

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL DRS35393-NEa-107C

Short Title: Revise Motor Vehicle Emission Laws. (Public)

Sponsors: Senators Marcus, Garrett, and Mayfield (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT PROHIBITING MODIFICATIONS ENABLING ILLEGAL EMISSIONS ON  
3 DIESEL-POWERED MOTOR VEHICLES, DEFINING AND CRIMINALIZING "COAL  
4 ROLLING," AND REQUIRING LAW ENFORCEMENT OFFICERS TO UNDERGO  
5 TRAINING TO DEVELOP THE ABILITY TO PROPERLY IDENTIFY ILLEGAL  
6 MOTOR VEHICLE EMISSIONS.

7 The General Assembly of North Carolina enacts:

8 SECTION 1.(a) G.S. 20-128 reads as rewritten:

9 "§ 20-128. Exhaust system and emissions control devices.

10 ...

11 (e) No person shall modify a diesel-powered motor vehicle with a device that temporarily  
12 or permanently enables (i) the vehicle to emit visible air contaminants exceeding the limits of  
13 G.S. 20-128.1 or (ii) coal rolling, as defined in G.S. 20-128.1A."

14 SECTION 1.(b) G.S. 20-183.3 reads as rewritten:

15 "§ 20-183.3. Scope of safety inspection and emissions inspection.

16 (a) Safety. – A safety inspection of a motor vehicle consists of an inspection of the  
17 following equipment to determine if the vehicle has the equipment required by Part 9 of Article  
18 3 of this Chapter and if the equipment is in a safe operating condition:

19 ...

20 (9) Exhaust system and emissions control devices, as required by G.S. 20-128.  
21 For diesel-powered motor vehicles, this inspection shall include a  
22 determination that the vehicle has not been modified in violation of  
23 G.S. 20-128(e). For a vehicle that is subject to an emissions inspection in  
24 addition to a safety inspection, a visual inspection of the vehicle's emissions  
25 control devices is included in the emissions inspection rather than the safety  
26 inspection.

27 ...."

28 SECTION 1.(c) This section becomes effective October 1, 2022, and applies to  
29 vehicles inspected or due to be inspected on or after that date.

30 SECTION 2.(a) Article 3 of Chapter 20 of the General Statutes is amended by adding  
31 a new section to read:

32 "§ 20-128.1A. Coal rolling.

33 (a) For purposes of this section, "coal rolling" means operating a diesel-powered motor  
34 vehicle in a manner that causes an emission of visible air contaminants with the intent to do any  
35 of the following:

36 (1) Cause a reasonable person to feel harassed, annoyed, or alarmed.



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- 1           (2)    Obstruct or obscure any person's view of the roadway, other users of the
- 2                    roadway, or a traffic control device.
- 3           (3)    Create a hazard to a motor vehicle operator, bicyclist, or pedestrian.
- 4       (b)    Unless the conduct is covered under some other provision of law providing greater
- 5 punishment, any person who commits coal rolling is guilty of a Class A1 misdemeanor."

6           **SECTION 2.(b)** This section becomes effective December 1, 2022, and applies to  
7 offenses committed on or after that date.

8           **SECTION 3.(a)** G.S. 17C-6 reads as rewritten:

9 **"§ 17C-6. Powers of Commission.**

10       (a)    In addition to powers conferred upon the Commission elsewhere in this Article, the  
11 Commission shall have the following powers, which shall be enforceable through its rules and  
12 regulations, certification procedures, or the provisions of G.S. 17C-10:

- 13                    ...
- 14       (14)   Establish minimum standards for in-service training for criminal justice
- 15                    officers. In-service training standards for sworn law enforcement officers shall
- 16                    include all of the following training topics:

- 17                    ...
- 18                    j.       Training to develop the ability to properly identify violations of
- 19                            G.S. 20-128.1 and G.S. 20-128.1A. The standards established under
- 20                            this subdivision shall require eight hours of training each year.

21                    ...."

22           **SECTION 3.(b)** G.S. 17E-4 reads as rewritten:

23 **"§ 17E-4. Powers and duties of the Commission.**

24       (a)    The Commission shall have the following powers, duties, and responsibilities, which  
25 are enforceable through its rules and regulations, certification procedures, or the provisions of  
26 G.S. 17E-8 and G.S. 17E-9:

- 27                    ...
- 28       (11)   Establish minimum standards for in-service training for justice officers.
- 29                    In-service training standards for sworn law enforcement officers shall include
- 30                    all of the following training topics:

- 31                    ...
- 32                    j.       Training to develop the ability to properly identify violations of
- 33                            G.S. 20-128.1 and G.S. 20-128.1A. The standards established under
- 34                            this subdivision shall require eight hours of training each year.

35                    ...."

36           **SECTION 3.(c)** This section becomes effective January 1, 2023, and applies to  
37 applications for law enforcement certification filed on or after that date.

38           **SECTION 4.(a)** There is appropriated from the Highway Fund to the Department of  
39 Transportation, Division of Motor Vehicles, the sum of twenty-five thousand dollars (\$25,000)  
40 in nonrecurring funds for the 2022-2023 fiscal year to be used to (i) implement the emission  
41 inspections standards enacted by Section 3 of this act and (ii) educate the public regarding the  
42 effects of this act.

43           **SECTION 4.(b)** This section becomes effective July 1, 2022.

44           **SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
45 law.