

**Chapter 128:           ADVANCED CLEAN TRUCKS PROGRAM**

SUMMARY: This Chapter establishes a program to reduce emissions from on-road vehicles over 8,500 pounds gross vehicle weight rating (GVWR) by incorporating the requirements of the California Advanced Clean Truck regulation and is intended to accelerate sales of zero-emission vehicles over 8,500 pounds GVWR.

**1. Applicability.**

- A. This Chapter applies statewide.
- B. This Chapter shall apply to:
  - 1) Any manufacturer that produces on-road vehicles greater than 8,500 pounds GVWR manufactured in model year 2027 or subsequent model years and registered, leased, rented, delivered for sale or sold in Maine on or after January 1, 2027.
  - 2) Beginning with model year 2024, any manufacturer that produces on-road vehicles greater than 8,500 pounds GVWR may generate, bank, and trade ZEV and NZEV credits pursuant to 13 CCR § 1963.2, as incorporated herein by reference.

**2. Definitions.** As used in this Chapter, the following terms have the listed meanings:

- A. **Department.** “Department” means the Maine Department of Environmental Protection.
- B. **Gross vehicle weight rating or GVWR.** “Gross vehicle weight rating” or “GVWR” has the same meaning as the term “gross vehicle weight rating” as defined at 13 CCR § 1963(c).
- C. **Manufacturer.** “Manufacturer” means any person who assembles new on-road motor vehicles, or imports such vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of new on-road motor vehicles, but shall not include any dealer with respect to new on-road motor vehicles received in commerce. In general, this term includes any person who manufactures or assembles an on-road vehicle or other incomplete on-road vehicle for sale in Maine or otherwise introduces a new on-road motor vehicle into commerce in Maine. This includes importers who import on-road vehicles for resale and persons that assemble glider vehicles. This does not include persons who supply parts to the importer or vehicle manufacturer of record.
- D. **NZEV.** “NZEV” has the same meaning as the term “near-zero-emission vehicle” as defined at 13 CCR § 1963(c).
- E. **Vehicle or on-road vehicle.** “Vehicle” or “on-road vehicle” means new equipment that meets the following criteria:
  - 1) Has a GVWR that is greater than 8,500 pounds;
  - 2) Is intended for use on highways, and meets the definition set forth in 17 CCR § 95662(a)(26);
  - 3) Is not a trailer as defined in 17 CCR § 95662(a)(24);
  - 4) Is not a passenger-carrying vehicle with a GVWR that is 14,001 pounds or greater; and
  - 5) Does not have a load capacity of fifteen (15) or more passengers.

Vehicle or on-road vehicle also includes a cutaway vehicle as defined in 13 CCR § 2023 (b)(17), and a school bus for the transportation of any school pupil at or below the 12th grade level.

**F. Ultimate purchaser.** “Ultimate purchaser” means, with respect to any vehicle, the first person who in good faith purchases a new on-road vehicle for purposes other than resale and registers it with the Maine Bureau of Motor Vehicles.

**G. ZEV.** “ZEV” has the same meaning as the term “zero-emission vehicle” as defined at 13 CCR § 1963(c).

### 3. Incorporation by Reference.

**A.** This Chapter incorporates by reference certain sections of Title 13 and Title 17 of the CCR. Appendix A of this Chapter lists the specific sections of Titles 13 and 17 incorporated herein and the respective amended date for each section as incorporated. For purposes of applying the incorporated sections of the CCR, unless clearly inappropriate, “California” shall mean “Maine.”

**B.** In the event there are inconsistencies or duplications in the requirements of the provisions of the CCR sections incorporated herein and this Chapter, the provisions of the CCR shall prevail.

**C.** Nothing in the provisions incorporated by reference from the CCR shall affect the Department's authority to enforce statutes, rules, and permits, or any orders administered or issued by the Department.

**D.** 13 CCR § 1963.5(a)(4) is incorporated by reference, except that the citation to “Health and Safety Code section 43212” is replaced with “Title 38 M.R.S. § 349, Penalties.”

**E.** In all provisions of CCR Title 13 incorporated by reference, replace the year “2021” with the year “2027,” except at 13 CCR § 1963.2(g).

**4. Documentation.** A manufacturer of new vehicles shall, upon request of the Department, provide to the Department any documentation which the Department determines to be necessary for the effective administration and enforcement of this Chapter.

**5. Regional Document Repository.** The State of Maine may enter into an agreement with other states to establish a regional document repository.

**6. Severability.** Each section of this Chapter shall be deemed severable, and in the event any section of this Chapter is held invalid, the remainder shall continue in full force and effect.

---

AUTHORITY: 38 M.R.S., Sections 576-A, 585, 585-A, 585-D

## Appendix A

<b>Title 13 CCR</b>	<b>Motor Vehicles</b>	<b>Section Effective Date</b>
Chapter 1	Motor Vehicle Pollution Control Devices	
Article 1	General Provisions	
1900	Definitions	11/1/2021
Article 2	Approval of Motor Vehicle Pollution Control Devices (New Vehicles)	
Section 1956.8	Exhaust Emissions Standards and Test Procedures -1985 and Subsequent Model Heavy-Duty Engines and Vehicles	4/1/2020
Section 1963	Advanced Clean Trucks Purpose, Applicability, Definitions, and General Requirements	3/15/2021
Section 1963.1	Advanced Clean Trucks Deficits	3/15/2021
Section 1963.2	Advanced Clean Trucks Credit Generation, Banking, and Trading	3/15/2021
Section 1963.3	Advanced Clean Trucks Compliance Determination	3/15/2021
Section 1963.4	Advanced Clean Trucks Reporting and Recordkeeping	3/15/2021
Section 1963.5	Advanced Clean Trucks Enforcement	3/15/2021
Section 2023(b)(17)	Innovative Clean Transit Regulations Applicability and Scope	10/1/2019
<b>Title 17 CCR</b>	<b>Public Health</b>	
Chapter 1	Air Resources Board	
Article 4	Regulations to Achieve Greenhouse Gas Emission Reductions	
Section 95662	Definitions	4/1/2019
Section 95663	Greenhouse Gas Exhaust Emission Standards and Test Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles	4/1/2020

THIS PAGE INTENTIONALLY LEFT BLANK