

SENATE, No. 432

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Establishes certain State goals for sale of zero-emission medium-duty and heavy-duty trucks, and certain off-road vehicles and equipment.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning zero-emission vehicle sales in New Jersey and
2 supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in sections 1 through 5 of this act:

8 “Gross vehicle weight rating” or “GVWR” means the value
9 specified by the manufacturer as the loaded weight of a single or
10 combination (articulated) vehicle.

11 “Heavy duty truck” means an on-road vehicle with a gross
12 vehicle weight rating of greater than 32,000 pounds.

13 “Medium-duty truck” means an on-road vehicle with a gross
14 vehicle weight rating of greater than 8,500 pounds and less than
15 32,000 pounds.

16 “Off-road vehicle or equipment” means any vehicle or
17 equipment that is used primarily for construction, loading, or other
18 off-road purposes and, when in use, is not commonly operated on a
19 roadway except when used for roadway construction and repair,
20 including, but not limited to, rollers, scrapers, excavators, rubber
21 tire loaders, bulldozers, and off-highway trucks. "Off-road
22 equipment" shall include equipment and vehicles that are not used
23 primarily for transportation and are considered off-road equipment
24 and vehicles but, for the purposes of moving the equipment and
25 vehicles from place to place on the roadways of the State, are
26 required to have "in-transit" plates issued by the New Jersey Motor
27 Vehicle Commission. "Off-road equipment" shall not include any
28 non-mobile equipment, such as a generator or pump, and shall not
29 include boats or trains.

30 “Zero-emission vehicle” or "ZEV" means a vehicle certified as a
31 zero emission vehicle pursuant to the California Air Resources
32 Board zero emission vehicle standards for the applicable model
33 year, but shall not include an advanced technology partial zero
34 emission vehicle or a partial zero emission vehicle.

35

36 2. a. There are established the following State goals for the
37 sale, lease, and operation of on-road vehicles and off-road vehicles
38 and equipment in the State:

39 (1) 100 percent of new medium-duty and heavy-duty trucks
40 offered for sale or lease for registration in the State shall be zero-
41 emission vehicles by December 31, 2045; and

42 (2) 100 percent of off-road vehicles and equipment offered for
43 sale or lease for registration in the State shall be zero-emission
44 vehicles and equipment by December 31, 2035, where feasible as
45 determined by the Department of Environmental Protection.

46 b. The Department of Environmental Protection, to the extent
47 consistent with federal law, shall adopt, pursuant to the
48 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-

1 1 et seq.), policies and regulations to accomplish the goals
2 established pursuant to this section.

3 c. No later than one year after the effective date of this act, and
4 every three years thereafter, until 2045, the Department of
5 Environmental Protection shall prepare and submit to the Governor
6 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
7 Legislature, a report that:

8 (1) assesses the current state of the zero-emission vehicle
9 market in New Jersey;

10 (2) measures the State's progress towards achieving the goals
11 established in subsection a. of this section;

12 (3) identifies barriers to the achievement of the goals; and

13 (4) makes recommendations for legislative or regulatory action
14 to address barriers to the achievement of the goals.

15

16 3. a. No later than two years after the effective date of this act,
17 the Department of Environmental Protection shall develop
18 strategies to achieve the State goals, established pursuant to section
19 2 of this act. The strategies shall be consistent with safety
20 requirements and be technologically feasible and cost-effective.

21 b. The strategies established pursuant to this section and the
22 information concerning the goals established pursuant to section 2
23 of this act shall be published on the Department of Environmental
24 Protection's Internet website and updated annually.

25

26 4. a. No later than two years after the effective date of this act,
27 the Department of Environmental Protection, in consultation with
28 the Department of Transportation, and any other State agencies that
29 the Department of Environmental Protection deems necessary, shall
30 develop a zero-emission vehicle market development strategy. The
31 strategy, at a minimum shall:

32 (1) ensure coordinated and expeditious implementation of the
33 policies, programs, and regulations necessary to achieve the goals
34 established pursuant to section 2 of this act; and

35 (2) outline a plan to increase accessibility to new and used zero-
36 emission vehicle markets for all residents of the State.

37 b. The Department of Environmental Protection shall update
38 the zero-emission vehicle market development strategy every three
39 years.

40

41 5. No later than three years after the effective date of this act,
42 the Department of Environmental Protection, in consultation with
43 the Department of Transportation, and any other State agencies that
44 the Department of Environmental Protection deems necessary, shall
45 identify near-term actions and investment strategies to improve
46 sustainable transportation, freight, and transit options within the
47 State, including, but not limited to:

48 (1) supporting bicycle and pedestrian options, particularly in
49 low-income and disadvantaged communities in the State, by

1 incorporating safe and accessible infrastructure, where appropriate;
2 and

3 (2) supporting light-duty, medium-duty, and heavy-duty zero-
4 emission vehicles and infrastructure as part of larger transportation
5 projects, where appropriate.

6

7 6. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill establishes goals concerning the sale, lease, and
13 operation of certain on-road vehicles and off-road vehicles and
14 equipment in the State. Specifically, the bill sets a goal that 100
15 percent of new medium-duty and heavy-duty trucks offered for sale
16 or lease for registration in the State would be zero-emission
17 vehicles by December 31, 2045. As defined in the bill, "heavy duty
18 truck" means an on-road vehicle with a gross vehicle weight rating
19 of greater than 32,000 pounds, "medium-duty truck" means an on-
20 road vehicle with a gross vehicle weight rating of greater than 8,500
21 pounds and less than 32,000 pounds, and "zero-emission vehicle" or
22 "ZEV" means a vehicle certified as a zero emission vehicle pursuant
23 to the California Air Resources Board zero emission vehicle
24 standards for the applicable model year, but does not include an
25 advanced technology partial zero emission vehicle or a partial zero
26 emission vehicle.

27 The bill also establishes the goal that 100 percent of off-road
28 vehicles and equipment would be zero-emission vehicles and
29 equipment by December 31, 2035, where feasible. As defined in
30 the bill, "off-road vehicle or equipment" means any vehicle or
31 equipment that is used primarily for construction, loading, and other
32 off-road purposes and, when in use, is not commonly operated on a
33 roadway except when used for roadway construction and repair,
34 including, but not necessarily limited to, rollers, scrapers,
35 excavators, rubber tire loaders, bulldozers, and off-highway trucks.

36 The bill would require the Department of Environmental
37 Protection (DEP) to adopt policies and regulations to accomplish
38 the goals established pursuant to the bill. The DEP would be
39 required to, within one year of the bill's effective date, submit a
40 report to the Governor and the Legislature that, at a minimum: (1)
41 assesses the current state of the zero-emission vehicle market in
42 New Jersey; (2) measures the State's progress towards achieving the
43 goals established in subsection a. of this section; (3) identifies
44 barriers to the achievement of the goals; and (4) makes
45 recommendations for legislative or regulatory action to address
46 barriers to the achievement of the goals.

47 Within two years of the bill's effective date, the DEP would be
48 required to develop strategies to achieve the bill's goals. The
49 strategies required pursuant to the bill would be required to be

1 consistent with safety requirements and be technologically feasible
2 and cost-effective. The DEP would be required to publish the
3 strategies on their Internet website and update the strategies
4 annually.

5 Within two years of the bill's effective date, the DEP, in
6 consultation with the Department of Transportation (DOT), and any
7 other State agencies that the DEP deems necessary, would be
8 required to develop a zero-emission vehicle market development
9 strategy. The strategy, at a minimum would be required to: (1)
10 ensure coordinated and expeditious implementation of the policies,
11 programs, and regulations necessary to achieve the goals
12 established pursuant to section 2 of this act; and (2) outline a plan to
13 increase accessibility to new and used zero-emission vehicle
14 markets for all residents of the State. The DEP would be required
15 to update the zero-emission vehicle market development strategy
16 every three years.

17 The bill would also require, the DEP, in consultation with the
18 DOT, and any other State agencies the DEP deems necessary, to
19 identify near-term actions and investment strategies to improve
20 sustainable transportation, freight, and transit options within the
21 State, including, but not limited to: (1) supporting bicycle and
22 pedestrian options, particularly in low-income and disadvantaged
23 communities in the State, by incorporating safe and accessible
24 infrastructure, where appropriate; and (2) supporting light-duty,
25 medium-duty, and heavy-duty zero-emission vehicles and
26 infrastructure as part of larger transportation projects, where
27 appropriate.

28 According to the United States Environmental Protection
29 Agency, heavy-duty trucks are the largest contributor to mobile
30 source emissions of nitrogen oxide and will be one of the largest
31 mobile source contributors to ozone in 2025. Medium-duty and
32 heavy-duty trucks tend to be intense polluters due to their use of
33 diesel, which emits large amounts of nitrogen oxides and particulate
34 matter. The pollution can cause certain adverse health effects
35 including chronic heart and lung disease. Diesel pollution is also
36 especially concentrated in urban areas and tends to be worse in low-
37 income communities and communities of color. Off-road vehicles
38 and equipment are also a key source of pollution as they emit large
39 amounts of fine particulate matter and nitrogen oxides into the air.

40 In order to enhance air quality and public health, it is important
41 to begin transitioning medium-duty and heavy-duty trucks and off-
42 road vehicles and equipment to be zero-emission vehicles and
43 equipment. This bill's goals, and the strategies required to be
44 developed in order to help the State achieve the goals, will
45 contribute to a healthier environment and better public health for
46 New Jersey residents.