

~~(30) "Owner" means any person except a bank or other financial lending institution that legally holds title (or its equivalent) to a HD tractor or trailer showing ownership of the tractor or trailer. For purposes of this subarticle, a lessee or lessor of a tractor or trailer is considered the owner of the tractor or trailer in accordance with the following criteria:~~

(39) "Owner" of a tractor or trailer means the person or persons registered as the owner of the tractor or trailer by the California Department of Motor Vehicles or its equivalent in another state, province, or country (presumed at the time of any citation to be the person or persons identified as the owner on the registration document or title carried on the vehicle), except in the following circumstances:

- (A) a person who is financially and contractually responsible for maintaining the tractor or trailer is the owner for purposes of this subarticle if the registered owner of the vehicle clearly demonstrates the person's maintenance responsibilities include responsibility for installing and maintaining the tires and aerodynamic technologies required by this subarticle. Subsections (C), (D) and (E) and not this subsection apply to tractors or trailers that are leased.
- (B) for a tractor or trailer owned by the federal government and not registered in any state or local jurisdiction, the owner means the branch, agency or other organization within the federal government that operates the tractor or trailer, that is required to maintain accountability for the vehicle, or that is shown by the accountable entity to be responsible for the tractor's or trailer's maintenance.
- (C) for a leased tractor, the person or persons registered as the owner of the tractor or trailer by the California Department of Motor Vehicles or its equivalent in another state, province, or country (usually the lessor) is the owner for purposes of this subarticle, except that the lessee of the tractor is the owner for purposes of this subarticle if the lease includes the following statement:

*"The lessee of this heavy-duty tractor understands that when using a heavy-duty tractor to pull a 53-foot or longer box-type trailer on a California highway, the heavy-duty tractor must be compliant with sections 95300 – 95311, title 17, California Code of Regulations, and that it is the responsibility of the lessee to ensure this heavy-duty tractor is compliant. The regulations may require this heavy-duty tractor to have low rolling resistance tires that are U.S. Environmental Protection Agency (EPA) Verified SmartWay Technologies prior to current or future use in California, or may entirely prohibit use of this tractor in California if*

it is a model year 2011 or later tractor and is not a U.S. EPA Certified SmartWay Tractor.”

(D) for a leased trailer that is leased prior to January 1, 2013, the person or persons registered as the owner of the tractor or trailer by the California Department of Motor Vehicles or its equivalent in another state, province, or country (usually the lessor) is the owner for purposes of this subarticle, except that the lessee of the trailer is the owner for purposes of this subarticle if both of the following requirements are met:

1. The lessor demonstrates that the lessor provided the lessee with actual written notice that clearly informed the lessee about the requirements of this subarticle and about the lessee’s obligation under terms of the lease to ensure the trailer complies with those requirements prior to use of the trailer in California. This requirement may be satisfied by inclusion of the following statement in the lease agreement:

“The lessee of this box-type trailer understands that when using a heavy-duty tractor to pull a 53-foot or longer box-type trailer on a California highway, the box-type trailer must be compliant with sections 95300 – 95311, title 17, California Code of Regulations, and that it is the responsibility of the lessee to ensure this box-type trailer is compliant. The regulations may require this trailer to have low rolling resistance tires and aerodynamic technologies that are U.S. Environmental Protection Agency Verified SmartWay Technologies prior to current or future use in California.”

2. The lessor demonstrates that either:

- a. the lease agreement permits the lessee to modify the trailer to be compliant with the requirements of this subarticle; or
- b. the lessor provides a reasonable method to exchange the trailer for one that is compliant with this subarticle.

(E) for a leased trailer that is leased on or after January 1, 2013, the person or persons registered as the owner of the tractor or trailer by the California Department of Motor Vehicles or its equivalent in another state, province, or country (usually the lessor) is the owner for purposes of this subarticle, except that the lessee of the trailer is the owner for purposes of this subarticle if the lease agreement includes the following statement:

"The lessee of this box-type trailer understands that when using a heavy-duty tractor to pull a 53-foot or longer box-type trailer on a California highway, the box-type trailer must be compliant with sections 95300 – 95311, title 17, California Code of Regulations.; and that it is the responsibility of the lessee to ensure this box-type trailer is compliant. The regulations may require this trailer to have low rolling resistance tires and aerodynamic technologies that are U.S. Environmental Protection Agency Verified SmartWay Technologies prior to current or future use in California."

(F) For purposes of this subarticle, the terms "lease," "leased," "lessor," and "lessee" mean the same as "rental agreement," "rented," "owner of the rented vehicle," and "renter," respectively.

~~(A) The lessee of a tractor or trailer is considered the owner if the following conditions are met:~~

- ~~1. the lessee has leased the tractor or trailer for a period of at least one year prior to the effective date of this subarticle, or~~
- ~~2. the lessee has leased the vehicle for a period of one year or more after the effective date of this subarticle, and the written lease agreement or amendment to the agreement specifically identifies the lessee as the owner.~~

~~(B) The lessor of a tractor or trailer is considered the owner if the following conditions are met:~~

- ~~1. neither of the conditions listed in subsection (a)(30)(A) are met, or~~
- ~~2. a written agreement between the lessee and lessor prohibits the lessee from modifying the leased or rented vehicle to comply with this subarticle.~~

~~(31)~~(40) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

~~(32)~~(41) "Rear trailer fairing" means a fairing that attaches to the perimeter outer edges of the trailer's rear-facing surface to provide a continuous surface for the air passing over the side and top surfaces of the trailer.

~~(33)~~ "Refrigerated van trailer" means a trailer van that has a refrigeration or heating unit built into the trailer to maintain precise temperatures and is