

Note to Reviewers: MassDEP is only proposing amendments to the portions of 310 CMR 7.40 that are shown below. No amendments are proposed to the remainder of 310 CMR 7.40.

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:

...

Manufacturer. [For Advanced Clean Cars I and Advanced Clean Cars II, 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; for Advanced Clean Trucks, as defined in Title 13 CCR § 1963\(c\) and Title 13 CCR § 2016 ; and for Heavy-duty Omnibus and Greenhouse Gas Exhaust Emission Standards, as defined in Title 17 CCR § 95662.](#)

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(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
1905	Exclusion and Exemption of Military Tactical Vehicles and Equipment.	7/3/96
Article 2. Approval of Motor Vehicle Pollution Control Devices (New Vehicles).		

Title 13 CCR	Title	Section Operative/ Effective Date in California
1956.8	Exhaust Emissions Standards and Test Procedures - 1985 and Subsequent Model Heavy-duty Engines and Vehicles; and 2021 and Subsequent Zero-emission Powertrains; and 2022 and Subsequent Model Heavy-duty Hybrid Powertrains.	5/31/24 5/9/25
...		
1963	Advanced Clean Trucks Purpose, Applicability, Definitions, and General Requirements.	3/15/215/9/25
1963.1	Advanced Clean Trucks Deficits.	3/15/215/9/25
1963.2	Advanced Clean Trucks Credit Generation, Banking, and Trading.	3/15/215/9/25
1963.3	Advanced Clean Trucks Compliance Determination.	3/15/215/9/25
1963.4	Advanced Clean Trucks Reporting and Recordkeeping.	3/15/215/9/25
1963.5(a)(1) through (3)	Advanced Clean Trucks Enforcement.	3/15/215/9/25

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(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:

1. Advanced Clean Cars I consisting of:
 - a. Low Emission Vehicle Program III as described in Title 13 CCR for:
 - i. Criteria pollutants is applicable 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 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 ~~2026~~2027; 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.