), (i), (j), (l)	Zero-emission Vehicle Standards for 2018 through 2025 Model Year Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles, Including California Exhaust Emission Standards and Test Procedures for 2018 through 2025 and Subsequent Model Zero-emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-duty Truck and Medium-duty Vehicle Classes, except for § C.7 and 8.	11/30/22
...		
1971.1	On-board Diagnostic System Requirements - 2010 and Subsequent Model-year Heavy-duty Engines.	12/22/21 5/31/24

(d) 310 CMR 7.40 is applicable to manufacturers and to persons who place in service, deliver for sale, sell, lease, offer for sale or lease, import, deliver, purchase, rent, acquire or receive, motor vehicles and motor vehicle engines in or into Massachusetts and are regulated by the following current programs:

...

4. Heavy duty Omnibus as described in Title 13 CCR is applicable starting with model year [2025](#)~~2026~~; NOx credits as described in Heavy duty Omnibus may be earned starting with model year 2022.

...

(j) For purposes of implementing Title 13 CCR § 1962.4, the definitions of "Community-based Clean Mobility Program" and "Financial Assistance Program" in Title 13 CCR § 1962.4(l) are replaced with those in 310 CMR 7.40(1)(b).

[\(k\) For purposes of implementing Title 13 CCR § 1956.8, the term "Disadvantaged Communities" in Title 13 CCR § 1956.8 is replaced with the term "Disadvantaged Community" as defined in 310 CMR 7.40\(1\)\(b\).](#)

(2) Emissions Requirements and Prohibitions.

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(c) Exceptions.

1. In addition to any exceptions or exemptions in Titles 13 and 17 CCR, motor vehicles held for daily lease or rental to the general public or engaged in interstate commerce which are registered and principally operated outside Massachusetts, shall not be subject to the requirements of 310 CMR 7.40(2)(a) and (b).

2. Passenger cars, light-duty trucks and medium-duty passenger vehicles defined as test vehicles, as emergency vehicles, or qualifying for exemption under Section 43656 of the California Health and Safety Code, incorporated herein by reference, shall not be subject to the requirements of 310 CMR 7.40(2)(a), (b), and (d) through (g), (3) and (4).

3. Vehicles qualifying for exemption under Sections 27156.2 or 27156.3 of the California Vehicle Code, incorporated herein by reference, shall not be subject to the requirements of 310 CMR 7.40(2)(a), (b), and (d) through (g), 7.40(3) and 7.40(4).

4. New diesel-fueled buses sold to any transit agency are exempt from 310 CMR 7.40(1)(d)4.