

**Chapter 127-A:      ADVANCED CLEAN CARS II PROGRAM**

**SUMMARY:** This regulation establishes motor vehicle emission standards for new passenger cars, light-duty trucks, and medium-duty vehicles by incorporating the requirements of the California Advanced Clean Cars II regulations, beginning model-year 2028.

The proposed regulation requires an increasing percentage of new light-duty vehicle sales to be zero emission vehicles (ZEV) sales each year, starting with 51 percent ZEV sales in model-year 2028, and leading to 82 percent in model-year 2032.

**1. Applicability**

- A. This Chapter applies statewide.
- B. This Chapter shall apply to all new 2028-2032 model-year passenger cars, light-duty trucks, and medium-duty vehicles offered for sale or lease or sold or leased in Maine.
- C. Beginning with the 2028 model-year, a percentage of each manufacturer's passenger cars and light-duty trucks offered for sale in the State of Maine shall be Zero Emission Vehicles.

**2. Definitions**

- A. **Add-on part.** "Add-on part" means any aftermarket part which is not a modified part or a replacement part.
- B. **Aftermarket part.** "Aftermarket part" means any part of a motor vehicle emission control system sold for installation on a vehicle after the original retail sale of the vehicle.
- C. **California-certified.** "California-certified" means having a valid executive order and approved by CARB for sale in California.
- D. **CARB.** "CARB" means the California Air Resources Board.
- E. **CARB Executive Order.** "CARB Executive Order" means a document issued by CARB 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.
- F. **California Code of Regulations or CCR.** "California Code of Regulations" or "CCR" means the official compilation and publication of the regulations adopted, amended or repealed by California state agencies pursuant to the California Administrative Procedure Act.

- G. Dealer.** “Dealer” means any person engaged in the business of selling, offering to sell, soliciting or advertising the sale of new vehicles who holds a valid sales and service agreement, franchise or contract, granted by the manufacturer or distributor for the retail sale of said manufacturer’s or distributor’s new vehicles.
- H. Deliver for sale.** “Deliver for sale” means deliver for sale or for lease in Maine.
- I. Department.** “Department” means the Maine Department of Environmental Protection.
- J. Emergency vehicle.** “Emergency vehicle” means any authorized vehicle publicly owned and operated that is used by a peace officer, used for fighting fires or responding to emergency fire calls, used by emergency medical technicians or paramedics, used for towing or servicing other vehicles, used for repairing damaged lighting or electrical equipment.
- K. Fleet Average Emission.** “Fleet Average Emission” means a vehicle manufacturer’s average vehicle emissions of all greenhouse gases, non-methane organic gases (NMOG), or NMOG plus oxides of nitrogen (NOx), as applicable, from all new vehicles delivered for sale or lease in Maine in any model-year.
- L. Greenhouse gas or GHG.** “Greenhouse gas” or “GHG” is as defined in Title 13 CCR § 1961.3(f).
- M. Independent low volume manufacturer.** “Independent low volume manufacturer” is as defined in Title 13 CCR § 1900.
- N. Intermediate volume manufacturer.** “Intermediate volume manufacturer” is as defined in Title 13 CCR § 1900.
- O. Large volume manufacturer.** “Large volume manufacturer” is as defined in Title 13 CCR § 1900.
- P. Light-duty truck.** “Light-duty truck” is as defined in Title 13 CCR § 1900.
- Q. Lease.** “Lease” means any commercial transaction recognized under the laws of this State as a means of creating a right to use a good and includes renting. It also includes offering to rent or lease.
- R. Manufacturer.** “Manufacturer” means any small, independent low volume, intermediate or large volume vehicle manufacturer as those terms are defined in Title 13 CCR § 1900.
- S. Medium-duty passenger vehicle.** “Medium duty passenger vehicle” is as defined in Title 13 CCR § 1900.
- T. Medium-duty vehicle.** “Medium-duty vehicle” is as defined in Title 13 CCR § 1900.

- U. Model-year.** “Model-year” means the manufacturer’s annual production period for each engine family which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year. In the case of any motor vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.
- V. Modified part.** “Modified part” means any aftermarket part intended to replace an original equipment emissions-related part and which is not functionally identical to the original equipment part in all respects which in any way affect emissions, excluding a consolidated part.
- W. New Motor Vehicle or Vehicle.** “New Motor Vehicle” or “Vehicle” means any passenger car, light-duty truck, medium-duty passenger vehicle or medium-duty vehicle with 7,500 miles or fewer on its odometer.
- X. Passenger car.** “Passenger car” is as defined in Title 13 CCR § 1900.
- Y. Qualifying Community-based Clean Mobility Program.** “Qualifying Community-Based Clean Mobility Program” means a program that: 1) provides access to clean mobility solutions other than vehicle ownership including ZEV car sharing, ridesharing, vanpools, ride-hailing, or on-demand first-mile/last-mile services; 2) serves a disproportionately impacted community, or a tribal community regardless of federal recognition; and 3) 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. The Department must determine that a program qualifies as a community-based clean mobility program before a manufacturer may earn vehicle value pursuant to the requirements of Title 13 CCR § 1962.4.
- Z. Recall.** “Recall” means the issuing of notices directly to consumers that vehicles in their possession or control should be corrected, and/or efforts to actively locate and correct vehicles in the possession or control of consumers.
- AA. Replacement part.** “Replacement part” means any aftermarket part which is intended to replace an original equipment emissions-related part and which is functionally identical to the original equipment part in all respects which in any way affect emissions (including durability), or a consolidated part.
- BB. Sell.** “Sell” means any commercial vehicles transaction recognized under the laws of this State as a means of transferring ownership of a good and includes barter. It also includes offering for sale.

**CC. Small volume manufacturer.** “Small volume manufacturer” is as defined in Title 13 CCR § 1900.

**DD. VEC.** “VEC” means vehicle equivalent credits.

**EE. Zero-Emission Vehicle or ZEV.** “Zero emission vehicle” or ZEV is as defined in Title 13 CCR § 1962.4 for Advanced Clean Cars II.

**FF. ZEV Credit or ZEV Value.** “ZEV Credit” or “ZEV value” means a unit, expressed numerically, generated in accordance with Title 13 CCR § 1962.4.

### 3. Incorporation by Reference

- A. This chapter incorporates by reference certain sections of Title 13 CCR. Appendix A lists the sections of Title 13 CCR incorporated by reference and the respective amended date for each section. The sections of Title 13 CCR incorporated by reference in this chapter are the version of the section adopted as of the amended date in Appendix A. For purposes of applying the incorporated sections of the CCR, unless clearly inappropriate, “California” shall mean “Maine.” Copies of the incorporated material are available from the Department by calling 207-287-2437.
- B. 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.
- C. 13 CCR § 1962.4(c)(1)(B) is incorporated by reference, except that the Percentage Requirements are only incorporated for model-year 2028 through model-year 2032. Incorporation of Percentage Requirements for subsequent years will be determined by a midterm review of Maine’s Advanced Clean Cars II Program that the Department will conduct pursuant to Section 11 of this Chapter.
- D. 13 CCR § 1962.4(m)(3) is incorporated by reference, except that the citation to “Health and Safety Code section 43016 and 43212” is replaced with “Title 38 M.R.S. § 349, Penalties.”

### 4. Prohibitions

- A. **New Vehicle Emission Requirements.** No person or other entity, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import, deliver, purchase, lease, rent, acquire, or receive a new vehicle subject to this Chapter in or into Maine unless the vehicle has received a CARB Executive Order for all applicable requirements of Title 13 CCR and complies with all applicable requirements of this Chapter.
- B. **Exemptions.** The following new vehicles shall not be subject to this Chapter:

- (1) An emergency vehicle.
- (2) A vehicle with a right-hand drive configuration that is not available in a California-certified model, purchased by a rural route postal carrier and used primarily for work;
- (3) A vehicle designed exclusively for off-road use;
- (4) A vehicle certified to standards promulgated pursuant to the authority contained in 42 U.S.C. § 7521 and which is in the possession of a rental agency in Maine and is next rented with a final destination outside of Maine; or
- (5) A vehicle which is a military tactical vehicle or equipment as defined by Title 13 CCR § 1905.

## **5. Warranty**

- A. For California-certified vehicles delivered for sale or lease in Maine, each manufacturer shall provide a warranty for the ultimate purchaser and each subsequent purchaser that complies with the applicable warranty requirements of Title 13 California Code of Regulations §§ 1962.8, 2035, 2037 through 2041, and 2046.

## **6. Recall**

- A. For all California-certified vehicles registered in Maine, each manufacturer shall undertake an action equivalent to that which is required by any order or enforcement action taken by CARB, or any voluntary or influenced emission related recall initiated by any manufacturer pursuant to Title 13 CCR §§ 1962.7, 2109 through 2120, 2122 through 2133, and 2135 through 2149 unless within 30 days of CARB approval of said recall, the manufacturer demonstrates to the Agency that such recall is not applicable to vehicles registered in Maine. Each manufacturer must send to owners of Maine registered California-certified vehicles the same notice that is used for California owners required by Title 13 CCR §§ 2118 or 2127.

## **7. Manufacturer Fleet Requirements**

- A. Each manufacturer shall meet the following fleet requirements for the new vehicles delivered for sale or lease in Maine:
  - (1) Effective for model-year 2028 through model-year 2032, each manufacturer shall comply with the fleet average NMOG + NO<sub>x</sub> emission requirements and the LEV IV phase-in requirements for passenger cars, light-duty trucks, and medium duty vehicles, and may earn and bank NMOG + NO<sub>x</sub> credits or VECs as applicable, in

accordance with Title 13 CCR § 1961.4.

- (2) Effective for model-year 2028 through model-year 2032, each manufacturer shall comply with the Zero Emission Vehicle sales requirements and, starting with 2026 model-year vehicles, may earn and bank ZEV value, both in accordance with Title 13 CCR § 1962.4.

## **8. Manufacturer Reporting Requirements**

**A. Delivery Reporting.** Each manufacturer shall submit annually to the Department, by March 1 following the end of each model-year, a report, itemized by test group, documenting total new vehicles delivered for sale or lease in Maine.

### **B. Fleet Reporting**

- (1) Each manufacturer shall submit annually to the Department, by March 1 for NMOG + NO<sub>x</sub>, May 1 for GHG reporting, and May 1 for ZEV reporting (which includes a supplemental reporting date of August 31) following the end of each model-year, a report that demonstrates that the manufacturer has met the fleet requirements of Section 7 of this Chapter.
- (2) If a manufacturer wants to bank VECs, or GHG, NMOG + NO<sub>x</sub>, or ZEV credits, the manufacturer shall submit annually, by March 1 for NMOG + NO<sub>x</sub>, or May 1 for GHG and ZEV reporting (which includes a supplemental reporting date of August 31) following the end of the model-year, a report, which demonstrates that such manufacturer has earned VECs or GHG, NMOG + NO<sub>x</sub>, or ZEV credits in Maine. Credits are to be calculated in the same manner as required by CARB.

### **C. Recall Reporting**

- (1) Each manufacturer shall submit, within 30 days of CARB approval, a copy of any CARB approved voluntary, influenced or ordered recall plan specified by Title 13 CCR §§ 1962.7, 2114, 2125, and 2169 supplemented with the number of affected vehicles registered in Maine.
- (2) Each manufacturer shall submit recall campaign progress reports for vehicles registered in Maine, within the timelines of, and containing the information required by, Title 13 CCR §§ 1962.7, 2119, and 2133. Reports need not be submitted to the Department if the equivalent reports have been waived by CARB.

### **D. Documentation**

A manufacturer, a dealer or a transporter of new vehicles shall, upon request, provide to the Department any documentation which the Department determines to be necessary for the effective administration and enforcement of this Chapter.

### **9. Regional Document Repository**

Maine may enter into an agreement with other states to establish a regional document repository.

### **10. Dealer Inspection**

The Department or its agents may conduct inspections on any premises owned, operated, used, leased, or rented by any dealer.

### **11. Program Review**

The Department will conduct a review of the program no later than January 1, 2028. Such review shall consider, among other factors, technical feasibility, cost-effectiveness, air pollution reductions, and availability of vehicles for subsequent model-years.

### **12. Add-On-Parts and Modified Parts**

Replacement parts intended to replace an original equipment emissions-related part must meet the requirements of Title 13 CCR § 2222.

### **13. Severability**

Each Section of this Chapter shall be deemed severable, and in the event that any Section of this Chapter is held invalid, the remainder shall continue in full force and effect.

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

Effective Date:

<b>Appendix A</b>		
<b>Title 13 CCR</b>	<b>Title</b>	<b>Effective Date</b>
<b>Chapter 1 Motor Vehicle Pollution Control Devices.</b>		
<b>Article 1 General Provisions.</b>		
1900	Definitions.	11/30/22
1905	Exclusion and Exemption of Military Tactical Vehicles and Equipment.	7/03/96
<b>Article 2 Approval of Motor Vehicle Pollution Control Devices (New Vehicles).</b>		
1960.5	Certification of 1983 and Subsequent Model-Year Federally Certified Light-Duty Motor Vehicles for Sale in California.	10/16/02
1961.2	Exhaust Emission Standards and Test Procedures - 2015 through 2025 Model Year Passenger Cars, Light-Duty Trucks, and 2015 through 2028 Model Year Medium-Duty Vehicles.	11/30/22
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
1961.4	Exhaust Emission Standards and Test Procedures - 2026 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	11/30/22
1962.3	Electric Vehicle Charging Requirements.	11/30/22
1962.4	Zero-Emission Vehicle Requirements for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks.	11/30/22
1962.5	Data Standardization Requirements for 2026 and Subsequent Model Year Light-Duty Zero Emission Vehicles and Plug-in Hybrid Electric Vehicles.	11/30/22
1962.6	Battery Labeling Requirements.	11/30/22
1962.7	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.	11/30/22
1962.8	Warranty Requirements for Zero-Emission and Batteries in Plug-in Hybrid Electric 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks.	11/30/22
1965	Emission Control and Smog Index, and Environmental Performance Labels — 1979 and Subsequent Model-Year Motor Vehicles.	11/30/22
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
1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions.	11/30/22
1978	Standards and Test Procedures for Vehicle Refueling Emissions.	8/07/12
<b>Article 6</b>	<b>Emission Control System Warranty.</b>	
2035	Purpose, Applicability, and Definitions.	4/01/22
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
2038	Performance 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
2039	Emissions Control System Warranty Statement.	12/26/90
2040	Vehicle Owner Obligations.	10/01/19
2041	Mediation; Finding of Warrantable Condition.	12/26/90
2046	Defective Catalyst.	1/16/79
<b>Article 7</b>	<b>Procedures for Certifying Used Modifier-Certified Motor Vehicles and Licensing Requirements for Vehicle Emission Test Laboratories.</b>	
2047	Certification Procedures for Used Modifier-certified Motor Vehicles.	5/31/88
<b>Chapter 2</b>	<b>Enforcement of Vehicle Emission Standards and Surveillance Testing.</b>	
<b>Article 1</b>	<b>Assembly-Line Testing.</b>	
2062	Assembly-Line Test Procedures - 1998 and Subsequent Model-years.	8/07/12
<b>Article 2</b>	<b>Enforcement of New and In-Use Vehicle Standards.</b>	
2101	Compliance Testing and Inspection - New Vehicle Selection, Evaluation and Enforcement Action.	11/27/99
2109	New Vehicle Recall Provisions.	11/30/83
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
<b>Article 2.1</b>	<b>Procedures for In-Use Vehicle Voluntary and Influenced Recalls.</b>	
2111	Applicability.	4/01/22
2112	Definitions.	11/30/22
2113	Initiation and Approval of Voluntary and Influenced Emission-Related Recalls.	4/01/22
2114	Voluntary and Influenced Recall Plans.	4/01/22
2115	Eligibility for Repair.	4/01/22
2116	Repair Label.	4/01/22
2117	Proof of Correction Certificate.	4/01/22
2118	Notification.	4/01/22
2119	Recordkeeping and Reporting Requirements.	4/01/22
2120	Other Requirements Not Waived.	1/26/95

2121	Penalties.	4/01/22
<b>Article 2.2</b>	<b>Procedures for In-Use Vehicle Ordered Recalls.</b>	
2122	General Provisions.	12/8/10
2123	Initiation and Notification of Ordered Emission-Related Recalls.	4/01/22
2124	Availability of Public Hearing.	1/26/95
2125	Ordered Recall Plan.	4/01/22
2126	Approval and Implementation of Recall Plan.	4/01/22
2127	Notification of Owners.	4/01/22
2128	Repair Label.	4/01/22
2129	Proof of Correction Certificate.	4/01/22
2130	Capture Rates and Alternative Measures.	4/01/22
2131	Preliminary Tests.	4/01/22
2132	Communication with Repair Personnel.	1/26/95
2133	Recordkeeping and Reporting Requirements.	4/01/22
2134	Penalties.	1/26/95
2135	Extension of Time.	1/26/95
<b>Article 2.3</b>	<b>In-Use Vehicle Enforcement Test Procedures.</b>	
2136	General Provisions.	12/08/10
2137	Vehicle, Engine, and Trailer Selection.	4/01/22
2138	Restorative Maintenance.	11/27/99
2139	Testing.	11/30/22
2140	Notification and Use of Test Results.	11/30/22
<b>Article 2.4</b>	<b>Procedures for Reporting Failures of Emission-Related Components.</b>	
2141	General Provisions.	4/01/22
2142	Alternative Procedures.	4/01/22
2143	Failure Levels Triggering Recall and Corrective Action.	4/01/22
2144	Emission Warranty Information Report.	4/01/22
2145	Field Information Report.	4/01/22
2146	Emissions Information Report.	4/01/22
2147	Demonstration of Compliance with Emission Standards.	11/30/22
2148	Evaluation of Need for Recall.	4/01/22
2149	Notification of Subsequent Action.	4/01/22
<b>Article 3</b>	<b>Surveillance Testing.</b>	
2151	New Motor Vehicle Dealer Surveillance.	12/20/83
2152	Surveillance of Used Cars at Dealerships.	12/20/83
2169	Required Recall or Corrective Action Plan.	4/01/22
<b>Chapter 4</b>	<b>Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives.</b>	
<b>Article 2</b>	<b>Aftermarket Parts.</b>	
2220	Applicability.	12/30/83
2221	Replacement Parts.	12/30/83
2222	Add-On Parts and Modified Parts.	10/01/21
2224	Surveillance.	10/01/21
<b>Chapter 4.4</b>	<b>Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks.</b>	
2235	Requirements.	10/01/19