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SENATE BILL NO. 397

Offered January 11, 2012

Prefiled January 11, 2012

A BILL to amend and reenact §§ 46.2-1176 and 46.2-1177 of the Code of Virginia, relating to electric vehicles; emissions testing.

Patron—Hanger

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 46.2-1176 and 46.2-1177 of the Code of Virginia are amended and reenacted as follows:**
§ 46.2-1176. Definitions.

The following words and phrases when used in this article shall have the following meanings except where the context clearly indicates a different meaning:

"Basic, test and repair program" means a motor vehicle emissions inspection system established by regulations of the Board which shall designate the use of a BAR-90, designed so it may be upgraded in the future to an ASM 50-15 (acceleration simulation mode or method), as the only authorized testing equipment. Only those computer software programs and emissions testing procedures necessary to comply with the applicable provisions of Title I of the Clean Air Act shall be included. Such testing equipment shall be approvable for motor vehicle manufacturers' warranty repairs.

"Board" means the State Air Pollution Control Board.

"Certificate of emissions inspection" means a document, device, or symbol, prescribed by the Director and issued pursuant to this article, which indicates that (i) a motor vehicle has satisfactorily complied with the emissions standards and passed the emissions inspection provided for in this article; (ii) the requirement of compliance with such emissions standards has been waived; or (iii) the motor vehicle has failed such emissions inspection.

"Director" means the Director of the Department of Environmental Quality.

"Emissions inspection station" means any facility or portion of a facility that has obtained an emissions inspection station permit from the Director authorizing the facility to perform emissions inspections in accordance with this article.

"Enhanced emissions inspection program" means a motor vehicle emissions inspection system established by regulations of the Board that shall designate the use of the ASM 50-15 (acceleration simulation mode or method) as the only authorized testing equipment. Only those computer software programs and emissions testing procedures necessary to comply with applicable provisions of Title I of the Clean Air Act shall be included. Such testing equipment shall be approvable for motor vehicle manufacturers' warranty repairs.

"Fleet emissions inspection station" means any inspection facility operated under a permit issued to a qualified fleet owner or lessee as determined by the Director.

"Motor vehicle" means any vehicle that:

1. Is designed for the transportation of persons or property; and
2. Is powered by an internal combustion engine.

"On-road testing" means tests of motor vehicle emissions or emissions control devices by means of roadside pullovers or remote sensing devices.

"Qualified hybrid motor vehicle" means a motor vehicle that (i) meets or exceeds all applicable regulatory requirements, (ii) meets or exceeds the applicable federal motor vehicle emissions standards for gasoline-powered passenger cars, and (iii) can draw propulsion energy both from gasoline or diesel fuel and a rechargeable energy storage system.

"Qualified plug-in electric on-road vehicle" means a vehicle that (i) is made by a manufacturer and manufactured primarily for use on public streets, roads, and highways; (ii) has four wheels; (iii) has not been modified from original manufacturer specifications; (iv) is rated at 8,500 pounds unloaded gross vehicle weight or less; (v) has a maximum speed capability of at least 55 miles per hour; and (vi) is propelled to a significant extent by an electric motor that draws electricity from a battery that has a capacity of not less than four kilowatt hours and is capable of being recharged from an external source of electricity.

"Referee station" means an inspection facility operated or used by the Department of Environmental Quality (i) to determine program effectiveness, (ii) to resolve emissions inspection conflicts between motor vehicle owners and emissions inspection stations, and (iii) to provide such other technical support and information, as appropriate, to emissions inspection stations and vehicle owners.

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59 "Remote sensing" means the measurement of motor vehicle emissions through electronic or
60 light-sensing equipment from a remote location such as the roadside. Remote sensing equipment may
61 include devices to detect and record the vehicle's registration or other identification numbers.

62 "Test and repair" means motor vehicle emissions inspection facilities that perform official motor
63 vehicle emissions inspections and may also perform vehicle repairs. No regulation of the Board
64 pertaining to test and repair shall bar inspection facilities from also performing vehicle repairs.

65 § 46.2-1177. Emissions inspection program.

66 The Director shall administer an emissions inspection program. Such program shall require biennial
67 inspections of motor vehicles at official emissions inspection stations in accordance with this article and
68 may require additional inspections of motor vehicles that have been shown by on-road testing to exceed
69 emissions standards established by the Board.

70 The emissions inspections required in § 46.2-1178 shall not apply to any:

71 1. Vehicle powered by a clean special fuel as defined in § 46.2-749.3, provided provisions of the
72 federal Clean Air Act permit such exemption for vehicles powered by a clean special fuel;

73 2. Motorcycle;

74 3. Vehicle which, at the time of its manufacture was not designed to meet emissions standards set or
75 approved by the federal government;

76 4. Antique motor vehicle as defined in § 46.2-100 and licensed pursuant to § 46.2-730;

77 5. Vehicle for which no testing standards have been adopted by the Board; ~~or~~

78 6. (For contingent effective date, see Editor's note) Vehicle manufactured for the current model year
79 or any of the three immediately preceding model years unless identified by the remote sensing program
80 as violating the emissions standards established for that program; *or*

81 7. *Qualified plug-in electric on-road vehicle, provided provisions of the federal Clean Air Act permit*
82 *such exemption for qualified plug-in electric drive vehicles.*