

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 763

Short Title: NC Clean Vehicles.

(Public)

Sponsors: Senators Gulley; and Lucas.

Referred to: Agriculture/Environment/Natural Resources.

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA CLEAN VEHICLES
3 PROGRAM.

4 The General Assembly of North Carolina enacts:

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

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

11 "Part 2. North Carolina Clean Vehicles.

12 "**§ 143-215.120. Low emissions vehicle program.**

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

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

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

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

24 (c) As part of the compliance requirements established under subsection (b) of
25 this section, the Commission may adopt by rule motor vehicle emissions inspection,
26 recall, and warranty requirements. To minimize the administrative impact of the low
27 emissions vehicle program and to minimize the impact of motor vehicle emissions
28 generated out of this State on the air quality of this State, the Commission:

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

11 **"§ 143-215.121. Exemptions; penalties for failure to comply.**

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

16 (b)

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

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

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

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

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

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

- 1 (h) As used in this section, 'transfer' means to acquire, purchase, sell, or lease."
2 **SECTION 3.** This act becomes effective January 1, 2004.