

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH45128-LDf-101 (5/7)

Short Title: NC Clean Vehicles/Infrastructure Fund. (Public)

Sponsors: Representative Alexander.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA CLEAN VEHICLES
PROGRAM AND TO ESTABLISH THE LOW EMISSION VEHICLE
INFRASTRUCTURE FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Article 21B of Chapter 143 of the General Statutes is amended
by adding three new sections to read:

"§ 143-215.107D. Low emissions vehicle program.

(a) 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
emissions 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) May adopt California regulations, rules, procedures, and certification
data by reference.

(2) May work in cooperation and enter into contracts or agreements with
California, other states, and the District of Columbia to administer

1 certification, in-use compliance, inspection, recall, and warranty
2 requirements for the low emissions vehicle program under this section.

- 3 (3) Shall work in conjunction with other states and the District of
4 Columbia to promote and facilitate the regional adoption of low
5 emissions vehicle programs that are functionally equivalent to the
6 California low emissions vehicle program.

7 "**§ 143-215.107E. Exemptions; penalties for failure to comply.**

8 (a) Except as otherwise provided in this section, the Department of
9 Transportation shall not title or register under Chapter 20 of the General Statutes a
10 motor vehicle that is subject to the low emissions vehicle program if the motor vehicle
11 does not comply with the provisions of G.S. 143-215.107D or this section or any rules
12 adopted under these sections.

13 (b) The Department may by rule exempt certain motor vehicles from the low
14 emissions vehicle program. Exemptions established under this subsection shall be
15 limited to motor vehicles that would be exempted from the low emissions vehicle
16 program established under California law. Any motor vehicle exempted under this
17 subsection shall be permanently exempt from the low emissions vehicle program
18 requirements, and the Division of Motor Vehicles of the Department of Transportation
19 shall note the exemption on the title of the motor vehicle.

20 (c) The Department of Transportation, in consultation with the Commission,
21 shall adopt rules to prohibit the transfer of motor vehicles or motor vehicle engines that
22 are not in compliance with the low emissions vehicle program if such rules are
23 necessary to achieve equivalence with the requirements of the California low emissions
24 vehicle program.

25 (d) A person shall not transfer or attempt to transfer a motor vehicle or motor
26 vehicle engine that is subject to the provisions of the low emissions vehicle program if
27 the vehicle or engine does not comply with the low emissions vehicle program.

28 (e) A person may not procure or attempt to procure through fraud or
29 misrepresentation the title or registration of a motor vehicle that is subject to the
30 provisions of the low emissions vehicle program if the vehicle does not comply with the
31 low emissions vehicle program.

32 (f) The enforcement and penalty provisions of Article 3A of Chapter 20 of the
33 General Statutes apply to a violation of the low emissions vehicle program. The
34 Commission shall adopt by rule any other enforcement or penalty provisions it deems
35 necessary to protect air quality.

36 (g) Each transfer and each attempted transfer of a motor vehicle or motor vehicle
37 engine that does not comply with the low emissions vehicle program shall constitute a
38 separate violation.

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

40 "**§ 143-215.107F. Low Emission Vehicle Infrastructure Fund.**

41 (a) The Low Emission Vehicle Infrastructure Fund is established. The Low
42 Emission Vehicle Infrastructure Fund consists of an additional fee under G.S. 20-87(b)
43 added to all passenger vehicle registration fees collected by the Division of Motor
44 Vehicles under G.S. 20-87(a). The Low Emission Vehicle Infrastructure Fund shall be

1 administered by the State Energy Office of the Department of Administration and shall
2 be used to provide grants for low emission and alternative-fueled motor fuel
3 infrastructure projects that will serve low emission and alternative-fueled vehicles,
4 including natural gas, battery-electric, and hydrogen fuel cell vehicles. The State Energy
5 Office may use up to five percent (5%) of the funds credited to the Low Emission
6 Vehicle Infrastructure Fund during a calendar year under G.S. 20-87(b) for its costs of
7 administering of the low emissions vehicle program.

8 (b) The State Energy Office shall adopt rules implementing the low emissions
9 vehicle program established under G.S. 143-215.107D. These rules shall be adopted
10 after consultation with other State agencies, including the Departments of
11 Transportation, Correction, Public Instruction, Revenue, and Environment and Natural
12 Resources and interested organizations and businesses. These rules shall comply with
13 environmental and energy regulations issued by the United States Department of Energy
14 and the United States Environmental Protection Agency."

15 SECTION 2. G.S. 20-87 reads as rewritten:

16 "§ 20-87. Passenger vehicle registration fees.

17 (a) These shall be paid to the Division annually, as of the first day of January, for
18 the registration and licensing of passenger vehicles, fees according to the following
19 classifications and schedules:

- 20 (1) For-Hire Passenger Vehicles. – The fee for a passenger vehicle that is
21 operated for compensation and has a capacity of 15 passengers or less
22 is seventy-eight dollars (\$78.00). The fee for a passenger vehicle that
23 is operated for compensation and has a capacity of more than 15
24 passengers is one dollar and forty cents (\$1.40) per hundred pounds of
25 empty weight of the vehicle.
- 26 (2) U-Drive-It Vehicles. – U-drive-it vehicles shall pay the following tax:

27 Motorcycles:	1-passenger capacity	\$18.00
	2-passenger capacity	22.00
	3-passenger capacity	26.00
30 Automobiles:	15 or fewer passengers	\$41.00
31 Buses:	16 or more passengers	\$1.40
		per hundred
		pounds of empty weight
34 Trucks under 7,000		
35 pounds that do not haul		
36 products for hire:	4,000 pounds	\$41.50
	5,000 pounds	\$51.00
	6,000 pounds	\$61.00.

38 (3) Repealed by Session Laws 1981, c. 976, s. 3.

39 (4) Limousine Vehicles. – For-hire passenger vehicles on call or demand
40 which do not solicit passengers indiscriminately for hire between
41 points along streets or highways, shall be taxed at the same rate as
42 for-hire passenger vehicles under G.S. 20-87(1) but shall be issued
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- 1 appropriate registration plates to distinguish such vehicles from
2 taxicabs.
- 3 (5) Private Passenger Vehicles. – There shall be paid to the Division
4 annually, as of the first day of January, for the registration and
5 licensing of private passenger vehicles, fees according to the following
6 classifications and schedules:
7 Private passenger vehicles of not more than fifteen
8 Passengers \$20.00
9 Private passenger vehicles over fifteen passengers..... 23.00
10 Provided, that a fee of only one dollar (\$1.00) shall be charged for any
11 vehicle given by the federal government to any veteran on account of
12 any disability suffered during war so long as such vehicle is owned by
13 the original donee or other veteran entitled to receive such gift under
14 Title 38, section 252, United States Code Annotated.
- 15 (6) Private Motorcycles. – The base fee on private passenger motorcycles
16 shall be nine dollars (\$9.00); except that when a motorcycle is
17 equipped with an additional form of device designed to transport
18 persons or property, the base fee shall be sixteen dollars (\$16.00). An
19 additional fee of three dollars (\$3.00) is imposed on each private
20 motorcycle registered under this subdivision in addition to the base
21 fee. The revenue from the additional fee, in addition to any other funds
22 appropriated for this purpose, shall be used to fund the Motorcycle
23 Safety Instruction Program created in G.S. 115D-72.
- 24 (7) Dealer License Plates. – The fee for a dealer license plate is the regular
25 fee for each of the first five plates issued to the same dealer and is
26 one-half the regular fee for each additional dealer license plate issued
27 to the same dealer. The `regular fee' is the fee set in subdivision (5) of
28 this section for a private passenger motor vehicle of not more than 15
29 passengers.
- 30 (8) Driveaway Companies. – Any person engaged in the business of
31 driving new motor vehicles from the place of manufacture to the place
32 of sale in this State for compensation shall pay a fee of one-half of the
33 amount that would otherwise be payable under this section for each set
34 of plates.
- 35 (9) House Trailers. – In lieu of other registration and license fees levied on
36 house trailers under this section or G.S. 20-88, the registration and
37 license fee on house trailers shall be seven dollars (\$7.00) for the
38 license year or any portion thereof.
- 39 (10) Special Mobile Equipment. – The fee for special mobile equipment for
40 the license year or any part of the license year is two times the fee in
41 subdivision (5) for a private passenger motor vehicle of not more than
42 15 passengers.

1 (11) Any vehicle fee determined under this section according to the weight
2 of the vehicle shall be increased by the sum of three dollars (\$3.00) to
3 arrive at the total fee.

4 (12) Low-Speed Vehicles. – The fee for a low-speed vehicle is the same as
5 the fee for private passengers vehicles of not more than 15 passengers.

6 (b) In addition to the fees under subdivisions (1) through (12) of subsection (a) of
7 this section, a fee of one dollar (\$1.00) shall be paid to the Division annually, as of the
8 first day of January, for the registration and licensing of each passenger vehicle under
9 subsection (a) of this section. The Division shall credit the fees collected under this
10 subsection, less the Division's allowance for administrative expenses, quarterly to the
11 Low Emission Vehicle Infrastructure Fund under G.S. 143-215.107F. The Division may
12 retain the Division's costs of collection, not to exceed five percent (5%) of the fees
13 collected during a calendar year under this subsection. Fees collected under this
14 subsection may be used only as provided under this subsection and under G.S.
15 143-215.107F."

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