

Add and delete the following definitions in 310 CMR 7.00: Definitions and keep all other definitions in 310 CMR 7.00:

7.00: Statutory Authority; Legend; Preamble; Definitions

DEFINITIONS

When used in 310 CMR 7.00 or in communications, notices or orders relative thereto, the following words and phrases shall have the meanings ascribed to them below:

~~ALTERNATIVE FUEL VEHICLE means a motor vehicle as defined in M.G.L. c. 90, § 1, which the Department determines to:~~

- ~~(a) operate exclusively on an alternative fuel; and~~
- ~~(b) meets applicable state and federal safety and emission standards.~~

~~EMISSION CONTROL LABELS means those permanent stickers affixed to all 1995 and subsequent model year passenger cars and light duty trucks, certified for sale in California, in accordance with Title 13 CCR 1965 as amended July 12, 1991, and incorporated in 310 CMR 7.00 by reference, and "California Motor Vehicle Emission Control Label Specifications" as last amended July 12, 1991.~~

Environmental Justice Population.

~~(a) A Neighborhood that meets one or more of the following criteria:~~

- ~~1. the annual median household income is not more than 65% of the statewide annual median household income;~~
- ~~2. minorities comprise 40% or more of the population;~~
- ~~3. 25% or more of households lack English language proficiency;~~
- ~~4. minorities comprise 25% or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150% of the statewide annual median household income; or~~

~~(b) a geographic portion of a Neighborhood designated by the Secretary as an Environmental Justice Population pursuant to M.G.L. c. 30, § 62; provided, however, that a Neighborhood or a geographic portion of a Neighborhood that the Secretary has determined shall not be designated an Environmental Justice Population pursuant to M.G.L. c. 30, § 62 shall not be considered an Environmental Justice Population.~~

~~MAIL-OUT means a widely distributed general correspondence issued by the California Air Resources Board whenever said Board needs information from the public, or when it wishes to inform the public of new information.~~

~~MANUFACTURERS ADVISORY CORRESPONDENCE means a document issued by the California Air Resources Board, which is a policy interpretation for further clarification of the California Code of Regulations applicable to motor vehicles.~~

~~MASSACHUSETTS EMISSION INSPECTION TESTING MANUAL means a booklet which sets forth in detail the required exhaust emissions testing procedures to be used by all Certified Emissions Inspectors when performing the combined safety and emission inspection for motor vehicles which will result in the issuance of a certificate of inspection or a certificate of rejection.~~

~~MODEL YEAR~~ means a motor vehicle 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.

~~MOTOR VEHICLE POLLUTION CONTROL SYSTEM~~ means the combination of emission-related parts which controls air pollutant emissions from a motor vehicle or motor vehicle engine.

Neighborhood. A census block group as defined by the United States Census Bureau, excluding people who live in college dormitories and people who are under formally authorized, supervised care or custody, including federal, state or county prisons.

~~NEW VEHICLE~~ means any passenger car or light duty truck with 7,500 miles or fewer on its odometer.

~~NON ROAD VEHICLE~~ means any motor vehicle and equipment which is not primarily designed or intended for operation on public roadways to provide transportation.

~~PASSENGER CAR~~ means any motor vehicle designed primarily for transportation of persons and having a design capacity of 12 persons or less.

~~RECALL~~ means:

- ~~1. A manufacturer's issuing of notices directly to consumers that vehicles in their possession or control should be corrected;~~
- ~~2. A manufacturer's efforts to actively locate and correct vehicles in the possession or control of consumers.~~

~~RECALL CAMPAIGN~~ means that plan approved by the California Air Resources Board or the Department, by which the manufacturer will effect the recall of noncomplying vehicles.

~~TEST VEHICLE~~ means 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 Air Resources Board pursuant to Manufacturers Advisory Correspondence No. 83-01.

~~USED VEHICLE~~ means any passenger car or light duty truck with more than 7,500 miles on its odometer.

~~ZERO EMISSION VEHICLE (or "ZEV")~~ means any passenger car or light duty truck which produces zero emissions of any criteria pollutants under any and all possible operational modes and conditions. Incorporation of a fuel fired heater shall not preclude a vehicle from being certified as a ZEV provided the fuel fired heater cannot be operated at ambient temperatures above 40°F and the heater is demonstrated to have zero evaporative emissions under any and all possible operational modes and conditions. In addition, ZERO EMISSION VEHICLE (or ZEV), means any ZEV placed in service in compliance with the California Project pursuant to the requirements of the Master Memorandum of Agreement adopted by the California Air Resources Board March 29, 1996.

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:

Add-on Part. As defined in Title 13 CCR § 1900.

Aftermarket Part. Any part of a motor vehicle emission control system sold for installation on a vehicle after the original retail sale of the vehicle.

California ARB. The California Air Resources Board.

California ARB Executive Order. A document issued by the California ARB certifying that a specified engine family, test group or model year vehicle has met all applicable Title 13 CCR requirements for certification and sale in California.

California Code of Regulations or CCR. The official compilation and publication of the regulations adopted, amended or repealed by California state agencies pursuant to the California Administrative Procedure Act.

Community-based Clean Mobility Program. A program that:

(a) provides access to clean mobility solutions other than vehicle ownership including ZEV car sharing, ride-sharing, vanpools, ride-hailing, or on-demand first-mile/last-mile services;

(b) serves a community in which at least 75 percent of the census block groups in the project area (where community residents live and services operate) are: a disadvantaged community, as defined in Massachusetts by 310 CMR 7.40(1)(b), a low-income community, as defined in Massachusetts by 310 CMR 7.40(1)(b), or a tribal community regardless of federal recognition; and

(c) is implemented by a community-based organization; Native American Tribal government regardless of federal recognition; or a public agency or nonprofit organization that has received a letter of support from a project-related community-based organization or local community group that represents community members that will be impacted by the project or has a service background related to the type of project.

Consolidated Part. As defined in Title 13 CCR § 1900.

Disadvantaged Community.

(a) A Neighborhood that meets one or more of the following criteria:

1. the annual median household income is not more than 65% of the statewide annual median household income;

2. minorities comprise 40% or more of the population;
3. 25% or more of households lack English language proficiency;
4. minorities comprise 25% or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150% of the statewide annual median household income; or

(b) a geographic portion of a Neighborhood designated by the Secretary as an Environmental Justice Population pursuant to M.G.L. c. 30, § 62; provided, however, that a Neighborhood or a geographic portion of a Neighborhood that the Secretary has determined shall not be designated an Environmental Justice Population pursuant to M.G.L. c. 30, § 62 shall not be considered an Environmental Justice Population.

Emergency Vehicle. Any publicly owned vehicle operated by a peace officer in performance of their duties, any authorized emergency vehicle used for fighting fires or responding to emergency fire calls, any publicly owned authorized emergency vehicle used by an emergency medical technician or paramedic, or used for towing or servicing other vehicles, or repairing damaged lighting or electrical equipment, any motor vehicle of mosquito abatement, vector control, or pest abatement agencies and used for those purposes, or any ambulance used by a private entity under contract with a public agency.

Emission Control Label. A paper, plastic, metal or other permanent material, welded, riveted or otherwise permanently attached to an area within the engine compartment (if any) or to the engine in such a way that it will be visible to the average person after installation of the engine.

Emissions-related Part. As defined in Title 13 CCR § 1900.

Environmental Performance Label. A decal securely affixed by the manufacturer to a window of vehicles which discloses information for the vehicle in accordance with Title 13 CCR § 1965.

Executive Officer. The Executive Officer of the California ARB or the Executive Officer's authorized representative.

Federal Fuel Economy and Environment Label. A label that is affixed by the manufacturer to a window on passenger cars, light-duty trucks, and medium-duty passenger vehicles in accordance with 40 CFR Parts 85, 86 and 600 as promulgated on July 6, 2011.

Financial Assistance Program. A vehicle purchase incentive program where approved dealerships accept a point-of-sale incentive for used ZEVs and PHEVs for lower-income consumers. Qualifying programs include the Massachusetts Offers Rebates for Electric Vehicles (MOR-EV), or successor or other State programs that the Department determines meet this definition.

~~Fleet Average. A motor vehicle manufacturer's average vehicle emissions of all nonmethane organic gases, non-methane organic gases plus oxides of nitrogen, or all greenhouse gases from all vehicles subject to 310-CMR 7.40, delivered for sale to Massachusetts in any model~~

~~year, based on the calculation in Title 13 CCR § 1960.1(g)(2), 1961, 1961.1, 1961.2, or 1961.3.~~

Greenhouse Gas ~~or GHG~~. As defined in Title 13 CCR § 1961.3(f).

~~GHG Vehicle Test Group. As defined in Title 13 CCR § 1961.1.~~

Heavy-duty Engine. As defined in Title 13 CCR § 1900.

Heavy-duty Vehicle. As defined in Title 13 CCR § 1900.

Independent Low Volume Manufacturer. As defined in Title 13 CCR § 1900.

Intermediate Volume Manufacturer. As defined in Title 13 CCR § 1900.

Large Volume Manufacturer. As defined in Title 13 CCR § 1900.

Light-duty Truck. As defined in Title 13 CCR § 1900.

Low-income Community. A census block group in which the annual median household income is not more than 65 percent of the statewide annual median household income.

Mailout. A widely distributed general correspondence issued by the California ARB whenever said Board needs information from the public, or when it wishes to inform the public of new information.

Manufacturer. Any small volume manufacturer, intermediate volume manufacturer or large volume motor vehicle manufacturer which offers, delivers or arranges for the delivery of new motor vehicles for sale or lease in Massachusetts.

Manufacturers Advisory Correspondence. A document issued by the California ARB which is a policy interpretation for further clarification of the CCR.

Massachusetts Emission Control Waiver. An exemption from the requirements of 310 CMR 7.40 granted by the Department in conjunction with the MassDOT Registry of Motor Vehicles Division pursuant to M.G.L. c. 90, § 2.

Medium-duty Passenger Vehicle. As defined in Title 13 CCR § 1900.

Medium-duty Vehicle. As defined in Title 13 CCR § 1900.

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.

Modified Part. As defined in Title 13 CCR § 1900.

Motor Vehicle or Vehicle. Any passenger car, light-duty truck, medium-duty passenger vehicle, medium-duty vehicle or heavy-duty vehicle as appropriate.

Motor Vehicle Pollution Control System. The combination of emissions-related parts which controls air pollutant emissions from a motor vehicle or motor vehicle engine.

~~2012 Through 2016 MY National Greenhouse Gas Program. As defined in Title 13 CCR § 1961.1(e).~~

~~2017 Through 2025 MY National Greenhouse Gas Program. As defined in Title 13 CCR § 1961.3(f).~~

Near-zero-emission vehicle (NZEV). As defined in Title 13 CCR § 1963(c).

New Vehicle. Any vehicle with 7,500 miles or fewer on its odometer.

~~Non-methane Organic Gases or NMOG. As defined in Title 13 CCR § 1961.2(e).~~

Passenger Car. As defined in Title 13 CCR § 1900.

Placed in Service. As defined in Title 13 CCR § 1962.1(i).

Recall. A manufacturer's issuing of notices directly to consumers that vehicles in their possession or control should be corrected or a manufacturer's efforts to actively locate and correct vehicles in the possession or control of consumers.

Recall Campaign. The plan approved by the California ARB or the Department, by which the manufacturer will effect the recall of noncomplying vehicles.

Replacement Part. As defined in Title 13 CCR § 1900.

Small Volume Manufacturer. As defined in Title 13 CCR § 1900.

Smog Index Label. A decal securely affixed by the manufacturer to a window of all 2001 through 2009 model year passenger cars and light-duty trucks which discloses the smog index for the vehicle in accordance with Title 13 CCR 1965 and the "California Motor Vehicle Emission Control and Smog Index Label Specifications".

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.

~~Used Vehicle. Any vehicle with more than 7,500 miles on its odometer.~~

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.		
CHAPTER 1. Motor Vehicle Pollution Control Devices.		
Article 1. General Provisions.		
1900	Definitions.	12/22/21
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
1960.1	Exhaust Emissions Standards and Test Procedures - 1981 through 2006 Model Passenger Cars, Light-duty Trucks and Medium-duty Vehicles.	12/31/12
1960.1.5	Optional NO _x Standards for 1983 and Later Model Passenger Cars, and Light-duty Trucks and Medium-duty Vehicles Less than 4000 Lbs. Equivalent Inertia Weight (EIW) or 3751 Lbs. Loaded Vehicle Weight (LVW).	9/30/91
1960.5	Certification of 1983 and Subsequent Model-year Federally Certified Light-duty Motor Vehicles for Sale in California.	10/16/02

Title 13 CCR	Title	Section Operative/ Effective Date in California
1961	Exhaust Emission Standards and Test Procedures – 2004 through 2019 Model Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles.	12/31/12
1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 through 2016 Model Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles.	8/7/12
1961.2	Exhaust Emission Standards and Test Procedures – 2015 through 2025 <u>and Subsequent</u> Model <u>Year</u> Passenger Cars, and Light-duty Trucks, and <u>2015 through 2028 Model Year</u> Medium-duty Vehicles.	11/30/22 <u>12/22/21</u>
1961.3	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2017 and Subsequent Model Passenger Cars, Light-duty Trucks, and Medium-duty Passenger Vehicles.	11/30/22 <u>12/12/18</u>
<u>1961.4</u>	<u>Exhaust Emission Standards and Test Procedures - 2026 and Subsequent Model Year Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles.</u>	<u>11/30/22</u>
1962(a), (b), (c), (d), (e), (f), (g)(1-7), (h), (i), (j)	Zero-emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles, Including California Exhaust Emission Standards and Test Procedures for 2005 through 2008 Model Zero-emission Vehicles, and 2001 through 2008 and Subsequent Model Hybrid Electric Vehicles, in the Passenger Car, Light-duty Truck and Medium-duty Vehicle Classes, except for § C.7 and 8.	2/13/10
1962.1(a), (b), (c), (d), (f), (g)(1-7), (h), (i), (j), (l)	Zero-emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles, Including California Exhaust Emission Standards and Test Procedures for 2009 through 2017 Model Zero-emission Vehicles Hybrid Electric Vehicles, in the Passenger Car, Light-duty Truck and Medium-duty Vehicle Classes, except for § C.7 and 8.	1/1/16

Title 13 CCR	Title	Section Operative/ Effective Date in California
1962.2(a), (b), (c), (d), (g)(1-) through (7), (h), (i), (j), (l)	Zero-emission Vehicle Standards for 2018 through 2025 and Subsequent Model Year Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles, Including California Exhaust Emission Standards and Test Procedures for 2018 and Subsequent Model Year 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 1/1/21 6
<u>1962.3</u>	<u>Electric Vehicle Charging Requirements.</u>	<u>11/30/22</u>
<u>1962.4(a) through (m)(2), (n) and (o)</u>	<u>Zero-Emission Vehicle Standards for 2026 and Subsequent Model Year Passenger Cars and Light-duty Trucks.</u>	<u>11/30/22</u>
<u>1962.5</u>	<u>Data Standardization Requirements for 2026 and Subsequent Model Year Light-duty Zero Emission Vehicles and Plug-in Hybrid Electric Vehicles.</u>	<u>11/30/22</u>
<u>1962.6</u>	<u>Battery Labeling Requirements.</u>	<u>11/30/22</u>
<u>1962.7</u>	<u>In-use Compliance, Corrective Action and Recall Protocols for 2026 and Subsequent Model Year Zero-emission and Plug-in Hybrid Electric Passenger Cars and Light-duty Trucks.</u>	<u>11/30/22</u>
<u>1962.8</u>	<u>Warranty Requirements for Zero-emission and Batteries in Plug-in Hybrid Electric 2026 and Subsequent Model Year Passenger Cars and Light-duty Trucks.</u>	<u>11/30/22</u>
1963	Advanced Clean Trucks Purpose, Applicability, Definitions, and General Requirements.	3/15/21
1963.1	Advanced Clean Trucks Deficits.	3/15/21
1963.2	Advanced Clean Trucks Credit Generation, Banking, and Trading.	3/15/21
1963.3	Advanced Clean Trucks Compliance Determination.	3/15/21
1963.4	Advanced Clean Trucks Reporting and Recordkeeping.	3/15/21
1963.5(a)(1) through (3)	Advanced Clean Trucks Enforcement.	3/15/21
1964	Special Test Procedures for Certification and Compliance – New Modifier Certified Motor Vehicles.	2/23/90
1965	Emission Control, Smog Index, and Environmental Performance Labels – 1979 and Subsequent Model-year Motor Vehicles.	11/30/22 12/22 21

Title 13 CCR	Title	Section Operative/ Effective Date in California
1968.1	Malfunction and Diagnostic System Requirements – 1994 and Subsequent Model-year Passenger Cars, Light-duty Trucks and Medium-duty Vehicles and Engines.	11/27/99
1968.2	Malfunction and Diagnostic System Requirements - 2004 and Subsequent Model-year Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles and Engines.	11/30/22 12/22/21
1971.1	On-board Diagnostic System Requirements - 2010 and Subsequent Model-year Heavy-duty Engines.	12/22/21
1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions.	11/30/22 10/8/15
1978	Standards and Test Procedures for Vehicle Refueling Emissions.	11/30/22 10/8/15
Article 6. Emission Control System Warranty.		
2035	Purpose, Applicability, and Definitions.	12/22/21
2036	Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy-duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers.	12/22/21
2037	Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-duty Trucks, Medium-duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles.	11/30/22 4/1/19
2038	Performance Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles and Motor Vehicle Engines Used in Such Vehicles.	11/30/22 8/7/12
2039	Emissions Control System Warranty Statement.	12/26/90
2040	Vehicle Owner Obligations.	10/1/19
2041	Mediation; Finding of Warrantable Condition.	12/26/90

Title 13 CCR	Title	Section Operative/ Effective Date in California
Article 7. Procedures for Certifying Used Modifier-certified Motor Vehicles and Licensing Requirements for Vehicle Emission Test Laboratories.		
2047	Certification Procedures for Used Modifier-certified Motor Vehicles.	5/31/88
CHAPTER 2. Enforcement of Vehicle Emission Standards and Surveillance Testing.		
Article 1. Assembly-line Testing.		
2061	Assembly-line Test Procedures - 1983 and Subsequent Model Years.	10/23/96
2062	Assembly-line Test Procedures - 1998 and Subsequent Model Years.	8/7/12
Article 1.5 Enforcement of Vehicle Emission Standards and Surveillance Testing for 2005 and Subsequent Model Year Heavy-duty Engines and Vehicles.		
2065	Applicability of Chapter 2 to 2005 and Subsequent Model Year Heavy-duty Engines and Vehicles.	4/1/19
Article 2. Enforcement of New and In-use Vehicle Standards.		
2101	Compliance Testing and Inspection - New Vehicle Selection, Evaluation, and Enforcement Action.	11/27/99
2106	New Vehicle Assembly-line Inspection Testing.	11/27/99
2107	Assembly-line Quality-audit Testing.	11/27/99
2108	Order of Executive Officer.	12/30/83
2109	New Vehicle Recall Provisions.	12/30/83
2110	Remedial Action for Assembly-line Quality Audit Testing of Less Than a Full Calendar Quarter of Production Prior to the 2001 Model Year.	11/27/99
Article 2.1 Procedures for In-use Vehicle Voluntary and Influenced Recalls.		
2111	Applicability.	12/22/21
2112	Definitions.	11/30/22 12/22/21

Title 13 CCR	Title	Section Operative/ Effective Date in California
2113	Initiation and Approval of Voluntary and Influenced Emission-related Recalls.	12/22/21
2114	Voluntary and Influenced Recall Plans.	12/22/21
2115	Eligibility for Repair.	12/22/21
2116	Repair Label.	12/22/21
2117	Proof of Correction Certificate.	12/22/21
2118	Notification.	12/22/21
2119	Recordkeeping and Reporting Requirements.	12/22/21
2120	Other Requirements Not Waived.	1/26/95
2121	Penalties.	12/22/21
Article 2.2. Procedures for In-use Vehicle Ordered Recalls.		
2122	General Provisions.	12/8/10
2123	Initiation and Notification of Ordered Emission-related Recalls.	12/22/21
2124	Availability of Public Hearing.	1/26/95
2125	Ordered Recall Plan.	12/22/21
2126	Approval and Implementation of Recall Plan.	12/22/21
2127	Notification of Owners.	12/22/21
2128	Repair Label.	12/22/21
2129	Proof of Correction Certificate.	12/22/21
2130	Capture Rates and Alternative Measures.	12/22/21
2131	Preliminary Tests.	12/22/21
2132	Communication with Repair Personnel.	1/26/95
2133	Recordkeeping and Reporting Requirements.	12/22/21
2134	Penalties.	1/26/95

Title 13 CCR	Title	Section Operative/ Effective Date in California
2135	Extension of Time.	1/26/95
Article 2.3. In-use Vehicle Enforcement Test Procedures.		
2136	General Provisions.	12/8/10
2137	Vehicle, Engine, and Trailer Selection.	12/22/21
2138	Restorative Maintenance.	11/27/99
2139	Testing.	11/30/22 12/22/21
2140	Notification and Use of Test Results.	11/30/22 12/22/21
Article 2.4. Procedures for Reporting Failures of Emission-related Components.		
2141	General Provisions.	12/22/21
2142	Alternative Procedures.	12/22/21
2143	Failure Levels Triggering Recall and Corrective Action.	12/22/21
2144	Emission Warranty Information Report.	12/22/21
2145	Field Information Report.	12/22/21
2146	Emissions Information Report.	12/22/21
2147	Demonstration of Compliance with Emission Standards.	11/30/22 12/22/21
2148	Evaluation of Need for Recall.	12/22/21
2149	Notification and Subsequent Action.	12/22/21
Article 3. Surveillance Testing.		
2150	Assembly-line Surveillance.	12/30/83
2151	New Motor Vehicle Dealer Surveillance.	12/30/83
2152	Surveillance of Used Cars at Dealerships.	12/30/83
Article 5. Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action.		

Title 13 CCR	Title	Section Operative/ Effective Date in California
2166	General Provisions.	12/22/21
2166.1	Definitions.	12/22/21
2167	Required Recall and Corrective Action for Failures of Exhaust After-treatment Devices, Onboard Computers or Systems, Urea Dosers, Hydrocarbon Injectors, Exhaust Gas Recirculation Valves, Exhaust Gas Recirculation Coolers, Turbochargers, Fuel Injectors.	12/22/21
2168	Required Corrective Action and Recall for Emission-Related Component Failures.	12/22/21
2169	Required Recall or Corrective Action Plan.	12/22/21
2169.1	Approval and Implementation of Corrective Action Plan.	12/22/21
2169.2	Notifications of Owners.	12/22/21
2169.3	Repair Label.	12/22/21
2169.4	Proof of Correction Certificate.	12/22/21
2169.5	Preliminary Tests.	12/22/21
2169.6	Communication with Repair Personnel.	12/22/21
2169.7	Recordkeeping and Reporting Requirements.	12/22/21
2169.8	Extension of Time.	12/22/21
Chapter 4. Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives.		
Article 2. Aftermarket Parts.		
2221	Replacement Parts.	12/30/83
2222	Add-on Parts and Modified Parts.	1/1/19 until 1/1/22, at which point 1/1/22 amendments are in effect 8/16/90

Title 13 CCR	Title	Section Operative/ Effective Date in California
2224	Surveillance.	8/16/90 until 1/1/22, at which point 1/1/22- amendments are in effect

310 CMR 7.40(1)(c): Table 2

Title 17 CCR	Title	Section Operative/ Effective Date in California
Division 3. Air Resources.		
CHAPTER 1. Air Resources Board.		
Subchapter 10. Climate Change.		
Article 4. Regulations to Achieve Greenhouse Gas Emission Reductions.		
Subarticle 12. Greenhouse Gas Emission Requirements for New 2014 and Subsequent Model Heavy-duty Vehicles.		
95660	Purpose.	12/5/14
95661	Applicability.	12/5/14
95662	Definitions.	4/1/19
95663	Greenhouse Gas Exhaust Emission Standards and Test Procedures for New 2014 and Subsequent Model Heavy-duty Vehicles.	4/1/20

(d) ~~Pursuant to the requirements of M.G.L. c. 111, § 142K,~~ 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 ~~sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired or received~~ in or into Massachusetts and are regulated by the following current programs:

1. Advanced Clean Cars I consisting of:
 - a. Low Emission Vehicle Program III as described in Title 13 CCR ~~§§ 1900, 1956.8, 1960.1, 1961, 1961.1, 1961.2, 1961.3, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235 and 2317~~ for:
 - i. Criteria pollutants is applicable ~~starting with~~for model years 2015 through 2025;
 - ii. Greenhouse gas pollutants is applicable starting with model year 2017; and
 - b. Zero Emission Vehicle Program as described in ~~Title 13 CCR § 1962.1 starting with model year 2016 and~~ Title 13 CCR ~~§ 1962.2 starting with~~is applicable for model years 2018 through 2025.
2. Greenhouse Gas Exhaust Emission Standards and Test Procedures as described in Titles 13 and 17 CCR is applicable starting with model year 2025.
3. Advanced Clean Trucks as described in Title 13 CCR is applicable starting with model year 2025; early action credits as described in Advanced Clean Trucks may be earned starting with model year 2021.
4. Heavy-duty Omnibus as described in Title 13 CCR is applicable starting with model year 2025; NOx credits as described in Heavy-duty Omnibus may be earned starting with model year 2022.
5. Advanced Clean Cars II consisting of:
 - a. Low Emission Vehicle Program IV as described in Title 13 CCR for criteria pollutants is applicable starting with model year 2026;
 - b. Zero Emission Vehicle Program as described in Title 13 CCR is applicable starting with model year 2026; early compliance vehicle values as described in the Zero Emission Vehicle Program may be earned starting with model year 2024.
- (e) All documentation referenced in the Titles 13 and 17 CCR sections listed in 310 CMR 7.40(1)(c): *Table 1* and *Table 2* including, but not limited to, California Test Procedures and 40 CFR Part 86, are hereby incorporated by reference.
- (f) Pursuant to the requirements of 42 U.S.C. 7507, the Department shall apply technical guidance issued by the California ARB relative to the implementation of Titles 13 and 17 CCR including, but not limited to, Manufacturers Advisory Correspondences and Mailouts to all vehicles subject to 310 CMR 7.40.
- (g) For purposes of applying the CCR sections and California Test Procedures incorporated by reference in 310 CMR 7.40, "California" shall mean "Massachusetts", unless the context clearly indicates otherwise. For example, "delivered for sale in California" and "placed in service in California" shall mean vehicles "delivered for sale in Massachusetts" or "placed in service in Massachusetts". Note that determinations of whether a manufacturer is a large, medium, small or independent low volume manufacturer are based on California sales.
- (h) For purposes of applying the CCR sections and California Test Procedures incorporated by reference in 310 CMR 7.40, "Executive Officer" shall mean "Commissioner," unless the context clearly indicates otherwise.
- (i) For purposes of enforcing the CCR sections and California Test Procedures incorporated by reference in 310 CMR 7.40, the Department shall conduct enforcement in accordance with 310 CMR 7.40(7).
- (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).

(2) Emissions Requirements and Prohibitions.

(a) No ~~corporation~~, person or other entity, including manufacturers, shall place in service, deliver for sale, sell, import, deliver, purchase, lease, rent, acquire, or receive a new vehicle subject to 310 CMR 7.40 in or into Massachusetts unless the vehicle~~that~~ has ~~not~~ received a California ARB Executive Order for all applicable requirements of Titles 13 and 17 CCR and complies with the requirements in 310 CMR 7.40, except if~~unless~~ the vehicle is sold directly from one dealer to another dealer, sold for the purpose of being wrecked or dismantled, sold exclusively for off-highway use, or sold for registration out of state, and except as provided in 310 CMR 7.40(2)(c).

~~1. Effective for model years 1999 and 2000, each manufacturer shall comply with the Fleet Average Non-methane Organic Gas Exhaust Emission Requirement in Massachusetts, including the generation of non-methane organic gas credits and debits, hereinafter referred to as NMOG credits and debits, and the requirement to make up an NMOG debit, in accordance with the procedures in Title 13 CCR § 1960.1(g)(2), based on passenger cars and light duty trucks delivered for sale in Massachusetts.~~

~~2. Effective for 2001 through 2014 model years, each manufacturer shall comply with the Fleet Average Non-methane Organic Gas or NMOG plus NO_x Exhaust Emission Requirement in Massachusetts, including the generation of NMOG or NMOG plus NO_x credits and debits and the requirement to make up an NMOG or NMOG plus NO_x debit, in accordance with the procedures in Title 13 CCR § 1961(b) and (c) based on passenger cars and light duty trucks delivered for sale in Massachusetts. For Model year 2014, each manufacturer has the option to comply with the phase-in requirements in 1961(b)(1)(A) or 1961.2(b)(1)(A).~~

~~3. Effective for 2004 through 2014 model years, each manufacturer shall comply with the phase-in requirements in accordance with Title 13 CCR § 1961(b) based on passenger cars and light duty trucks delivered for sale in Massachusetts.~~

~~4. Effective for 2003 through 2014 model years, each manufacturer shall comply with the medium-duty vehicle phase-in requirements, including the generation of vehicle equivalent NMOG or NMOG plus NO_x credits and debits and the requirement to make up a vehicle equivalent NMOG or NMOG plus NO_x debit, in accordance with Title 13 CCR § 1960.1(h) and 1961(b) and (c), based on vehicles delivered for sale in Massachusetts. For model year 2014, each manufacturer has the option to comply with the phase-in requirements in 1961(b)(1)(A) or 1961.2(b)(1)(A).~~

~~5. Effective for 2015 (or 2014, for manufacturers choosing early compliance with the fleet average requirements in 1961.2) and subsequent model years, each manufacturer shall comply with the Fleet Average Nonmethane Organic Gas plus Oxides of Nitrogen Exhaust Emission Requirement in Massachusetts based on one of two options applicable throughout the model year:~~

~~Option 1: the total number of passenger cars, light duty trucks, and medium-duty passenger vehicles that are certified to the California exhaust emission standards in subsection (a) and subsection 1961(a)(1), and are produced and delivered for sale in Massachusetts; or~~

~~Option 2: the total number of passenger cars, light duty trucks, and medium-duty passenger vehicles that are certified to the California exhaust emission standards in~~

~~subsection (a) and subsection 1961(a)(1), and are produced and delivered for sale in California, the District of Columbia, and all states that have adopted California's criteria pollutant emission standards set forth in section 1961.2 for that model year pursuant to section 177 of the federal Clean Air Act (42 U.S.C. § 7507).~~

~~6. Effective for 2007 and 2008 model years, each manufacturer shall comply with the California general percentage ZEV requirement based on the number of PCs, LDT1s, and LDT2s to the extent required by Title 13 CCR § 1962 and procedures apply in Massachusetts as set forth in 310 CMR 7.40(13).~~

~~7. Effective for 2009 through 2017 model years, each manufacturer shall comply with the California general percentage ZEV requirement based on the number of PCs, LDT1s, and LDT2s to the extent required by Title 13 CCR 1962.1(b), produced by the manufacturer and delivered for sale in Massachusetts in accordance with the requirements and procedures in Title 13 CCR § 1962.1 as those requirements and procedures apply in Massachusetts as set forth in 310 CMR 7.40(13).~~

~~8. Effective for 2018 and subsequent model years, each manufacturer shall comply with the California general percentage ZEV requirement based on the number of PCs, LDT1s, and LDT2s to the extent required by Title 13 CCR 1962.2(b), produced by the manufacturer and delivered for sale in Massachusetts in accordance with the requirements and procedures in Title 13 CCR § 1962.2 as those requirements and procedures apply in Massachusetts as set forth in 310 CMR 7.40(13).~~

~~9. Effective for 2009 through 2016 model years, each manufacturer shall comply with the fleet average greenhouse gas emission levels from passenger cars, light duty trucks and medium duty passenger vehicles including, but not limited to, the generation and use of credits, in accordance with Title 13 CCR § 1961.1, based on one of two options applicable throughout the model year:~~

~~Option 1: The total number of passenger cars, light duty trucks, and medium duty passenger vehicles that are certified to the California exhaust emission standards in section 1961.1, and are produced and delivered for sale in Massachusetts.~~

~~Option 2: The total number of passenger cars, light duty trucks, and medium duty passenger vehicles that are certified to the California exhaust emission standards in section 1961.1, and are produced and delivered for sale in California, the District of Columbia, and all states that have adopted California's greenhouse gas emission standards for that model year.~~

~~10. Effective for 2017 and subsequent model years, each manufacturer shall comply with the fleet average greenhouse gas emission levels based on the sales weighted average of the calculated CO₂ exhaust mass emission target values for passenger cars, light duty trucks and medium duty passenger vehicles from each manufacturer including, but not limited to, the generation and use of credits, in accordance with Title 13 CCR 1961.3, based on one of two options applicable throughout the model year:~~

~~Option 1: The total number of passenger cars, light duty trucks, and medium duty passenger vehicles that are certified to the California exhaust emission standards in section 1961.3, and are produced and delivered for sale in Massachusetts.~~

~~Option 2: The total number of passenger cars, light duty trucks, and medium duty passenger vehicles that are certified to the California exhaust emission standards in section 1961.3, and are produced and delivered for sale in California, the District of Columbia, and all states that have adopted California's greenhouse gas emission~~

~~standards for that model year.~~

(b) No motor vehicle dealer shall place in service, deliver for sale, sell, offer for sale or lease, or deliver in or into Massachusetts any new or used passenger car, light-duty truck, or medium-duty vehicle which is required to meet emission standards adopted pursuant to 310 CMR 7.40 unless said vehicle conforms to the standards below:

1. Ignition timing set to manufacturer's specifications with an allowable tolerance of $\pm 3^\circ$.
2. Idle speed is set to manufacturer's specifications with an allowable tolerance of ± 100 rpm;
3. All required exhaust and evaporative emission controls, including without limitation EGR valves, are operating properly;
4. All vacuum hoses and electrical wiring for emission controls are correctly routed; and
5. Idle mixture is set to manufacturer's specifications or according to manufacturer's recommended service procedure.

(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).

(d) No ~~corporation,~~ person, or other entity shall place in service, deliver for sale, sell, lease, offer for sale or lease, import, deliver, purchase, rent, acquire or receive in or into Massachusetts any new passenger car, light-duty truck or medium-duty passenger vehicle subject to 310 CMR 7.40(2) unless said vehicle possesses one of the following:

1. A valid Emission Control Label pursuant to the requirements of Title 13 CCR § 1965; or
2. a Massachusetts Emission Control Waiver which may be granted by the Department in conjunction with the MassDOT Registry of Motor Vehicles Division prior to submitting a vehicle's registration application exempting the vehicle from the requirements of 310 CMR 7.40(2)(a), only in the following circumstances:
 - a. vehicle purchased by nonresident prior to establishing residency in Massachusetts; or
 - b. vehicle transfer by inheritance, or by decree of divorce, dissolution or legal separation entered by a court of competent jurisdiction; or
 - c. vehicle acquired by a resident of the Commonwealth for the purpose of replacing a vehicle registered to said resident which was damaged or inoperative, beyond reasonable repair, or was stolen while out of the Commonwealth; provided that such replacement vehicle is acquired out of the state at the time the previously registered vehicle became damaged or inoperative, beyond reasonable repair, or was stolen.

(e) Effective for model year 2021 and subsequent model years, no manufacturer shall deliver for sale to Massachusetts a new medium-duty vehicle that does not have an

Environmental Performance Label securely affixed to a window of the vehicle in accordance with Title 13 CCR § 1965.

No motor vehicle dealer in Massachusetts shall remove or cause removal of an Environmental Performance Label affixed to any motor vehicle subject to 310 CMR 7.40(2)(e) prior to the sale or lease of the vehicle.

(f) Effective for model year 2009 and subsequent model years, no manufacturer shall deliver for sale to Massachusetts a new passenger car, light-duty truck, or medium-duty passenger vehicle subject to 310 CMR 7.40(2)(f) that does not have an Environmental Performance Label or a Federal Fuel Economy and Environment Label securely affixed to a window of the vehicle in accordance with Title 13 CCR § 1965. No motor vehicle dealer in Massachusetts shall remove or cause removal of an Environmental Performance Label or a Federal Fuel Economy and Environment Label affixed to any motor vehicle subject to 310 CMR 7.40(2)(f) prior to the sale or lease of the vehicle.

(g) For model year 2001 through 2009, Smog Index Labels for passenger cars and light-duty trucks shall conform to the “California Motor Vehicle Emission Control and Smog Index Label Specifications”.

No motor vehicle dealer in Massachusetts shall remove or cause removal of a Smog Index Label affixed to any motor vehicle subject to 310 CMR 7.40(2)(g) prior to the sale or lease of the vehicle.

(h) Anti-tampering Provisions.

1. No person shall disconnect, modify, or alter any emissions-related part, except for purposes of repair or replacement.

2. No person shall operate or leave standing upon any highway any motor vehicle subject to 310 CMR 7.40 and required to be equipped with an emission control device meeting the standards of 310 CMR 7.40, or subject to the motor vehicle pollution control device requirements pursuant to the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and the standards and requirements promulgated thereunder, unless the motor vehicle is equipped with the required motor vehicle pollution control device which is correctly installed and in operating condition.

(3) Vehicle Testing.

(a) New Vehicle Certification Testing.

1. All new vehicle models subject to 310 CMR 7.40, sold or leased in Massachusetts, must be certified as meeting the motor vehicle emission requirements of Titles 13 and 17 CCR, as determined by testing conducted in accordance with the testing procedures incorporated in Titles 13 and 17 CCR.

2. For the purposes of compliance with 310 CMR 7.40(3)(a)1., New Vehicle Certification Testing determinations and findings made by the California ARB shall be applicable.

(b) Assembly Line Testing.

1. All manufacturers of new vehicles subject to 310 CMR 7.40, certified for sale in California and sold or leased in Massachusetts, shall conduct Quality Audit Testing in accordance with Title 13 CCR and in accordance with the testing procedures incorporated in Title 13 CCR.

2. All manufacturers of new vehicles subject to 310 CMR 7.40, certified for sale in California and sold or leased in Massachusetts, shall conduct Inspection Testing in

accordance with Title 13 CCR and in accordance with the testing procedures incorporated in Title 13 CCR.

3. For the purposes of compliance with 310 CMR 7.40(3)(b)1. and 2., Inspection Testing and Quality Audit Testing determinations and findings made by the California ARB shall be applicable.

(c) New Vehicle Compliance Testing.

1. New vehicle models subject to 310 CMR 7.40, prior to their being offered for sale or lease in Massachusetts, shall meet the motor vehicle emission requirements of Titles 13 and 17 CCR, as determined by New Vehicle Compliance Testing, conducted in accordance with Titles 13 and 17 CCR and in accordance with the testing procedures incorporated in Titles 13 and 17 CCR.

2. For the purpose of compliance with 310 CMR 7.40(3)(c)1., New Vehicle Compliance Testing determinations and findings made by the California ARB shall be applicable.

(d) In-use Vehicle Enforcement Testing.

1. For the purposes of detection and repair of vehicles in Massachusetts failing to meet the applicable motor vehicle emission requirements of Titles 13 and 17 CCR, the Department may conduct, after consultation with the California ARB, In-use Vehicle Enforcement Testing in accordance with the protocol and testing procedures in Titles 13 and 17 CCR and in accordance with the testing procedures incorporated in Titles 13 and 17 CCR.

2. For the purposes of compliance with 310 CMR 7.40(3)(d)1., In-use Vehicle Enforcement Testing determinations and findings made by the California ARB shall be applicable.

(e) In-use Surveillance Testing.

1. For the purposes of testing and monitoring the overall effectiveness in Massachusetts of the program set forth in 310 CMR 7.40 in controlling emissions, the Department may conduct In-use Surveillance Testing after consultation with the California ARB.

2. For the purposes of compliance with 310 CMR 7.40(3)(e)1., In-use Surveillance Testing determinations and findings made by the California ARB shall be applicable.

(4) Warranty.

(a) Vehicle Manufacturer Obligations.

1. Each manufacturer of new vehicles subject to 310 CMR 7.40 which are sold, leased, or offered for sale or lease, in Massachusetts shall warrant that each such vehicle shall comply over its period of warranty coverage with all requirements of Title 13 CCR.

2. For the purposes of mediation of unresolved emission warranty disputes in Massachusetts, "Executive Officer" in Title 13 CCR § 2041 shall mean "Commissioner" as defined at 310 CMR 7.00.

(b) Vehicle Owner Obligations.

1. The owner of any vehicle warranted pursuant to Title 13 CCR §§ 2035 through 2041 shall ensure all scheduled maintenance specified in the written instructions furnished to the owner is performed in a timely manner. Such maintenance may be performed by the owner, at a service establishment of the owner's choosing, or by a

person or persons of the owner's choosing.

2. Except as specified in 310 CMR 7.40(4)(b)2.a. and b., failure of the vehicle or engine owner to ensure the performance of such scheduled maintenance or to keep maintenance records shall not, per se, be grounds for disallowing a warranty claim.

a. The repair or replacement of any "warranted part" otherwise eligible for warranty coverage under 310 CMR 7.40(4)(b)1. and 2., shall be excluded from such warranty coverage if the vehicle or engine manufacturer demonstrates that the vehicle or engine has been abused, neglected, or improperly maintained, and that such abuse, neglect, or improper maintenance was the direct cause of the need for the repair or replacement of the part; and

b. For 1979 through 1989 model year passenger cars, light-duty trucks, and medium-duty vehicles; 1979 and subsequent model year motorcycles and heavy-duty vehicles; and motor vehicle engines used in such vehicles: the repair of a "warranted part" otherwise eligible for warranty coverage under 310 CMR 7.40(4)(b)1. and 2., shall be excluded from such warranty coverage if such repair consists solely of adjustments to the idle air/fuel mixture ratio (for 1979 model year passenger cars, and 1979 and 1980 model year light-duty trucks and medium-duty vehicles), curb or high idle speed, ignition timing, valve lash, injection timing for diesel-powered vehicles, or any combination thereof.

(5) Reporting Requirements.

~~(a) For the purposes of determining compliance with the requirements of 310 CMR 7.40, each manufacturer shall submit annually, to the Department, a report documenting total deliveries for sale of vehicles in each engine family or test group over that model year, in Massachusetts.~~

~~(b) Fleet Average Non-methane Organic Gas (NMOG) or NMOG Plus Oxides of Nitrogen (NO_x) Value. Effective for 1999 and subsequent model years, each manufacturer shall calculate compliance with the Fleet Average NMOG or NMOG plus NO_x value using the number of passenger cars and light-duty trucks delivered for sale to Massachusetts in accordance with Title 13 CCR §§ 1960.1, 1961, 1961.1, and 1961.2. Each manufacturer shall calculate and report, in accordance with the procedures established in Title 13 CCR §§ 1960.1, 1961: the number of vehicles by engine family or test group certified to the standards in Title 13 1960.1, 1961, 1961.1, 1961.2, 1962, 1962.1, and 1962.2; the number of NMOG or NMOG plus NO_x credits and debits in g/mi NMOG or NMOG plus NO_x earned for the model year; the devaluation of NMOG or NMOG plus NO_x credits earned in previous model years; the transfer of NMOG or NMOG plus NO_x credits to another manufacturer; and the percent phase in of vehicles certified to the standards established in Title 13 CCR §§ 1961. Each manufacturer shall submit said report to the Department no later than March 1st after the completed model year.~~

~~(c) Vehicle Equivalent NMOG or NMOG Plus NO_x Credits for Medium-duty Vehicles. Effective for 2003 and subsequent model years, each manufacturer shall calculate compliance with the medium-duty phase in requirements using the number of medium-duty vehicles delivered for sale to Massachusetts in accordance with Title 13 CCR §§ 1960.1, 1961, and 1961.2. Each manufacturer shall calculate and report, in accordance with the procedures established in Title 13 CCR § 1961 and 1961.2: the number of~~

~~vehicles or engines by engine family or test group; the number of vehicle equivalent credits (VECs) or vehicle equivalent debits (VEDs) earned for the model year; the devaluation of VECs earned in previous model years; the transfer of VECs to another manufacturer; and the percent phase in of vehicles certified to the standards established in Title 13 CCR §§ 1956.8(c), (g) or (h), 1960.1, 1961, 1961.1, 1961.2, 1962 and 1962.1. Each manufacturer shall submit said report to the Department no later than March 1st after the completed model year.~~

~~(d) Fleet Average Nonmethane Organic Gas (NMOG) Plus Oxides of Nitrogen (NO_x) Value. For the purposes of determining compliance with Option 2 pursuant to 310 CMR 7.40(2)(a)5. for 2015 (or 2014, for manufacturers choosing early compliance with the fleet average requirements in 1961.2) and subsequent model years:~~

~~1. A manufacturer that selects compliance Option 2 must notify the Department of that selection in writing prior to the start of the applicable model year or must comply with Option 1.~~

~~2. When a manufacturer is demonstrating compliance using Option 2 for a given model year, the term "in California" as used in § 1961.2 means California, the District of Columbia, and all states that have adopted California's criteria pollutant emission standards set forth in § 1961.2 for that model year pursuant to § 177 of the federal Clean Air Act (42 U.S.C. § 7507).~~

~~3. A manufacturer that selects compliance Option 2 must provide to the Department separate values for the number of vehicles produced and delivered for sale in the District of Columbia and for each individual state within the average.~~

~~(e) Warranty Reporting. Each manufacturer shall submit to the Department Emission Warranty Information Reports, Field Information Reports and Emission Information Reports in accordance with Title 13 CCR §§ 2144 through 2146 for warranty claims based on vehicles registered in Massachusetts, in accordance with the procedures methodology, and timelines and format in Title 13 CCR §§ 2141 through 2149. The reports shall be submitted electronically in a format specified by the Department.~~

~~(b)f) Recall Reporting. Each manufacturer shall submit to the Department Recall Plans and Recall Campaign Progress Reports for vehicles registered in Massachusetts in accordance with the procedures methodology, and timelines and format in Title 13 CCR §§ 2109 through 2148. The plans and reports shall be submitted electronically in a format specified by the Department.~~

~~(g) For the purposes of determining compliance with the requirements of 310 CMR 7.40(2)(a)6. through 8., and consistent with the procedures contained in Title 13 CCR §§ 1962(g), 1962.1(g), 1962.1(d)(5)E.3.d, 1962.2(g), and 1962.2(d)(5)E.1.b. commencing with the 2007 model year, each manufacturer shall submit a report annually to the Department by May 1st of the calendar year following the close of the model year, that identifies the necessary delivery and placement data of all vehicles generating ZEV credits or allowances, and all transfers and acquisitions of ZEV credits. A manufacturer may update the report by September 1st to cover activities between April 1st and June 30th.~~

~~(c)h) All manufacturers offering vehicles for sale or lease in Massachusetts shall upon request, submit to the Department test results or reports obtained and prepared in compliance with 310 CMR 7.40(3) and in accordance with the reporting requirements incorporated in Titles 13 and 17 CCR.~~

~~(d)i) For the purposes of determining compliance with 310 CMR 7.40, the Department~~

may require any motor vehicle manufacturer or dealer of vehicles subject to 310 CMR 7.40 to submit any documentation the Department deems necessary to the effective administration and enforcement of 310 CMR 7.40.

~~(j) Fleet Average Greenhouse Gas Emission Levels. For the purposes of determining compliance with 310 CMR 7.40(2)(a)7.:~~

~~1. For the 2009-2011 model years, any manufacturer selecting compliance Option 2 must notify the Department of that selection in writing by May 2, 2011 or must comply with Option 1.~~

~~—A manufacturer complying with Option 1 shall provide the Department with the number of passenger cars, light duty trucks, and medium duty passenger vehicles delivered for sale in accordance with Title 13 CCR 1961.1. Each manufacturer shall submit to the Department a report using the same methodology and format used to report such information to California Air Resources Board. Such report shall be filed with the Department by March 1st of the calendar year succeeding the end of the model year and shall include the number of GHG vehicle test groups certified pursuant to 310 CMR 7.40(2)(a)7., delineated by model type.~~

~~—A manufacturer selecting Option 2 shall provide to the Department values for the number of vehicles produced and delivered for sale in Massachusetts and total values for number of vehicles produced and delivered for sale in California, the District of Columbia, and for all states that have adopted California's fleet average greenhouse gas emission standards. Each manufacturer shall submit to the Department a report using the same methodology and format used to report such information to California Air Resources Board. For the 2009 and 2010 model years, such report shall be filed with the Department by May 2, 2011 and shall include the number of GHG vehicle test groups certified pursuant to 310 CMR 7.40(2)(a)7. For the 2011 model year, such report shall be filed with the Department by March 1st of the calendar year succeeding the end of the model year and shall include the number of GHG vehicle test groups certified pursuant to 310 CMR 7.40(2)(a)7., delineated by model type.~~

~~2. For the 2012 model year any manufacturer selecting compliance Option 2 must notify the Department of that selection in writing by May 2, 2011 or must comply with Option 1. For 2013 through 2016 model years any manufacturer selecting compliance Option 2 must notify the Department of that selection in writing and have that notification hold for subsequent model years or must comply with Option 1.~~

~~—A manufacturer complying with Option 1 shall provide the Department with the number of passenger cars, light duty trucks, and medium duty passenger vehicles delivered for sale in accordance with Title 13 CCR 1961.1. Each manufacturer shall submit to the Department a report using the same methodology and format used to report such information to California Air Resources Board. Such report shall be filed with the Department by March 1st of the calendar year succeeding the end of the model year and shall include the number of GHG vehicle test groups certified pursuant to 310 CMR 7.40(2)(a)7., delineated by model type.~~

~~—A manufacturer selecting Option 2 shall provide to the Department values for the number of vehicles produced and delivered for sale in Massachusetts and total values for number of vehicles produced and delivered for sale in California, the District of Columbia, and for all states that have adopted California's fleet average greenhouse gas emission standards. Each manufacturer shall submit to the Department a report~~

~~using the same methodology and format used to report such information to California Air Resources Board. Such report shall be filed with the Department by March 1st of the calendar year succeeding the end of the model year and shall include the number of GHG vehicle test groups certified pursuant to 310 CMR 7.40(2)(a)7., delineated by model type.~~

~~— For the 2012–2016 model year, if a manufacturer has outstanding greenhouse gas debits at the end of the model year, as calculated in accordance with Title 13 CCR 1961.1(b), a manufacturer shall equalize Greenhouse Gas emission debits by earning g/mi Greenhouse Gas emission credits in an amount equal to the g/mi Greenhouse Gas debits, or by submitting a commensurate amount of g/mi Greenhouse Gas credits to the Department that were earned previously or acquired from another manufacturer. A manufacturer shall equalize combined Greenhouse Gas debits for passenger cars, light duty trucks, and medium duty passenger vehicles within five model years after they are earned.~~

~~3. For 2012 through 2016 model years, a manufacturer may elect to demonstrate compliance with 310 CMR 7.40(2)(a)7. by demonstrating compliance with the National Greenhouse Gas Program. For the 2012 model year, a manufacturer selecting compliance with this option shall notify the Department of that selection, in writing, by May 2, 2011. For 2013–2016 model years, a manufacturer selecting compliance with this option shall notify the Department of that selection, in writing, and have that notification hold for subsequent model years or must comply with 310 CMR 7.40(2)(a)7.~~

~~— A manufacturer selecting to demonstrate compliance with 310 CMR 7.40(2)(a)7. by demonstrating compliance with the National Greenhouse Gas Program shall submit to the Department a copy of the official report that is submitted as required under 40 CFR § 86.1865-12 for demonstrating compliance with the National Greenhouse Gas Program and the official EPA determination of compliance. These must be submitted no later than May 1st of the calendar year following the close of the model year, for each model year that a manufacturer selects compliance with this option.~~

~~— If a manufacturer has outstanding greenhouse gas debits at the end of the 2011 model year, as calculated in accordance with Title 13, CCR 1961.1(b), the manufacturer must submit to the Department a plan for offsetting all outstanding greenhouse gas debits by using greenhouse gas credits earned under the 2012 through 2016 MY National Greenhouse Gas Program.~~

~~4. For 2017 through 2025 model years, any manufacturer selecting compliance Option 2 must notify the Department of that selection in writing and have that notification hold for subsequent model years or must comply with Option 1.~~

~~A manufacturer complying with Option 1 shall provide the Department with the number of passenger cars, light duty trucks, and medium duty passenger vehicles delivered for sale in accordance with Title 13 CCR 1961.3. Each manufacturer shall submit to the Department a report using the same methodology and format used to report such information to California Air Resources Board. Such report shall be filed with the Department by March 1st of the calendar year succeeding the end of the model year and shall include the number of GHG vehicle test groups certified pursuant to 310 CMR 7.40(2)(a)7., delineated by model type.~~

~~A manufacturer selecting Option 2 shall provide to the Department values for the number of vehicles produced and delivered for sale in Massachusetts and total values for number of vehicles produced and delivered for sale in California, the District of Columbia, and for all states that have adopted California's fleet average greenhouse gas emission standards. Each manufacturer shall submit to the Department a report using the same methodology and format used to report such information to California Air Resources Board, shall include the number of GHG vehicle test groups certified pursuant to 310 CMR 7.40(2)(a)7., delineated by model type.~~

~~If a manufacturer has outstanding greenhouse gas debits at the end of the model year, as calculated in accordance with Title 13 CCR 1961.3(b), a manufacturer shall equalize Greenhouse Gas emission debits by earning g/mi Greenhouse Gas emission credits in an amount equal to the g/mi Greenhouse Gas debits, or by submitting a commensurate amount of g/mi Greenhouse Gas credits to the Department that were earned previously or acquired from another manufacturer. A manufacturer shall equalize combined Greenhouse Gas debits for passenger cars, light-duty trucks, and medium-duty passenger vehicles within five model years after they are earned.~~

(e) For the purposes of determining compliance with the requirements of 310 CMR 7.40(1)(d)2., 3., and 4., each manufacturer shall electronically submit to the Department reports using the same methodology, timeline and format used to report such information to California ARB.

(6) Regional Document Repository.

(a) For the purposes of emissions testing in compliance with 310 CMR 7.40(3)(c) through (e), and record keeping, Massachusetts may, in conjunction with at least three other Northeast states which have adopted and are implementing the California Low Emission Vehicle Program under the authority of 42 U.S.C § 7507, enter into an agreement to establish a regional document repository.

(b) At such time as Massachusetts enters into an agreement pursuant to 310 CMR 7.40(6)(a), for the purposes of compliance and enforcement in Massachusetts, determinations and findings of the California ARB pursuant to 310 CMR 7.40(3)(c) through (e) shall be applicable, in addition to the determinations and findings obtained through any agreement under 310 CMR 7.40(6)(a).

(c) Should the Department determine that such testing is necessary or desirable, the Department reserves the right to conduct, after consultation with the California ARB, vehicle testing pursuant to 310 CMR 7.40(3)(c) through (e).

(7) Enforcement.

(a) The Department may conduct inspection and surveillance of new and used motor vehicles for the purposes of compliance with the requirements set forth in 310 CMR 7.40.

1. Inspections by the Department or its agents, pursuant to 310 CMR 7.40(7)(a) may be conducted on any premises owned, operated, used, leased, or rented by any vehicle dealer. Said inspection may extend to all emissions-related parts and operation and may require the on premises operation and testing of an engine or vehicle, and inspection of any related records, including records of emissions-related part repair performed under warranty.

2. The Department or its agents may perform functional tests, steady-state tests, and

other tests as reasonably necessary.

(b) Any order or enforcement action taken by the State of California to correct noncompliance with any section of Title 13 CCR §§ 2109 through 2149, shall be applicable to all said vehicles subject to 310 CMR 7.40, sold or leased, offered for sale or lease, or registered in Massachusetts.

(c) Any voluntary or influenced emission-related recall campaign initiated by any manufacturer pursuant to Title 13 CCR §§ 2109 through 2149 shall extend to all applicable vehicles subject to 310 CMR 7.40, sold or leased, offered for sale or lease, or registered in Massachusetts.

(d) Massachusetts Recall. (Reserved.)

(e) The Department shall enforce the requirements of 310 CMR 7.40 in accordance with Titles 13 and 17 CCR and applicable federal and Massachusetts law including, but not limited to, the issuance of administrative orders and civil administrative penalties pursuant to M.G.L. c. 21A, § 16, 310 CMR 5.00: *Administrative Penalty* and M.G.L. c. 111, §§ 2C and 142A through 142M.

(f) Penalty for Failure to Meet ZEV Requirements in ACC I. Any manufacturer that fails to produce and deliver for sale in Massachusetts the required number of ZEVs or submit an appropriate amount of grams/mile ZEV credits and does not make up ZEV deficits within the specified time period allowed by Title 13 CCR § 1962.2(g)(7) shall be subject to penalties under M.G.L. c.111, § 142K applicable to a manufacturer that sells a new motor vehicle that does not meet the applicable emission standards adopted in 310 CMR 7.40. The cause of action shall be deemed to accrue when the ZEV deficits are not balanced by the end of the specified time period allowed by Title 13 CCR § 1962.2(g)(7). The number of vehicles not meeting the general percentage ZEV requirement shall be calculated according to 13 CCR 1962.2(g)(8), ~~the following equation, provided that the percentage of a large volume manufacturer's ZEV requirement for a given model year that may be satisfied with partial ZEV allowance vehicles or ZEV credits from such vehicles may not exceed the percentages permitted under section C.2.1 of California Exhaust Emission Standards and Test Procedures for 2005-2008 Model Zero-emission Vehicles, and 2001 and Subsequent Model Hybrid Electric Vehicles, in the Passenger Car, Light-duty Truck and Medium-duty Vehicle Classes or § C.2.1 of California Exhaust Emission Standards and Test Procedures for 2009 and Subsequent Model Zero Emission Vehicles, and 2001 and Subsequent Model Hybrid Electric Vehicles, in the Passenger Car, Light-duty Truck and Medium-duty Vehicle Classes:~~

~~(No. of ZEVs required to be produced and delivered for sale in Massachusetts for the model year) — (No. of ZEVs produced and delivered for sale in Massachusetts for the model year) — (No. of ZEV allowances from partial ZEV allowance vehicles produced and delivered for sale in Massachusetts for the model year) — [(Amount of ZEV credits submitted for the model year)/(the fleet average requirement for PCs and LDTs for the model year)]~~.

(g) Penalty for Failure to Meet ZEV Requirements in ACC II. Any manufacturer that fails to make up a ZEV deficit within the specified time allowed by Title 13 CCR § 1962.4(h) shall be subject to enforcement under M.G.L. c.111, § 142K and M.G.L. c.21A, § 16. The cause of action shall be deemed to accrue when the deficit is not balanced by the end of the specified time allowed by Title 13 CCR § 1962.4(h).

(h) Penalty for Failure to Meet Advanced Clean Trucks Credit and Deficit Requirements.

Any manufacturer that fails to retire an appropriate amount of ZEV or NZEV credits as specified in Title 13 CCR § 1963.3(c) and does not make up deficits within the specified time allowed by Title 13 CCR § 1963.3(b) shall be subject to enforcement under M.G.L. c.111, § 142K and M.G.L. c.21A, § 16. The cause of action shall be deemed to accrue when the deficit is not balanced by the end of the specified time allowed by Title 13 CCR § 1963.3(b). For the purposes of 310 CMR 7.40, the number of vehicles not meeting the standards or procedures of Title 13 CCR §§ 1963 through 1963.4 shall be equal to ½ of the manufacturer's outstanding deficit.

(8) Manufacturer Response to an Administrative Order.

(a) Upon receipt of an Administrative Order issued by the Department pursuant to 310 CMR 7.40, the manufacturer may request an adjudicatory hearing within ten days pursuant to the procedures set forth in 310 CMR 1.00: *Adjudicatory Proceedings*, to contest the determination of necessity for the ordered corrective action.

(b) If a manufacturer requests an adjudicatory hearing pursuant to 310 CMR 7.40(8), and if the determination of necessity is confirmed at the hearing, the manufacturer shall initiate the corrective action which has been approved by the California ARB pursuant to the requirements of Titles 13 and 17 for vehicles subject to 310 CMR 7.40, within 30 days of receipt of the decision resulting from the hearing.

(c) Failure by a manufacturer to comply with an enforcement action ordered by the Department pursuant to 310 CMR 7.40 shall constitute violation of an order issued under the authority of M.G.L. c. 111, § 142B.

(9) Emission Control System "Aftermarket" Parts.

(a) Applicability. 310 CMR 7.40(9) shall apply to all aftermarket parts which are sold, offered for sale, or advertised for sale or use on motor vehicles which are subject to Massachusetts or federal emissions standards.

(b) Prohibition.

1. No person engaged in a business which involves the selling of motor vehicle pollution control systems, or parts thereof, shall offer for sale, sell, or install, an air contaminant emission control system, or part thereof, unless it meets the regulations and standards set forth in 310 CMR 7.40(9).

2. No person shall install, sell, offer for sale, or advertise any device, apparatus, or mechanism intended for use with, or as a part of, any required motor vehicle pollution control system or device which alters or modifies the original design or performance of any such motor vehicle pollution control system or device. 310 CMR 7.40 shall not apply to an alteration, modification, or modifying device, apparatus or mechanism found by the Department to either:

a. Not reduce the effectiveness of any motor vehicle pollution control system or device; or

b. Result in emissions from any such modified or altered vehicle which are at levels which comply with existing state or federal standards for that model year of vehicle being modified or converted.

(c) Replacement Parts.

1. a. Any replacement part, including consolidated parts, offered for sale or sold in California and subject to Title 13 CCR §§ 2221, 2222 or 2224, shall be presumed

to be in compliance with 310 CMR 7.40(9), unless California makes a finding to the contrary pursuant to Title 13 CCR § 2224(a).

b. Any replacement part, including consolidated parts, not offered for sale or sold in California, shall be presumed to be in compliance with 310 CMR 7.40(9)(c), unless the Commissioner makes a finding to the contrary in accordance with Title 13 CCR § 2224(a).

2. The manufacturer of any replacement part subject to the provisions of 310 CMR 7.40(9) shall maintain sufficient records, such as performance specifications, test data, or other information, to substantiate that such a replacement part is in compliance with 310 CMR 7.40(9). Such records shall be open for reasonable inspection by the Commissioner or his or her representative. All such records shall be maintained for four years from the year of manufacture of the replacement part.

(d) Add-on and Modified Parts.

1. As used in 310 CMR 7.40, the terms "advertise" and "advertisement" include, but are not limited to, any notice, announcement, information, publication, catalog, listing for sale, or other statement concerning a product or service communicated to the public for the purpose of furthering the sale of the product or service.

2. a. No person or company doing business solely in Massachusetts or advertising only

in Massachusetts shall advertise any device, apparatus, or mechanism which alters or modifies the original design or performance of any required motor vehicle pollution control device or system unless such part, apparatus, or mechanism has been exempted from the provisions of 310 CMR 7.40(9), and the limitations of the exemption, if any, are contained within the advertisement in type size to give reasonable notice of such limitations.

b. (i) No person shall advertise, offer for sale, or install a part as a motor vehicle pollution control system or device as an approved or certified device, when in fact such part is not a motor vehicle pollution control system or device or is not approved or certified by the Department or by California.

(ii) No person shall advertise, offer for sale, sell or install an add-on or modified part as a replacement part.

c. (i) Add-on and modified parts exempted in accordance with Title 13 CCR § 2222 are deemed exempt for purposes of 310 CMR 7.40(9)(d).

(ii) The Commissioner may exempt add-on and modified parts, including consolidated parts, that are not subject to Title 13 CCR § 2222. The Commissioner shall make this determination in accordance with Title 13 CCR § 2222.

(iii) Each person engaged in the business of retail sale or installation of an add-on or modified part which has not been exempted from 310 CMR 7.40(9)(d) shall maintain records of such activity which indicate date of sale, purchaser name and address, vehicle model and work performed if applicable. Such records shall be open for inspection by the Commissioner or his or her representative. All such records shall be maintained for four years from the date of sale or installation.

(e) Surveillance.

1. Replacement Parts. The Commissioner may require the manufacturer of any

replacement part subject to the provisions of 310 CMR 7.40(9)(c) to submit any records relating to such part which are maintained pursuant to 310 CMR 7.40(9)(c)2. The Commissioner may require the manufacturer of any replacement part subject to the provisions of 310 CMR 7.40(9)(c) to submit a reasonable number of parts typical of the manufacturer's production for testing and evaluation. If, after a review of all records submitted by the manufacturer and of the results of any tests conducted by the Department staff, the Commissioner finds that such part is not in fact a replacement part, the Commissioner may invoke 310 CMR 7.40(9)(f). Replacement parts evaluated pursuant to 310 CMR 7.40 shall be compared with the specifications contained in the applicable vehicle manufacturer's application for certification.

2. Add-on Parts and Modified Parts. The Commissioner may require the manufacturer of any add-on or modified part subject to the provisions of 310 CMR 7.40(9)(d) to submit a reasonable number of parts typical of the manufacturer's production for testing and evaluation. If, after review of the results of any tests or evaluations conducted by the Department's staff and of any information submitted by the manufacturer, the Commissioner finds that an add-on part or a modified part does not conform to Title 13 CCR § 2222, the Commissioner may invoke 310 CMR 7.40(9)(f).

(f) Corrective Action.

1. When 310 CMR 7.40(9)(f) is invoked pursuant to 310 CMR 7.40(9)(e) or other subsections of 310 CMR 7.40(9), the Commissioner may require the manufacturer to submit a plan for correcting any deficiencies found by the Department. The manufacturer shall submit the plan within 30 calendar days after notification. The Commissioner may require any of the actions contained in the plan, and/or may declare a part to be not in compliance with 310 CMR 7.40(9)(b)2., unless he or she finds the plan adequate to correct the deficiencies found by the Department. The manufacturer may be required to include in the plan such corrective actions as the cessation of sale of non-complying parts and corrective advertising to correct misleading information regarding the emission control capabilities of the device and to ensure compliance with Massachusetts laws. Nothing in 310 CMR 7.40 shall prevent the Commissioner from also seeking penalties for violations of 310 CMR 7.40(9).

2. The manufacturer, within ten calendar days of its receipt of the Commissioner's demand for corrective action, may request an adjudicatory hearing, pursuant to M.G.L. c. 30A, on the necessity for and scope of any corrective action required by the Commissioner.

(g) Repair Station. Any person holding a vendor's certificate of authority who sells or installs a motor vehicle pollution control system, or part thereof, in violation of 310 CMR 7.40(9)(b)2. shall thereafter be required to install a motor vehicle pollution control system, or part thereof, which is in compliance with the provisions of 310 CMR 7.40(9), upon demand of the purchaser or registered owner of the vehicle concerned, or at the election of the purchaser or registered owner to reimburse the purchaser or registered owner for the expense of replacement and installation of a motor vehicle pollution control system, or part thereof, which is in compliance.

~~(10) Repealed.~~

~~(11) Repealed.~~

~~(12) Repealed.~~

~~(13) Zero-emission Vehicle Standards for New 2009 and Subsequent Model Year Passenger Cars, Light-duty Trucks, and Medium-duty Vehicles.~~

~~(a) Massachusetts hereby incorporates by reference Title 13 CCR 1962 Final Regulation Order for Amendments to the California Zero Emission Vehicle Regulation (1962) and California Exhaust Emission Standards and Test Procedures for Model 2005 through 2008 Zero-emission Vehicles, and 2001 and Subsequent Model Hybrid Electric Vehicles, in the Passenger Car, Light-duty Truck and Medium-duty Vehicle Classes (Test Procedures), except that the following terms are substituted as set forth in 310 CMR 7.40(13)(a)1. through 3.~~

~~1. The term "California" as it appears in Title 13 CCR 1962, § (b)(1)(A), (b)(1)(B), (b)(1)(D), (b)(2)(A), (b)(2)(B), (b)(2)(D), (b)(4), (c)(1), (c)(7), (d)(2) first sentence only, (d)(3), (d)(4), (d)(5)(B), (f), (g)(1), (g)(2)(A), (g)(2)(B), (g)(4), and (g)(7)(A), (i)(A), (j) and in Test Procedures sections B., C.2.1(a), C.2.1(b), C.2.1(d), C.2.2(a), C.2.2(b)(1)(A) through (D) and (I), C.2.2(b)(2), C.2.2(d), C.2.4, C.3.1, C.3.7(a), C.3.7(b), C.4.1, C.4.2(a), C.4.2(b)(1), C.4.3, C.4.4(c), C.6., C.7.2(a), C.7.2(b), C.7.4, C.7.7(a) shall be replaced by the term "Massachusetts."~~

~~2. The date of 2005 as it appears in Title 13 CCR 1962, §§ (b)(1)(A), (b)(1)(B), (b)(2)(A), (b)(2)(B), (b)(2)(C), (b)(2)(d), (b)(3), (b)(6), (b)(7), and in Test Procedures sections C.2.1(a), C.2.1(b), C.2.2(a) first sentence only, C.2.2(b), C.2.3(c), C.2.3 shall be replaced by the date 2007.~~

~~3. The term "Executive Officer" as it appears in Title 13 CCR 1962, §§ (b)(2)(C), (g)(4), (g)(5)(A), (g)(5)(B), (g)(5)(D), (g)(6), and (g)(7)(A) and in Test Procedures sections C.2.2(c), C.7.4, C.7.5(a), C.7.5(b), C.7.5(d), C.7.6, C.7.7(a) shall be replaced by the term "Massachusetts Department of Environmental Protection."~~

~~(b) Massachusetts hereby incorporates by reference Title 13 CCR 1962.1 Final Regulation Order for Amendments to the California Zero Emission Vehicle Regulation (1962.1) and California Exhaust Emission Standards and Test Procedures for Model 2009 through 2017 Zero-emission Vehicles in the Passenger Car, Light-duty Truck and Medium-duty Vehicle Classes (Test Procedures), except that the following terms are substituted as set forth in 7.40(13)(b)1. through 2.~~

~~1. The term "California" as it appears in Title 13 CCR 1962.1, § (b)(1)(A), (b)(1)(B), (b)(1)(D), (b)(2)(B), (b)(4), (c)(1), (c)(7), (f), (g)(1), (g)(2)(A), (g)(2)(B), (g)(4), and (g)(7)(A), (i)(10) and in Test Procedures § B., C.2.1(a), C.2.1(b), C.2.1(d), , C.2.2(b)(1)(B) C.2.4, C.3.1, C.3.7(a), C.3.7(c), C.4.4(c), C.6., C.7.2(a), C.7.2(b), C.7.4, C.7.7(a) shall be replaced by the term "Massachusetts."~~

~~2. The term "Executive Officer" as it appears in Title 13 CCR 1962.1 §§ (b)(2)(C), (g)(4), (g)(5)(A), (g)(5)(B), (g)(5)(D), (g)(6), and (g)(7)(A) and in Test Procedures § C.2.2(c), C.7.4, C.7.5(a), C.7.5(b), C.7.5(d), C.7.6, C.7.7(a) shall be replaced by the term "Massachusetts Department of Environmental Protection."~~

~~(c) Massachusetts hereby incorporates by reference Title 13 CCR 1962.2 Final Regulation Order for Amendments to the California Zero Emission Vehicle Regulation~~

~~and California Exhaust Emission Standards and Test Procedures for 2018 and Subsequent Model Zeroemission Vehicles except that the following terms are substituted as set forth in 7.40(13)(c)1. through 2.~~

- ~~1. The term "California" as it appears in Title 13 CCR 1962.2, § (b)(1)(A), (b)(1)(B), (b)(1)(D), (b)(4), (c)(1), (g)(1), (g)(2)(A), (g)(2)(B), (g)(4)(B), and (g)(7)(A), (i)(12) and in Test Procedures § B., C.2.1(a), C.2.1(b), C.2.1(d), C.2.2(f), C.2.4, C.3.1, C.7.1, C.7.2(a), C.7.2(b), C.7.4(b), C.7.7(a) shall be replaced by the term "Massachusetts."~~
- ~~2. The term "Executive Officer" as it appears in Title 13 CCR 1962.2 §§ (g)(4), (g)(6), and (g)(7)(A) and in Test Procedures § C.7.4(b), C.7.6, C.7.7(a) shall be replaced by the term "Massachusetts Department of Environmental Protection."~~

~~(14) Reserved.~~

~~(15) Zero emission Vehicle Alternative Compliance Plan.~~

~~(a) Each manufacturer that is subject to 310 CMR 7.40(2)(a)5. may, as an alternative, volunteer to comply with the requirements of 310 CMR 7.40(15).~~

~~1. If a manufacturer chooses to comply with 310 CMR 7.40(15), it shall notify the Massachusetts Department of Environmental Protection in writing that it intends to comply with the Alternative Compliance Plan requirements and shall submit a plan for such compliance, with a request for an approval by the Department that the plan complies with 310 CMR 7.40(15) by January 17, 2006; and~~

~~2. For model years 2007 and 2008, each manufacturer shall market and shall make available for purchase in Massachusetts all models of vehicles delivered for sale, sold or marketed in California, except for type III ZEVs placed in service pursuant to Title 13 CCR 1962, § (b)(2)(B); and~~

~~3. Each manufacturer shall satisfy the general percentage ZEV requirement of Title 13 CCR 1962, by using one or any combination of the elements in 310 CMR 7.40(15). The core credit value for vehicles shall be taken from the California ARB Executive Order as determined by the California ARB during the certification process.~~

~~(b) Application of the Phase in Multiplier. The total credit value for a particular vehicle under the ACP shall be determined by multiplying the core credit value established by CARB by the phase in multiplier listed in 310 CMR 7.40: Table (15)(b)1. To qualify for the multiplier, the vehicle shall meet the baseline qualifications for a PZEV, AT PZEV, or ZEV. The Massachusetts multiplier shall not be applied to type III ZEVs placed in service pursuant to the California Alternative Requirements for Large Volume Manufacturers as identified in Title 13 CCR § 1962(b)(2)(B).~~

~~—Table(15)(b)1. Phase in Multiplier~~

Model Year	Requirement	PZEV Credit Multiplier	AT PZEV Credit Multiplier	ZEV Credit Multiplier
2002	Voluntary Early Introduction	1.5	1.5	3
2003	Voluntary Early Introduction	1.5	1.5	3
2004	Voluntary Early Introduction	1.5	2.25	3
2005	Voluntary Early Introduction	1.3	1.7	2
2006	Mandatory Compliance	1.15	1.3	1.5

2007	Mandatory Compliance	1.15	1.3	1.5
2008	Mandatory Compliance	1.15	1.3	1.5
2009	Equivalency with California program	1	1	1

~~(c) Percentage Requirements. Large volume manufacturers (LVM), as defined by the California ARB in Title 13 CCR 1900, shall meet the phase in percentages of ZEVs, AT PZEVs and PZEVs contained in 310 CMR 7.40: Table(15)(c)1., except that if such manufacturer opts into California's alternative requirements for large volume manufacturers as provided in Title 13 CCR 1962, § (b)(2)(B), model year 2007 and 2008 minimum ZEV percentage requirements may be met in the manner identified in Title 13 CCR 1962, § (b)(2)(B)2. Intermediate volume manufacturers, as defined by the California ARB in Title 13 CCR 1900, can meet the entire ZEV requirement with 100% PZEV credit. Small and independent low volume manufacturers, as defined by the California ARB in Title 13 CCR 1900, are not required to meet the ZEV percentage requirements but are able to generate and trade credits.~~

~~—Table(15)(c)1. Percentage Requirements for PZEVs, ATPZEVs, ZEVs~~

Model Year	Minimum Percent ZEV Credit	Minimum Percent AT PZEV Credit	Maximum Percent PZEV Credit
2006	0	0	10
2007	1% of manufacturer's sales must be ZEV, AT PZEV or any combination thereof		9
2008	1	2	7

~~(d) ZEV Credits:~~

~~1. ZEV, AT PZEV and PZEV credit calculation, credit life, credit banking and credit deficits shall be calculated using the methods in Title 13 CCR 1962. Credits may be bought, sold or traded among manufacturers, and manufacturers not subject to the ZEV requirements may generate credits, which may be sold or traded to manufacturers subject to the ZEV requirements. A manufacturer that generates twice as many credits from model year 2006 or earlier PZEVs as required for model year 2006, has through model year 2008 to comply with the model year 2007 AT PZEV/ZEV requirement.~~

~~2. A manufacturer that qualifies to carry forward excess model year 2006 PZEV credits in accordance with 310 CMR 7.40(15)(d)2., and then generates twice as many PZEV credits as necessary by model year 2007, has through model year 2010 to comply with the model year 2008 AT PZEV/ZEV requirement.~~

~~3. A manufacturer who produces and delivers PZEV vehicles for sale in Massachusetts in model years 2003, 2004, 2005 or 2006, may use excess credits generated from the placement of such vehicles as AT PZEV credits in the 2007 and 2008 model years. Excess PZEV credits are those credits generated prior to the application of any credit multipliers from 310 CMR 7.40: Table(15)(b)1. which exceed the number of credits equal to 6% (10% for model year 2006) of the average annual sales volume of 1997, 1998 and 1999 PC and LDT1 vehicles delivered for sale~~

~~in Massachusetts by the manufacturer.~~

~~(e) Additional ZEV Credits.~~

~~1. Infrastructure and Transportation System Projects. Manufacturers can obtain credits through special projects providing alternate fuel vehicle refueling, fuel cell vehicles, personal electric vehicle use or Transportation System projects that result in the placement of advanced technology vehicles in innovative transportation systems in Massachusetts. The Department shall determine the credit for these projects by evaluating project cost and the number and usage of advanced technology vehicles placed as a result of the project.~~

~~2. The maximum credit allowed under the Infrastructure and Transportation System Projects shall not exceed 25% of the total percentage ZEV requirement. Credits generated under this program are not subject to the phase in multiplier and the program sunsets after model year 2008.~~

~~(f) Reporting.~~

~~1. Each manufacturer shall submit a projected compliance report by the commencement of the model year. This report shall include projected vehicle sales organized by engine family or test group, marketing plans, dealerships targeted for advanced technology vehicle sales and support, Infrastructure and Transportation System projects and credits proposed to be earned, and manufacturer projected compliance rates including credits or debits projected.~~

~~2. Compliance reports shall be submitted with annual sales reports by May 1st (with the potential to amend, based on late sales) following the completed model year. This report shall include: vehicle sales organized by engine family, if applicable; relevant data regarding any Infrastructure and Transportation System Project; the manufacturer's calculations of compliance rates including credits or debits; and a plan for curing any debit.~~

~~(106)~~ **Severability.** Each subsection of 310 CMR 7.40 shall be deemed severable, and in the event that any subsection of 310 CMR 7.40 is held invalid, the remainder shall continue in full force and effect.

REGULATORY AUTHORITY

M.G.L. c. 21A, §§ 2, 8 & 16; M.G.L. c. 21N; and M.G.L. c. 111, §§ 2C, 142A–142M