



AB-1436 State Air Resources Board: air pollution regulations: private fleets: exception.
(2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1436

Introduced by Assembly Member Ávila Farías

February 21, 2025

An act to add Section 43110 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1436, as amended, Ávila Farías. State Air Resources Board: air pollution regulations: private fleets: exception.

Existing law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found necessary, cost effective, and technologically feasible. The California Global Warming Solutions Act of 2006 establishes the state board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases and requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from those sources.

Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles.

Existing federal law, the Clean Air Act, prohibits any state or any political subdivision thereof from adopting or attempting to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines, except through a waiver, as provided.

This bill would prohibit the state board from ~~adopting or~~ enforcing any regulation that directly or indirectly compels compliance by private fleets, as provided, ~~unless~~ *until* the state has obtained a required waiver or authorization under the federal Clean Air Act.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares both of the following:

(1) Extending regulatory requirements to privately operated vehicle fleets through mandates placed on public entities or contracts, whether directly or indirectly, may have unintended impacts on affordability and the continuity of services provided to residents through public and private partnerships.

(2) Providing regulatory clarity and predictability for public entities and their private partners is necessary given the potential fiscal and operational constraints that could be imposed and the need to maintain reliable delivery of essential public services.

(b) It is the intent of the Legislature to ensure that regulatory actions described in subdivision (a) do not occur unless the State Air Resources Board obtains authorization to regulate privately operated vehicle fleets under applicable federal law.

SEC. 2. Section 43110 is added to the Health and Safety Code, to read:

43110. (a) The state board shall not ~~adopt or~~ enforce any regulation that directly or indirectly compels compliance by private ~~fleets, including, but not limited to, those operated by contractors or subcontractors of the state or a local entity, including, but not limited to, a city, a county, or a city and county.~~ *fleets that would be preempted under Section 209(a) of the federal Clean Air Act (42 U.S.C. Sec. 7543(a)) until the required waiver or authorization is obtained in accordance with Section 209(b) of the federal Clean Air Act (42 U.S.C. Sec. 7543(b)).*

~~(b) Subdivision (a) does not apply to a regulation adopted after the state has obtained a required waiver or authorization under Section 209 of the federal Clean Air Act (42 U.S.C. Sec. 7543).~~

(b) The use of private fleets in subdivision (a) includes, but is not limited to, those operated by contractors or subcontractors of the state or a local government entity, including, but not limited to, any city, county, public utility, special district, local agency or district, and any department, division, public corporation, or public agency of the State of California.

(c) Any provision of a regulation adopted in violation of this section is void and unenforceable.