

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE DRS75187-LD-76 (03/26)

Short Title: NC Clean Vehicles.

(Public)

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Sponsors: Senator Gulley.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA CLEAN VEHICLES PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 21B of Chapter 143 of the General Statutes is recodified as Part 1 of Article 21B of Chapter 143 of the General Statutes to be entitled "Air Pollution Control", and Article 21B of Chapter 143 of the General Statutes is entitled "Air Quality".

**SECTION 2.** Article 21B of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 2. North Carolina Clean Vehicles.

**"§ 143-215.120. Low emissions vehicle program.**

(a) In conjunction with the Office of the Governor, the Commission shall establish by rule a low emissions vehicle program that:

(1) Subject to subdivision (2) of this subsection, is the functional equivalent to the low emissions vehicle program established under California law in accordance with the Clean Air Act.

(2) Is applicable to vehicles of the 2007 model year and each model year thereafter.

(b) As part of the low emissions vehicle program, the Commission shall establish motor vehicle emissions standards and compliance requirements equivalent to those applicable in the low emissions vehicle program established under California law to motor vehicles of the 2007 model year and each model year thereafter.

(c) As part of the compliance requirements established under subsection (b) of this section, the Commission may adopt by rule motor vehicle emissions inspection, recall, and warranty requirements. To minimize the administrative impact of the low

1 emissions vehicle program and to minimize the impact of motor vehicle emissions  
2 generated out of this State on the air quality of this State, the Commission:

- 3 (1) May adopt California regulations, rules, procedures, and certification  
4 data by reference.
- 5 (2) May work in cooperation and enter into contracts or agreements with  
6 California, other states, and the District of Columbia to administer  
7 certification, in-use compliance, inspection, recall, and warranty  
8 requirements for the low emissions vehicle program under this Part.
- 9 (3) Shall work in conjunction with other states and the District of  
10 Columbia to promote and facilitate the regional adoption of low  
11 emissions vehicle programs that are functionally equivalent to the  
12 California low emissions vehicle program.

13 **"§ 143-215.121. Exemptions; penalties for failure to comply.**

14 (a) Except as otherwise provided in this section, the Department of  
15 Transportation shall not title or register under Chapter 20 of the General Statutes a  
16 motor vehicle that is subject to this Part if the motor vehicle does not comply with the  
17 provisions of this Part or any rules adopted under this Part.

18 (b)

- 19 (1) The Office of the Governor may, in consultation with the Department,  
20 by rule exempt certain motor vehicles from the low emissions vehicle  
21 program under this Part.
- 22 (2) Exemptions established under subdivision (1) of this subsection shall  
23 be limited to motor vehicles that would be exempted from the low  
24 emissions vehicle program established under California law.
- 25 (3) Any motor vehicle exempted under subdivision (1) of this subsection  
26 shall be permanently exempt from the low emissions vehicle program  
27 requirements under this Part, and the Division of Motor Vehicles of  
28 the Department of Transportation shall note the exemption on the title  
29 of the motor vehicle.

30 (c) The Department of Transportation, in consultation with the Department, shall  
31 adopt rules to prohibit the transfer of motor vehicles or motor vehicle engines that are  
32 not in compliance with this Part if such rules are necessary to achieve equivalence with  
33 the requirements of the California low emissions vehicle program.

34 (d) A person shall not transfer or attempt to transfer a motor vehicle or motor  
35 vehicle engine that is subject to the provisions of this Part if the vehicle or engine does  
36 not comply with the low emissions vehicle program under this Part.

37 (e) A person may not procure or attempt to procure through fraud or  
38 misrepresentation the title or registration of a motor vehicle that is subject to the  
39 provisions of this Part if the vehicle does not comply with the low emissions vehicle  
40 program under this Part.

41 (f) The enforcement and penalty provisions of Article 3A of Chapter 20 of the  
42 General Statutes apply to a violation of this Part. The Commission shall adopt by rule  
43 any other enforcement or penalty provisions it deems necessary to protect air quality.

1       (g)    Each transfer and each attempted transfer of a motor vehicle or motor vehicle  
2 engine that does not comply with the low emissions vehicle program under this Part  
3 shall constitute a separate violation.

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

5       **SECTION 3.**   This act becomes effective January 1, 2004.