



Enforcement Division

# Advisory

To: Owners of Diesel Trucks and Buses  
That Operate in California

Number 428

April 2011

## ENFORCEMENT OF THE ON-ROAD VOUCHER INCENTIVE PROGRAM (VIP) REQUIREMENTS

The purpose of this advisory is to provide clarity regarding the Air Resources Board's enforcement of the Carl Moyer On-road Voucher Incentive Program (VIP) requirements.

### Program Background

The VIP is a streamlined voucher program that provides funding opportunities for small fleets (3 vehicles or fewer) to quickly replace or retrofit their older heavy-duty diesel vehicles. Small fleet owners that operate vehicles with 2002 or older model year diesel engines may be eligible for funding towards the purchase of a vehicle that has a 2007 or newer engine. Small fleet owners that operate vehicles with 2004-2006 model year diesel engines may be eligible for funding towards the purchase of an exhaust retrofit.

### Program Requirements

Enforcement of the following program requirements are in effect and will continue:

1. Small fleet size limitations: fleets that have one, two or three on-road heavy-duty diesel fueled vehicles with a Gross Vehicle Weight Rating (GVWR) greater than 14,000 pounds are eligible to participate. Fleets with more than three heavy-duty vehicles are NOT eligible to participate.
2. Vehicles that are subject to the Drayage Truck Regulation, the Solid Waste Collection Vehicle Regulation, Public Transit Agency Regulation, and Public Agency and Utilities Regulation are NOT eligible to participate.

### Non Compliance

#### Fleets

Fleet owners that participate in the VIP despite being ineligible will be subject to enforcement, including a claim for breach of contract or possible liability for penalties and treble damages under the California False Claims Act, Government Code section 12650 et seq. Those who knowingly submit, or cause another person or entity to submit, false claims for payment of government funds are liable for three times the government's damages plus civil penalties of \$5,000 to \$10,000 per false claim. ARB will seek any and all remedies available under law. Enforcement of the VIP may be referred to the Attorney General's Office for resolution, which may result in termination of the VIP agreement and/or a recapturing of funds from the grantee.

## Dealerships

Dealerships that are under contract with an air district to participate in VIP may also be subject to enforcement if they are not abiding by the program requirements.

### **For More Information**

To obtain a copy of the VIP Guidelines or for other VIP material, please visit the VIP webpage at <http://www.arb.ca.gov/msprog/moyer/voucher/voucher.htm>.

For more information on incentives and loan programs visit [www.arb.ca.gov/truckstop](http://www.arb.ca.gov/truckstop) or contact the Air Resources Board at 866-6-DIESEL (866-634-3735).

If you would like additional information regarding the enforcement of the VIP, please contact Robbie Morris at (916) 322-6212 or [rmorris@arb.ca.gov](mailto:rmorris@arb.ca.gov).