

1 15A NCAC 02D .1001 is proposed for readoption without substantive changes as follows:
2

3 **SECTION .1000 - MOTOR VEHICLE EMISSION CONTROL STANDARD**
4

5 **15A NCAC 02D .1001 PURPOSE**

6 This Section sets forth motor vehicle emission control standards in areas where a motor vehicle
7 inspection/maintenance program is implemented pursuant to State ~~law~~ law.

8
9 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3); 143-215.107(a)(6); 143-215.107(a)(7);*

10 *Eff. December 1, 1982;*

11 *Amended Eff. August 1, ~~2002~~-2002;*

12 *Readopted Eff. _____.*
13
14
15

1 15A NCAC 02D .1002 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 02D .1002 APPLICABILITY**

4 (a) ~~Until the events described in Paragraph (b) of this section occur, 15A NCAC 02D Rules .1002 through .1006 of~~
5 ~~this Section~~ are applicable to all light-duty gasoline vehicles for model years 1996 or more recent model years,
6 excluding the three most recent model years with less than 70,000 miles on their odometers ~~current model year~~, and
7 applies to all vehicles that are:

- 8 (1) required to be registered by the North Carolina Division of Motor Vehicles in the counties identified
9 in Paragraph (d) of this Rule;
- 10 (2) part of a fleet primarily operated within the counties identified in Paragraph (d) of this Rule; or
- 11 (3) ~~operated on a federal installation located in a county identified in Paragraph (d) of this Rule and that~~
12 ~~meet the requirements of 40 CFR 51.356(a)(4); or~~
- 13 (4)(3) otherwise required under G.S. 20-183.2(b)(5).

14 (b) ~~The first day of a month that is 30 days after the U.S. Environmental Protection Agency approves the State~~
15 ~~Implementation Plan revision and the replacement of the Motor Vehicle Inspection and Law Enforcement System~~
16 ~~being certified by the Commissioner of Motor Vehicles, whichever occurs later, On the first day of the month that is~~
17 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the
18 United States Environmental Protection Agency has approved an amendment to the North Carolina State
19 Implementation Plan, 15A NCAC 02D Rules .1002 through .1006 of this Section shall apply to 1996 or more recent
20 model for motor vehicles under Paragraph (a) of this Rule, excluding the three most recent model years with less than
21 70,000 miles on their odometers all light-duty gasoline vehicles that are a model year within 20 years of the current
22 year, excluding the three most recent model years with less than 70,000 miles on their odometers, and to all vehicles
23 that are:

- 24 (1) required to be registered by the North Carolina Division of Motor Vehicles in the counties identified
25 in Paragraph (d) of this Rule;
- 26 (2) part of a fleet primarily operated within the counties identified in Paragraph (d) of this Rule; or
- 27 (3) otherwise required under G.S. 20-183.2(b)(5).

28 (c) ~~Rules 15A NCAC 02D .1002 through .1006 of this Section~~ shall not apply to motorcycles, plug-in electric vehicles
29 or fuel cell electric vehicles as specified in G.S. 20-183.2(b).

30 (d) The emission control standards of this Section shall become effective in the counties identified in G.S. 143-
31 215.107A.

32
33 *History Note:* Authority G.S. 20-128.2(a); 20-183.2; 143-215.3(a)(1); 143-215.107(a)(3); 143-215.107(a)(6);
34 143-215.107(a)(7); 143-215.107A;
35 Eff. December 1, 1982;
36 Amended Eff. July 1, 1992; April 1, 1991;

1 *Temporary Amendment Eff. January 1, 1993 for a period of 180 days or until the permanent rule*
2 *becomes effective, whichever is sooner;*
3 *Amended Eff. January 1, 2014; August 1, 2002; July 1, 1994; July 1, 1993.*
4 *Readopted Eff. _____.*

1 15A NCAC 02D .1003 is proposed for readoption without substantive change as follows:

2
3 **15A NCAC 02D .1003 DEFINITIONS**

4 The following definitions of terms apply to ~~Rules~~ 15A NCAC 02D .1002 through .1006 ~~of this Section~~ regulating
5 either gasoline-powered or hybrid-powered motor vehicles:

- 6 (1) "Fuel Cell Electric Vehicle" means as defined in G.S. 20-4.01.
- 7 (2) "Gasoline-powered Motor Vehicle" means a four-wheeled motor vehicle designed primarily to be
8 propelled by the burning of gasoline in an internal combustion engine.
- 9 (3) "Heavy-duty Gasoline Vehicle" means as defined in either a gasoline-powered or hybrid-powered
10 motor vehicle which is designed primarily for:
- 11 (a) transportation of property and has a Gross Vehicle Weight Rating (GVWR) of more than
12 8,500 pounds but less than 14,001 pounds;
- 13 (b) transportation of persons and has a capacity of more than 12 persons; or
14 (c) use as a recreational motor vehicle that is designed primarily to provide temporary or
15 permanent living quarters for travel, camping, or other recreational use and has a GVWR
16 of more than 8,500 pounds.
- 17 (4) "Hybrid-powered Motor Vehicle" means a four-wheeled motor vehicle designed to be propelled by
18 a combination of one or more electric motors and the burning of gasoline in an internal combustion
19 engine.
- 20 (5) "Light-duty Gasoline Vehicle" means either a gasoline-powered or hybrid-powered motor vehicle
21 which is designed primarily for:
- 22 (a) transportation of property and has a GVWR of 8,500 pounds or less; or
23 (b) transportation of persons and has a capacity of 12 persons or less.
- 24 (6) "Model year" means the year used to designate a discrete vehicle model, irrespective of the calendar
25 year in which the vehicle was actually produced, provided that the production period does not
26 exceed 24 months.
- 27 (7) "Motorcycle" means as defined in G.S. 20-4.01.
- 28 (8) "Motor Vehicle" means as defined in G.S. 20-4.01.
- 29 (9) "Plug-in Electric Vehicle" means as defined in G.S. 20-4.01.
- 30 (10) "Three most recent model years." For the purposes of ~~Rules~~ 15A NCAC 02D .1002 through .1006
31 ~~of this Section~~, the term "Three most recent model years" shall be calculated by adding three years
32 to the vehicle's Vehicle Identification Number (VIN) or the registration card model year to
33 determine the first calendar year an emissions inspection is required.
- 34 (11) "Vendor" means any person who sells or leases equipment to inspection stations that is used to
35 perform on-board diagnostic tests to show compliance with ~~Rule~~ 15A NCAC 02D .1005. ~~of this~~
36 ~~Section~~.

1 *History Note: Authority G.S. 20-4.01; 143-215.3(a)(1);*
2 *Eff. December 1, 1982;*
3 *Amended Eff. February 1, ~~2014~~ 2014;*
4 *Readopted Eff. _____.*

1 15A NCAC 02D .1005 is proposed for re adoption without substantive change as follows:

2

3 **15A NCAC 02D .1005 ON-BOARD DIAGNOSTIC STANDARDS**

4 (a) This Rule shall apply to all vehicles set forth in ~~Rule 15A NCAC 02D .1002. 1002 of this Section.~~

5 (b) Vehicles covered under this Rule shall pass annually the on-board diagnostic test described in 40 CFR 85.2222.
6 The vehicle shall fail the on-board diagnostic test if any of the conditions of 40 CFR 85.2207 are met. Equipment
7 used to perform on-board diagnostic tests shall meet the requirements of 40 CFR 85.2231.

8 (c) The tester shall provide the owner of a vehicle that fails the on-board diagnostic test described in Paragraph (b) of
9 this Rule a report of the test results. This report shall include the codes retrieved per 40 CFR 85.2223(a), the status of
10 the malfunction indicator light illumination command, and the customer alert statement described in 40 CFR
11 85.2223(c).

12 (d) Persons performing on-board diagnostic tests shall provide the Division of Air Quality data necessary to determine
13 the effectiveness of the on-board diagnostic testing program. The data submitted shall be what is necessary to satisfy
14 the requirements of 40 CFR 51.365, Data Collection, and 40 CFR 51.366, Data Analysis and Reporting, and 40 CFR
15 51.358, Test Equipment.

16 (e) All references to federal regulations include subsequent amendments and editions. All federal regulations
17 referenced in this Rule can be accessed free of charge at
18 <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

19

20 *History Note: Authority G.S. 20-128.2(a); 143-215.3(a)(1); 143-215.107(a)(6); 143-215.107(a)(7); 143-*
21 *215.107A(b);*

22 *Eff. December 1, 1982;*

23 *Amended Eff. January 1, 2014; August 1, 2002; July 1, 1998; April 1, 1991; November 1, ~~1986.~~*
24 *1986;*

25 *Readopted Eff.*

26

1 15A NCAC 02D .1006 is proposed for readoption without substantive change as follows:

2
3 **15A NCAC 02D .1006 SALE AND SERVICE OF ANALYZERS**

4 (a) Requirements. A vendor shall not sell or lease equipment unless it meets the requirements of 40 CFR 85.2231
5 Onboard Diagnostic Test Equipment Requirements, and has the software necessary to record and transmit the data
6 required by the Division of Motor Vehicles and the Division of Air Quality to determine compliance with the
7 inspection/maintenance program requirements of this Section.

8 (b) Hardware repair. When equipment hardware fails to meet the requirements of Paragraph (a) of this Rule for a
9 particular analyzer, the vendor, after receiving a call from an inspection station to its respective service call center,
10 shall communicate with the impacted station within 24 hours and:

11 (1) Where the hardware problem is stopping 20 percent or more inspections for a particular analyzer or
12 is compromising the security of the inspection system, the vendor shall repair the problem within
13 48 hours after the initial call to its respective service call center.

14 (2) Where the hardware problem is stopping less than 20 percent of all inspections for a particular
15 analyzer and is not compromising the security of the inspection system, the vendor shall repair the
16 problem within 72 hours after the initial call to its respective service call center.

17 (3) Where the hardware problem is not stopping inspections and is not compromising the security of
18 the inspection system, the vendor shall repair the problem within 96 hours after the initial call to its
19 respective service call center.

20 (c) Software repair revisions. When analyzer software fails to meet the requirements of Paragraph (a) of this Rule,
21 the vendor, after receiving a call from an inspection station to its respective service call center, shall communicate
22 with the station within 24 hours. The vendor shall identify and characterize the software problem within ~~5~~ five days.
23 The vendor shall, within that same ~~5-day~~ five-day period, inform the station owner and the Division as to the nature
24 of the problem and the proposed corrective course of action; and:

25 (1) Where the software problem is stopping 20 percent or more inspections for a particular analyzer or
26 is compromising the security of the inspection system, the vendor shall submit a new revision of the
27 software to the Division for approval within 19 days after receiving the initial call to its service call
28 center.

29 (2) Where the software problem is stopping less than 20 percent of all inspections for a particular
30 analyzer and is not compromising the security of the inspection system, the vendor shall submit a
31 new revision of the software to the Division for approval within 33 days after receiving the initial
32 call to its service call center.

33 (3) The vendor shall distribute the new revision of the software to all impacted stations within 14 days
34 after the vendor receives written notification from the Division that the software has been approved
35 as meeting the requirements of Paragraph (a) of this Rule.

36 (d) Documentation of the initial service call. The vendor's service call center shall assign a unique service response
37 number to every reported new hardware or software problem. The time and date of the initial call shall be recorded

1 and identified with the service response number. The service response number shall be communicated to the
2 inspection station operator at the time of the initial contact.

3

4 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(6),(14);*

5 *Eff. January 1, 2007;*

6 *Amended Eff. January 1, ~~2014~~ 2014;*

7 *Readopted Eff. _____.*

8

1 15A NCAC 02D .1008 is proposed for readoption without change as follows:

2

3 **15A NCAC 02D .1008 HEAVY DUTY DIESEL ENGINE REQUIREMENTS**

4 (a) Definitions. For the purposes of this Rule, the following definitions apply:

5 (1) "Heavy duty diesel engine," means any diesel engine used in a vehicle with a gross vehicle weight
6 rating of 14,001 pounds and greater.

7 (2) "Model year" means model year as defined in 40 CFR Section 85.2302.

8 (b) Requirement. No model year 2005 or 2006 heavy duty diesel engine may be sold, leased, or registered within
9 North Carolina unless it has been certified by the California Air Resources Board as meeting the requirements of Title
10 13 of the California Code of Regulations, Section 1956.8 (as amended).

11 (c) Referenced Regulation. A copy of Title 13 of the California Code of Regulations, Section 1956.8, may be obtained
12 free of charge via the internet from the Office of Administrative Law California Code of Regulations website at
13 <http://ccr.oal.ca.gov/>, or a hard copy may be obtained at a cost of five dollars (\$5.00) from the Public Information
14 Office, California Air Resources Board, P.O. Box 2815, Sacramento, CA, 95812.

15

16 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(6)-(7);*

17 *Eff. December 31, 2001 by Exec. Order No. 15;*

18 *Amended Eff. July 18, ~~2002~~-2002;*

19 *Readopted Eff._____.*

20

21

22