

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

S

1

SENATE BILL 1376

Short Title: Low Emission Vehicles/Funds.

(Public)

Sponsors: Senators Clodfelter; and Kinnaird.

Referred to: Agriculture/Environment/Natural Resources.

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA LOW EMISSION VEHICLES PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.111 is amended by adding a new subsection to read:

"(6) To adopt rules to implement a low emission vehicle program that is the functional equivalent of the low emission vehicle program established under the laws of the State of California as set forth in final regulations issued by the California Air Resources Board pursuant to Title 13 of the California Code of Regulations and promulgated under the authority of Division 26 of the California Health and Safety Code, as amended from time to time."

SECTION 2. The Environmental Management Commission shall adopt rules to establish motor vehicle emissions standards and compliance requirements that are functionally equivalent to those applicable under laws of the State of California pursuant to G.S. 143-215.111(6), as enacted by Section 1 of this act. The rules shall include motor vehicle emissions inspection, recall, and warranty requirements that are functionally equivalent to those applicable under laws of the State of California. These rules shall apply to motor vehicles of the 2008 model year and each model year thereafter. To minimize the administrative impact of the low emission vehicle program and to minimize the impact of motor vehicle emissions generated out of this State on the air quality of this State, the Commission:

- (1) May adopt rules to incorporate regulations issued by the California Air Resources Board, and other applicable rules, procedures, and certification data by reference.
- (2) May work in cooperation and enter into contracts or agreements with the State of California, other states that have implemented a low emission vehicle program that is functionally equivalent to the low

1 emission vehicle program established by this act, and the District of
2 Columbia to administer certification, in-use compliance, inspection,
3 recall, and warranty requirements for the low emission vehicle
4 program under this act.

- 5 (3) Shall work in conjunction with other states and the District of
6 Columbia to promote and facilitate the regional adoption of low
7 emission vehicle programs that are functionally equivalent to the low
8 emission vehicle program established by this act.

9 **SECTION 3.** Article 3 of Chapter 20 of the General Statutes is amended by
10 adding a new section to read:

11 **"§ 20-54.2. Title and registration of low emission vehicles; exemptions; penalties.**

12 (a) The Division shall refuse issuance of a certificate of title or registration or
13 any transfer of registration of a motor vehicle that is subject to but does not comply with
14 rules adopted pursuant to G.S. 143-215.111(6).

15 (b) The Governor may, in consultation with the Secretary of Transportation and
16 the Secretary of Environment and Natural Resources, exempt certain motor vehicles
17 from rules adopted pursuant to G.S. 143-215.111(6).

- 18 (1) Exemptions established under this subsection shall be limited to motor
19 vehicles that would be exempted from the low emission vehicle
20 program established under the laws of the State of California.

- 21 (2) Any motor vehicle exempted under this subsection shall be
22 permanently exempt from rules adopted pursuant to
23 G.S. 143-215.111(6). The Division shall note the exemption on the
24 title of the motor vehicle.

25 (c) The Department, in consultation with the Department of Environment and
26 Natural Resources, shall adopt rules to prohibit the transfer of motor vehicles or motor
27 vehicle engines that are not in compliance with rules adopted pursuant to
28 G.S. 143-215.111(6) if the rules are necessary to achieve equivalence with the low
29 emission vehicle program established under the laws of the State of California.

30 (d) A person shall not transfer or attempt to transfer a motor vehicle or motor
31 vehicle engine that is subject to but does not comply with rules adopted pursuant to
32 G.S. 143-215.111(6).

33 (e) A person may not procure or attempt to procure through fraud or
34 misrepresentation the title or registration of a motor vehicle that is subject to but does
35 not comply with rules adopted pursuant to G.S. 143-215.111(6).

36 (f) The enforcement and penalty provisions of this Article shall apply to a
37 violation of this section and the rules adopted pursuant to this section.

38 (g) Each transfer and each attempted transfer of a motor vehicle or motor vehicle
39 engine that does not comply with rules adopted pursuant to G.S. 143-215.111(6) shall
40 constitute a separate violation.

41 (h) As used in this section, 'transfer' means to acquire, purchase, sell, or lease."

42 **SECTION 4.** There is appropriated from the General Fund to the
43 Department of Environment and Natural Resources the sum of ten thousand dollars

1 (\$10,000) for the 2004-2005 fiscal year to implement the provisions of Section 2 of this
2 act.

3 **SECTION 5.** There is appropriated from the General Fund to the
4 Department of Transportation the sum of ten thousand dollars (\$10,000) for the
5 2004-2005 fiscal year to implement the provisions of Section 3 of this act.

6 **SECTION 6.** Sections 1, 2, 4, 5, and 6 of this act become effective 1 July
7 2004. Section 3 of this act becomes effective 1 January 2007, and applies to offenses
8 committed on or after that date.