

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**SENATE BILL 1307**

Short Title: Low-Emission Vehicles Program/Funds. (Public)

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Sponsors: Senator Clodfelter.

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Referred to: Commerce, Small Business and Entrepreneurship.

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March 26, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE NORTH CAROLINA LOW-EMISSION VEHICLES  
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  
6 read:

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

14 **SECTION 2.** The Environmental Management Commission shall adopt  
15 rules to establish motor vehicle emissions standards and compliance requirements that  
16 are functionally equivalent to those applicable under laws of the State of California  
17 pursuant to G.S. 143-215.111(6), as enacted by Section 1 of this act. The rules shall  
18 include motor vehicle emissions inspection, recall, and warranty requirements that are  
19 functionally equivalent to those applicable under laws of the State of California. These  
20 rules shall apply to motor vehicles of the 2010 model year and each model year  
21 thereafter, except these rules shall apply to new light-duty cars and light-duty trucks, as  
22 defined in G.S. 143-215.107C, as amended by Section 6 of this act, of the 2009 model  
23 year and each model year thereafter for light-duty cars and trucks that are subject to  
24 Section 3 through Section 6 of this act. To minimize the administrative impact of the  
25 low-emission vehicle program and to minimize the impact of motor vehicle emissions  
26 generated out of this State on the air quality of this State, the Commission:

27 (1) May adopt rules to incorporate regulations issued by the California Air  
28 Resources Board, and other applicable rules, procedures, and  
29 certification data by reference.

- 1           (2) May work in cooperation and enter into contracts or agreements with  
2           the State of California, other states that have implemented a  
3           low-emission vehicle program that is functionally equivalent to the  
4           low-emission vehicle program established by this act, and the District  
5           of Columbia to administer certification, in-use compliance, inspection,  
6           recall, and warranty requirements for the low-emission vehicle  
7           program under this act.
- 8           (3) Shall work in conjunction with other states and the District of  
9           Columbia to promote and facilitate the regional adoption of  
10          low-emission vehicle programs that are functionally equivalent to the  
11          low-emission vehicle program established by this act.

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

14          "**§ 143-58.6. Purchase of low-emission vehicles.**

15           (a) When any State department, institution, or agency purchases a new light-duty  
16 car or a new light-duty truck, defined in G.S. 143-215-107C, of model year 2009 or any  
17 model year thereafter, the car or truck shall comply with rules adopted pursuant to  
18 G.S. 143-215.111(6). The Secretary of Administration and each State department,  
19 institution, and agency shall review and revise its bid procedures and specifications to  
20 make them consistent with the requirements of this section.

21           (b) When any community college, local school administrative unit, or political  
22 subdivision of the State purchases a new light-duty car or a new light-duty truck,  
23 defined in G.S. 143-215-107C, of model year 2009 or any model year thereafter, using  
24 any State funds, the vehicle shall comply with rules adopted pursuant to  
25 G.S. 143-215.111(6)."

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

28          "**§ 136-28.15. Purchase of low-emission vehicles.**

29           When the Department of Transportation purchases a new light-duty car or a new  
30 light-duty truck, defined in G.S. 143-215-107C, of model year 2009 or any model year  
31 thereafter, the car or truck shall comply with rules adopted pursuant to  
32 G.S. 143-215.111(6). The Secretary of Transportation shall review and revise its bid  
33 procedures and specifications to make them consistent with the requirements of this  
34 section."

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

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

39           ...

40           2. To acquire passenger motor vehicles by transfer from  
41           other State agencies and by purchase. All motor vehicles  
42           transferred to or purchased by the Department shall  
43           become part of a central motor pool. All new light-duty  
44           cars and new light-duty trucks, defined in

1 G.S. 143-215-107C, of model year 2009 or any model  
 2 year thereafter, that are transferred to or purchased by  
 3 the Department shall comply with rules adopted pursuant  
 4 to G.S. 143-215.111(6).

5 ...."

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

7 **"§ 143-215.107C. State agency goals, plans, duties, and reports.**

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

10 (1) 'Alternative-fueled vehicle' means a motor vehicle capable of operating  
 11 on electricity; natural gas; propane; hydrogen; reformulated gasoline;  
 12 ethanol; other alcohol fuels, separately or in mixtures of eighty-five  
 13 percent (85%) or more of alcohol by volume; or fuels, other than  
 14 alcohol, derived from biological materials. For purposes of this  
 15 section, a vehicle that has been converted to operate on a fuel other  
 16 than the fuel for which it was originally designed is not a new or  
 17 replacement vehicle.

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

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

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

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

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

38 (b1) All new light-duty cars and new light-duty trucks of model year 2009 and  
 39 each model year thereafter that are purchased wholly or in part with State funds shall be  
 40 low-emission cars or trucks and shall comply with rules adopted pursuant to  
 41 G.S. 143-215.111(6).

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

43 (d) The Department of Administration, the Office of State Personnel, the  
 44 Department of Transportation, and the Department of Environment and Natural

1 Resources shall jointly develop and periodically update a plan to reduce vehicle miles  
2 traveled by State employees and vehicle emissions resulting from job-related travel,  
3 including commuting to and from work. The plan shall consider the use of carpooling,  
4 vanpooling, public transportation, incentives, and other appropriate strategies. The  
5 Department of Transportation shall report on the development and implementation of  
6 the plan to the Joint Legislative Transportation Oversight Committee and the  
7 Environmental Review Commission on or before 1 October of each year beginning 1  
8 October 2000.

9 (e) The Department of Transportation, the Department of Commerce, and the  
10 Department of Environment and Natural Resources shall jointly develop and  
11 periodically update a plan to reduce vehicle miles traveled by private sector employees  
12 and vehicle emissions resulting from job-related travel, including commuting to and  
13 from work. The plan shall consider the use of incentives for both private sector  
14 employees and employers to promote carpooling, vanpooling, use of public  
15 transportation, and other appropriate strategies. The Department of Transportation shall  
16 report on the development and implementation of the plan to the Joint Legislative  
17 Transportation Oversight Committee and the Environmental Review Commission on or  
18 before 1 October of each year beginning 1 October 2000.

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

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

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

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

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

35 **"§ 20-54.2. Title and registration of low-emission vehicles; exemptions; penalties.**

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

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

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

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

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

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

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

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

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

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

22           **SECTION 9.** There is appropriated from the General Fund to the  
23 Department of Environment and Natural Resources the sum of ten thousand dollars  
24 (\$10,000) for the 2007-2008 fiscal year to implement the provisions of Section 2 of this  
25 act.

26           **SECTION 10.** There is appropriated from the General Fund to the  
27 Department of Transportation the sum of ten thousand dollars (\$10,000) for the  
28 2007-2008 fiscal year to implement the provisions of Section 3 of this act.

29           **SECTION 11.** Section 7 and Section 8 of this act become effective January  
30 1, 2009, and Section 8 of this act applies to offenses committed on or after that date.  
31 The remaining sections of this act become effective July 1, 2007.