

**APPENDIX A
PROPOSED REGULATION ORDER**

**Amendments to the Zero Emission Vehicle Regulation
California Code of Regulations, title 13, section 1962.1**

Amend California Code of Regulations, title 13, section 1962.1, to read as follows:

NOTE: Set forth below are the proposed amendments to the California zero emission vehicle (ZEV) regulation. The amendments to existing sections proposed and subject to comment in this rulemaking are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. An Air Resources Board (ARB or Board) rulemaking is currently pending that will amend the regulatory language and incorporated test procedures addressed by this Proposed Regulation Order. The amendments proposed here identify these other pending amendments as follows: **bold italics with dashed underline** to indicate additions and ~~**bold italics double strikeout**~~ to indicate deletions. Subsections for which no changes are proposed in this rulemaking are indicated with “* * * *”. Amendments to these regulations were approved for adoption by the Board on May 21, 2015 as part of the “2014 Amendments to the Zero Emission Vehicle Regulation.” This rulemaking action was approved by the Office of Administrative Law and filed with the Secretary of State on October 12, 2015, and will become effective on January 1, 2016.

§ 1962.1 Zero-Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.

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(d) *Qualification for ZEV Multipliers and Credits.*

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(5) *Credits for 2009 through 2017 Model Year ZEVs.*

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(B) ***Fast Refueling.*** For purposes of subdivision 1962.1(d)(5)(A), a Model Year 2009 through 2017 ZEV, inclusive, shall be deemed a Type III, Type IV or Type V ZEV if it has the capability to accumulate at least 95 miles of UDDS range in 10 minutes or less, at least 190 miles of UDDS range in 15 minutes or less, or 285 miles of UDDS range in

15 minutes or less, respectively. For ZEVs that utilize more than one ZEV fuel, such as plug-in fuel cell vehicles, the Executive Officer may choose to waive these subdivision 1962.1(d)(5)(B) fast refueling requirements and base the amount of credit earned on UDDS ZEV range, as specified in subdivision 1962.1(d)(5)(A).

For Model Years 2009 through 2014, inclusive, “capability to accumulate” means the ZEV’s refueling system has been demonstrated to the satisfaction of ARB’s Executive Officer as having the potential, with appropriate infrastructure or other equipment, to accumulate the miles required under this subdivision within the given time period for the claimed ZEV type. For Model Years 2015 through 2017, inclusive, “capability to accumulate” means the ZEV’s refueling system has been demonstrated to the satisfaction of ARB’s Executive Officer as actually accumulating the miles required under this subdivision within ~~the given time period~~ **the initial 12 month period following vehicle placement in California** for the claimed ZEV type, based on actual fast refueling events. Examples of fast refueling events include any refueling of an electric vehicle that meets the time and mileage fueling criteria for a Type III, IV, or V ZEV, including the refueling of a hydrogen fuel cell vehicle or any swapping of the depleted battery pack in a battery electric vehicle with an equivalent or larger capacity, fully-charged battery pack. To receive fast refueling credits, manufacturers must apply to ARB with the information and documentation as specified below.

1. Issuance of Fast Refueling Credits for Model Year 2015, 2016, or 2017 Type III, IV, and V ZEVs.

a. To obtain fast refueling credits, the ZEV manufacturer must apply to ARB’s Executive Officer for such credits. No credits shall be granted without Executive Officer approval of the application. Each application shall be specific to Type III, IV, or V ZEV vehicles of a single Model Year. Each application shall contain the documentation specified in subdivision 1962.1(d)(5)(B). No later than 15 days before submittal of the first application in a calendar year, the applicant shall provide written notice to the Executive ~~officer~~ **Officer** of its intent to conduct fast refueling for its Type III, IV, or V ZEVs in that calendar year.

b. For model years 2015 and 2016 fast Fast refueling capability shall be assigned to the number of Type III, IV, and V ZEVs of a given model year that have been fueled by an actual fast refueling event during the ~~year~~ **initial 12 month period following vehicle placement in California**.

i. The total number of a manufacturer’s Type III ZEVs assigned the fast refueling capability for a given model year, based on actual fast refueling events **during the initial 12 month period following vehicle placement in California**, shall not exceed the

manufacturer's total number of Type III ZEVs sold in California for that model year that are capable of fast refueling (i.e., the sum of those Type III ZEVs that were fueled with an actual fast refueling event and those Type III ZEVs that are able to be fast refueled but were not actually fueled using any fast refueling).

ii. The provision in subdivision 1962.1(d)(5)(B)1.b.i. also applies to Type IV and V ZEVs in the same manner described for Type III ZEVs.

iii. Only the first 25 fast refueling events performed on any individual Type III, IV, or V ZEV, **during the initial 12 month period following vehicle placement in California**, shall count towards the total number of fast refueling events, respectively.

c. For model year 2017, fast refueling capability shall be assigned to the number of individual Type III, IV, and V ZEVs of that model year that are fueled by an actual fast refueling event during the initial 12 month period following vehicle placement in California. An individual model year 2017 Type III, IV, or V ZEV can only earn fast refueling credits for one fast refueling event.

iv.d. The frequency at which fast refueling credits are issued shall be based on the frequency of records and documentation submitted to support a claim for fast refueling credits. For example, a manufacturer that submits records of fast refueling events on a monthly, quarterly, or yearly basis shall be issued fast refueling credits on the applicable monthly, quarterly, or yearly basis.

2. Documentation of Fast Refueling Events.

a. For each specific model-year ZEV type for which a manufacturer claims fast refueling credits, the manufacturer must submit documentation of the total number of fast refueling events used to refuel its Type III, IV, or V ZEVs ~~in that model year~~ **during the initial 12 month period following vehicle placement in California.**

b. To support a manufacturer's claimed number of fast refueling events, that manufacturer must provide documentation of each fast refueling event. For each claimed fast refueling event, the manufacturer shall document the date of the fast refueling event, street address of the fast refueling facility used, and the vehicle identification number of the vehicle that was fast refueled. Fast refueling credit applicants shall retain this documentation for a minimum of three years from the date it was created and provide the documentation to ARB staff upon request within 3 business days.

3. The fast refueling application and data submission requirements in this subdivision do not apply to manufacturers of fuel cell electric vehicles because such vehicles are already designed to be fast refueled at all times.

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(h) *Test Procedures.*

(1) *Determining Compliance.* The certification requirements and test procedures for determining compliance with this section 1962.1 are set forth in "California Exhaust Emission Standards and Test Procedures for 2009 through 2017 Model Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes," adopted December 17, 2008, and last amended ~~May 30, 2014~~ September 3, 2015 [insert amended date here], which is incorporated herein by reference.

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Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43104 and 43105, Health and Safety Code. Reference: Sections 38562, 39002, 39003, 39667, 43000, 43009.5, 43013, 43018, 43018.5, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43204, 43205, 43205.5 and 43206, Health and Safety Code.