

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 688**

Short Title: NC Low-Emission Vehicle Program. (Public)

Sponsors: Senators Kinnaird; and McKissick.

Referred to: Commerce.

March 19, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE NORTH CAROLINA LOW-EMISSION VEHICLE  
3 PROGRAM.

4 The General Assembly of North Carolina enacts:

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

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

12 **SECTION 2.** The Environmental Management Commission shall adopt rules to  
13 establish motor vehicle emissions standards and compliance requirements that are functionally  
14 equivalent to those applicable under laws of the State of California pursuant to  
15 G.S. 143-215.111(6), as enacted by Section 1 of this act. The rules shall include motor vehicle  
16 emissions inspection, recall, and warranty requirements that are functionally equivalent to those  
17 applicable under laws of the State of California. These rules shall apply to motor vehicles of  
18 the 2012 model year and each model year thereafter, except these rules shall apply to new  
19 light-duty cars and light-duty trucks, as defined in G.S. 143-215.107C, as amended by Section  
20 6 of this act, of the 2012 model year and each model year thereafter for light-duty cars and  
21 light-duty trucks that are subject to Section 3 through Section 6 of this act. To minimize the  
22 administrative impact of the low-emission vehicle program and to minimize the impact of  
23 motor vehicle emissions generated out of this State on the air quality of this State, the  
24 Commission:

- 25 (1) May adopt rules to incorporate regulations issued by the California Air  
26 Resources Board and other applicable rules, procedures, and certification  
27 data by reference.
- 28 (2) May work in cooperation and enter into contracts or agreements with the  
29 State of California, other states that have implemented a low-emission  
30 vehicle program that is functionally equivalent to the low-emission vehicle  
31 program established by this act, and the District of Columbia to administer  
32 certification, in-use compliance, inspection, recall, and warranty  
33 requirements for the low-emission vehicle program under this act.
- 34 (3) Shall work in conjunction with other states and the District of Columbia to  
35 promote and facilitate the regional adoption of low-emission vehicle  
36 programs that are functionally equivalent to the low-emission vehicle  
37 program established by this act.



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

3 **"§ 143-58.6. Purchase of low-emission vehicles.**

4           (a) When any State department, institution, or agency purchases a new light-duty car or  
5 a new light-duty truck, defined in G.S. 143-215.107C, of model year 2012 or any model year  
6 thereafter, the car or truck shall comply with rules adopted pursuant to G.S. 143-215.111(6).  
7 The Secretary of Administration and each State department, institution, and agency shall  
8 review and revise its bid procedures and specifications to make them consistent with the  
9 requirements of this section.

10           (b) When any community college, local school administrative unit, or political  
11 subdivision of the State purchases a new light-duty car or a new light-duty truck, defined in  
12 G.S. 143-215.107C, of model year 2012 or any model year thereafter, using any State funds,  
13 the vehicle shall comply with rules adopted pursuant to G.S. 143-215.111(6)."

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

16 **"§ 136-28.16. Purchase of low-emission vehicles.**

17           When the Department of Transportation purchases a new light-duty car or a new light-duty  
18 truck, defined in G.S. 143-215.107C, of model year 2012 or any model year thereafter, the car  
19 or truck shall comply with rules adopted pursuant to G.S. 143-215.111(6). The Secretary of  
20 Transportation shall review and revise the Department's bid procedures and specifications to  
21 make them consistent with the requirements of this section."

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

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

26           ...

27           2. To acquire passenger motor vehicles by transfer from other  
28 State agencies and by purchase. All motor vehicles  
29 transferred to or purchased by the Department shall become  
30 part of a central motor pool. All new light-duty cars and new  
31 light-duty trucks, defined in G.S. 143-215.107C, of model  
32 year 2012 or any model year thereafter, that are transferred to  
33 or purchased by the Department shall comply with rules  
34 adopted pursuant to G.S. 143-215.111(6). Every other new  
35 motor vehicle that is transferred to or purchased by the  
36 Department and that is designed to operate on diesel fuel shall  
37 be covered by an express manufacturer's warranty that allows  
38 the use of B-20 fuel, as defined in G.S. 143-58.4. This  
39 sub-sub-subdivision does not apply if the intended use, as  
40 determined by the Department, of the new motor vehicle  
41 requires a type of vehicle for which an express manufacturer's  
42 warranty allows the use of B-20 fuel is not available.

43           ...."

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

45 **"§ 143-215.107C. State agency goals, plans, duties, and reports.**

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

48           (1) 'Alternative-fueled vehicle' means a motor vehicle capable of operating on  
49 electricity; natural gas; propane; hydrogen; reformulated gasoline; ethanol;  
50 other alcohol fuels, separately or in mixtures of eighty-five percent (85%) or  
51 more of alcohol by volume; or fuels, other than alcohol, derived from

1 biological materials. ~~For purposes of this section, a vehicle that has been~~  
2 ~~converted to operate on a fuel other than the fuel for which it was originally~~  
3 ~~designed is not a new or replacement vehicle.~~

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

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

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

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

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

21 (b1) All new light-duty cars and new light-duty trucks of model year 2012 and each  
22 model year thereafter that are purchased wholly or in part with State funds shall be  
23 low-emission cars or trucks and shall comply with rules adopted pursuant to  
24 G.S. 143-215.111(6).

25 (c) Repealed by Session Laws 2006-79, s. 13, effective July 10, 2006.

26 (d) The Department of Administration, the Office of State Personnel, the Department of  
27 Transportation, and the Department of Environment and Natural Resources shall jointly  
28 develop and periodically update a plan to reduce vehicle miles traveled by State employees and  
29 vehicle emissions resulting from job-related travel, including commuting to and from work.  
30 The plan shall consider the use of carpooling, vanpooling, public transportation, incentives, and  
31 other appropriate strategies. The Department of Transportation shall report on the development  
32 and implementation of the plan to the Joint Legislative Transportation Oversight Committee  
33 and the Environmental Review Commission on or before 1 October of each year beginning 1  
34 October 2000.

35 (e) The Department of Transportation, the Department of Commerce, and the  
36 Department of Environment and Natural Resources shall jointly develop and periodically  
37 update a plan to reduce vehicle miles traveled by private sector employees and vehicle  
38 emissions resulting from job-related travel, including commuting to and from work. The plan  
39 shall consider the use of incentives for both private sector employees and employers to promote  
40 carpooling, vanpooling, use of public transportation, and other appropriate strategies. The  
41 Department of Transportation shall report on the development and implementation of the plan  
42 to the Joint Legislative Transportation Oversight Committee and the Environmental Review  
43 Commission on or before 1 October of each year beginning 1 October 2000.

44 (f) The Office of State Personnel shall implement a policy that promotes  
45 telework/telecommuting for State employees as recommended by the report of the State  
46 Auditor entitled "Establishing a Formal Telework/Telecommuting Program for State  
47 Employees" and dated October 1997. It shall be the goal of the State to reduce State employee  
48 vehicle miles traveled in commuting by twenty percent (20%) without reducing total work  
49 hours or productivity."

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

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

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

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

9 **"§ 20-54.2. Title and registration of low-emission vehicles; exemptions; penalties.**

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

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

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

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

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

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

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

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

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

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

39           **SECTION 9.** Section 7 and Section 8 of this act become effective January 1, 2012,  
40 and Section 8 of this act applies to violations that occur on or after that date. The remaining  
41 sections of this act become effective July 1, 2009.