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# OHIO LEGISLATIVE SERVICE COMMISSION

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and Drafting

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Office

H.B. 201  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Hillyer and Demetriou

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### SUMMARY

- Prohibits a state agency, township, or county from restricting the use or sale of a motor vehicle based on the energy source used to power the motor vehicle
- Prohibits the Ohio Environmental Protection Agency or any other state agency from adopting any motor vehicle emissions standards that are established by California as a result of California having received a waiver to adopt stricter standards than those required by the federal Clean Air Act (“California emissions standard”).

### DETAILED ANALYSIS

#### Motor vehicle energy source and emissions standards

The bill prohibits a state agency, township, or county from restricting the use or sale of a motor vehicle based on the energy source used to power the motor vehicle, including an energy source used for propulsion or used for powering other functions of the motor vehicle.

It also prohibits the Ohio Environmental Protection Agency or any other state agency from adopting any motor vehicle emissions standards that are established by California as a result of California having [received a waiver](#) to adopt stricter standards than those required by the federal Clean Air Act (“California emissions standard”). The federal Clean Air Act (with the U.S. EPA’s approval) allows California to enact stricter emissions standards for new motor vehicles. Federal law prohibits any other state from enacting stricter emissions standards on their own. However, a state may elect to voluntarily opt-in to the California standards.<sup>1</sup>

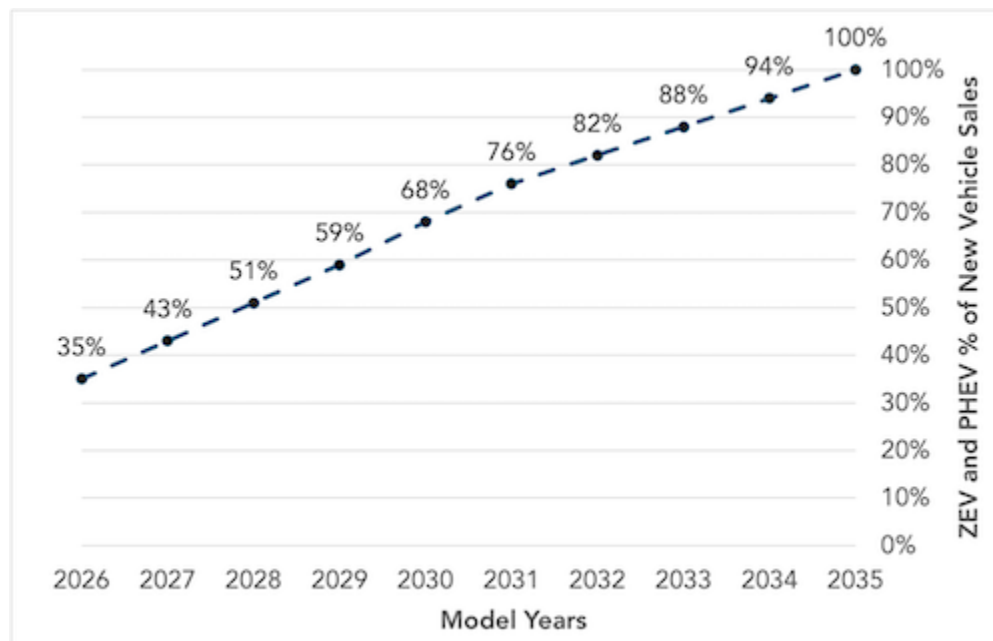
Beginning in 1990, the California Air Resources Board (“CARB”) adopted stricter emissions standards (low-emission vehicle (“LEV”) regulations) requiring automobile

<sup>1</sup> See Clean Air Act, Section 219; 42 U.S.C. §7589.

manufacturers to introduce “progressively cleaner light- and medium-duty vehicles with more durable emission controls from the 1994 through 2003 model years.” Since then, CARB has continued to adopt stricter motor vehicle greenhouse gas emissions standards, including (1) creating tiers of exhaust emission standards for increasingly more stringent categories of low-emission vehicles, (2) requiring motor vehicle sales to phase-in a progressively cleaner mix of vehicles from year to year, and (3) a requirement that a specified percentage of passenger cars and light-duty trucks be zero-emission vehicles (“ZEVs”) with no exhaust or evaporative emissions.<sup>2</sup>

The [most recent changes](#) in 2022 to California’s emissions standard generally require:<sup>3</sup>

1. All California sales of new passenger cars and trucks to be ZEVs (i.e. electricity or hydrogen) by 2035;
2. All California sales of new medium and heavy-duty vehicles to be ZEVs by 2045;<sup>4</sup>
3. Required percentages of new vehicle sales, beginning in 2026, to be ZEVs or plug-in hybrid electric vehicles (PHEVs), as shown in the chart below.<sup>5</sup>



<sup>2</sup> See California Air Resources Board (CARB) website, “Low-Emission Vehicle Program,” <https://ww2.arb.ca.gov/our-work/programs/low-emission-vehicle-program/about>; Cal.Health & Safety Code §43800–43806; and 13 California Code of Regulations §1950-1978.

<sup>3</sup> See CARB website, “Going Zero,” <https://ww2.arb.ca.gov/going-zero>.

<sup>4</sup> See Executive Department, State of California, Executive Order N-79-20, <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>.

<sup>5</sup> See CARB website, “Advanced Clean Cars II,” <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii>.

[According to CARB's website, as of May 13, 2022, 17 other states](#) have adopted California's LEV criteria pollutant and greenhouse gas emission regulations, and all but two of those states have adopted California's ZEV regulations<sup>6</sup> under the Clean Air Act.<sup>7</sup>

## HISTORY

Action	Date
Introduced	06-06-23

ANHB0201IN-135/ts

<sup>6</sup> See CARB website, "States that have Adopted California's Vehicle Standards under Section 177 of the Federal Clean Air Act," <https://ww2.arb.ca.gov/resources/documents/states-have-adopted-californias-vehicle-standards-under-section-177-federal>.

<sup>7</sup> See Clean Air Act, Section 177; 42 U.S.C. §7507.