

Consistent with S.L. 2012-199, the statutory criteria reflected in 15A NCAC 02D .1002(b) have been met with implementation of the exclusion of the three most recent model years with less than 70,000 miles on their odometers effective April 1, 2015..

## **SECTION .1000 - MOTOR VEHICLE EMISSION CONTROL STANDARD**

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

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

*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);  
Eff. December 1, 1982;  
Amended Eff. August 1, 2002.*

## **15A NCAC 02D .1002 APPLICABILITY**

(a) Rules .1002 through .1006 of this Section are applicable to all light-duty gasoline vehicles for model years 1996 or more recent model years, excluding the current model year, and applies to all vehicles that are:

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

(b) The first day of a month that is 30 days after the U.S. Environmental Protection Agency approves the State Implementation Plan revision and the replacement of the Motor Vehicle Inspection and Law Enforcement System being certified by the Commissioner of Motor Vehicles, whichever occurs later, Rules .1002 through .1006 of this Section shall apply to 1996 or more recent model for motor vehicles under Paragraph (a) of this Rule, excluding the three most recent model years with less than 70,000 miles on their odometers.

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

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

*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); 143-215.107(a)(7); 143-215.107A;  
Eff. December 1, 1982;  
Amended Eff. July 1, 1992; April 1, 1991;  
Temporary Amendment Eff. January 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Amended Eff. January 1, 2014; August 1, 2002; July 1, 1994; July 1, 1993.*

### 15A NCAC 02D .1003 DEFINITIONS

The following definitions of terms apply to Rules .1002 through .1006 of this Section regulating either gasoline-powered or hybrid-powered motor vehicles:

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

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

**15A NCAC 02D .1004 TAILPIPE EMISSION STANDARDS FOR CO AND HC**

*History Note:* Authority G.S. 20-128.2(a); 20-183.5; 143-215.3(a)(1); 143-215.107(a)(3); 143-215.107(a)(6); 143-215.107(a)(7);  
Eff. December 1, 1982;  
Amended Eff. August 1, 2002; July 1, 1993; April 1, 1991; November 1, 1986; July 1, 1984;  
Repealed Eff. July 1, 2007.

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

(a) This Rule shall apply to all vehicles set forth in Rule .1002 of this Section.

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

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

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

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

*History Note: Authority G.S. 20-128.2(a); 143-215.3(a)(1); 143-215.107(a)(6); 143-215.107(a)(7); 143-215.107A(b); Eff. December 1, 1982; Amended Eff. January 1, 2014; August 1, 2002; July 1, 1998; April 1, 1991; November 1, 1986.*

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

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

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

- (1) Where the hardware problem is stopping 20 percent or more inspections for a particular analyzer or is compromising the security of the inspection system, the vendor shall repair the problem within 48 hours after the initial call to its respective service call center.
- (2) Where the hardware problem is stopping less than 20 percent of all inspections for a particular analyzer and is not compromising the security of the inspection system, the vendor shall repair the problem within 72 hours after the initial call to its respective service call center.
- (3) Where the hardware problem is not stopping inspections and is not compromising the security of the inspection system, the vendor shall repair the problem within 96 hours after the initial call to its respective service call center.

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

- (1) Where the software problem is stopping 20 percent or more inspections for a particular analyzer or is compromising the security of the inspection system, the vendor shall submit a new revision of the software to the Division for approval within 19 days after receiving the initial call to its service call center.
- (2) Where the software problem is stopping less than 20 percent of all inspections for a particular analyzer and is not compromising the security of the inspection system, the vendor shall submit a new revision of the software to the Division for approval within 33 days after receiving the initial call to its service call center.
- (3) The vendor shall distribute the new revision of the software to all impacted stations within 14 days after the vendor receives written notification from the Division that the software has been approved as meeting the requirements of Paragraph (a) of this Rule.

(d) Documentation of the initial service call. The vendor's service call center shall assign a unique service response number to every reported new hardware or software problem. The time and date of the initial call shall be recorded and identified with the service response number. The service response number shall be communicated to the inspection station operator at the time of the initial contact.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(6),(14);  
Eff. January 1, 2007;  
Amended Eff. January 1, 2014.*

**15A NCAC 02D .1007** Reserved

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

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

- (1) "Heavy duty diesel engine," means any diesel engine used in a vehicle with a gross vehicle weight rating of 14,001 pounds and greater.
- (2) "Model year" means model year as defined in 40 CFR Section 85.2302.

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

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

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(6)-(7);  
Eff. December 31, 2001 by Exec. Order No. 15;  
Amended Eff. July 18, 2002.*



**15A NCAC 02D .1009 MODEL YEAR 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL  
VEHICLE REQUIREMENTS**

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(6)-(7);  
Eff. December 1, 2004;  
Repealed Eff. January 1, 2014.

**15A NCAC 02D .1010 HEAVY-DUTY VEHICLE IDLING RESTRICTIONS**

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.107(a)(7); 143-215.107(b);  
Eff. July 10, 2010;  
Repealed Eff. November 1, 2016.