

Advanced Clean Cars II

Frequently Asked Questions

On December 18, 2023, the Advanced Clean Cars II (ACC II) rules will be published in the New Jersey Register. The Department has prepared a list of Frequently Asked Questions (FAQs) about the ACC II rules. The FAQs are intended to be informational only, do not have any legal effect, and are not a substitute for the regulatory provisions and any legally binding requirements that they may impose. This document does not expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits to any person. To the extent there is any inconsistency between this document and any statutes or regulations, the latter shall govern. This document is not rulemaking or final agency action.

- For more information about electric vehicles and charging, please visit <https://dep.nj.gov/drivegreen/>.

What is the Advanced Clean Cars II program?

The Advanced Clean Cars II (ACC II) rules (also sometimes referred to as the ACC II program) are emission standards developed by California that will reduce multiple pollutants that are emitted by passenger cars, light-duty trucks, and medium-duty vehicles. The ACC II rules include two main elements, commonly referred to as the annual ZEV (zero emission vehicle) requirement and the LEV (low emission vehicle) program, which are explained below. The ACC II program does not apply to emergency vehicles or military tactical vehicles.

When do the ACC II requirements start in New Jersey?

On and after January 1, 2027, the ACC II rules will apply to new model year 2027 or later passenger cars, light-duty trucks, and medium-duty vehicles delivered for sale in New Jersey that are subject to the ZEV and LEV requirements, which are explained below. However, before New Jersey can enforce the ACC II program, Federal law requires that the EPA must first approve California's emissions standards. If EPA does not approve California's emissions standards, the ACC II rules will not be enforceable in New Jersey and the Federal standards will apply.

What is the ZEV requirement?

The ZEV component requires vehicle manufacturers to comply with an annual ZEV requirement that culminates in a 100% ZEV requirement in 2035. Beginning in 2027 and each subsequent year, a manufacturer must deliver for sale in New Jersey an increasing percentage of new ZEVs. The total number of ZEVs is specific to each manufacturer and is calculated based on the annual percentage in the rule and the manufacturer's total sales of passenger cars (for example, sedans) and light-duty trucks in New Jersey. Light-duty trucks include smaller pickups (for example, Silverado 1500, Ford F-150 and Ranger, and Ram 1500), small vans, SUVs and crossovers. A ZEV can be a battery electric vehicle (BEV), a plug-in hybrid electric vehicle (PHEV), or a fuel cell electric vehicle (FCEVs), but it must be certified by California. To learn more about each of these types of vehicles, please visit <https://dep.nj.gov/drivegreen/electric-vehicle-basics/>.

What is the LEV requirement?

The ACC II program establishes more stringent exhaust emission standards for manufacturers producing new internal combustion engine (meaning vehicles powered by gasoline or diesel) passenger cars, light-duty trucks, and medium-duty vehicles that will be sold in New Jersey. Medium-duty vehicles include some larger pickups (for example, Silverado 2500, Ford F-250, Ram 2500), vans (for example, Ford Transit, and Chevrolet Express) and SUVs (for example, Chevrolet Suburban and Tahoe, Cadillac Escalade, and Ford Expedition) as well as smaller delivery trucks. The ACC II rules are not applicable to heavy-duty vehicles (for example, recreational vehicles (RVs), buses, and semi-trucks).

What does it mean for a vehicle to be certified by California?

California certification is the method by which a manufacturer demonstrates regulatory compliance. The California Air Resources Board (CARB) certifies that a new vehicle complies with the applicable standards. For more information on compliant vehicles, visit CARB's website: <https://ww2.arb.ca.gov/new-vehicle-and-engine-certification-executive-orders-my2021-passenger-cars-light-duty-trucks-and-0>.

For a ZEV, certification means that the ZEV meets the minimum requirements for range, durability, warranty, emissions (for PHEVs) and other technology elements.

For an internal combustion engine (gasoline or diesel) vehicle, certification means that the vehicle meets the LEV emission standards and other LEV requirements.

What does the ACC II program mean for me as a resident or business of the State and are there any exemptions?

Vehicle manufacturers are required to comply with the ZEV and LEV requirements explained above. As a resident or business, the rules do not impact the vehicle you currently own or lease.

The rules generally prohibit any person who is a resident of the State or who operates a business in the State to sell, lease, import, deliver, purchase, acquire, register, receive or otherwise transfer a new 2027 or subsequent model year vehicle unless the vehicle has been certified by California. However, the rules exempt the following types of transactions and vehicles, which means a vehicle in any of the situations below does not have to be California-certified:

1. A vehicle held for daily lease or rental to the general public or engaged in interstate commerce and which is registered and principally operated out of state.
2. A vehicle acquired by a State resident to replace a registered vehicle which was damaged or stolen while out of state.
3. A vehicle transferred by inheritance.
4. A vehicle transferred by court decree.
5. A vehicle originally registered in another state by a resident of that state who then establishes residence in New Jersey.
6. A vehicle transferred from dealer to dealer.
7. A vehicle sold to be wrecked or dismantled.
8. A vehicle sold exclusively for off-highway use.

Do the ACC II rules apply to used vehicles? Do the rules define a “used vehicle”?

The rules do not apply to used vehicles. A motor vehicle with an odometer reading of 7,500 miles or more is deemed a used vehicle and outside of the scope of the rules.

Do the ACC II rules mandate what vehicles or types of vehicles a resident in the State may purchase?

The ACC II rules generally require manufacturers to increase the number of ZEVs available in the new vehicle market and limit the registration in New Jersey for new, model year 2027 or subsequent vehicles to only those vehicles that are CARB-certified. Beyond this requirement in the rules, there are no limits on what type of vehicle a resident may purchase.

Do the ACC II rules ban gasoline or diesel vehicles?

No.

Will I still be able to buy, lease and/or register a new gasoline or diesel vehicle in the State in 2035 or later?

As the ZEV requirement increases each year until 2035 when it reaches 100 percent, the Department expects the number and types of gasoline and diesel vehicles produced for sale or lease in New Jersey to decrease. However, because the rules give manufacturers flexibility in complying with the annual ZEV requirement (like banking credits), manufacturers may still be producing new gasoline or diesel vehicles for sale in New Jersey in 2035 or later that are California-certified. The Department is unable to predict if this will be feasible since it is dependent on each manufacturer's individual method of compliance with the ZEV requirements.

As explained above, the rules generally limit the registration in New Jersey for new, model year 2027 or subsequent vehicles to only those vehicles that are California-certified. If California continues to certify gasoline or diesel vehicles as complying with the ACC II rules in 2035 and later, a resident may purchase such a vehicle and register it in the State.

Can I drive my current gasoline or diesel vehicle before or after 2035?

Absolutely. The 100% ZEV requirement applies only to new vehicles that manufacturers produce for sale in New Jersey in 2035. Used gasoline and diesel vehicles can be driven, purchased, and sold in New Jersey before and after 2035.