

SECTION .1000 - MOTOR VEHICLE EMISSION CONTROL STANDARD

.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.

NCDQA History Note: *Statutory 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.*

WNCRAQA History Note: *Adopted Eff. September 12, 2005.*

.1002 APPLICABILITY

(a) This section is applicable to all gasoline-powered motor vehicles, except motorcycles and excluding the current model year, that are:

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

(b) The emission control standards of this Section become effective in the counties identified in GS 143-215.107A on the dates specified in GS 143-215.107A.

NCDQA History Note: *Filed as a Temporary Amendment Eff. January 1, 1993 for a
Period of 180 Days or Until the Permanent Rule is Effective,
Whichever is Sooner; Statutory Authority G.S. 20-128.2(a); 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, 1994; July 1, 1993; July 1,
1992; April 1, 1991; November 1, 1986; July 1, 1984.*

WNCRAQA History Note: *Adopted Eff. September 12, 2005*

.1003 DEFINITIONS

The following definitions of terms apply throughout this Section:

- (1) "Heavy-duty Vehicle" means a motor vehicle which is designed primarily for:
 - (a) transportation of property and has a GVWR (Gross Vehicle Weight Rating) of more than 8500 pounds;
 - (b) transportation of persons and has a capacity of more than 12 persons; or
 - (c) use as a recreational motor vehicle, which is designed to primarily to provide temporary or permanent living quarters for travel, camping, or other recreational use and has a GVWR of more than 8500 pounds.
- (2) "Light-duty Vehicle" means a motor vehicle which is designed primarily for:
 - (a) transportation of property and has a GVWR of 8500 pounds or less; or
 - (b) transportation of persons and has a capacity of 12 persons or less.
- (3) "Motor Vehicle" means any self-propelled vehicle used for transporting property or persons.
- (4) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

NCDAQ History Note: *Statutory Authority G.S. 143-215.3(a)(1);
Eff. December 1, 1982.*

WNCRAQA History Note: *Adopted Eff. September 12, 2005.*

.1004 TAILPIPE EMISSION STANDARDS FOR CO AND HC (REPEALED)

NCDAQ History Note: *Statutory Authority G.S. 20-128.2(a); 143-215.3(a)(1); 143-215.107(a)(3); 143-215.107(a)(6); 143-215.107(a)(7); 150B-21.6;
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.*

.1005 ON-BOARD DIAGNOSTIC STANDARDS

(a) This Rule applies according to Rule .1002 of this Section to all 1996 and later gasoline-powered motor vehicles, except motorcycles, in the counties identified in G.S. 143-215.107A.

(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 (these codes are listed in 40 CFR 85.2223(b)), 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.

NCDAQ History Note: Authority G.S. 20-128.2(a); 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, 1998; April 1, 1991;
November 1, 1986.

WNCRAQA History Note: Adopted Eff. March 14, 2005.

.1006 SALE AND SERVICE OF ANALYZERS

(a) Definition. For the purposes of this Rule, “vendor” means any person who sells or leases equipment to inspection stations that is used to measure emissions from motor vehicles for the purpose of showing compliance with Rule .1004 of this Section or that is used to perform on-board diagnostic tests to show compliance with Rule .1005 of this Section.

(b) Requirements. A vendor shall not sell or lease equipment unless it meets the requirements of 40 CFR 85.2231 On-board 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.

(c) Hardware repair and software repair. When equipment hardware or software fails to meet the requirements of Paragraph (b) of this Rule for a particular analyzer, the vendor, after receiving a call 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.

(d) Software repair revisions. When analyzer software fails to meet the requirements of Paragraph (b) of this Rule, the vendor, after receiving a call 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 (b) of this Rule.

(e) 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.

NC DAQ History Note: Authority G.S. 143-215.3(a)(1); 143-215,107(a)(6), (14);
Eff. January 1, 2007

WNCRAQA History Note: Adopted Eff. March 19, 2007.

.1007 RESERVED**.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 \$5.00 from the Public Information Office, California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

NC DAQ History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(6)-(7);
Eff. July 1, 2002

WNCRAQA History Note: Adopted Eff. September 12, 2005.

.1009 MODEL YEAR 2008 AND SUBSEQUENT MODEL YEAR HEAVY DUTY DIESEL REQUIREMENTS

(a) Applicability. This Rule applies to model year 2008 and subsequent model years heavy-duty diesel vehicles.

(b) Definitions. For the purposes of this Rule the following definitions shall apply.

- (1) "Heavy-duty diesel vehicle" means a motor vehicle (excluding trailer(s)) with a gross vehicle weight rating (as certified by the manufacturer) of 14,001 pounds or greater that is propelled by a diesel engine.
- (2) "Motor vehicle dealer" means motor vehicle dealer as defined in G. S. 20-286(11) and includes "new motor vehicle dealer" as defined in G. S. 20-286(13) and "used motor vehicle dealer" as defined in G. S. 20-286(16).
- (3) "New motor vehicle" means new motor vehicle as defined in G. S. 20-286(10)(a).
- (4) "Used motor vehicle" means used motor vehicle as defined in G. S. 20-286(10)(b).

(c) Exemptions. For the purposes of this Rule the exemption of military tactical vehicles and equipment as specified in Title 13 of the California Code of Regulations, Section 1905 shall apply.

(d) Requirement. No model year 2008 or subsequent model year heavy-duty diesel vehicle that is a

- (1) used heavy-duty diesel vehicle sold by a motor vehicle dealer; or
- (2) new motor vehicle, however it is sold,

may be leased or registered in North Carolina unless the vehicle or its engine has been certified by the California Air Resources Board as meeting the applicable model year requirements of Title 13 of the California Code of Regulations, Section 1956.8, California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles.

(e) Referenced Regulation. The California Code of Regulations Title 13, Division 3, Chapter 1, Article 1, Section 1905 and Article 2, Section 1956.8 are incorporated by reference in this Rule and include any later amendments thereto. A copy of the referenced materials 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 \$5.00 from the Public Information Office, California Air Resources Board, P.O. Box 2815, Sacramento, CA, 95812.

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

WNCRAQA History Note: Adopted Eff. September 12, 2005.

.1010 HEAVY-DUTY VEHICLE IDLING RESTRICTIONS

(a) Applicability. The requirements of this Rule apply to on-road heavy-duty vehicles powered in-part or entirely by an internal combustion engine.

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

- (1) "Auxiliary power unit" means a mechanical or electrical device affixed to a vehicle that is designed to be used to generate an alternative source of power for any of the vehicle's systems other than the primary propulsion engine;
- (2) "Congestion" means a situation that occurs when the volume of traffic exceeds the capacity of a roadway;
- (3) "Emergency" means a situation that poses an immediate risk to health, life, property, or environment;
- (4) "Emergency vehicle" means any vehicle that responds to or supports an emergency. These vehicles are operated by part of the government, charities, non-governmental organizations, and commercial companies;

- (5) "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle;
 - (6) "Farm vehicle" means a vehicle used exclusively for farm use and operated within 150 miles of the farmer's farm by the farmer or the farmer's employee to transport either agricultural product, farm machinery, or farm supplies. It is not used in the operations of a for-hire motor carrier.
 - (7) "Heavy-duty vehicle" means a motor vehicle (excluding trailer(s)) with a gross vehicle weight rating of 10,001 pounds or greater for the purpose of this Rule;
 - (8) "Idling" means the operation of a motor vehicle's propulsion engine while the vehicle is stationary;
 - (9) "Military vehicle" means a motor vehicle owned by the U.S. Department of Defense;
 - (10) "Motor vehicle" means any self-propelled vehicle used for transporting property or persons;
 - (11) "On-road vehicle" means a self-propelled vehicle that is designed for use on a highway.
 - (12) "Passenger bus" means any bus, including school buses, which is designed to carry sixteen or more passengers;
 - (13) "Power take off" means a device used to transfer mechanical energy from a heavy-duty vehicle's propulsion engine to equipment that supplies mechanical, pneumatic, hydraulic, or electric power to non-vehicular mechanical, pneumatic, hydraulic, or electrically operated devices; and
 - (14) "Queue area" means an area used by heavy-duty vehicles waiting to provide or receive services.
- (c) Exemptions. The following exemptions to idle restrictions apply to this Rule:
- (1) Heavy-duty vehicles may idle if they remain motionless due to traffic conditions, traffic control devices or signals, congestion, or at the direction of law enforcement officials;
 - (2) Emergency vehicles may idle while performing an emergency or training function. This exemption does not apply when idling only for driver comfort;
 - (3) Military vehicles;
 - (4) Heavy-duty vehicles may idle main propulsion engines to operate power take offs to perform the heavy-duty vehicle's designed functions (e.g., refrigeration of cargo, processing of cargo, dumping, lifting, hoisting, drilling, mixing, loading, unloading, other operations requiring the use of power take offs). This exemption does not apply when idling only for driver comfort;

- (5) Heavy-duty vehicles may idle if following manufacturer's recommendations for cold engine startup and engine cool-down, maintenance, inspection, servicing, repairing, or diagnostic purposes, if idling is required for such activity;
 - (6) Heavy-duty vehicles with an occupied sleeper berth compartment may idle for the purposes of air conditioning or heating during federally mandated rest or sleep periods. This exemption shall expire on May 1, 2011;
 - (7) Auxiliary power units;
 - (8) Heavy-duty vehicles with a primary diesel engine meeting the nitrogen oxide idling emission standard in Title 13, of the California Code of Regulations, Section 1956.8(a)(6)(C);
 - (9) A passenger bus when non-driver passengers are on board the vehicle and up to 20 minutes prior to passengers boarding;
 - (10) Heavy-duty vehicles may idle to provide customer climate controlled comfort during periods of providing customer services (e.g., library bookmobile, blood mobile, safety shoe and safety glasses vendors). This exemption does not apply when idling only for driver comfort; and
 - (11) Heavy-duty vehicles may idle if defrosters, heaters, air conditioners, or other equipment are operating solely to prevent a safety or health emergency.
 - (12) Heavy-duty farm vehicles.
- (d) Requirements.
- (1) No person who operates a heavy-duty vehicle shall cause, let, permit, suffer or allow idling for a period of time in excess of 5 consecutive minutes in any 60 minute period.
 - (2) Heavy-duty vehicles located in a queue area are not exempted from this Rule.

NC DAQ 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.

WNCRAQA History Note: Adopted Eff. September 13, 2010.