



# HOUSE BILL 85: Emissions/Lee, Onslow, & Rockingham Counties.

2019-2020 General Assembly

**Committee:** Senate State and Local Government. If **Date:** May 19, 2020  
favorable, re-refer to Rules and Operations of  
the Senate

**Introduced by:** Reps. Shepard, Cleveland

**Prepared by:** Billy R. Godwin

**Analysis of:** PCS to Third Edition  
H85-CSBD-32

Staff Attorney

**OVERVIEW:** *The Proposed Committee Substitute (PCS) to House Bill 85 would do all of the following:*

- *Convert the bill from a local bill to a public bill.*
- *Remove Lee, Onslow, and Rockingham Counties from the group of counties required to conduct emissions inspections.*
- *Modify the due date of a report from the Department of Environmental Quality (DEQ) to the United States Environmental Protection Agency (EPA).*
- *Modify the effective date.*

**CURRENT LAW:** G.S. 143-215.107A requires motor vehicle emissions inspections to be performed in the following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union, and Wake.

**BILL ANALYSIS:** The PCS to House Bill 85 bill would:

- Convert the bill from a local bill to a public bill.<sup>1</sup>
- Remove Lee, Onslow, and Rockingham Counties from the group of counties required to conduct emissions inspections.
- Change to December 31, 2020, the due date of a report from DEQ to the EPA seeking EPA approval of a proposed North Carolina State Implementation Plan amendment based on the proposed change to the motor vehicle emissions testing.
- Change the effective date to the later of January 1, 2021, or the first day of a month that is 60 days after the Secretary of DEQ certifies to the Revisor of Statutes that the EPA has approved the amendment to the State's Implementation Plan.

<sup>1</sup> [Article II](#), Sec. 24, of the State Constitution prohibits local bills related to health, sanitation, and the abatement of nuisances and provides that such bills are void. A court could find that a local bill pertaining vehicle emissions testing is related to health, sanitation, and the abatement of nuisances and violates this constitutional provision.

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Director



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**EFFECTIVE DATE:** Section 1 of this act would become effective on the later of January 1, 2021, or the first day of a month that is 60 days after the Secretary of DEQ certifies to the Revisor of Statutes that the EPA has approved the amendment to the State's Implementation Plan and would apply to motor vehicles inspected, or due to be inspected, on or after that effective date. The remainder of this act would become effective when it becomes law.

**BACKGROUND:** Prior to December 1, 2018, the following counties were required to perform emissions inspections: Alamance, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Catawba, Chatham, Cleveland, Craven, Cumberland, Davidson, Durham, Edgecombe, Forsyth, Franklin, Gaston, Granville, Guilford, Harnett, Haywood, Henderson, Iredell, Johnston, Lee, Lenoir, Lincoln, Mecklenburg, Moore, Nash, New Hanover, Onslow, Orange, Pitt, Randolph, Robeson, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Union, Wake, Wayne, Wilkes and Wilson.

In 2013, the General Assembly directed the Department of Environment and Natural Resources to conduct a study to examine whether all of the counties covered under the emissions testing and maintenance program pursuant to G.S. 143-215.107A were needed to meet and maintain the current and proposed federal ozone standards in North Carolina. The final report was completed in 2016, and recommended elimination of 31 counties from the program. Subsequently, Section 3.5 of S.L. 2017-10 directed the Department of Environmental Quality to submit an amendment to North Carolina's State Implementation Plan to the USEPA for approval, based on the change to the motor vehicle emissions program with the proposed removal of 26 of the 31 recommended counties, which did not include Franklin, Lee, New Hanover, Onslow, and Rockingham.

The current list of counties required to conduct vehicles emissions testing became effective December 1, 2018.

*Howard Marsilio and Jeremy Ray, Staff Attorney for the Legislative Analysis Division, substantially contributed to this summary.*