

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 165

An Act to amend the Code of Virginia by adding in Title 46.2 a chapter numbered 27, consisting of sections numbered 46.2-2700 through 46.2-2703, and to repeal Chapter 18 (§§ 46.2-1801 through 46.2-1805) of Title 46.2 of the Code of Virginia, relating to the Virginia Motor Vehicle Emissions Reduction Program and the Virginia Motor Vehicle Scrappage Program.

[H 1060]

Approved March 9, 1996

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 46.2 a chapter numbered 27, consisting of sections numbered 46.2-2700 through 46.2-2703, as follows:

CHAPTER 27.

VIRGINIA MOTOR VEHICLE EMISSIONS REDUCTION PROGRAM.

§ 46.2-2700. *Definitions.*

As used in this chapter, unless the context requires a different meaning:

"Eligible vehicle" means a motor vehicle that (i) is titled in Virginia, (ii) is registered and principally garaged in an air quality nonattainment or maintenance area designated in Virginia pursuant to the federal Clean Air Act Amendments of 1990, (iii) is neither an abandoned motor vehicle nor inoperable abandoned motor vehicle as those terms are defined in § 46.2-1200, and (iv) meets such other qualifications as may be mutually established by agreement between a sponsor and the Department of Environmental Quality.

"Emissions reduction strategy" means any method used to reduce motor vehicle emissions in accordance with an agreement established between a sponsor and the Department of Environmental Quality.

"Fund" means the Virginia Motor Vehicle Emissions Reduction Program Fund provided for in § 46.2-2702.

"Motor vehicle emissions reduction credit" means a measurement in units of mass per time or distance, such as grams per mile or tons per day, of reduction of exhaust or evaporative emissions from a motor vehicle.

"Sponsor" means any business, organization, group or individual that purchases or obtains access to eligible vehicles for the purpose of reducing motor vehicle emissions pursuant to the provisions of this chapter and in accordance with federal guidelines.

§ 46.2-2701. *Establishment of the Virginia Motor Vehicle Emissions Reduction Program; responsibilities under the program; general criteria for strategies.*

A. Pursuant to an agreement established between a sponsor and the Department of Environmental Quality, any sponsor may use its moneys to reduce the emissions from eligible vehicles in order to generate air pollution credits, as set forth in § 46.2-2703.

B. It is the responsibility of the Department of Environmental Quality to establish general criteria for the types of emissions reduction strategies that may be used to cause vehicle emissions reductions, and to the extent necessary, monitor and administer the provisions of this chapter.

C. It is the responsibility of the sponsors to use or donate moneys; purchase eligible vehicles; scrap, or otherwise reduce emissions from, such vehicles; and, if motor vehicle emissions reduction credits are desired, to coordinate and complete such activities in consultation with and subject to the approval of the Department of Environmental Quality.

D. The general criteria for emissions reduction strategies established by the Department of Environmental Quality for the operation and administration of the Virginia Motor Vehicle Emissions Reduction Program shall include, but not be limited to, the following:

1. Identification of potential participants based on emissions data and other data deemed pertinent by the Department of Environmental Quality.

2. Maintenance of data by the sponsor or the Department of Environmental Quality on vehicles involved in or otherwise affected by the program.

3. If vehicle scrapping is the emission reduction strategy used by a sponsor, provision for a review period, not to exceed fourteen consecutive calendar days, for automobile collectors, hobbyists and enthusiasts to allow such individuals and groups the opportunity to purchase vehicles participating in the program from the original owners of such vehicles prior to such vehicles being scrapped.

4. Measures to prevent fraudulent use of vehicles, vehicle records or vehicle emissions data for the purpose of creating motor vehicle emissions reduction credits.

§ 46.2-2702. *Virginia Motor Vehicle Emissions Reduction Program Fund.*

There is hereby established within the state treasury a special fund known as the Virginia Motor

Vehicle Emission Reduction Program Fund. Proceeds of the Fund shall be used to meet the administrative costs of the Department of Environmental Quality associated with the Virginia Motor Vehicle Emissions Reduction Program as provided for in this chapter and for no other purpose. The Comptroller shall oversee the operation of the Fund and maintain an accurate record of all transactions involving the Fund. The Fund shall consist of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Fund. The Executive Director of the Department of Environmental Quality is authorized to apply for, receive, and accept from the United States government or any agency or instrumentality thereof and from any other source, public or private, any and all gifts, grants, allotments, bequests, or devises of any nature which, in his opinion, are suitable for the purposes of this chapter and shall deposit them in the Fund. Any moneys remaining in the Fund at the end of a biennium shall remain in the Fund and shall not revert to the general fund. Interest earned on moneys received by the Fund shall remain in the Fund and be credited to it.

§ 46.2-2703. Air pollution credits in return for reducing motor vehicle emissions.

A. To the extent that such credits are available, the Department of Environmental Quality shall, in a manner and to an extent consistent with federal law, award motor vehicle emissions reduction credits to sponsors in return for reducing motor vehicles emissions in accordance with agreements established between sponsors and the Department of Environmental Quality. Such reductions in motor vehicle emissions shall be determined by tests performed or monitored by the Department of Environmental Quality or by other such measures agreed upon by the sponsors and the Department of Environmental Quality. The terms and conditions relating to the performance or monitoring of such tests and the process for determining the amount of emissions reductions and associated motor vehicle emissions reduction credits awarded shall be mutually agreed to by each sponsor and the Department of Environmental Quality prior to the implementation of any emission reduction strategy by its sponsor.

B. If a sponsor, in accordance with the agreement established between the sponsor and the Department of Environmental Quality, relinquishes or otherwise does not choose to be awarded or granted motor vehicle emissions reduction credits for implementing an emissions reduction strategy, those credits available for such reductions in air pollution shall be used to meet the air quality goals of the particular area in which such emissions reduction strategies have been implemented.

2. That Chapter 18 (§§ 46.2-1801 through 46.2-1805) of Title 46.2 of the Code of Virginia is repealed.

3. That the provisions of this act shall expire on July 1, 1999, if no sponsor has implemented emissions reduction strategies pursuant to this act on or before that date.