

~~Appendix~~Attachment A-1

Proposed 15-Day Changes

Proposed Regulation Order Zero-Emission Forklift ~~Fleet Requirements~~ Regulation

[~~Note: The entire text of sections 3000 through 3011 set forth below is new language in "normal type" proposed to be added to title 13, California Code of Regulations.~~]

[Note: The proposed modifications, referred to as Proposed 15-day Changes to the Proposed Regulation Order, are shown below. The originally proposed regulatory language released for a period of at least 45-days on November 7, 2023, is shown in "normal type." The deletions and additions to the originally proposed language that comprise the 15-day Changes that are made public with this Notice and available for comment are shown in strikethrough to indicate deletions and underline to indicate additions. The 15-Day Changes are being presented in two versions. This version, A-1, also complies with Government Code sections 11346.2, subdivision (a)(3), and 11346.8, subdivision (c). For ease of readability, and to review the 15-Day Changes in an Accessible format, please refer to version A-2.]

Chapter 17. Forklifts

Section 3000. Purpose, Applicability, Non-Compliance, and Severability.

Section 3001. Definitions.

Section 3002. Fleet Operator Requirements.

Section 3003. Dealer Requirements.

Section 3004. Rental Agency Requirements.

Section 3005. Spark-Ignited Forklift Manufacturer Requirements.

Section 3006. Fleet Phase-Out Provisions for Fleet Operators and Rental Agencies.

Section 3007. Exemptions, Extensions.

Section 3008. Submittals to CARB.

Section 3009. Reporting and Recordkeeping.

Section 3010. Labeling Requirements.

Section 3011. General Requirements.

Proposed Regulation Order

Title 13, California Code of Regulations

Adopt Sections 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, and 3011 of title 13, California Code of Regulations, to read as follows:

§ 3000. Purpose, Applicability, Non-Compliance, Confidentiality, and Severability.

- (a) Title 13, Sections 3000 through 3011 are the “Zero-Emission Forklift ~~Fleet Requirements Regulation~~” or “ZE Forklift Regulation.”
- (b) Purpose. The purpose of this Regulation is ~~to accelerate the transition of Large Spark-Ignition (LSI) Forklifts to Zero-Emission Forklifts (ZEFs) throughout the state~~ to reduce emissions of oxides of nitrogen (NOx), fine particulate matter (PM), other criteria pollutants, toxic air contaminants, and greenhouse gases (GHG~~s~~) from Large Spark-Ignition (LSI) Forklifts.
- (c) Applicability. This Regulation applies to Forklift and engine manufacturers, as well as any person, public utility, special district, or government agency that operates, allows the operation of, owns, leases, rents, offers for sale, offers for lease, or offers for rent within California one or more LSI ~~or ZEFs~~ Forklifts unless:
 - (1) The Forklift is a Rough Terrain Forklift.
 - (2) The Forklift is a Vehicle Mounted Forklift.
 - (3) The Forklift is Combat and Tactical Support Equipment.
 - (4) The Forklift is a Pallet Jack.
 - (5) The Forklift has a permanently integrated telescoping boom as its primary work implement.
 - (6) The Forklift is owned and operated by a facility subject to the Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards Regulation, set forth in Title 13, California Code of Regulations, Section 2479, which is hereby incorporated by reference herein.
 - (7) The Forklift is owned and operated by an individual for personal, non-commercial, and non-governmental purposes.
- (d) Non-compliance. Any entity who fails to comply with the requirements of this article, may be subject to civil or criminal penalties. Such penalties shall apply on a per-engine or per-equipment unit basis. Each day in which there is a violation shall be a separate violation. Knowingly submitting any false statement or representation in any application, request, document, report,

statement, or other document filed, maintained, or used for the purposes of compliance with this Regulation is considered a violation of this article.

- (e) Confidentiality. Spark-Ignited Forklift Manufacturers may designate current and prior production report information as trade secret. Dealers and Rental Agencies may designate current and prior transaction data as trade secret. Any regulated party may make a case-specific request for designating other information as confidential or trade secret. Any information so designated will be handled in accordance with Title 17, California Code of Regulations, Section 91000.
- ~~(e)~~(f) Severability. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this Regulation (or the application thereof to any person or circumstances) is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion or application shall be deemed separate, distinct, and independent, and such holding shall not affect the validity of the remaining applications or portions of this Regulation or the application of this Regulation to other persons or circumstances.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43016, 43018, 43105, 43151, 43152, 43153, 43154, 43205.5, 43211, and 43212, Health and Safety Code. Reference: Section 43150, Health and Safety Code.

§ 3001. Definitions.

(a) The following definitions apply to this Regulation:

"Agricultural Crop Preparation Services" means packinghouses, cotton gins, nut hullers and processors, dehydrators, feed and grain mills, activities involving first processing after harvest, and activities that fall within the United States Census Bureau North American Industry Classification System (NAICS) definition for Industry 115114 - "Postharvest Crop Activities," as published in the North American Industry Classification System - United States, 2002. ~~For forest operations, "Agricultural Crop Preparation Services" means milling, peeling, producing particleboard and medium density fiberboard, and producing woody landscape materials and other related activities that fall within the United States Census Bureau NAICS definition for Industries 321113 (Sawmills) and 321219 (Reconstituted Wood Product Manufacturing)," as published in the North American Industry Classification System - United States, 2007.~~

~~"Agricultural Crop Preparation Services Fleet Operations" means a Fleet(1) In-Field. The growing or harvesting of Forklifts used primarily crops from soil and the raising of plants at wholesale nurseries, but not retail nurseries, or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution, or (2) Agricultural Crop Preparation Services. For purposes of this Regulation, a Forklift that is used by its operator for both Agricultural Crop Preparation Services and other agricultural and non-agricultural operations is considered to be part of the Agricultural Crop Preparation Services Fleet. A Forklift engaged in agricultural operations, only if over half of its annual operating hours are for Agricultural Crop Preparation Services agricultural operations.~~

"Class IV Forklift" means a Forklift powered by an internal-combustion engine that is not designed to be operated with pneumatic tires.

"Class IV LSI Forklift" means a Class IV Forklift powered by an LSI Engine.

"Class V Forklift" means a Forklift powered by an internal-combustion engine that is designed to be operated with Pneumatic Tires.

"Class V LSI Forklift" means a Class V Forklift powered by an LSI Engine.

"Combat and Tactical Support Equipment" means equipment that meets military specifications, is owned by the U.S. Department of Defense and/or the

U.S. military services or its allies, and is used in combat, combat support, combat service support, tactical or relief operations or training for such operations.

"Common Ownership or Control" means being owned or managed day-to-day by the same person, corporation, partnership, or association. Forklifts managed by the same directors, officers, or managers, or by corporations controlled by the same majority stockholders are considered to be under Common Ownership or Control even if their title is held by different business entities or they have different taxpayer identification numbers. Common Ownership or Control of a federal government Forklift shall be the primary responsibility of the governmental agency that is directly responsible for the day-to-day operational control of the Forklift. Common Ownership or Control includes relationships where the controlling party has the right to direct or control the Forklift as to where expenses for operating the Forklift, such as fuel or maintenance costs, are shared.

"Crop Preparation Services" means either Agricultural Crop Preparation Services or Forest Crop Preparation Services, or a combination of the two. For purposes of this regulation, a Forklift that is used by its operator for both Crop Preparation Services and other operations is considered to be a Forklift engaged in Crop Preparation Services, only if the Forklift does not qualify as an In-Field Forklift and over half of its annual operating hours are for Agricultural Operations or Forest Operations, or a combination of the two.

"Crop Preparation Services Fleet" means a Fleet of Forklifts used primarily for Crop Preparation Services. For purposes of this Regulation, a Forklift that is used by its operator for both Crop Preparation Services and other operations is considered to be part of the Crop Preparation Services Fleet only if the Forklift does not qualify as an In-Field Forklift and over half of its annual operating hours are for Agricultural Operations or Forest Operations, or a combination of the two.

"Dealer" means an entity engaged in the business of selling or leasing of Forklifts to an Ultimate Purchaser. A Dealer may also be a Rental Agency and Fleet Operator if it meets the respective definitions set forth in this section.

"Declared Emergency Event" means the period of an emergency event declared or duly proclaimed by a local governing body, state Governor, or the President of the United States during the emergency conditions described in California Government Code Section 8558.

"Dedicated Emergency Forklift" means a Forklift owned and operated by a governmental agency, or other entity operating under the authority of a governmental agency, for the primary purpose of supporting Emergency Operations and exempted from certain provisions of the Regulation pursuant to Section 3007(a)(2).

"Designated Official" means a person designated by the Responsible Official as the person who has the responsibility of providing the required information to the Executive Officer on behalf of the Responsible Official.

"Diesel Forklift" means a Forklift powered by a diesel-fueled or alternative-diesel-fueled off-road compression-ignition engine that is subject to Title 13, California Code of Regulations, Section 2449 et seq., last amended on November 17, 2022, hereby incorporated by reference herein.

"Emergency Operation" means an operation that helps alleviate an immediate threat to public health or safety in response to a Declared Emergency Event. Examples of emergency operation include repairing or preventing damage to roads, buildings, terrain, and infrastructure because of an earthquake, flood, storm, fire, other infrequent act of nature, or terrorism. Routine operations, maintenance, or construction to prevent public health risks does not constitute emergency operation.

"Energized" shall have the same meaning as "Energized," as defined in Title 29, Code of Federal Regulations, Part 1910.147(b), last amended on July 25, 2011, which is hereby incorporated by reference herein.

"Energy Isolating Device" shall have the same meaning as "Energy Isolating Device," as defined in Title 29, Code of Federal Regulations, Part 1910.147(b), last amended on July 25, 2011, incorporated by reference.

"Entity" means a person, business, public utility, special district, or government agency subject to this Regulation, as set forth in Section 3000(c).

"Equipment Identification Number" or "EIN" means a unique identification number assigned by the Executive Officer to a Forklift once the Forklift has been reported in accordance with this Regulation. The EIN is used to link all reporting and recordkeeping required under this Regulation.

"Executive Officer" means the Executive Officer of the California Air Resources Board, or his or her delegate.

"Facility" means a location where an entity operates one or more Forklifts.

"Fleet" means all applicable Forklifts under Common Ownership or Control operated within California. Revenue Fleet Forklifts owned by a Rental Agency are considered part of the Rental Agency fleet, and not part of the entity to which the Forklifts are rented.

"Fleet Operator" means an entity that owns or operates one or more Forklifts to fulfill operational needs of said entity or to fulfill contractual obligations of said entity to a person or organization in California. A Dealer or Rental Agency is also a Fleet Operator for Forklifts that are not within its Revenue Fleet.

"Fleet Portion" means a part of a Fleet for which daily operations and dispatching are managed by a different Responsible Official because it is part of a different subsidiary, division, or other organizational substructure of a parent company, corporation, or agency, which owns or controls the operations of the subsidiary, division, or organizational substructure, and the parent company, corporation, or agency elects to have some or all the Fleet Portions report separately. However, the total number of LSI Forklifts and Zero-Emission Forklifts (ZEF) under Common Ownership or Control of the parent company, corporation, or agency determines the fleet size.

"Forest Crop Preparation Services" means milling, peeling, producing particleboard and medium density fiberboard, and producing woody landscape materials and other related activities that fall within the United States Census Bureau NAICS definition for Industries 321113 (Sawmills) and 321219 (Reconstituted Wood Product Manufacturing)," as published in the North American Industry Classification System – United States, 2007.

"Forest Operations" means (1) In-Field. (a) Forest fire prevention activities performed by public agencies, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, and fire hazard abatement, or (b) cutting or removal or both of timber, other solid wood products, including Christmas trees, and biomass from forestlands for commercial purposes, together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, beds for falling trees, fire hazard abatement, and site preparation that involves disturbance of soil or burning of vegetation following forest removal activities, or (2) Forest Crop Preparation Services. Forest Operations do not include conversion of forestlands to other land uses, such as residential or commercial developments. For purposes of this regulation, a Forklift that is used by its operator for both forest and other operations is considered to be a Forklift engaged in Forest Operations, only if over half of its annual operating hours are for Forest Operations.

"Forklift" means a self-propelled industrial truck whose primary purpose is to lift, transport, and stack loads using forks or other attachment mounted in place of forks.

"Forklift Capacity" means the lift capacity of a specific Forklift determined by the manufacturer, in units of weight, as inscribed on the Forklift's nameplate. The Forklift Capacity used for determining regulatory applicability shall be the lowest lift capacity derived using a load center equal to or greater than 600 millimeters or 24 inches, as applicable. If the lift capacity of the specific Forklift has not been determined at a load center equal to or greater than 600 millimeters (or 24 inches), the lowest lift capacity inscribed on the nameplate shall be used to determine regulatory applicability instead.

"In-Field Forklift" means a Forklift used more than 50% of its annual operating hours in either Agricultural Operations or Forest Operations, or a combination of the two, not including operating hours in Crop Preparation Services.

"Large Fleet" means a Fleet, other than ~~an Agricultural~~ Crop Preparation Services Fleet, that consists of 26 or more LSI Forklifts and ZEFs, combined at any point during the calendar year.

"Large Spark-Ignition Engine" or "LSI Engine" means any engine that produces a gross horsepower of 25 horsepower or greater (greater than 19 kilowatts for 2005 and later model years) or is designed (e.g., through fueling, engine calibrations, valve timing, engine speed modifications, etc.) to produce 25 horsepower or greater (greater than 19 kilowatts for 2005 and later model years). The engine's operating characteristics are significantly similar to the theoretical Otto combustion cycle with the engine's primary means of controlling power output being to limit the amount of air that is throttled into the combustion chamber of the engine. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, ~~as amended~~, and as defined by regulation of the United States Environmental Protection Agency (U.S. EPA), are specifically excluded from this category.

"Large Spark-Ignition Forklift" or "LSI Forklift" means a Forklift that is powered by an LSI Engine.

"Lockout Device" shall have the same meaning as "Lockout Device," as defined in Title 29, Code of Federal Regulations, Part 1910.147(b), last amended on July 25, 2011, incorporated by reference.

"Low-Use LSI Forklift" means an LSI Forklift that a Fleet Operator has

designated as operating less than 200 hours a calendar year pursuant to Section 3007(a)(1).

"Microbusiness" means a Fleet Operator of a fleet of any size with annual gross receipts of \$5,000,000 or less over the previous three years, or is a manufacturer, as defined in subdivision (c) of Government Code Section 14837, as effective on January 1, 2018, which is hereby incorporated by reference herein, with 25 or fewer employees.

"Model Year" or "MY" means the Forklift engine manufacturer's annual production period, which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year.

"New," as it pertains to Forklifts, means the ownership of the Forklift has never been transferred to an Ultimate Purchaser.

"Non-Compliant LSI Forklift" means ~~a 2025 or previous MY Class IV LSI Forklift of any Rated Capacity or Class V LSI Forklift with a Rated Capacity up to 12,000 pounds~~ an LSI Forklift that has already been phased out pursuant to the applicable phase-out schedule set forth in Section 3006(d).

"Pallet Jack" means a piece of equipment that is designed to move pallets but is pulled by hand and is not designed to be ridden.

"Person" includes all the following:

- (A) any person, firm, association, organization, partnership, business trust, corporation, limited liability company, or company;
- (B) any state or local governmental agency or public district, or any officer or employee thereof; and
- (C) the United States or its agencies, to the extent permitted by federal law.

"Phase Out" means to remove an LSI Forklift from fleet service (i.e., move the Forklift outside of California, sell the Forklift to another fleet located outside of California, or scrap the Forklift), so that the Forklift is not subsequently operated by the fleet in the state of California.

"Pneumatic Tire" means a tire, whether air-filled, foam-filled, or solid, mounted on a metal wheel with a rim designed to create a seal with the tire such that an air-filled tire installed on said wheel can hold air if inflated.

"Rated Capacity" means the maximum lift capacity of a Forklift model determined by the manufacturer using a minimum load center of 600 millimeters or 24 inches and a minimum load elevation of 2,540 millimeters or 100 inches. If the Rated Capacity and the load center and load elevation used in its determination are not verifiable through manufacturer-published documentation, then Rated Capacity shall mean Forklift Capacity for the purposes of this Regulation.

"Regulation" or "Zero-Emission Forklift Regulation" refers to Sections 3000 through 3011, Title 13, California Code of Regulations.

"Rent" means to pay for the use of an LSI Forklift for a period no longer than 12 calendar months.

"Rental Agency" means an entity engaged in the business of providing Forklifts for rent. A Rental Agency may also be a Dealer or Fleet Operator if it meets the respective definitions in this section.

"Responsible Official" means one of the following:

- (A) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
- (B) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
- (C) For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the U.S. EPA).

"Revenue Fleet" means the fleet of Forklifts owned, possessed, or controlled by a Dealer or Rental Agency that is intended for sale, lease, or rental to another entity.

"Rough Terrain Forklift" means a powered industrial truck that:

- (A) Meets the design and construction requirements for a rough terrain Forklift truck established in ANSI/ITSDF B56.6-2021,

"Safety Standard for Rough Terrain Forklift Trucks," hereby incorporated by reference herein, or the equivalent standard in place at the time the Forklift was produced;

- (B) Bears a manufacturer label or some other equivalent identifying mark indicating the Forklift meets the design and construction requirements set forth in ANSI/ITSDF B56.6-2021, "Safety Standard for Rough Terrain Forklift Trucks," incorporated by reference, or the equivalent standard in place at the time the Forklift was produced; and
- (C) Is identified and marketed as a rough terrain or Class VII Forklift by the Forklift manufacturer.

"Small Fleet" means a Fleet, other than an ~~Agricultural~~ Crop Preparation Services Fleet, that consists of 25 or fewer LSI Forklifts and ZEFs, combined during the entire calendar year.

"Tagout Device" shall have the same meaning as "Tagout Device," as defined in Title 29, Code of Federal Regulations, Part 1910.147(b), last amended on July 25, 2011, incorporated by reference.

"Ultimate Purchaser" means an entity who in good faith purchases or leases a Forklift for purposes other than resale to others.

"Vehicle Mounted Forklift" means a powered industrial truck that:

- (A) Meets the design and construction requirements for a vehicle mounted Forklift truck established in ANSI/ITSDF B56.14-2020, "Safety Standard for Vehicle Mounted Forklift Trucks," hereby incorporated by reference herein, or the equivalent standard in place at the time the Forklift was produced;
- (B) Bears a manufacturer label or some other equivalent identifying mark indicating the Forklift meets the design and construction requirements set forth in ANSI/ITSDF B56.14-2020, "Safety Standard for Vehicle Mounted Forklift Trucks," incorporated by reference, or the equivalent standard in place at the time the Forklift was produced; and
- (C) Is identified and marketed as a Vehicle Mounted Forklift by the Forklift manufacturer.

"Zero-Emission" means zero exhaust emissions of any criteria pollutant (or precursor pollutant), toxic pollutant, or GHG under any possible operational modes or conditions.

"Zero-Emission Forklift" or "ZEF" means a Forklift that uses whose operation results in zero exhaust emissions of any criteria pollutant (or precursor pollutant) or GHG under any possible operational modes or conditions, which may include the use of fuel-cell-electric, battery-electric, or other zero-emission powertrain technology that meets the zero-emission standards set forth in Title 13, California Code of Regulations, Section 2433, last amended [INSERT AMENDMENT DATE], as the only source of power for operational propulsion and work. For the purposes of this Regulation, this term does not include Pallet Jacks.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43018, 43151, 43152, 43153, and 43205.5, Health and Safety Code. Reference: Section 43150, Health and Safety Code.

§ 3002. Fleet Operator Requirements.

- (a) Starting January 1, 2026, a Fleet Operator shall not acquire or take possession of ~~a new or used 2026 or subsequent MY LSI Forklift or a new 2025 or previous MY~~ an LSI Forklift at a location in California unless:
- ~~(1)~~ The Forklift is a used 2025 or previous MY LSI Forklift that has not yet been phased out according to the applicable Phase-Out Schedules set forth in Section 3006(d);
 - ~~(2)~~ The date is prior to January 1, 2027, and the Forklift is a new 2025 MY LSI Forklift;
 - ~~(1)(3)~~ The date is prior to January 1, 2038, and the Forklift is a 2026 through 2028 MY Class V Forklift rented from a Rental Agency for operation;
 - ~~(2)(4)~~ The Forklift is a Class V LSI Forklift with a Rated Capacity greater than 12,000 pounds that the Fleet Operator has reported to the Executive Officer in accordance with Section 3009(h); or, Heavy Class V LSI Forklift Reporting;
 - ~~(3)(5)~~ The Forklift is ~~exempt~~ being acquired to be operated as a Dedicated Emergency Forklift pursuant to Section 3007(a)(2);, to be solely operated on San Nicolas and San Clemente Islands pursuant to Section 3007(a)(5), or to be operated as an In-Field Forklift pursuant to Section 3007(a)(6); or
 - ~~(6)~~ The Forklift is being acquired pursuant to Section 3007(b)(5), Replacement of LSI Forklifts Covered By an Operational Extension or an Infrastructure Site Electrification Delay Extension.
- (b) Starting January 1, 2026, a Fleet Operator shall not possess, operate, or allow the operation of; an LSI Forklift in California unless:
- (1) The Forklift is a 2025 or previous MY Forklift, the Forklift has not yet been phased out according to the Phase-Out Schedules set forth in Section 3006(d), and the Fleet Operator is in compliance with all other applicable provisions of the Fleet Phase-Out Provisions set forth in Section 3006, Fleet Phase-Out Provisions for Fleet Operators and Rental Agencies;
 - (2) The date is prior to January 1, 2038, and the Forklift is a 2026 through 2028 MY Class V Forklift rented from a Rental Agency;

- (3) The Forklift is a Class V LSI Forklift with a Rated Capacity greater than 12,000 pounds that the Fleet Operator has reported to the Executive Officer in accordance with Section 3009(h), Heavy Class V LSI Forklift Reporting;
- (4) The Forklift is exempt pursuant to Section 3007(a)(1), Low-Use LSI Forklift Exemption; 3007(a)(2), or Dedicated Emergency Forklift Exemption; 3007(a)(3), Temporary Storage of Non-Compliant LSI Forklifts Awaiting Sale, Scrap, or Relocation; Section 3007(a)(5), San Nicolas and San Clemente Islands Exemption; or Section 3007(a)(6), In-Field Forklift Exemption; or
- (5) The Forklift is included in an extension granted pursuant to Section 3007(b), Extensions.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43018, 43151, 43152, 43153, and 43205.5, Health and Safety Code. Reference: Section 43150, Health and Safety Code.

§ 3003. Dealer Requirements.

(a) ~~Inventory Requirements.~~

(a) Dealer Inventory Requirements. Except for new LSI Forklifts that are exempt pursuant to Section 3007(a)(4), LSI Forklifts Transported for Delivery Out-of-State; and new LSI Forklifts sold or leased pursuant to Section 3003(c), Dealer Sales, Leases, and Possession of Forklifts, the following requirements apply.

(1) Starting January 1, 2026, Dealers in California shall not possess any of the following:

(A) 2026 and subsequent MY Class IV LSI Forklifts, except for new LSI Forklifts that are exempt pursuant to Section 3007(a)(4) or Section 3007(a)(5);

(B) New 2024 and previous MY Class IV LSI Forklifts regardless of MY, except for new LSI Forklifts that are exempt pursuant to Section 3007(a)(4) or Section 3007(a)(5);

(C) 2025 and previous MY Class IV LSI Forklifts that have already been phased out according to the phase-out schedule set forth in Section 3006(d)(2); and, Alternative MY Phase-Out Schedules for Class IV LSI Forklifts; or

(D) 2025 and previous MY Class V LSI Forklifts with a Rated Capacity up to of 12,000 pounds or less that have already been phased out according to the phase-out schedule set forth in Section 3006(d)(3);, MY Phase-Out Schedule for Class V LSI Forklifts.

(2) Starting In addition to Section 3003(a)(1), starting January 1, 2027, Dealers in California shall not possess new 2025 MY Class IV LSI Forklifts.

(3) In addition to Sections 3003(a)(1) and 3003(a)(2), starting January 1, 2029, Dealers in California shall not possess any of the following:

(E)(A) 2026 and subsequent MY Class V LSI Forklifts with a Rated Capacity up to of 12,000 pounds, except for LSI Forklifts that are exempt pursuant to Section 3007(a)(4) or Section 3007(a)(5); less.

(B) New 2025 and previous MY Class V LSI Forklifts with a Rated Capacity of 12,000 pounds or less.

~~(2)(4)~~ Starting January 1, 2038, Dealers in California shall not possess a Class IV LSI Forklift of any Rated Capacity or a Class V LSI Forklift with a Rated Capacity up to 12,000 pounds, ~~except for LSI Forklifts that are exempt pursuant to Section 3007(a)(4) or Section 3007(a)(5).~~

(b) Dealer Transaction Requirements. The following requirements apply to all LSI Forklift sales and leases to an entity located in California except for transactions involving Class V LSI Forklifts with a Rated Capacity greater than 12,000 pounds.

~~(1) Dealer Transactions with Fleet Operators. Starting January 1, 2026, except~~ Except for new LSI Forklifts sold or leased pursuant to be operated as Dedicated Emergency Section 3003(c), Dealer Sales, Leases, and Possession of Forklifts, the following requirements apply.

(A) Starting January 1, 2026, a Dealer shall not sell, lease, offer for sale, offer for lease, or deliver to a Fleet Operator in California:

1. Any new 2024 or previous MY LSI Forklift ~~of any MY~~;
2. Any 2026 or subsequent MY LSI Forklift; or
3. Any used 2025 or previous MY LSI Forklift that has already been phased out according to the applicable phase-out schedule set forth in Section 3006(d). For a Class IV LSI Forklift, a Dealer shall use the Alternative MY Phase-Out Schedule set forth in Section 3006(d)(2) to determine whether or not a Forklift has been phased out. For a Class V LSI Forklift, a Dealer shall use the phase-out schedule set forth in Section ~~3005~~3006(d)(3) to determine whether or not a Forklift has been phased out.

(B) In addition to Section 3003(b)(1)(A), starting January 1, 2027, a Dealer shall not sell, lease, offer for sale, offer for lease, or deliver to a Fleet Operator in California any new 2025 MY LSI Forklift.

(2) Transactions with Rental Agencies.

(A) Starting January 1, 2026, a Dealer shall not sell, lease, offer for sale, offer for lease, or deliver to a Rental Agency in California:

1. Any new 2024 or previous MY Class IV LSI Forklift ~~of any MY~~;
2. Any 2026 or subsequent MY Class IV LSI Forklift;

3. Any ~~used~~ 2025 or previous MY-Class IV LSI Forklift that has already been phased out according to the phase-out schedules set forth in Section 3006(d)(2), ~~Alternative MY Phase-Out Schedules for Class IV LSI Forklifts~~; or
4. ~~A~~Any 2025 or previous MY Class V LSI Forklift that has already been phased out according to the phase-out schedule set forth in Section 3006(d)(3), ~~MY Phase-Out Schedule for Class V LSI Forklifts~~.

(B) ~~Starting~~In addition to Section 3003(b)(2)(A), starting January 1, 2027, a Dealer shall not sell, lease, offer for sale, offer for lease, or deliver to a Rental Agency in California any new 2025 MY Class IV LSI Forklifts.

(B)(C) In addition to Sections 3003(b)(2)(A) and 3003(b)(2)(B), starting January 1, 2029, a Dealer shall not sell, lease, offer for sale, offer for lease, or deliver to a Rental Agency in California:

1. Any new Class V LSI Forklift of any MY; or
2. Any 2026 or subsequent MY Class V LSI Forklift.

(c) Dealer Sales, Leases, and Possession of Forklifts. Subject to the following conditions, a Dealer may sell or lease an LSI Forklift to a Fleet Operator in California, and temporarily possess the Forklift during its transportation, if the acquisition of the Forklift is allowed pursuant to Section 3002(a)(5) or Section 3002(a)(6).

- (1) The documentation specified in Section 3003(d)(1)(F) must be collected and maintained.
- (2) The LSI Forklift shall be equipped with an operational, non-resettable hour meter showing no more than ten hours of total operation prior to final delivery, excluding hours of operation accrued prior to delivery to the Dealer, as evidenced by the bill of lading.
- (3) The Dealer shall possess the LSI Forklift for no more than nine consecutive months after taking possession of said Forklift.

(c)(d) Dealer Transaction Information and Documentation. Starting January 1, 2026, a Dealer in California shall collect and maintain information and documentation of each sale or lease of an LSI Forklift for a minimum of five

years following the transaction.

(1) Said information and documentation shall include all the following, as applicable:

(A) Copy of Purchase or Lease Agreement, as applicable;

(B) Transaction date;

(C) Name of recipient;

(D) Address of recipient;

(E) Model year (MY), manufacturer, model, Rated Capacity, and serial number of the LSI Forklift; and

(F) For an LSI Forklift sold or leased pursuant to Section 3003(c), all the following documentation, as applicable:

1. If the Dealer delivers the Forklift, a non-governmental bill of lading certified by the shipper indicating the purchasing entity to be, the ultimate delivery address, and estimated date of delivery of the LSI Forklift; and

2. The applicable attestation provided below:

a. For a Dedicated Emergency Forklift, a document signed by the purchaser with the following attestation statement: "I, [Insert Name of Purchaser], attest that the Forklift being acquired on this date, [Insert Transaction Date], identified by serial number [Insert Serial Number], will be operated as a Dedicated Emergency Forklift, copy of the executed agreement between said entity and the applicable government agency that formalizes the entity's roles and responsibilities during Emergency Operations in accordance with Title 13, California Code of Regulations, Section 3007(a)(2)";

b. For an LSI Forklift being acquired to be solely operated on San Nicolas Island and/or San Clemente Island, a document signed by the purchaser with the following attestation statement: "I, [Insert Name of Purchaser], attest that the Forklift being acquired on this date, [Insert Transaction Date], identified by serial number [Insert Serial Number], will be solely operated on San Nicolas Island and/or San Clemente Island in accordance with

Title 13, California Code of Regulations, Section 3007(a)(5)";

c. For an In-Field Forklift, a document signed by the purchaser with the following attestation statement: "I, [Insert Name of Purchaser], attest that the Forklift being acquired on this date, [Insert Transaction Date], identified by serial number [Insert Serial Number], will be operated as an In-Field Forklift in accordance with Title 13, California Code of Regulations, Section 3007(a)(6)";
or

~~a.d.~~ For an LSI Forklift being acquired to replace an existing LSI Forklift covered by an Operational Extension, a document signed by the purchaser with the following attestation statement: "I, [Insert Name of Purchaser], attest that the Forklift being acquired on this date, [Insert Transaction Date], identified by serial number [Insert Serial Number], is valid at the time of purchase or lease, being acquired to replace the Forklift identified by serial number [Insert Serial Number], which is currently covered by an Operational Extension granted pursuant to Title 13, California Code of Regulations, Section 3007(b)(4)."

e. For an LSI Forklift being acquired to replace an existing LSI Forklift covered by an Infrastructure Site Electrification Delay Extension, a document signed by the purchaser with the following attestation statement: "I, [Insert Name of Purchaser], attest that the Forklift being acquired on this date, [Insert Transaction Date], identified by serial number [Insert Serial Number], is being acquired to replace the Forklift identified by serial number [Insert Serial Number], which is currently covered by an Infrastructure Site Electrification Delay Extension granted pursuant to Title 13, California Code of Regulations, Section 3007(b)(3)(B)."

- (2) Said information and documentation shall be provided to the Executive Officer within five business days upon request.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43018, 43151, 43152, 43153, and 43205.5, Health and Safety Code. Reference: Section 43150, Health and Safety Code.

§ 3004. Rental Agency Requirements.

- (a) Starting January 1, 2026, a Rental Agency in California shall not rent out, offer for rent, deliver, or keep within its Revenue Fleet an LSI Forklift unless:
 - (1) The Forklift is a 2025 or previous MY LSI Forklift, the Forklift has not yet been phased out according to the phase-out schedules applicable to the Rental Agency set forth in Section 3006(d), and the Rental Agency is in compliance with all other applicable provisions of the Fleet Phase-Out Provisions set forth in Section 3006; or
 - (2) The Forklift is a Class V LSI Forklift with a Rated Capacity greater than 12,000 pounds that the Rental Agency has reported to the Executive Officer in accordance with Section 3009(h).
- (b) Until January 1, 2038, the requirements in subsection (a) do not apply if the Forklift is a 2026, 2027, or 2028 MY Class V LSI Forklift acquired prior to January 1, 2029, and the Rental Agency is in compliance with all other applicable provisions of the Fleet Phase-Out Provisions set forth in Section 3006.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43018, 43151, 43152, 43153, and 43205.5, Health and Safety Code. Reference: Section 43150, Health and Safety Code.

§ 3005. Spark-Ignited Forklift Manufacturer Requirements.

- (a) Production/Sales Requirements. Starting January 1, 2026, a Forklift manufacturer shall not produce or offer for sale in California a Class IV LSI Forklift unless the engine or powertrain ~~meets the zero-emission standards set forth in Title 13, California Code of Regulations, Section 2433~~ qualifies as Zero-Emission. Starting January 1, 2029, a Forklift manufacturer shall not produce or offer for sale in California a Class V LSI Forklift with a Rated Capacity ~~up to of~~ 12,000 pounds or less unless the engine or powertrain ~~meets the zero-emission standards set forth in Title 13, California Code of Regulations, Section 2433~~ qualifies as Zero-Emission.
- (b) Production/Sales Reporting. For LSI Forklifts, the manufacturer shall submit to the Executive Officer annual production and sales reports in accordance with the applicable requirements in Section 3009(kj).
- (c) Section 3005(a) does not apply to engines to be installed in Forklifts, for which the sale or lease is allowed pursuant to Section 3003(c), Dealer Sales, Leases, and Possession of Forklifts.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43018, 43151, 43152, 43153, and 43205.5, Health and Safety Code. Reference: Section 43150, Health and Safety Code.

§ 3006. Fleet Phase-Out Provisions for Fleet Operators and Rental Agencies.

- (a) Reporting. A Fleet Operator or Rental Agency with ~~a Class IV~~ an LSI Forklift of any Rated Capacity or other than a Class V LSI Forklift of with a Rated Capacity up to greater than 12,000 pounds ;that has been reported to the Executive Officer in accordance with Section 3009(h), Heavy Class V LSI Forklift Reporting, shall comply with reporting requirements set forth in Section 3009(c), 3009(d), or 3009(e), as applicable.
- (b) Phase-Out Requirements.
 - (1) Phase-Out of LSI Forklifts in Fleet Operator Fleets. Except as provided in Section 3007, a Fleet Operator is prohibited from possessing, operating, or allowing the operation of in California an LSI Forklift of a MY that has already been phased out pursuant to the applicable phase-out schedule set forth in Section 3006(d).
 - (2) Phase-Out of LSI Forklifts in Rental Agency Revenue Fleets.
 - (A) A Rental Agency is prohibited from renting out, offering for rent, or otherwise allowing the operation of in California an LSI Forklift of a MY that has already been phased out pursuant to the applicable phase-out schedule set forth in Section 3006(d).
 - (B) For a Rental Agency that has acquired 2026, 2027, or 2028 MY Class V LSI Forklifts for its Revenue Fleet, said Forklifts shall be phased out by January 1, 2038.
 - (3) A Fleet reported separately as Fleet Portions shall meet the phase-out requirements for the fleet size that corresponds to the total number of LSI Forklifts and ZEFs under Common Ownership or Control of the parent company, corporation, or agency.
- (c) The Fleet Operator or Rental Agency, as applicable, shall contact, no later than March 31, 2026, the applicable electric utility provider to initiate discussions regarding potential electrical-service installation or upgrades for each separately metered building or operating location with LSI forklifts subject to the phase-out requirements. If another entity is responsible for the electrical infrastructure at the operating location, the Fleet Operator or Rental Agency, as applicable, may have said entity contact the applicable electric utility provider on its behalf. The All the following, as applicable, shall be provided at the time of said contact: _

- (1) The address of each California location where the Fleet Operator or Rental Agency, as applicable, operates Forklifts;
- (2) For each location:
 - (A) The estimated number and types of chargers necessary to be installed each year in order to charge the ZEFs needed to comply with the compliance dates applicable to the fleet;
 - (B) If applicable, power requirements of any infrastructure necessary to be installed in order to fuel the ZEFs needed to comply with compliance dates applicable to the fleet;
 - (C) Information on other new sources of power demand anticipated during the applicable phase-out period(s); and
 - (D) Electrical load profiles depicting the location's typical electricity usage on an hourly, daily, and monthly bases.
- (d) Phase-Out Schedules.
 - (1) MY Phase-Out Schedules for Class IV LSI Forklifts. Table 1, below, sets forth the MY phase-out schedules for Class IV LSI Forklifts.

Table 1. MY Phase-Out Schedules for Class IV LSI Forklifts

Compliance Date	MY Phase-Out Schedule for Class IV Forklifts with a Rated Capacity up to of 12,000 Pounds or less	MY Phase-Out Schedule for Class IV Forklifts with a Rated Capacity Greater than 12,000 Pounds
1/1/2028	2018 MY and older ¹	-
1/1/2029	-	-
1/1/2030	-	-
1/1/2031	2019 - 2021 MY	-
1/1/2032	-	-
1/1/2033	2022 and 2023 MY	-
1/1/2034	-	-
1/1/2035	2024 and 2025 MY	2025 MY and older

¹ A phase-out percentage cap may be applied pursuant to Section 3006(e), Phase-Out Percentage Caps.

- (2) Alternative MY Phase-Out Schedules for Class IV LSI Forklifts. In lieu of the MY phase-out schedules set forth in Table 1, above, a Small Fleet or ~~Agricultural~~ Crop Preparation Services Fleet may use the MY phase-out schedules set forth in Table 2, below.

Table 2. Alternative MY Phase-Out Schedules for-
Small Fleets and ~~Agricultural~~ Crop Preparation Services

Compliance Date	MY Phase-Out Schedule for Class IV Forklifts with a Rated Capacity up to of 12,000 Pounds or Less	MY Phase-Out Schedule for Class IV Forklifts with a Rated Capacity Greater than 12,000 Pounds
1/1/2028	-	-
1/1/2029	2016 MY and older ¹	-
1/1/2030	-	-
1/1/2031	-	-
1/1/2032	2017 - 2019 MY	-
1/1/2033	-	-
1/1/2034	2020 and 2021 MY	-
1/1/2035	-	-
1/1/2036	2022 and 2023 MY	-
1/1/2037	-	-
1/1/2038	2024 and 2025 MY	2025 MY and older

¹ A phase-out percentage cap of 25% may be applied pursuant to Section 3006(e), Phase-Out Percentage Caps.

- (3) MY Phase-Out Schedule for Class V LSI Forklifts. Class V LSI Forklifts shall be phased out according to the schedule set forth in Table 3, below. Note that Class V LSI Forklifts with a Rated Capacity greater than 12,000 pounds that the Fleet Operator or Rental Agency, as applicable, has reported to the Executive Officer in accordance with Section 3009(h), are not required to be phased out.

Table 3. MY Phase-Out Schedule for Class V LSI Forklifts

Compliance Date	MY Phase-Out Schedule for Class V Forklifts
1/1/2028	-
1/1/2029	-
1/1/2030	2017 MY and older ¹
1/1/2031	-
1/1/2032	-
1/1/2033	2018 - 2020 MY
1/1/2034	-
1/1/2035	2021 and 2022 MY
1/1/2036	-
1/1/2037	-
1/1/2038	2023 - 2028 MY ²

¹ A phase-out percentage cap of 50 or 25% may be applied pursuant to Section 3006(e), Phase-Out Percentage Caps.

² Includes 2026 through 2028 MY Class V LSI Forklifts in Rental Agency Revenue Fleets.

(e) Phase-Out Percentage Caps. Subject to the following provisions, Fleet Operators and Rental Agencies may utilize the applicable phase-out percentage caps.

- (1) For Large Fleets, a phase-out percentage cap of 50% may be applied to the January 1, 2028, compliance date for Class IV Forklifts and the January 1, 2030, compliance date for Class V Forklifts.
- (2) For Small Fleets and Crop Preparation Services Fleets, a phase-out percentage cap of 25% may be applied to the first compliance date provided in Table 1 or Table 2, as applicable, for Class IV Forklifts and the January 1, 2030, compliance date for Class V Forklifts.
- (3) Forklifts shall be phased out in the order of oldest to newest, based on MY.
- (4) The Fleet Operator or Rental Agency shall phase out a sufficient number of LSI Forklifts (Class IV or Class V, as applicable) to achieve the applicable cap percentage (50 or 25%) by the compliance date to which

the phase-out percentage cap applies. The Fleet Operator or Rental Agency is not required to phase out any additional applicable LSI Forklifts by said compliance date once the cap has been reached.

- (5) To calculate the number of LSI Forklifts, the Fleet Operator or Rental Agency must phase out on a particular compliance date, the Fleet Operator shall multiply the applicable cap percentage, represented as a decimal (0.5 or 0.25, as applicable), by the total number of Class IV or Class V LSI Forklifts, as applicable, within the fleet as of January 1, 2026. Where the calculated percentage of phased-out LSI Forklifts is a fraction, the fraction shall be rounded up to the nearest whole number.
- (6) All applicable LSI Forklifts not phased out due to utilization of a phase-out percentage cap shall be phased out by the next applicable compliance date.
- (7) Prior to the applicable compliance date, the Fleet Operator or Rental Agency shall provide the information specified in Section 3009(k), Phase-Out Percentage Cap Reporting. This information is in addition to the requirements set forth in Sections 3009(c), MY Phase-Out Reporting, 3009(d), MY Phase-Out Reporting for a Small Fleet, and 3009(e), MY Phase-Out Reporting for a Crop Preparation Services Fleet.

(e)(f) Changes to Fleet Size

- (1) A Small Fleet utilizing the Alternative MY Phase-Out Schedules for Class IV LSI Forklifts set forth in Section 3006(d)(2) that becomes a Large Fleet after January 1, 2026, shall achieve full compliance with the phase-out schedules set forth in Section 3006(d)(1) by no later than January 1 two years after the year it became a Large Fleet. For example, if a Small Fleet becomes a Large Fleet on December 31, 2027, it shall achieve full compliance with the Large Fleet schedule no later than January 1, 2029. The Fleet Operator or Rental Agency, as applicable, shall notify the Executive Officer of the fleet size change within 30 calendar days of becoming a Large Fleet.
- (2) A Large Fleet that becomes a Small Fleet after January 1, 2026, shall continue to meet the phase-out schedules set forth in Section 3006(d)(1) for its Class IV LSI Forklifts.

(f)(g) Credit for Deployment of Heavy Zero-Emission Forklifts. Subject to the following provisions, Fleet Operators and Rental Agencies may request this credit for replacing a Class V LSI Forklift with a Rated Capacity greater than 12,000 pounds (the “eligible forklift”) with an equivalent ZEF with equal or

greater Rated Capacity. To receive the credit, the Fleet Operator shall meet all Eligibility Criteria in Section 3005(f)(1) and submit all information as required in Section 3005(f)(3).

(1) Eligibility Criteria.

- (A) The Fleet Operator or Rental Agency has replaced the eligible fEforklift with a ZEF of equal or greater Rated Capacity.
- (B) The ZEF acquired to replace the eligible fEforklift shall have been delivered on or after January 1, 2026.
- (C) The Fleet Operator or Rental Agency has removed the eligible fEforklift from the fleet within six months of the delivery of the replacement ZEF.
- (D) The Fleet Operator or Rental Agency has reported the eligible fEforklift, as applicable, to the Executive Officer in accordance with Section 3009(h).

(2) Credit.

- (A) The Executive Officer shall award the Fleet Operator or Rental Agency with one compliance credit for each eligible fEforklift replaced in accordance with these provisions.
- (B) Each compliance credit allows the Fleet Operator or Rental Agency to delay the phase-out date of one LSI Forklift of its choice until January 1, 2038.
- (C) Credits shall only be used within the same fleet and cannot be traded or sold.
- (D) Credits are not property and have no monetary value.

(3) Credit Request. The Fleet Operator or Rental Agency, as applicable, shall request the credit by providing all required information and documentation specified in Section 3009(i) at least 45 calendar days prior to the phase-out date of the LSI Forklift for which the credit will be used to delay compliance.

(4) Executive Officer Review and Approval

- (A) Upon submittal of a credit request, the Executive Officer will

approve the request if the Fleet Operator has submitted all information required in Section 3006(f)(3) and met all Eligibility Criteria in Section 3006(f)(1). If the Executive Officer determines that the information provided as part of the request is insufficient, the Executive Officer may request additional information and/or clarification.

- (B) If the Executive Officer does not respond to the Fleet Operator or Rental Agency, as applicable, within 45 calendar days of submittal, the request is deemed approved.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43018, 43151, 43152, 43153, and 43205.5, Health and Safety Code. Reference: Section 43150, Health and Safety Code.

§ 3007. Exemptions, Extensions.

(a) Exemptions.

- (1) Low-Use LSI Forklift Exemption. LSI Forklifts operated in accordance with the provisions set forth in Section 3007(a)(1) are exempt from the requirements of Section 3002(b).

(A) Limitations.

1. Except as provided in Section 3007(a)(1)(A)2, Fleet Operators shall not operate LSI Forklifts as Low-Use LSI Forklifts beyond December 31, 2030.
2. A Microbusiness may continue to operate a single LSI Forklift as a Low-Use LSI Forklift beyond ~~December 31, 2030~~.

~~(A) — Eligible Model Years. Only 2013 through 2025 MY LSI Forklifts may be operated as Low-Use LSI Forklifts.~~
December 31, 2030.

(B) Reporting. The Fleet Operator shall comply with all applicable reporting requirements set forth in Section 3009(f) for as long as the Low-Use LSI Forklift remains in operation.

(C) Usage Limit. A Fleet Operator shall not operate a Low-Use LSI Forklift for 200 hours or more per calendar year.

(D) Monitoring Hours of Use.

1. Each Low-Use LSI Forklift shall be equipped with an operational, non-resettable hour meter. If an hour meter is replaced, the Fleet Operator shall record the date of replacement, the final hour-meter reading of the replaced hour meter, and the initial hour-meter reading of the newly installed hour meter. This information shall be maintained for a minimum of five years from the date of replacement.
2. One hour-meter reading shall be gathered within 30 calendar days of January 1 of the year the Forklift is first designated as a Low-Use LSI Forklift. For each year thereafter, for as long as the Forklift is designated as a Low-Use LSI Forklift, the hour-meter reading shall be

gathered within 30 calendar days of December 31 of the previous year.

3. The Fleet Operator shall take and maintain a date-stamped photograph of the hour meter each time an hour-meter reading is gathered for reporting. If the Fleet Operator does not have access to a camera, or if security protocols related to military operations prevent the use of a camera, in lieu of photographs, the Fleet Operator shall create and maintain a written log, which includes the Equipment Identification Number (EIN), hour-meter reading, signature of the person gathering the reading, and date from the day that the hour-meter reading was gathered for reporting. The photographs or logged hour-meter readings, as applicable, shall be maintained for a minimum of five years from the date the reading was gathered.
4. Annual hour-meter readings shall demonstrate that the Forklift is operated less than 200 hours per calendar year. In other words, the annual hour-meter reading for a Low-Use LSI Forklift reported per Section 3009(f)(2) may not be 200 hours or more than the reading reported the previous year. The 200-hour low-use limit applies to the Forklift for the duration of the calendar year and does not reset even if ownership or control of said Forklift is transferred during that calendar year.
5. For a microbusiness, a three-year rolling average may be applied to a Low-Use LSI Forklift if the following conditions are met:
 - a. The Forklift is operated only in California for three consecutive years;
 - b. The Forklift is operated on average less than 200 hours per calendar year during that consecutive three-year period and all subsequent three-year periods; and
 - c. The Forklift's hours are reported for all three consecutive years in accordance with Section 3007(a)(1)(C).

- (E) The Fleet Operator shall label each Low-Use LSI Forklift with its EIN in accordance with Section 3010 of the Regulation.
- (F) Microbusiness Documentation Requirements. The following applies to Microbusiness Fleet Operators that operate a Low-Use LSI Forklift on or after January 1, 2031:
 - 1. The Fleet Operator shall maintain at the facility where the Low-Use LSI Forklift is located, as applicable, copies of tax returns for the previous three years (or the number of years the entity has been in business, if less than three) showing gross receipts of less than \$5,000,000 each year, or, if the Fleet Operator is a manufacturer, copies of the Quarterly Contribution Return & Report of Wages (Continuation) Form DE 9C for the four most recently completed quarters, if the Fleet Operator has employees, demonstrating that the firm has fewer than 25 employees. In lieu of the above documentation, a Microbusiness may instead maintain proof of certification as a Microbusiness provided by the California Department of General Services.
 - 2. Changes to Business Size. If business growth causes a Fleet Operator to exceed the annual-gross-receipts or employee-count thresholds, as applicable, of a Microbusiness, said Fleet Operator shall have 60 calendar days from the filing of its tax return or Quarterly Contribution Return & Report of Wages (Continuation) Form DE 9C showing the exceedance, whichever applicable, to phase out the Low-Use LSI Forklift.
- (G) Any information or documentation required to be maintained or reported pursuant to Section 3007(a)(1) shall be provided to the Executive Officer within five business days upon request.
- (2) Dedicated Emergency Forklift Exemption. LSI Forklifts maintained as Dedicated Emergency Forklifts in accordance with Section 3007(a)(2) are exempt from the requirements of Fleet Operator Requirements specified in Sections 3002(a) and 3002(b), and Fleet Phase-Out provisions specified in Section 3006.
- (A) Eligibility.
 - 1. The Forklift shall be maintained and operated by a

governmental agency, or other entity operating under the authority of a governmental agency, for the purpose of supporting Emergency Operations,

2. The Forklift is operated less than 200 hours per calendar year for purposes other than supporting Emergency Operations. The Regulation does not limit operating hours accrued during the support of Emergency Operations.

(B) Reporting. The Fleet Operator shall comply with all reporting requirements set forth in Section 3009(g) of this Regulation.

(C) Monitoring Hours of Use.

1. Each Dedicated Emergency Forklift shall be equipped with an operational, non-resettable hour meter. If an hour meter is replaced, the Fleet Operator shall record the date of replacement, the final hour-meter reading of the replaced hour meter, and the initial hour-meter reading of the newly installed hour meter. This information shall be maintained for a minimum of five years from the date of replacement._
2. One hour-meter reading shall be gathered within 30_ calendar days of January 1 of the year the Forklift is first designated as a Dedicated Emergency Forklift. For each year thereafter, for as long as the Forklift is designated as a Dedicated Emergency Forklift, an hour-meter reading shall be gathered within 30 calendar days of December 31 of the previous year and hour-meter readings shall be gathered at the commencement and completion of each Emergency Operation the Forklift supported the previous year.
3. The Fleet Operator shall take and maintain a date-stamped photograph of the hour meter each time an hour-meter reading is gathered for reporting. If the Fleet Operator does not have access to a camera, or if security protocols related to military operations prevent the use of a camera, in lieu of photographs, the Fleet Operator shall create and maintain a written log, which includes the EIN, hour-meter reading, signature of the person gathering the reading,

and date from the day that the hour-meter reading was gathered for reporting. The photographs or logged hour-meter readings, as applicable, shall be maintained for a minimum of five years from the date the reading was gathered.

4. Annual hour-meter readings shall demonstrate that the Forklift is operated less than 200 hours per year for purposes other than supporting Emergency Operations. Annual operating hours accrued during the support of Emergency Operations, as determined through hour-meter readings gathered pursuant to Section 3007(a)(2)(C)2, may be subtracted from total annual operating hours when determining whether 200-hour limit has been met. The 200-hour limit applies to the Forklift for the duration of the calendar year and does not reset even if ownership or control of said Forklift is transferred during that calendar year.
 5. A three-year rolling average may be applied to a Dedicated Emergency Forklift if the following conditions are met:
 - a. The Forklift is operated only in California for three consecutive years;
 - b. The Forklift is operated on average less than 200 hours per calendar year for purposes other than the support of Emergency Operations during that consecutive three-year period and all subsequent three-year periods; and
 - c. The Forklift's hours are reported for all three consecutive years in accordance with Section 3007(a)(2)(B).
- (D) The Fleet Operator shall label each Dedicated Emergency Forklift with its EIN in accordance with Section 3010 of the Regulation.
- (E) A copy of the emergency declaration and official directives to deploy Dedicated Emergency Forklifts for each applicable declared emergency event shall be maintained for a minimum of five years from the date of the declared emergency event.

- (F) Any information or documentation required to be maintained or reported pursuant to Section 3007(a)(2) shall be provided to the Executive Officer within five business days upon request.
- (3) Temporary Storage of Non-Compliant LSI Forklifts Awaiting Sale, Scrap, or Relocation. Subject to the following conditions, a Fleet Operator may temporarily store onsite for up to six consecutive months a Non-Compliant LSI Forklift while said Forklift is awaiting sale, scrap, or relocation.
 - (A) Except as provided in Section 3007(a)(3)(B), below, the Fleet Operator shall have disconnected or removed the battery of the Non-Compliant LSI Forklift and affixed an appropriate Lockout Device to the Energy Isolation Device of said Forklift such that the Forklift cannot be energized or operated.
 - (B) When a Tagout Device is used on the Energy Isolating Device in lieu of a Lockout Device, the Tagout Device shall be attached at the same location that the Lockout Device would have been attached, and the battery; ~~work attachments, such as the forks,~~ and propane tank, if applicable, shall have been removed.
 - (C) Applicable Non-Compliant LSI Forklifts shall not be operated while awaiting sale, scrap, or relocation, except during their transportation off of the Fleet Operator's site.
- (4) LSI Forklifts Transported for Delivery Out-of-State. Subject to the following conditions, a Dealer may possess a new LSI Forklift during its transportation to an out-of-state location.
 - (A) The entity in possession of the LSI Forklift in California shall provide to the Executive Officer upon request a bill of lading certified by the shipper indicating the ultimate delivery address and estimated date of delivery of the LSI Forklift.
 - (B) The ultimate delivery address of the LSI Forklift shall be located outside of California.
 - (C) The LSI Forklift shall be equipped with an operational, non-resettable hour meter showing no more than ten hours of total operation while in California accounting for hours of operation accrued prior to delivery to the Dealer, as evidenced by the bill of lading.

~~(C)~~(D) The LSI Forklift shall not remain in California for more than three months.

- (5) Delivery of Dedicated Emergency San Nicolas and San Clemente Islands Exemption. LSI Forklifts. Subject to the following conditions, a Dealer may possess a new LSI Forklift during its transportation to a governmental agency, or other solely operated on San Nicolas and San Clemente Islands by the United States Department of Defense, or another entity operating on said islands under the authority of a governmental agency, that will operate said forklift as a Dedicated Emergency Forklift.

~~The entity in possession~~the United States Department of the LSI Forklift in California shall provide to the Executive Officer upon request: Defense, are exempt.

- ~~1:—A bill of lading certified by the shipper indicating the purchasing entity, the ultimate delivery address, and estimated date of delivery of the LSI Forklift; and~~
- ~~2:—If the purchaser is not a governmental agency, a copy of the executed agreement between the purchaser and the applicable government agency that formalizes the purchaser's roles and responsibilities during Emergency Operations and that will be in effect on the estimated delivery date.~~

- (6) The LSI In-Field Forklift Exemption. LSI Forklifts operated as In-Field Forklifts in accordance with Section 3007(a)(6) are exempt from Fleet Operator Requirements specified in the requirements of Sections 3002(a) and 3002(b), and Fleet Phase-Out provisions specified in Section 3006.

(A) Eligibility. More than 50% of the Forklift's annual operation shall be in Agricultural Operations and Forest Operations, not including hours operated in Crop Preparation Services.

(B) Monitoring Hours of Use.

(B) Each In-Field Forklift shall be equipped with an operational, non-resettable hour meter showing no more than ten hours of total operation.

1. ~~The Dealer.~~ If an hour meter is replaced, the Fleet Operator shall ~~possess the LSI Forklift for no more than three consecutive months after taking possession of said forklift.~~ record the date of replacement, the final hour-meter reading of the replaced hour meter, and the initial hour-meter reading of the newly installed hour meter. This information shall be maintained for minimum of five years from the date of replacement.
 2. ~~Phase-Out~~ One hour-meter reading shall be gathered within 30 calendar days of January 1 of the year the Forklift is first designated as an In-Field Forklift. For each year thereafter, for as long as the Forklift is designated as an In-Field Forklift, an hour-meter reading shall be gathered within 30 calendar days of December 31 of the previous year and hour-meter readings shall be gathered at the commencement and completion of any operation not covered by the definitions for Agricultural Operations or Forest Operations, as set forth in this Regulation.
 3. The Fleet Operator shall create and maintain a written log, which includes the Forklift's serial number, hour-meter reading, signature of the person gathering the reading, and date from the day that the hour-meter reading was gathered for reporting. The logged hour-meter readings shall be maintained for a minimum of five years from the date the reading was gathered.
 4. Annual hour-meter readings shall demonstrate that more than 50% of the Forklift's annual operation is in Agricultural Operations and Forest Operations, not including hours operated in Crop Preparation Services.
- (b) ~~Phase-Out~~ Extensions. Subject to eligibility criteria, Fleet Operators may request the following extensions to extend the compliance date of one or more 2025 or previous MY LSI Forklifts subject to an applicable phase-out schedule set forth in Section 3006(d-), or to obtain and operate one or more replacement LSI Forklifts for which current Operational or Infrastructure Site Electrification Delay Extensions are in effect. In granting or denying an extension request, the Executive Officer will rely on the documentation and information submitted by the Fleet Operator and utilize good engineering judgement to determine whether the information meets the applicable

criteria for each extension. Any extensions granted to a Fleet are not transferrable to another Fleet.

(1) Method for Requesting and Approval of Extensions.

- (A) Extension requests shall be submitted per Section 3008.
- (B) Upon submittal of an extension request, if the Executive Officer determines that the information provided as part of the request is insufficient to serve as the basis for an extension, the Executive Officer may request additional information and/or clarification prior to the request being deemed complete.
- (C) If the Executive Officer requests additional information and/or clarification, Fleet Operators shall provide such information within 30 calendar days of receiving such requests.
- ~~(C)~~(D) If the Executive Officer does not respond to the Fleet Operator within 45 calendar days of an initial submittal or a submittal of additional information in response to a request by the Executive Officer, the request is deemed approved, and the extension is effectively granted 45 calendar days after receipt of submittal.

(2) Zero-Emission Forklift Delivery Delay Extension. Fleet Operators may request an extension if the ZEFs they have ordered to replace LSI Forklifts required to be phased out by the upcoming compliance date cannot be delivered to the Fleet Operator by said compliance date due to circumstances beyond the Fleet Operator's control. To receive the Zero-Emission Forklift Delivery Delay Extension, the Fleet Operator shall meet all Fleet Eligibility Criteria in Section 3007(b)(2)(A), label each affected LSI Forklift per Section 3007(b)(2)(C), and submit all documentation and information described in Section 3007(b)(2)(D) within the timelines specified. Section 3007(b)(2)(B) specifies the provisions of the extension. No Zero-Emission Forklift Delivery Delay Extensions will be granted for initial requests submitted on or after January 1, 2038.

- (A) Fleet Eligibility Criteria: for a Zero-Emission Forklift Delivery Delay Extension. For a Fleet Operator to be granted an extension, all the following criteria shall be met:
 - 1. Based on documentation provided by the manufacturer,

Dealer, or shipper, the ZEFs ordered to replace the LSI Forklifts are estimated to be delivered after the upcoming compliance date.

2. The purchase or lease agreement for each ZEF meets all the following criteria:
 - a. The purchase or lease agreement is a written, signed, and dated legally binding contract. The extension cannot be claimed if the purchase or lease agreement has been modified by the Fleet Operator within one year of the upcoming compliance date. Letters of intent or other agreements that are not binding, or that are contingent upon other decisions that remain unresolved within one year of the upcoming compliance date, are not sufficient to qualify for the extension;
 - b. The purchase or lease agreement identifies the make and model of the ZEF that the Fleet Operator committed to purchase or lease, the date of the order, and that the purchase is for delivery ~~at least 45 calendar days~~ prior to the upcoming compliance date to the Fleet Operator; and
 - c. The purchase or lease agreement shows that the new ZEF was ordered at least two years prior to the upcoming compliance date.
3. The Fleet Operator has submitted the documentation and information specified in Section 3007(b)(2)(D) ~~1 prior to the upcoming compliance date.~~

(B) ~~Extension Provisions~~ of a Zero-Emission Forklift Delivery Delay Extension.

1. ~~Extension Term. Each extension granted will be valid for a period of one year from the applicable compliance date. In addition, each and~~ extension renewal granted will be valid for a period of one year from the applicable ~~extension expiration date. The extension compliance date and shall expire on December 31. . Extensions~~ can continue to be renewed until the ZEF the Fleet Operator has ordered is

received, except that no extension granted will be valid beyond December 31, 2039.

2. Purchase or Lease Agreement Cancellation.

- a. Manufacturer Cancellation. If a ~~f~~orklift manufacturer cancels a purchase or lease agreement for a ZEF ordered to replace an LSI Forklift subject to the upcoming compliance date due to circumstances beyond the control of the Fleet Operator, the Fleet Operator shall secure another purchase or lease agreement for another ZEF within 180 calendar days of the cancellation, except for government Fleet Operators who shall secure another purchase or lease agreement within one year of the cancellation. Fleet Operators shall submit a copy of the manufacturer cancellation notice within 30 calendar days of the cancellation and shall submit the new ZEF purchase or lease agreement within 30 calendar days of placing the order.
- b. Fleet Operator Cancellation. If a Fleet Operator cancels a purchase or lease agreement for the ZEF ordered to replace an LSI Forklift subject to the upcoming compliance date, the claim for the extension will be treated as invalid and the agreement will be treated as if it were never executed.

(C) Labeling: Requirement for a Zero-Emission Forklift Delivery Delay Extension.

The Fleet Operator shall label each LSI Forklift covered by the extension with its EIN in accordance with Section 3010.

(D) ~~Extension Request and Renewals~~ for a Zero-Emission Forklift Delivery Delay Extension.

1. The Fleet Operator shall submit the following to the Executive Officer in its request for the extension ~~between 45 and 90 calendar days~~ prior to the upcoming compliance date:

- a. Entity information specified in Section 3009(b)(1);
 - b. Forklift Information. For each LSI Forklift included in the extension request:
 - i. Forklift information as specified in Section 3009(b)(2);
 - ii. Primary operating location address;
 - iii. The signed purchase or lease agreement for the ZEF ordered to replace the LSI Forklift that meets the criteria in Section 3007(b)(2)(A)2; and
 - iv. Documentation from the manufacturer, Dealer, or shipper, indicating that the ZEF ordered to replace the LSI Forklift is estimated to be delivered after the upcoming compliance date⁷;
- 2. Extension Renewal. To renew a Zero-Emission Forklift Delivery Delay Extension, the Fleet Operator shall provide the following ~~between 45 and 90 calendar days~~ prior to the expiration of the current extension:
 - a. Updated estimated delivery dates of the applicable ZEFs; and
 - b. Documentation of the delay provided by the manufacturer, Dealer, or shipper.
- (3) Infrastructure Delay Extensions. A Fleet Operator may request the following extensions if the Fleet Operator experiences delays due to circumstances beyond their control on a project to install ZEF-related charging and fueling infrastructure.
 - (A) Infrastructure Construction Delay Extension. Fleet Operators may request this extension if they experience a construction delay due to circumstances beyond their control. Only one request may be submitted per project. To receive the Infrastructure Construction Delay Extension, the Fleet Operator shall meet all Fleet Eligibility Criteria in Section 3007(b)(3)(A)1 and submit all documentation

and information described in Section 3007(b)(3)(A)4 within the timelines specified. No Infrastructure Construction Delay Extension will be granted for initial requests submitted on or after January 1, 2038.

1. Fleet Eligibility Criteria for an Infrastructure Construction Delay Extension. For a Fleet Operator to be granted an extension, all the following criteria shall be met:
 - a. A construction delay is anticipated as a result of any of the following circumstances beyond the Fleet Operator's control: change of a general contractor; delay in manufacture and shipment of zero-emission charging or fueling infrastructure equipment; delay in the delivery of necessary building materials; delays obtaining power from a utility; delays in construction of ZEF-related storage or shelter; delays due to unexpected safety issues on the project; delays obtaining permits; delays due to landlord-tenant issues regarding the installation of charging or fueling infrastructure; discovery of archeological, historical, or tribal cultural resources described in the California Environmental Quality Act, Public Resources Code Division 13, Section 21000 et. seq.; or natural disasters.
 - b. The Fleet Operator, or other entity responsible for infrastructure at the operating location, has entered into a contract for the installation of the charging ~~or~~ fueling, and/or required physical infrastructure, and a construction permit has been obtained at least one year ahead of the compliance date, or the Infrastructure Site Electrification Delay Extension expiration date, if applicable. If a construction permit was not issued at least one year ahead of the compliance date, the Fleet Operator shall demonstrate that the construction permit application, including all necessary architectural and engineering plans, was submitted at least 18 months prior to the upcoming compliance date. For Fleets experiencing delays due to landlord-tenant issues regarding the installation of charging or fueling infrastructure, in lieu

of a construction permit or construction permit application, the Fleet Operator demonstrates that necessary architectural and engineering plans were completed at least 18 months prior to the upcoming compliance date.

- c. The Fleet Operator has deployed the maximum number of ZEFs that can be supported by the existing infrastructure.
- d. If the Fleet Operator operates at multiple sites, the Fleet Operator has relocated Forklifts to the extent possible to maximize compliance across its sites.
- e. The Fleet Operator has submitted the information in Section 3007(b)(3)(A)4 prior to the upcoming compliance date.

2. Extension Provisions of an Infrastructure Construction Delay Extension.

- a. LSI Forklifts Eligible for Inclusion in an Extension. Any LSI Forklift in the Fleet subject the upcoming compliance date may be included in the extension so long as the Fleet Operator successfully demonstrates, through the documentation and information submitted pursuant to Section 3007(b)(3)(A)4, that the ZEF needed to replace such LSI Forklift cannot be supported by the site due to the construction delay. The Fleet Operator shall have deployed the maximum number of ZEFs that can be supported by the site and shall deploy any additional ZEFs needed to meet its compliance obligations and that can be supported by the site each calendar year during the delay until the project is complete to maintain the extension. Fleet Operators may only request extensions for LSI Forklifts being replaced at the site experiencing the delay.
- b. Extension Term. An extension granted pursuant to Section 3007(b)(3)(A) will be valid for period of up to two years per project. This extension cannot be

renewed.

3. Labeling: Requirement for an Infrastructure Construction Delay Extension. The Fleet Operator shall label each LSI Forklift covered by an extension with its EIN in accordance with Section 3010.
4. Request for an Infrastructure Construction Delay Extension Request. The Fleet Operator shall submit the following to the Executive Officer in its request ~~for the extension between 45 and 90 calendar days~~ prior to the upcoming compliance date:
 - a. Entity information specified in Section 3009(b)(1);
 - b. For each LSI Forklift required to be phased out by the upcoming compliance date:
 - i. Forklift information as specified in Section 3009(b)(2) or EIN, as applicable; and
 - ii. Primary operating location address;
 - c. Documentation showing the delay is a result of any of the circumstances provide in Section 3007(b)(3)(A)1.a;
 - d. A letter to the Executive Officer from the Responsible Official with the following:
 - i. The reason for the delay;
 - ii. The estimated completion date of the project; and
 - iii. Documentation supporting the reason for the delay from the licensed contractor performing the work, related utility, building department, or other organization involved in the project;
 - e. Documentation For Fleet Operators not experiencing delays due to landlord-tenant issues regarding the installation of charging or fueling

infrastructure, documentation showing the executed contract for the infrastructure installation with necessary construction permit showing a permit-issue date that is at least one year prior to the upcoming compliance date, or the Infrastructure Site Electrification Delay Extension expiration date, if applicable; (or, if the construction permit was not issued at least one year prior to the upcoming compliance date, documentation showing the construction permit application, including all necessary architectural and engineering plans, was submitted at least 18 months prior to the upcoming compliance date, or Site Electrification Delay Extension expiration date, as applicable);

- f. For charging infrastructure construction delays, the Fleet Operator's plan for charging ZEFs, including information on the number of chargers to be installed per Forklift, the types of chargers to be installed, and the integration of charging into the operation's workflow;
- g. If the Fleet Operator has multiple sites where Forklifts are operated, an analysis for each site demonstrating that additional ZEFs cannot be deployed at the Fleet Operator's other locations to facilitate the relocation of compliant LSI Forklifts to the location subject to the construction delay; and
- h. Copies of the executed ZEF purchase or lease agreement(s).

(B) Infrastructure Site Electrification Delay Extension. Fleet Operators may request this extension if their utility provider determines it cannot provide, prior to the upcoming compliance date, the requested power to the site where needed ZEFs will be charged or fueled. To receive the Infrastructure Site Electrification Delay Extension, the Fleet Operator shall meet all Fleet Eligibility Criteria in Section 3007(b)(3)(B)1 and submit all documentation and information described in Section 3007(b)(3)(B)4.a within the timelines specified.

1. Fleet Eligibility Criteria: for an Infrastructure Site Electrification Delay Extension. For a Fleet Operator to be granted an extension, all the following criteria shall be met:
 - a. The Fleet Operator, or other entity responsible for infrastructure at the operating location, ~~has contacted the electric utility provider pursuant to Section 3006(c) and~~ has formally requested, pursuant to Sections 3007(b)(3)(B)1.a.i through 3006(b)(3)(B)1.a.iii, below, from the electric utility provider the electrical-service installation or upgrades necessary to charge, or to provide power to the infrastructure needed to fuel, anticipated ZEFs to be deployed to comply with the upcoming compliance date.
 - i. For the January 1, 2028, compliance date, the formal request to the electric utility provider shall have been submitted by January 1, 2027;
 - ii. For the January 1, 2029, compliance date through the January 1, 2036, compliance date, the formal request to the electric utility provider shall have been submitted at least two years prior to said compliance date; and
 - iii. For the January 1, 2038, compliance date, the formal request shall have been submitted by January 1, 2034.
 - b. The electric utility provider has notified the Fleet Operator that it cannot provide the requested power prior to the upcoming compliance date.
 - c. The Fleet Operator has deployed the maximum number of ZEFs that can be supported by the electric utility provider.
 - d. If the Fleet Operator operates at multiple sites, the Fleet Operator has relocated Forklifts to the extent possible in order to maximize compliance across its sites.

- e. The Fleet Operator has submitted the information in Section 3007(b)(3)(B)4.a prior to the upcoming compliance date.
2. Extension Provisions of an Infrastructure Site Electrification Delay Extension.
- a. LSI Forklifts Eligible for Inclusion in an Extension. Any LSI Forklift in the Fleet subject the upcoming compliance date may be included in the extension so long as the Fleet Operator successfully demonstrates, through the documentation and information submitted pursuant to Section 3007(b)(3)(B)4.a, that the ZEF needed to replace such LSI Forklift cannot be supported by the electric utility provider. The Fleet Operator shall have deployed the maximum number of ZEFs that can be supported by the electric utility provider, and shall deploy any additional ZEFs needed to meet its compliance obligations and that can be supported by utility upgrades to the site's electrical capacity each calendar year during the delay until the project is complete to maintain the extension.
 - b. Extension Term. The initial extension granted pursuant to Section 3007(b)(3)(B) will be valid for a period of up to three years, based on the amount of time the utility determines it needs to supply the needed power to the site. The renewal of the initial extension, if granted, will be for a period of up to two years if the utility still cannot deliver the needed power by the end of the initial extension period. Each subsequent renewal, if granted, will be for a period of one-year. This extension can continue to be renewed until the electrical utility provider delivers the needed power to the site, or up to a maximum extension term of ten years, whichever occurs first.
3. Labeling Requirement for an Infrastructure Site Electrification Delay Extension. The Fleet Operator shall label each LSI Forklift covered by an extension with its

EIN in accordance with Section 3010.

4. Extension Request and Renewals for an Infrastructure Site Electrification Delay Extension.

a. The Fleet Operator shall submit the following to the Executive Officer in its request for the extension ~~between 45 and 90 calendar days~~ prior to the upcoming compliance date:

i. Entity information specified in Section 3009(b)(1);

ii. For each LSI Forklift required to be phased out pursuant to Section 3006 during the term of the extension:

I. Forklift information specified in Section 3009(b)(2) or EIN, as applicable; and

II. Primary operating location address;

iii. A copy of the application submitted to the electric utility provider requesting site electrification that is consistent with the number of ZEFs the Fleet Operator shall be required to deploy each calendar year to meet their compliance requirements during the requested extension period;

iv. Documentation and correspondence received from the electrical utility provider:

I. The electrical utility provider's response to the application requesting site electrification stating that the project will not be complete until after the upcoming compliance date;

II. Documentation indicating the reason for the delay;

III. An estimate provided by the electric utility provider of the available

electrical capacity in kilowatts the electric utility provider is able to supply to the site within one year of the extension request, and for each year of the requested extension; and

- IV. Estimated project completion date.
- v. ~~Billing statements~~ Load profiles depicting the location's typical electricity usage on an hourly basis from the electrical utility provider covering the previous 12-month period;
- vi. Information about the ZEF charging or fueling infrastructure equipment that can be installed consistent with the electric utility provider's capacity estimate for each year of the requested extension and the associated number of ZEFs that can be supported by such equipment:
 - I. The number, type, and rated power capacity for chargers in kilowatts; or
 - II. For hydrogen stations, dispensing capacity in kilograms per day and the electrical demand in kilowatts;
- vii. If the Fleet Operator has multiple sites where Forklifts are operated, an infrastructure capacity evaluation for each site from the electric utility provider, a third-party licensed professional electrical engineer, or other qualified person, with the information required in Sections 3007(b)(3)(B)4.a.iv and 3007(b)(3)(B)4.a.vi; and
- viii. The executed utility contract, or in lieu of the executed utility contract, the Fleet Operator's initial contract or application requesting site electrification from the utility and a signed attestation from the electric utility provider

stating they will proceed with the project.

- b. Renewals: for an Infrastructure Site Electrification Delay Extension. To request to renew an extension, the Fleet Operator shall provide to the Executive Officer updated supporting documentation and information specified in Section 3007(b)(3)(B)4.a ~~between 45 and 90 calendar days~~ prior to the expiration of the current extension period.
- (4) ~~Technical Infeasibility~~Operational Extension. Fleet Operators may request this extension if there is no commercially available ZEF model that can meet the needs of an operation currently served by an LSI Forklift required to be phased out by the upcoming compliance date. ~~To receive the Technical Infeasibility~~An Operational Extension may be utilized for operation of an LSI Forklift after the applicable compliance date. The Operational Extension may also be used for replacement of an LSI Forklift with an LSI Forklift, pursuant to Section 3007(b)(5), even if the replacement needs to be made years in advance of the upcoming compliance date. The replacement LSI Forklift would be allowed even when its acquisition, possession, or operation would otherwise be prohibited by Sections 3002(a), 3002(b), 3003(a), 3003(b)(1), and 3005(a). To receive the Operational Extension, the Fleet Operator shall meet all Fleet Eligibility Criteria in Section 3007(b)(4)(A) and submit all documentation and information described in Section 3007(b)(4)(D)1 within the timelines specified. ~~No Technical Infeasibility Extensions granted will be valid beyond December 31, 2037.~~
- (A) ~~Fleet Eligibility Criteria: for an Operational Extension.~~ For a Fleet Operator to be granted an ~~extension~~Operational Extension, all the following criteria shall be met:
- 1. The Fleet Operator has successfully demonstrated, through documentation and information provided pursuant to Section 3007(b)(4)(D)1, at least one of the following:
 - a. There is no commercially available ZEF model that can be used in place of the LSI Forklift to be phased out by the upcoming compliance date without causing a greater demonstrable safety risk to the operator, other employees, or the facility in which

the Forklift operates;

- b. The LSI Forklift to be replaced is dedicated to a push-pull type of operation; the primary attachment for the Forklift is specifically designed to push and pull, rather than lift; and there is no commercially available ZEF model capable of performing the work adequately; or
 - c. There is no commercially available ZEF model capable of fulfilling operational needs based on published specifications (e.g., Rated Capacity, drawbar pull, etc.).
- 2. The LSI Forklift required to be phased out by the upcoming compliance date is a 2013 or subsequent MY Forklift.
 - 3. The LSI Forklift is dedicated to the operation for which the fleet operator is requesting a Technical Feasibility ~~an~~ Operational Extension. In other words, the LSI Forklift shall not be used for any operation not covered by the ~~Technical Infeasibility~~ Operational Extension.
 - 4. The Fleet Operator has ~~made a good faith effort to~~ manage ~~managed~~ operations such that the need for ~~Technical Infeasibility~~ Operational Extensions has been minimized.
 - 5. The Fleet Operator has submitted the information in Section 3007(b)(4)(D)1 prior to the upcoming compliance date.

(B) Duration of an Operational Extension ~~Duration.~~

- 6.1. Each extension and extension renewal granted by the Executive Officer for an extension of an upcoming compliance date is valid for one year from the applicable compliance date or extension expiration, respectively. This extension can be renewed until a suitable ZEF model becomes available, ~~or until January 1, 2038, whichever occurs first.~~
- 2. An extension granted by the Executive Officer for

replacement of an LSI Forklift prior to the compliance date shall be valid up to the compliance date of the replaced LSI Forklift. For example, if a Model Year 2022 Class IV LSI Forklift with Rated Capacity of 12,000 pounds or less in a Large Fleet is replaced with a Model Year 2029 Class IV LSI Forklift per this extension, the replacement forklift would need to be phased out by the compliance date of January 1, 2033. Renewal of the extension is subject to Section 3007(b)(4)(B)(1).

~~(B)(C)~~ Labeling Requirement for an Operational Extension. The Fleet Operator shall label each LSI Forklift covered by an extension with its EIN in accordance with Section 3010.

~~(C)(D)~~ Extension Request and Renewals for an Operational Extension.

1. The Fleet Operator shall submit the following to the Executive Officer ~~in its request for when requesting to replace an LSI Forklift using the Operational Extension or when requesting an extension between 45 and 90 calendar days prior to of the upcoming compliance date, using the Operational Extension.~~ Whenever a Fleet Operator wishes to retain multiple LSI Forklifts of the same equipment type, for which the extension justification provided is identical, the Fleet Operator may submit a single request to cover all associated LSI Forklifts.
 - a. Entity information specified in Section 3009(b)(1);
 - b. For the LSI Forklift for which the extension is being requested:
 - i. Forklift information specified in Section 3009(b)(2) or EIN, as applicable; and
 - ii. Primary operating location address;
 - c. A detailed description of the operation in which the applicable LSI fEorklifts operate, including site maps with operating areas, fEorklift storage areas, and areas of concern identified; a description of the potential operational and safety issues; a description

- of the nature of the work or duty cycle; a description of the operating environment; and a detailed explanation of how the need for ~~Technical Infeasibility~~Operational Extensions has been minimized;
- d. A detailed description of the required characteristics a Forklift must have in order to perform the work effectively and/or safely;
 - e. An explanation as to how the fleet operator will manage applicable LSI ~~f~~Forklifts such that they only perform the operation covered by the ~~Technical Feasibility~~Operational Extension;
 - f. A comprehensive market evaluation and determination using engineering judgement that demonstrates that no available ZEF models of similar configuration as the LSI Forklift to be phased out is capable of ~~being safely operating as effective a replacement, considering the duty cycle and/or safe as said LSI Forklift~~operational characteristics (evaluation shall be completed based on ZEF model availability. For replacements prior to the applicable compliance date, the ZEF model availability evaluation window shall be within the six-month period immediately preceding the application submittal date. For extensions of the applicable compliance date, the ZEF model availability evaluation window shall be within the six-month period immediately preceding the upcoming compliance date);
 - g. Statements or information from applicable Forklift manufacturers, Dealers, insurance companies, and/or other entities substantiating the operational or safety issues cited in the extension request; and
 - h. As applicable, ~~f~~Forklift specification sheets, copies of warranty conditions, leasing criteria, and/or other documentation and information supporting the request.

2. Renewal of an Operational Extension-Renewal. In order to renew an extension, the Fleet Operator shall perform a new market evaluation, as described in Section 3007(b)(4)(D)1.f, and submit the new market evaluation, including updated documentation specified in Section 3007(b)(4)(D)1.g and Section 3007(b)(4)(D)1.h, to the Executive Officer ~~between 45 and 90 calendar days~~ prior to the expiration of the current extension period. ~~The For~~ replacements, the market evaluation shall be completed based on ZEF model availability within the six- month period immediately preceding the expiration date of the current extension period. For extensions of the compliance deadline, the market evaluation shall be completed based on ZEF model availability within the six-month period immediately preceding the applicable compliance deadline or the six-month period immediately preceding the expiration date of the current extension period, whichever is later.

- (E) Expirations and Denials of Operational Extensions. If an Operational Extension expires or the Executive Officer denies an Operational Extension request, the Fleet Operator's upcoming compliance date becomes 180 calendar days from the expiration or date of receipt of the Executive Officer's final written decision or the original compliance date, whichever is later. That is, the Fleet Operator has 180 calendar days to bring into compliance the Forklifts or fleet for which the Operational Extension request expired or was denied. The Fleet Operator may not apply for an Operational Extension for the same equipment subsequent to one being denied.

Notwithstanding the deadlines in Section 3007(b)(2)(A)2.a. and Section 3007(b)(2)(A)2.c. for Zero-Emission Forklift Delivery Delay Extensions, in Sections 3007(b)(3)(A)1.b and 3007(b)(3)(A)4.e. for Infrastructure Construction Delay Extensions, and in Section 3007(b)(3)(B)1.a. for Infrastructure Site Electrification Delay Extensions, a Fleet Operator whose Operational Extension expires or is denied may apply for a Zero-Emission Forklift Delivery Delay Extension, an Infrastructure Construction Delay Extension, and/or an Infrastructure Site Electrification Delay Extension as long as the

application is submitted within 135 calendar days of the expiration of, or denial of a request for, an Operational Extension.

(5) Replacement of LSI Forklifts Covered By an Operational Extension or an Infrastructure Site Electrification Delay Extension. Subject to the following conditions, a Fleet Operator may acquire a 2026 Model Year or newer LSI Forklift to replace an LSI Forklift covered by an Operational Extension or an Infrastructure Site Electrification Delay Extension that has been removed from the fleet.

(A) The LSI Forklift being replaced must be covered under a valid Operational Extension or Infrastructure Site Electrification Delay Extension at the time of replacement.

(B) The LSI Forklift being replaced must be removed from the fleet within 30 calendar days of the delivery of the replacement LSI Forklift.

(C) Prior to taking delivery of the replacement LSI Forklift, the Fleet Operator shall provide the following to the Executive Officer:

1. EIN of the Forklift covered by the Operational Extension or Infrastructure Site Electrification Delay Extension; and

2. The purchase or lease agreement identifying the make and model of the replacement LSI Forklift.

(D) The Fleet Operator shall provide the following to the Executive Officer within 30 calendar days of delivery:

1. For the replacement LSI Forklift, Forklift information specified in Section 3009(b)(2), as applicable; and

2. For the LSI Forklift being replaced, documentation that the Forklift has been removed from service, such as sales contract or certificate of destruction.

(E) Any LSI Forklift acquired pursuant to an Operational Extension or Infrastructure Site Electrification Delay Extension shall be Phased Out of the Fleet by the date said extension expires or

otherwise becomes invalid.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43018, 43151, 43152, 43153, and 43205.5, Health and Safety Code. Reference: Section 43150, Health and Safety Code.

§ 3008. Submittals to CARB.

- (a) All documentation submitted to CARB must be:
 - (1) Written in the English language; and
 - (2) Contain a Statement of Accuracy: All information submitted is required to be true, accurate, and complete, signed under penalty of perjury by ~~individual(s) with the authority~~ the Responsible Official or Designated Official to certify that the regulated party complies with applicable requirements of this section.
- (b) All documentation and reports required to be submitted under this ZE Forklift Regulation shall be submitted electronically via a CARB reporting system implemented to assist with document submittals of this Regulation or by email to zeforklifts@arb.ca.gov.
- (c) Naming a Designated Official. A Responsible Official may name a person as Designated Official to meet the Reporting and Labeling Requirements of this ZE Forklift Regulation on behalf of the Responsible Official. The Designated Official shall be used interchangeably with the Responsible Official where applicable in this Regulation. To name a person as Designated Official, the Responsible Official shall submit to the Executive Officer the following information:
 - (1) Designated Official's first and last names;
 - (2) Designated Official's job title;
 - (3) Designated Official's telephone number;
 - (4) Designated Official's mailing address; and
 - (5) Designated Official's email address.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43018, 43151, 43152, 43153, and 43205.5, Health and Safety Code. Reference: Section 43150, Health and Safety Code.

§ 3009. Reporting and Recordkeeping.

- (a) General recordkeeping requirements.
 - (1) The Responsible Official shall maintain all records related to these reporting requirements or needed to demonstrate compliance with this ZE Forklift Regulation for five years after the relevant reporting date or record collection.
 - (2) The Responsible Official shall provide all requested information and documents needed to demonstrate compliance with this Regulation to the Executive Officer within five business days of CARB's request.
 - (3) The Responsible Official shall maintain the records for any LSI Forklift or ZE Forklift that is removed from operation in California for three years after removal.
- (b) Contact information. When required by other provisions of this section, an Operator shall report the following information to CARB:
 - (1) Entity Information.
 - (A) Entity name;
 - ~~(A)~~ ~~Corporate parent name, if applicable;~~
 - (B) Parent company, corporation, or agency, if reporting Fleet Portion;
 - ~~(B)~~(C) Entity address(es);
 - ~~(C)~~(D) Contact name(s);
 - ~~(D)~~(E) Contact phone number(s);
 - ~~(E)~~(F) Contact e-mail address(es);
 - ~~(F)~~(G) Responsible Official Name;
 - ~~(G)~~(H) Responsible Official Title; and
 - ~~(H)~~(I) Whether this entity is a Fleet Operator, Dealer, Rental Agency, or Forklift Manufacturer.
 - (2) Forklift Information to Report.
 - (A) Forklift manufacturer;

- (B) Forklift model;
- (C) Forklift serial number;
- (D) Forklift class;
- (E) Rated Capacity;
- (F) Powertrain type (LSI, battery electric, or fuel-cell electric); and
- (G) For LSI Forklifts:
 - 1. Engine MY (Forklift MY for the purpose of this Regulation);
 - 2. Engine manufacturer;
 - 3. Engine model; and
 - 4. Engine serial number.

(c) MY Phase-Out Reporting

- (1) Initial Report. No later than April 30, 2026, the Responsible Official of a Large Fleet (Fleet Operator or Rental Agency) shall submit a completed Initial Report to the Executive Officer. The Initial Report shall contain the following information:

- (A) Entity information specified in Section 3009(b)(1);
- (B) Total Number of Class IV LSI Forklifts within the Fleet on January 1, 2026, not including Forklifts that are exempt pursuant to Section 3007(a)(1), 3007(a)(2), or 3007(a)(3);
- (C) Total Number of Class V LSI Forklifts with a Rated Capacity ~~up to~~ not over 12,000 pounds or less within the Fleet on January 1, 2026, not including Forklifts that are exempt pursuant to 3007(a)(1), 3007(a)(2), or 3007(a)(3); and
- (D) For each separately metered building or operating location with LSI ~~f~~ Forklifts subject to the phase-out requirements:
 - 1. Copy of the information submitted to the applicable electric utility provider pursuant to Section 3006(c);
 - 2. Copy of the confirmation provided by the electric utility provider demonstrating the information has been

received, or other evidence that the information in section 3009(c)(1)(D)1. was submitted to the utility; and

3. If applicable, the date by which the existing panel capacity is expected to be insufficient to charge or fuel ZEFs necessary to comply with the phase out requirements.
- (2) Annual Report. By April 30 of each calendar year subsequent to the submittal of the Initial Report, the Responsible Official shall submit the following information regarding their fForklift fleet over the previous calendar year. For example, an Annual Report is due by April 30, 2030, covering fleet information between January 1, 2029, and December 31, 2029. The first Annual Report is due no later than April 30, 2027.
 - (A) Updates to any Entity or Forklift number information provided in a previously submitted report; and
 - (B) For each separately metered building or operating location with LSI fForklifts subject to the phase out requirements:
 1. Information on whether the existing panel capacity is currently sufficient to charge or fuel ZEFs necessary to comply with the phase-out requirements; and
 2. If applicable, the date by which the existing panel capacity is expected to be insufficient to charge or fuel ZEFs necessary to comply with the phase out requirements.
 - (3) Final Report for Class IV LSI Forklifts. The Responsible Official shall submit a confirmation that the Fleet has completed its phase-out of Class IV LSI Forklifts to the Executive Officer no later than April 30, 2035, or April 30 of the final year of an applicable extension, whichever is later.
 - (4) Final Report for Class V LSI Forklifts. The Responsible Official shall submit a confirmation that the Fleet has completed its phase-out of Class V LSI Forklifts to the Executive Officer no later than April 30, 2038, or April 30 of the final year of an applicable extension, whichever is later.
- (d) MY Phase-Out Reporting for a Small Fleet
- (1) Initial Report. No later than September 30, 2026, the Responsible

Official of a Small Fleet (Fleet Operator or Rental Agency) shall submit a completed Initial Report to the Executive Officer. The Initial Report shall contain the following information:

- (A) Entity information specified in Section 3009(b)(1);
 - (B) Total Number of Class IV LSI Forklifts within the Fleet on January 1, 2026, not including Forklifts that are exempt pursuant to Section 3007(a)(1), 3007(a)(2), or 3007(a)(3);
 - (C) Total Number of Class V LSI Forklifts with a Rated Capacity ~~up to~~ up to 12,000 pounds or less within the Fleet on January 1, 2026, not including Forklifts that are exempt pursuant to Section 3007(a)(1), 3007(a)(2), or 3007(a)(3);
 - (D) If opting to phase out Class IV LSI Forklifts according to the Alternative MY Phase-Out Schedules for Class IV LSI Forklifts set forth in Section 3006(d)(2), for each LSI Forklift and ZEF within the fleet on January 1, 2026:
 - 1. Forklift information as specified in Section 3009(b)(2); and
 - 2. Primary operating location address; and
 - (E) For each separately metered building or operating location with LSI ~~f~~ Forklifts subject to the phase-out requirements:
 - 1. Copy of the information submitted to the applicable electric utility provider pursuant to Section 3006(c);
 - 2. Copy of the confirmation provided by the electric utility provider demonstrating the information has been received; and
 - 3. If applicable, the date by which the existing panel capacity is expected to be insufficient to charge or fuel ZEFs necessary to comply with the phase out requirements.
- (2) Annual Report. By September 30 of each calendar year subsequent to the submittal of the Initial Report, the Responsible Official shall submit the following information regarding their ~~f~~ Forklift fleet over the previous calendar year. For example, an Annual Report is due by September 30, 2030, covering fleet information between January 1, 2029, and December 31, 2029. The first Annual Report is due no later

than September 30, 2027.

- (A) Updates to any Entity or Forklift number information provided in a previously submitted report; and
- (B) If utilizing the Alternative MY Phase-Out Schedules for Class IV LSI Forklifts set forth in Section 3006(d)(2):
 - 1. For each LSI Forklift and ZEF added the previous calendar year:
 - a. Forklift information as specified in Section 3009(b)(2);
 - b. Date Forklift entered fleet; and
 - c. Primary operating address; and
 - 2. For each LSI Forklift and ZEF removed from the fleet the previous calendar year:
 - a. EIN; and
 - b. Date Forklift removed from Fleet; and
- (C) For each separately metered building or operating location with LSI Forklifts subject to the phase out requirements:
 - 1. Information on whether the existing panel capacity is currently sufficient to charge or fuel ZEFs necessary to comply with the phase-out requirements; and
 - 2. If applicable, the date by which the existing panel capacity is expected to be insufficient to charge or fuel ZEFs necessary to comply with the phase out requirements.
- (3) Final Report for Class IV LSI Forklifts. The Responsible Official shall submit a confirmation that the Fleet has completed its phase-out of Class IV LSI Forklifts to the Executive Officer no later than September 30 of the final compliance year of the applicable phase-out schedule, or September 30 of the final year of an applicable extension, whichever is later.
- (4) Final Report for Class V LSI Forklifts. The Responsible Official shall submit a confirmation that the Fleet has completed its phase-out of

Class V LSI Forklifts to the Executive Officer no later than September 30, 2038, or September 30 of the final year of an applicable extension, whichever is later.

(e) MY Phase-Out Reporting for ~~an Agricultural~~ Crop Preparation Services Fleet

(1) Initial Report. No later than September 30, 2026, the Responsible Official of ~~an Agricultural~~ Crop Preparation Services Fleet shall submit a completed Initial Report to the Executive Officer. The Initial Report shall contain the following information:

- (A) Entity information specified in Section 3009(b)(1);
- (B) Total Number of Class IV LSI Forklifts within the Fleet on January 1, 2026, not including Forklifts that are exempt pursuant to Section 3007(a)(1), ~~3007(a)(2)~~, Low-Use LSI Forklift Exemption, 3007(a)(2), Dedicated Emergency Forklift Exemption, or 3007(a)(3), Temporary Storage of Non-Compliant LSI Forklifts Awaiting Sale, Scrap, or Relocation;
- (C) Total Number of Class V LSI Forklifts with a Rated Capacity ~~up to~~ of 12,000 pounds or less within the Fleet on January 1, 2026, not including Forklifts that are exempt pursuant to Section 3007(a)(1), Low-Use LSI Forklift Exemption, 3007(a)(2), Dedicated Emergency Forklift Exemption, or 3007(a)(3), Temporary Storage of Non-Compliant LSI Forklifts Awaiting Sale, Scrap, or Relocation; and
- (D) For each separately metered building or operating location with LSI ~~f~~ Forklifts subject to the phase-out requirements:
 - 1. Copy of the information submitted to the applicable electric utility provider pursuant to Section 3006(c);
 - 2. Copy of the confirmation provided by the electric utility provider demonstrating the information has been received; and
 - 3. If applicable, the date by which the existing panel capacity is expected to be insufficient to charge or fuel ZEFs necessary to comply with the phase out requirements.

(2) Annual Report. By September 30 of each calendar year subsequent to

the submittal of the Initial Report, the Responsible Official shall submit the following information regarding their fEorklift fleet over the previous calendar year. For example, an Annual Report is due by September 30, 2030, covering fleet information between January 1, 2029, and December 31, 2029. The first Annual Report is due no later than September 30, 2027.

- (A) Updates to any Entity or Forklift number information provided in a previously submitted report; and
- (B) For each separately metered building or operating location with LSI fEorklifts subject to the phase out requirements:
 - 1. Information on whether the existing panel capacity is currently sufficient to charge or fuel ZEFs necessary to comply with the phase-out requirements; and
 - 2. If applicable, the date by which the existing panel capacity is expected to be insufficient to charge or fuel ZEFs necessary to comply with the phase out requirements.
- (3) Final Report for Class IV LSI Forklifts. The Responsible Official shall submit a confirmation that the Fleet has completed its phase-out of Class IV LSI Forklifts to the Executive Officer no later than September 30 of the final compliance year of the applicable phase-out schedule, or September 30 of the final year of an applicable extension, whichever is later.
- (4) Final Report for Class V LSI Forklifts. The Responsible Official shall submit a confirmation that the Fleet has completed its phase-out of Class V LSI Forklifts to the Executive Officer no later than September 30, 2038, or September 30 of the final year of an applicable extension, whichever is later.
- (f) Low-Use Exemption Report. To qualify for the Low-Use Exemption provided in Section 3007(a)(1), the Responsible Official shall comply with the following reporting requirements, which apply through April 30, 2038:
 - (1) Initial Report. Prior to operation, the Responsible Official shall submit an Initial Report to the Executive Officer with the following information:
 - (A) Entity information specified in Section 3009(b)(1); and

- (B) For each Low-Use LSI Forklift:
1. Forklift information as specified in Section 3009(b)(2);
 2. Primary operating location address;
 3. Hour-meter reading gathered within 30 calendar days of January 1 of the first year the Forklift will be maintained as a Low-Use LSI Forklift; and
 4. Date of hour-meter reading;
- (C) The following microbusiness attestations, if submitted on or after January 1, 2031:
1. If the entity is not a manufacturer, an attestation that the entity has average gross annual receipts of \$5,000,000 or less over the previous three years (or the number of years the entity has been in business, if less than three), as evidenced by the entity's tax returns for those respective years;
 2. If the entity is a manufacturer, an attestation that the entity has had no more than 25 employees during the last four quarters (or the number of quarters the entity has been in business, if less than four), as evidenced by the entity's Quarterly Contribution Return & Report of Wages (Continuation) Form DE 9C for the most recently completed quarters; and
 3. An attestation that copies of the tax returns for those respective years or the Quarterly Contribution Return & Report of Wages (Continuation) Form DE 9Cs for the most recently completed quarters, as applicable, will be maintained onsite.
- (2) Annual Reports. ~~Subsequent to the submittal of the Initial Report,~~
the The Responsible Official shall submit Annual Reports to the Executive Officer between January 1 and April 30 of each year subsequent to the submittal of the Initial Report. Annual Reports shall include the following for each Low-Use LSI Forklift:
- (A) Hour-meter reading within 30 calendar days of December 31 of the previous calendar year;

- (B) Date of hour-meter reading;
 - (C) The total calculated hours of operation during the previous calendar year; and
 - (D) The microbusiness attestations set forth in Section 3009(f)(1)(C), if submitted on or after January 1, 2031.
- (g) Dedicated Emergency Forklift Exemption Report. To qualify for the Dedicated Emergency Forklift Exemption provided in Section 3007(a)(2), the Responsible Official shall comply with the following reporting requirements, which apply through April 30, 2038:
- (1) Initial Report. Prior to operation, the Responsible Official shall report all the following to the Executive Officer:
 - (A) Entity information specified in Section 3009(b)(1); and
 - (B) For each Dedicated Emergency Forklift:
 - 1. Forklift information as specified in Section 3009(b)(2);
 - 2. Primary operating location address;
 - 3. Hour-meter reading gathered within 30 calendar days of January 1 of the first year the Forklift will be maintained as a Dedicated Emergency Forklift; and
 - 4. Date of hour-meter reading.
 - (C) Annual Reports. ~~Subsequent to the submittal of the Initial Report, the~~The Responsible Official shall submit Annual Reports to the Executive Officer between January 1 and April 30 of each year subsequent to the submittal of the Initial Report. Annual Reports shall include the following information:
 - 1. Dates of Emergency Operations the Forklift supported during the previous calendar year; and
 - 2. For each Dedicated Emergency Forklift:
 - a. Hour-meter readings at the commencement and completion of each Emergency Operation the Forklift supported the previous calendar year.

- b. Hour-meter reading within 30 calendar days of December 31 of the previous calendar year;
 - c. Date of each hour-meter reading;
 - d. The total calculated hours of emergency operation during the previous calendar year; and
 - e. The total calculated hours of operation (including non-emergency use) during the previous calendar year.
- (h) Heavy Class V LSI Forklift Reporting. The following reporting requirements apply through September 30, 2038.
 - (1) Initial Report. For Fleets that own or operate a Class V LSI Forklift with a Rated Capacity greater than 12,000 pounds, by April 30, 2026, for a Large Fleet, or by September 30, 2026, for a Small Fleet or ~~Agricultural~~ Crop Preparation Services Fleet, or within 30 calendar days of when the ~~f~~forklift enters the fleet, whichever is later, the Responsible Official shall submit an Initial Report to the Executive Officer with the following:
 - (A) Entity information specified in Section 3009(b)(1);
 - (B) Forklift information as specified in Section 3009(b)(2);
 - (C) Date Forklift entered fleet; and
 - (D) Primary operating location address.
 - (2) Annual Reports. Until the Class V LSI Forklift with a Rated Capacity greater than 12,000 pounds is removed from the Fleet, the Responsible Official of a Large Fleet shall submit an Annual Report to the Executive Officer between January 1 and April 30 of each calendar year subsequent the submittal of the Initial Report, and the Responsible Official of a Small Fleet or ~~Agricultural~~ Crop Preparation Services Fleet shall submit an Annual Report to the Executive Officer by September 30 of each calendar year subsequent the submittal of the Initial Report. The Annual Report shall include updates to any applicable information provided in a previously submitted report.
- (i) Credit for Deployment of Heavy Zero-Emission Forklifts. The Responsible Official shall provide the following information to the Executive Officer:

- (1) Entity information specified in Section 3009(b)(1);
 - (2) Primary operating location address of the Class V LSI Forklift with a Rated Capacity greater than 12,000 pounds replaced, the ZEF that has replaced said Class V LSI Forklift, and the LSI Forklift for which compliance would be delayed;
 - (3) The following information for the Class V LSI Forklift with a Rated Capacity greater than 12,000 pounds replaced:
 - (A) EIN; and
 - (B) Documentation, including the date of removal, demonstrating that the Class V LSI Forklift has been removed from the fleet;
 - (4) The following information for the ZEF that has replaced the Class V LSI Forklift with a Rated Capacity greater than 12,000 pounds:
 - (A) Information specified in Section 3009(b)(2) or EIN, as applicable;
 - (B) Date of deployment;
 - (C) Documentation for the purchase or lease and delivery;
 - (D) Documentation showing the specifications, including Rated Capacity, of the ZEF;
 - (5) For the LSI Forklift for which compliance is being delayed, information specified in Section 3009(b)(2) or EIN, if applicable.
- (j) ~~Justification for Adding Diesel Forklifts. Until January 1, 2038, a Fleet Operator or Rental Agency shall provide the following if adding a Diesel Forklift to the Fleet without removing another Diesel Forklift from the Fleet:~~
- ~~(2)——Entity information specified in Section 3009(b)(1);~~
 - ~~(3)——The following information for the Diesel Forklift:~~
 - ~~(A)——EIN;~~
 - ~~(B)——Primary operating location; and~~
 - ~~(C)——Rated Capacity;~~
 - ~~(4)——Information and documentation demonstrating one or more of the following:~~

~~(A) — An LSI Forklift is not capable or suitable for the operation to be served by the Diesel Forklift based on Forklift specifications.~~

~~(B) — No Forklifts currently in operation at the operating location use propane, gasoline, or other fuel formulated for LSI engines.~~

(j)(k) Production and Sales Reporting. The Responsible Official shall submit to the Executive Officer, between January 1 and April 30 of each year starting in 2027, the following information:

- (1) Entity information specified in Section 3009(b)(1);
- (2) For each LSI Forklift sold in California or produced for California sale the previous calendar year, Forklift information as specified in Section 3009(b)(2); and
- (3) Total number of LSI Forklifts sold in California or produced for California sale the previous calendar year.

(k) Phase-Out Percentage Cap Reporting. If opting to utilize a Phase-Out Percentage Cap pursuant to Section 3006(e), the Fleet Operator or Rental Agency shall provide, prior to the applicable compliance date, the following information to the Executive Officer for each LSI Forklift and ZEF within the fleet on January 1, 2026:

- (1) Forklift information as specified in Section 3009(b)(2);
- (2) Primary operating location address; and
- (3) Indication as to whether the Forklift will or will not be phased out by the applicable compliance date.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43018, 43151, 43152, 43153, and 43205.5, Health and Safety Code. Reference: Section 43150, Health and Safety Code.

§ 3010 Labeling Requirements.

- (a) A Responsible Official for a Fleet Operator required to label a Forklift pursuant to an exemption or extension as set forth in Section 3007 of this Regulation shall:
 - (1) Report all applicable entity and Forklift information, as required, to the Executive Officer in accordance with this Regulation;
 - (2) Affix at least one EIN label to each applicable Forklift within 30 calendar days of receiving the EIN for such Forklifts (CARB will assign a unique EIN to each Forklift once reported);
 - (3) Maintain all labels affixed pursuant to Section 3010, so that they remain permanently affixed to the LSI Forklift and the legibility and visibility criteria set forth in Section 3010(b) are met at all times; and
 - (4) Maintain records of the Forklift purchase date or the date the Forklift enters the fleet for newly purchased or acquired Forklifts that are subject to these labeling requirements but have not yet been labeled pursuant to Section 3010.
- (b) Label Specifications. Each label affixed pursuant to Section 3010 shall meet all the following specifications:
 - (1) Each label shall contain the assigned EIN;
 - (2) The label shall be permanently affixed to the LSI Forklift. The label shall be applied as a decal or painted directly onto the LSI Forklift;
 - (3) The EIN shall be in white on a red background for any LSI Forklift;
 - (4) The label shall be located in clear view on the outside of the LSI Forklift approximately two feet above the ground so that the label remains visible;
 - (5) Each character of the EIN shall be at least three inches (7.6 centimeters) in height and 1.5 inches (3.8 centimeters) in width; and
 - (6) Each character of the EIN shall remain legible for the entire life of the LSI Forklift.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43018, 43151, 43152, 43153, and 43205.5, Health and Safety Code. Reference: Section 43150, Health and Safety Code.

§ 3011. General Requirements.

- (a) ~~Starting January 1, 2026, a Fleet Operator or Rental Agency shall not acquire or operate that acquires a Diesel Forklift as a replacement for on or after January 1, 2026, shall indicate in its reporting submitted pursuant to Title 13, California Code of Regulation, Section 2449(g), last amended November 17, 2022, whether the Forklift is doing work previously done by a Class IV LSI Forklift of any Rated Capacity or a Class V LSI Forklift of a Rated Capacity up to of 12,000 pounds or less that has been phased out of the Fleet, or for which a Low-Use LSI Forklift Exemption has been sought by the Fleet Operator in accordance with Section 3007(a)(1). A Diesel Forklift added to a Fleet on or after January 1, 2026, shall be considered a replacement of an applicable LSI Forklift for the purpose of this Regulation unless:~~
- ~~(1) Another Diesel Forklift in the Fleet is phased out within 30 calendar days of the addition, as demonstrated through reporting required pursuant to Title 13, California Code of Regulations, Section 2449, last amended November 17, 2022, hereby incorporated by reference; or~~
 - ~~(2) The Fleet Operator or Rental Agency successfully demonstrates, pursuant to Section 3009(j) and prior to operation of the added Diesel Forklift, that the operation in which the Forklift has been deployed cannot be served by an LSI Forklift without undue burden or is one exclusively served by existing Diesel Forklifts in the Fleet.~~
- (b) Starting January 1, 2026, any entity subject to this Regulation shall maintain records for all LSI Forklifts within its Fleet in California during each calendar year. In addition to records maintained pursuant to other sections of the Regulation, the following information and documentation shall be maintained for each LSI Forklift: Forklift information set forth in Section 3009(b)(2); operating location; documentation of the fForklift's purchase or lease; and documentation of the fForklift's phase out. Said information and documentation shall be maintained for a minimum of five years and provided to the Executive Officer within five business days upon request.
- (c) Starting January 1, 2026, any entity subject to this Regulation shall ensure, for every LSI Forklift in their Fleet, that manufacturer labels for the Forklift engine and Forklift are intact and readable at all times.

NOTE: Authority cited: Sections 39600, 39601, 43101, 43102, 43013, 43018, 43151, 43152, 43153, and 43205.5, Health and Safety Code. Reference: Section 43150, Health and Safety Code.