

JOINT COMMITTEE ON TELECOMMUNICATIONS, UTILITIES, AND ENERGY

BILL SUMMARY

BILL NO.	H.3535
TITLE:	An Act relative to the sale of zero-emission vehicles
SPONSOR:	Representative David K. Muradian, Jr.
COMMITTEE:	Telecommunications, Utilities, and Energy
HEARING DATE:	May 14, 2025
PRIOR HISTORY:	New bill

CURRENT LAW:

Section 142K of Chapter 111 of the General Laws pertains to motor vehicle emissions standards for late models. This section authorizes DEP to establish and administer setting motor vehicle emissions standards, for model years beginning 1993 and requires DEP to adopt motor vehicle emissions standards based on the California's promulgated motor vehicle emissions standards, or any federal standard that reduces greater pollution. This section also:

- Includes steps DEP can take to postpone this adoption
- Directs DEP to promulgate regulations to effectuate this section
- Requires an extension of the manufacturers warranty for passenger vehicles
- Includes a fine structure for any violators
- Allows MA to adopt stricter emissions standards
- Requires DEP to cooperate with other states to facilitate MA's adoption and other states' adoption of more stringent emissions standards to decrease the impact of out-of-state auto emissions

DEP adopted California's Advanced Clean Cars II, Heavy-duty Omnibus, and Advanced Clean Truck regulations in 310 CMR 7.40

Section 9A of Chapter 7 of the General Laws directs the Secretary of the Executive Office for Administration and Finance to promulgate regulations governing the use of state passenger vehicles and light duty pickup trucks.

Section 46 of Chapter 179 of the Acts of 2022 of Chapter 179 of the Acts of 2022 makes the sale of non-zero-emission vehicles by a dealership an unfair or deceptive act or practice under Chapter 93B.

Section 96 of Chapter 179 of the Acts of 2022 sets an effective date for Section 46 (the sale of non-zero-emission vehicles by a dealership) for after January 1, 2035.

SUMMARY:

Section 1 of this Act inserts language into subsection (a) of Section 142K of Chapter 111 that directs DEP to annually review and analyze each manufacturer's compliance with 310 CMR 7.40, the Advanced Clean Cars II Rule which was promulgated on December 30, 2022. This review shall include:

- The total number of vehicles each manufacturer sells and delivers to its franchisee dealers for retail sale in the Commonwealth
- A breakdown of the mix of zero emission vehicles (ZEVs) and ICE vehicles compares with vehicle inventory composition and totals over the previous 5 years

After said review, DEP may postpone, for any model year, the implementation of the zero emission vehicle requirements that manufacturers must produce and deliver for sale to its franchisee dealers at the level established by Title 13 of the California Code of Regulations at section 1962.2 and calculated pursuant to said section 1962.2(g)(8) and as promulgated by the commonwealth at said 310 CMR 7.40. If DEP determines that the number of ZEV's sold and delivered to franchised dealers by all such manufacturers, whose market share together in the aggregate comprise at least 70% of all vehicles sold in MA as of 12.31.24 fails to achieve, as an individual manufacturer, the required annual goal as set forth in regulation (provided DEP may postpone adopting the zero emission vehicle percentage requirements for one model year), determines that the number of publicly available charging stations does not exist in sufficient numbers to meet the charging demands of all zero emission vehicles as required by 13 CCR 1962.2 and 310 CMR 7.40.

Section 2 of this Act repeals the annual zero emission vehicle sales requirements pursuant to subsection (a) of section 142K of chapter 111 of the General Laws, and Section 46 and 96 of the Acts of 2022, if DEP delays, at any time for any length, the implementation of the annual zero emission vehicle sales requirements.

Section 3 of the Act amends Section 9A of chapter 7 of the General Laws by requiring all new medium- and heavy-duty trucks purchases or leased by the Commonwealth to be zero emissions vehicles by January 1, 2025, and ensure its fleet of medium- and heavy-duty is comprised of zero emission vehicles. However, in the event there are no battery electric medium- and heavy-duty trucks that meet the Commonwealth's needs or cannot be supported by the existing charging infrastructure, the secretary is permitted to purchase other medium- or heavy-duty trucks that are not battery electric. This section also required the secretary to submit a statement annually detailing the progress made in meeting the requirements of this section.

Section 4 amends Section 142K of chapter 111 of the General Laws by directing DEP to not enforce the Advanced Clean Trucks and Heavy-Duty Omnibus regulations in Massachusetts earlier than July 1, 2027.