

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1287

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

Sponsors: Representatives Alexander; Insko and Luebke.

Referred to: Environment and Natural Resources, if favorable, Finance.

May 15, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA CLEAN VEHICLES
3 PROGRAM AND TO ESTABLISH THE LOW EMISSION VEHICLE
4 INFRASTRUCTURE FUND.

5 The General Assembly of North Carolina enacts:

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

8 "**§ 143-215.107D. Low emissions vehicle program.**

9 (a) The Commission shall establish by rule a low emissions vehicle program that:

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

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

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

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

24 (1) May adopt California regulations, rules, procedures, and certification
25 data by reference.

26 (2) May work in cooperation and enter into contracts or agreements with
27 California, other states, and the District of Columbia to administer
28 certification, in-use compliance, inspection, recall, and warranty
29 requirements for the low emissions vehicle program under this section.

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

5 **"§ 143-215.107E. Exemptions; penalties for failure to comply.**

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

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

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

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

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

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

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

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

38 **"§ 143-215.107F. Low Emission Vehicle Infrastructure Fund.**

39 (a) The Low Emission Vehicle Infrastructure Fund is established. The Low
40 Emission Vehicle Infrastructure Fund consists of an additional fee under G.S. 20-87(b)
41 added to all passenger vehicle registration fees collected by the Division of Motor
42 Vehicles under G.S. 20-87(a). The Low Emission Vehicle Infrastructure Fund shall be
43 administered by the State Energy Office of the Department of Administration and shall
44 be used to provide grants for low emission and alternative-fueled motor fuel

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

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

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

14 "§ 20-87. Passenger vehicle registration fees.

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

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

25 Motorcycles:	1-passenger capacity	\$18.00
	2-passenger capacity	22.00
	3-passenger capacity	26.00
28 Automobiles:	15 or fewer passengers	\$41.00
29 Buses:	16 or more passengers	\$1.40
		per hundred
		pounds of empty weight
32 Trucks under 7,000		
33 pounds that do not haul		
34 products for hire:	4,000 pounds	\$41.50
	5,000 pounds	\$51.00
	6,000 pounds	\$61.00.
- 37 (3) Repealed by Session Laws 1981, c. 976, s. 3.
- 38 (4) Limousine Vehicles. – For-hire passenger vehicles on call or demand
39 which do not solicit passengers indiscriminately for hire between
40 points along streets or highways, shall be taxed at the same rate as
41 for-hire passenger vehicles under G.S. 20-87(1) but shall be issued
42 appropriate registration plates to distinguish such vehicles from
43 taxicabs.

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- (5) Private Passenger Vehicles. – There shall be paid to the Division annually, as of the first day of January, for the registration and licensing of private passenger vehicles, fees according to the following classifications and schedules:
Private passenger vehicles of not more than fifteen
Passengers \$20.00
Private passenger vehicles over fifteen passengers..... 23.00
Provided, that a fee of only one dollar (\$1.00) shall be charged for any vehicle given by the federal government to any veteran on account of any disability suffered during war so long as such vehicle is owned by the original donee or other veteran entitled to receive such gift under Title 38, section 252, United States Code Annotated.
- (6) Private Motorcycles. – The base fee on private passenger motorcycles shall be nine dollars (\$9.00); except that when a motorcycle is equipped with an additional form of device designed to transport persons or property, the base fee shall be sixteen dollars (\$16.00). An additional fee of three dollars (\$3.00) is imposed on each private motorcycle registered under this subdivision in addition to the base fee. The revenue from the additional fee, in addition to any other funds appropriated for this purpose, shall be used to fund the Motorcycle Safety Instruction Program created in G.S. 115D-72.
- (7) Dealer License Plates. – The fee for a dealer license plate is the regular fee for each of the first five plates issued to the same dealer and is one-half the regular fee for each additional dealer license plate issued to the same dealer. The `regular fee' is the fee set in subdivision (5) of this section for a private passenger motor vehicle of not more than 15 passengers.
- (8) Driveaway Companies. – Any person engaged in the business of driving new motor vehicles from the place of manufacture to the place of sale in this State for compensation shall pay a fee of one-half of the amount that would otherwise be payable under this section for each set of plates.
- (9) House Trailers. – In lieu of other registration and license fees levied on house trailers under this section or G.S. 20-88, the registration and license fee on house trailers shall be seven dollars (\$7.00) for the license year or any portion thereof.
- (10) Special Mobile Equipment. – The fee for special mobile equipment for the license year or any part of the license year is two times the fee in subdivision (5) for a private passenger motor vehicle of not more than 15 passengers.
- (11) Any vehicle fee determined under this section according to the weight of the vehicle shall be increased by the sum of three dollars (\$3.00) to arrive at the total fee.

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

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

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