

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

S

D

**SENATE BILL 123
PROPOSED COMMITTEE SUBSTITUTE S123-CSSUf-27 [v.1]**

6/6/2012 4:13:39 PM

Short Title: No Emission Inspections for First Three Years.

(Public)

Sponsors:

Referred to:

February 28, 2011

A BILL TO BE ENTITLED
AN ACT TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND
WITH LESS THAN EIGHTY THOUSAND MILES FROM EMISSIONS INSPECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-183.2(b) reads as rewritten:

"(b) Emissions. – A motor vehicle is subject to an emissions inspection in accordance with this Part if it meets all of the following requirements:

- (1) It is subject to registration with the Division under Article 3 of this Chapter, except for motor vehicles operated on a federal installation as provided in sub-subdivision e. of subdivision (5) of this subsection.
- (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house trailer, or a motorcycle.
- (3) It is (i) a 1996 or later model, model and older than the three most recent model years or (ii) a 1996 or later model and has 80,000 miles or more on its odometer.
- (4) Repealed by Session Laws 1999-328, s. 3.11, effective July 21, 1999.
- (5) It meets any of the following descriptions:
 - a. It is required to be registered in an emissions county.
 - b. It is part of a fleet that is operated primarily in an emissions county.
 - c. It is offered for rent in an emissions county.
 - d. It is a used vehicle offered for sale by a dealer in an emissions county.
 - e. It is operated on a federal installation located in an emissions county and it is not a tactical military vehicle. Vehicles operated on a federal installation include those that are owned or leased by employees of the installation and are used to commute to the installation and those owned or operated by the federal agency that conducts business at the installation.
 - f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an emissions inspection.
- (6) It is not licensed at the farmer rate under G.S. 20-88(b).
- (7) It is not a new motor vehicle, as defined in G.S. 20-286(10)a. and has been a used motor vehicle, as defined in G.S. 20-286(10)b., for 12 months or more.



* S 1 2 3 - C S S U F - 2 7 - V - 1 *

1 However, a motor vehicle that has been leased or rented, or offered for lease
2 or rent, is subject to an emissions inspection when it either:

3 a. Has been leased or rented, or offered for lease or rent, for 12 months
4 or more.

5 b. Is sold to a consumer-purchaser.

6 (8) It is not a privately owned, nonfleet motor home or house car, as defined in
7 G.S. 20-4.01(27)d2., that is built on a single chassis, has a gross vehicle
8 weight of more than 10,000 pounds, and is designed primarily for
9 recreational use.

10 (9) It is not a plug-in electric vehicle as defined in G.S. 20-4.01(28a).

11 (10) It is not a fuel cell electric vehicle as defined in G.S. 20-4.01(12a)."

12 **SECTION 2.** The Department of Environment and Natural Resources shall submit
13 for approval the emissions inspection program changes provided in Section 1 of this act to the
14 United States Environmental Protection Agency as an amendment to the North Carolina State
15 Implementation Plan under the federal Clean Air Act. If the United States Environmental
16 Protection Agency approves the amendment, the Secretary of the Department of Environment
17 and Natural Resources shall certify this approval to the Revisor of Statutes. In the certification,
18 the Secretary of the Department of Environment and Natural Resources shall include the
19 session law number of this act.

20 **SECTION 3.** After the Motor Vehicle Inspection and Law Enforcement System
21 (MILES) is retired and the replacement system for MILES is operational, the Commissioner of
22 Motor Vehicles shall certify to the Revisor of Statutes that MILES has been replaced. In the
23 certification, the Commissioner of Motor Vehicles shall include the session law number of this
24 act.

25 **SECTION 4.** Section 1 of this act becomes effective on the later of the following
26 dates and applies to motor vehicles inspected, or due to be inspected, on or after the effective
27 date of Section 1:

28 (1) January 1, 2014.

29 (2) The first day of a month that is 30 days after both of the following have
30 occurred:

31 a. The Department of Environment and Natural Resources certifies to
32 the Revisor of Statutes that the United States Environmental
33 Protection Agency has approved the amendment to the North
34 Carolina State Implementation Plan based on the change to the
35 emissions inspection program provided in Section 1 of this act.

36 b. The Commissioner of Motor Vehicles certifies to the Revisor of
37 Statutes that the Motor Vehicle Inspection and Law Enforcement
38 System (MILES) has been replaced.

39 **SECTION 5.** The remainder of this act is effective when it becomes law.