

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS85173-LD-62A (03/09)

Short Title: Low-Emission Vehicles/Funds. (Public)

Sponsors: Senators Clodfelter, and Nesbitt.

Referred to:

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 subdivision 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, except these rules shall apply to new light-duty cars and light-duty trucks, as defined in G.S. 143-215.107C, of the 2007 model year and each model year thereafter for light-duty cars and trucks that are subject to Section 3 through Section 6 of this act. 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 (1) May adopt rules to incorporate regulations issued by the California Air
2 Resources Board, and other applicable rules, procedures, and
3 certification data by reference.
- 4 (2) May work in cooperation and enter into contracts or agreements with
5 the State of California, other states that have implemented a low-
6 emission vehicle program that is functionally equivalent to the low-
7 emission vehicle program established by this act, and the District of
8 Columbia to administer certification, in-use compliance, inspection,
9 recall, and warranty requirements for the low-emission vehicle
10 program under this act.
- 11 (3) Shall work in conjunction with other states and the District of
12 Columbia to promote and facilitate the regional adoption of low-
13 emission vehicle programs that are functionally equivalent to the low-
14 emission vehicle program established by this act.

15 **SECTION 3.** Article 3 of Chapter 143 of the General Statutes is amended by
16 adding a new section to read:

17 **"§ 143-58.4. Purchase of low-emission vehicles.**

18 (a) When any State department, institution, or agency purchases a new light-duty
19 car or a new light-duty truck, defined in G.S. 143-215-107C, of model year 2007 or any
20 model year thereafter, the car or truck shall comply with rules adopted pursuant to
21 G.S. 143-215.111(6). The Secretary of Administration and each State department,
22 institution, and agency shall review and revise its bid procedures and specifications to
23 make them consistent with the requirements of this section.

24 (b) When any community college, local school administrative unit, or political
25 subdivision of the State purchases a new light-duty car or a new light-duty truck,
26 defined in G.S. 143-215-107C, of model year 2007 or any model year thereafter, using
27 any State funds, the vehicle shall comply with rules adopted pursuant to
28 G.S. 143-215.111(6)."

29 **SECTION 4.** Article 2 of Chapter 136 of the General Statutes is amended by
30 adding a new section to read:

31 **"§ 136-28.13. Purchase of low-emission vehicles.**

32 When the Department of Transportation purchases a new light-duty car or a new
33 light-duty truck, defined in G.S. 143-215-107C, of model year 2007 or any model year
34 thereafter, the car or truck shall comply with rules adopted pursuant to
35 G.S. 143-215.111(6). The Secretary of Transportation shall review and revise its bid
36 procedures and specifications to make them consistent with the requirements of this
37 section."

38 **SECTION 5.** G.S. 143-341(8)i. reads as rewritten:

39 "i. To establish and operate a central motor pool and such
40 subsidiary related facilities as the Secretary may deem
41 necessary, and to that end:

42 ...

43 2. To acquire passenger motor vehicles by transfer from
44 other State agencies and by purchase. All motor vehicles

1 transferred to or purchased by the Department shall
2 become part of a central motor pool. All new light-duty
3 cars and new light-duty trucks, defined in
4 G.S. 143-215-107C, of model year 2007 or any model
5 year thereafter, that are transferred to or purchased by
6 the Department shall comply with rules adopted pursuant
7 to G.S. 143-215.111(6).

8"

9 SECTION 6. G.S. 143-215.107C reads as rewritten:

10 "§ 143-215.107C. State agency goals, plans, duties, and reports.

11 (a) ~~As used in this section, alternative-fueled vehicle~~The following definitions
12 apply to this section:

13 (1) 'Alternative-fueled vehicle' means a motor vehicle capable of operating
14 on electricity; natural gas; propane; hydrogen; reformulated gasoline;
15 ethanol; other alcohol fuels, separately or in mixtures of eighty-five
16 percent (85%) or more of alcohol by volume; or fuels, other than
17 alcohol, derived from biological materials. ~~For purposes of this~~
18 section, a vehicle that has been converted to operate on a fuel other
19 than the fuel for which it was originally designed is not a new or
20 replacement vehicle.

21 (2) 'Light-duty car' means a passenger vehicle, as defined in G.S. 20-4.01,
22 that is rated at 8,500 pounds or less Gross Vehicle Weight Rating
23 (GVWR).

24 (3) 'Light-duty truck' means a truck that is rated at 8,500 pounds or less
25 Gross Vehicle Weight Rating (GVWR).

26 (4) 'New vehicle' means a new motor vehicle as defined in
27 G.S. 20-286(10). New vehicle does not include a vehicle that has
28 converted to operate on a fuel other than the fuel for which it was
29 originally designed.

30 (5) 'Replacement vehicle' does not include a vehicle that has converted to
31 operate on a fuel other than the fuel for which it was originally
32 designed.

33 (b) ~~It~~Subject to subsection (b1) of this section, it shall be the goal of the State
34 that ~~on and after 1 January 2004~~ at least seventy-five percent (75%) of the new or
35 replacement light-duty cars and trucks purchased by the State will be alternative-fueled
36 vehicles or low-emission vehicles. The Department of Administration, the Department
37 of Transportation, and the Department of Environment and Natural Resources shall
38 jointly develop a plan to achieve this goal and to fuel and maintain these vehicles. For
39 purposes of this section, a light-duty car or truck is one that is rated at 8,500 pounds or
40 less Gross Vehicle Weight Rating (GVWR).

41 (b1) All new light-duty cars and new light-duty trucks of model year 2007 and
42 each model year thereafter that are purchased wholly or in part with State funds shall be
43 low-emission cars or trucks and shall comply with rules adopted pursuant to
44 G.S. 143-215.111(6).

1 (c) The Department of Environment and Natural Resources shall report on
2 progress in increasing the use of alternative-fueled and low-emission light-duty cars and
3 trucks in privately owned fleets to the Environmental Review Commission on or before
4 1 October of each year beginning 1 October 2001.

5 (d) The Department of Administration, the Office of State Personnel, the
6 Department of Transportation, and the Department of Environment and Natural
7 Resources shall jointly develop and periodically update a plan to reduce vehicle miles
8 traveled by State employees and vehicle emissions resulting from job-related travel,
9 including commuting to and from work. The plan shall consider the use of carpooling,
10 vanpooling, public transportation, incentives, and other appropriate strategies. The
11 Office of State Personnel shall report on the development and implementation of the
12 plan to the Joint Legislative Transportation Oversight Committee and the
13 Environmental Review Commission on or before 1 October of each year beginning 1
14 October, 2000.

15 (e) The Department of Transportation, the Department of Commerce, and the
16 Department of Environment and Natural Resources shall jointly develop and
17 periodically update a plan to reduce vehicle miles traveled by private sector employees
18 and vehicle emissions resulting from job-related travel, including commuting to and
19 from work. The plan shall consider the use of incentives for both private sector
20 employees and employers, carpooling, vanpooling, public transportation, and other
21 appropriate strategies. The Department of Transportation shall report on the
22 development and implementation of the plan to the Joint Legislative Transportation
23 Oversight Committee and the Environmental Review Commission on or before 1
24 October of each year beginning 1 October 2000.

25 (f) The Office of State Personnel shall implement a policy that promotes
26 telework/telecommuting for State employees as recommended by the report of the State
27 Auditor entitled "Establishing a Formal Telework/Telecommuting Program for State
28 Employees" and dated October 1997. It shall be the goal of the State to reduce State
29 employee vehicle miles traveled in commuting by twenty percent (20%) without
30 reducing total work hours or productivity. The Office of State Personnel shall report on
31 progress in implementing this section to the Environmental Review Commission on or
32 before 1 October of each year beginning 1 October 2000."

33 **SECTION 7.** G.S. 20-183.2(a) is amended by adding two new subdivisions
34 to read:

35 "(4) It is not a new light-duty car, defined in G.S. 143-215.107C, that
36 complies with rules adopted pursuant to G.S. 143-215.111(6), and that
37 is registered in North Carolina for three or fewer years.

38 "(5) It is not a new light-duty truck, defined in G.S. 143-215.107C, that
39 complies with rules adopted pursuant to G.S. 143-215.111(6), and that
40 is registered in North Carolina for three or fewer years."

41 **SECTION 8.** Article 3 of Chapter 20 of the General Statutes is amended by
42 adding a new section to read:

43 "**§ 20-54.2. Title and registration of low-emission vehicles; exemptions; penalties.**

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

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

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

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

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

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

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

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

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

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

31 **SECTION 9.** There is appropriated from the General Fund to the
32 Department of Environment and Natural Resources the sum of ten thousand dollars
33 (\$10,000) for the 2005-2006 fiscal year to implement the provisions of Section 2 of this
34 act.

35 **SECTION 10.** There is appropriated from the General Fund to the
36 Department of Transportation the sum of ten thousand dollars (\$10,000) for the
37 2005-2006 fiscal year to implement the provisions of Section 3 of this act.

38 **SECTION 11.** Section 7 and Section 8 of this act become effective January
39 1, 2007, and Section 8 of this act applies to offenses committed on or after that date.
40 The remaining sections of this act become effective July 1, 2005.