

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1025 Session of 2005

INTRODUCED BY MADIGAN, M. WHITE, BRIGHTBILL, STOUT, PICCOLA, PUNT, PILEGGI, LAVALLE, EARLL, THOMPSON, ORIE, WOZNIAK, SCARNATI, CORMAN, WAUGH, RHOADES, ROBBINS, LEMMOND, WENGER, KASUNIC AND ARMSTRONG, NOVEMBER 23, 2005

AS AMENDED ON THIRD CONSIDERATION, FEBRUARY 14, 2006

AN ACT

1 Limiting the authority of the Environmental Quality Board over
2 the Pennsylvania Clean Vehicles Program; ESTABLISHING THE
3 PENNSYLVANIA CLEAN VEHICLES PROGRAM; IMPOSING DUTIES AND
4 RESPONSIBILITIES ON THE DEPARTMENT OF TRANSPORTATION AND THE
5 DEPARTMENT OF ENVIRONMENTAL PROTECTION; and abrogating a
6 regulation.

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7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Pennsylvania
11 Clean Vehicles Program Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Board." The Environmental Quality Board.

17 "CA-LEV II." THE CALIFORNIA LOW EMISSION VEHICLE PROGRAM,
18 TITLE 13, DIVISION 3, CHAPTERS 1 AND 2 OF THE CALIFORNIA CODE OF
19 REGULATIONS.

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1 "Department." The Department of Environmental Protection of
2 the Commonwealth.

3 "LIGHT-DUTY TRUCK." A MOTOR VEHICLE, RATED AT 8,500 POUNDS ←
4 GROSS VEHICLE WEIGHT OR LESS WHICH IS DESIGNED PRIMARILY FOR
5 PURPOSES OF TRANSPORTATION OF PROPERTY OR IS A DERIVATIVE OF
6 SUCH A VEHICLE, OR IS AVAILABLE WITH SPECIAL FEATURES ENABLING
7 OFF-STREET OR OFF-HIGHWAY OPERATION AND USE.

8 "LIGHT-DUTY VEHICLE." A PASSENGER CAR OR LIGHT-DUTY TRUCK.

9 "PASSENGER CAR." A MOTOR VEHICLE DESIGNED PRIMARILY FOR
10 TRANSPORTATION OF PERSONS AND HAVING A DESIGN CAPACITY OF 12
11 PERSONS OR FEWER.

12 ~~Section 3. Establishment of vehicle standard.~~ ←

13 ~~The Commonwealth hereby establishes a low emission vehicle~~
14 ~~program standard which is wholly consistent with the~~

15 SECTION 3. MANUFACTURERS AND PERSONS AFFECTED. ←

16 THIS ACT SHALL APPLY TO ALL COVERED MOTOR VEHICLE
17 MANUFACTURERS AS DEFINED IN 40 CFR 86.1702 (RELATING TO
18 DEFINITIONS) AND TO ANY PERSON WHICH SEEKS TO SELL, LEASE, OFFER
19 FOR SALE OR LEASE, IMPORT, DELIVER, PURCHASE, RENT, ACQUIRE,
20 RECEIVE OR REGISTER A LIGHT-DUTY VEHICLE AFTER THE EFFECTIVE
21 DATE OF THIS ACT.

22 SECTION 4. ESTABLISHMENT OF THE PENNSYLVANIA CLEAN VEHICLES
23 PROGRAM.

24 (A) ESTABLISHMENT OF PRIMARY VEHICLE STANDARD.--THE
25 COMMONWEALTH HEREBY ESTABLISHES A LOW-EMISSION VEHICLE PROGRAM
26 STANDARD WHICH IS CONSISTENT WITH THE STANDARDS ESTABLISHED BY
27 THE CALIFORNIA AIR RESOURCE BOARD, KNOWN PUBLICLY AS CA-LEV II.
28 IN ADOPTING THIS VEHICLE STANDARD THE ADOPTION OF THE ZERO
29 EMISSIONS VEHICLE REQUIREMENT OR THE EMISSIONS CONTROL SYSTEM
30 WARRANTY STATEMENT CONTAINED IN TITLE 13, CHAPTER 1, SECTION

1 2039 OF THE CALIFORNIA CODE OF REGULATIONS OR TO ANY SPECIFIC
2 REQUIREMENTS AS THEY PERTAIN TO FUEL REQUIREMENTS MANDATED IN
3 THE STATE OF CALIFORNIA SHALL BE PROHIBITED.

4 (B) ESTABLISHMENT OF COMPLIANCE ALTERNATIVE.--MOTOR VEHICLE
5 MANUFACTURERS MAY COMPLY WITH THE NEW VEHICLE EMISSION STANDARDS
6 ESTABLISHED BY THE Environmental Protection Agency ~~standard~~ <—
7 entitled Control of Air Pollution From New Motor Vehicles: Tier
8 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control
9 Requirements and set forth at 40 CFR Pts. 80 (relating to
10 regulation of fuels and fuel additives), 85 (relating to control
11 of air pollution from mobile sources) and 86 (relating to
12 control of emissions from ~~new and in-use highway vehicles and~~ <—
13 ~~engines~~). NEW AND IN-USE HIGHWAY VEHICLES AND ENGINES) AS AN <—
14 ALTERNATIVE TO COMPLYING WITH THE STANDARDS ESTABLISHED IN
15 SUBSECTION (A).

16 (C) EXPIRATION.--UNLESS FURTHER AFFIRMATIVE ACTION IS TAKEN
17 BY THE GENERAL ASSEMBLY, THIS SECTION SHALL EXPIRE DECEMBER 31,
18 2014.

19 SECTION 5. EXEMPTIONS.

20 (A) GENERAL RULE.--THE FOLLOWING NEW MOTOR VEHICLES ARE
21 EXEMPT FROM THE PENNSYLVANIA CLEAN VEHICLES PROGRAM REQUIREMENTS
22 OF THIS ACT:

23 (1) AN EMERGENCY VEHICLE.

24 (2) A LIGHT-DUTY VEHICLE TRANSFERRED BY A DEALER TO
25 ANOTHER DEALER FOR ULTIMATE SALE OUTSIDE OF THIS
26 COMMONWEALTH.

27 (3) A LIGHT-DUTY VEHICLE TRANSFERRED FOR USE EXCLUSIVELY
28 OFF HIGHWAY.

29 (4) A LIGHT-DUTY VEHICLE TRANSFERRED FOR REGISTRATION
30 OUT OF STATE.

1 (5) A LIGHT-DUTY VEHICLE GRANTED A NATIONAL SECURITY OR
2 TESTING EXEMPTION UNDER SECTION 203(B)(1) OF THE CLEAN AIR
3 ACT (69 STAT. 322, 42 U.S.C. § 7522(B)(1)).

4 (6) A LIGHT-DUTY VEHICLE HELD FOR DAILY LEASE OR RENTAL
5 TO THE GENERAL PUBLIC WHICH IS REGISTERED AND PRINCIPALLY
6 OPERATED OUTSIDE THIS COMMONWEALTH.

7 (7) A LIGHT-DUTY VEHICLE ENGAGED IN INTERSTATE COMMERCE
8 WHICH IS REGISTERED AND PRINCIPALLY OPERATED OUTSIDE THIS
9 COMMONWEALTH.

10 (8) A LIGHT-DUTY VEHICLE ACQUIRED BY A RESIDENT OF THIS
11 COMMONWEALTH FOR THE PURPOSE OF REPLACING A VEHICLE
12 REGISTERED TO THE RESIDENT WHICH WAS DAMAGED, OR BECAME
13 INOPERATIVE, BEYOND REASONABLE REPAIR OR WAS STOLEN WHILE OUT
14 OF THIS COMMONWEALTH, IF THE REPLACEMENT VEHICLE IS ACQUIRED
15 OUT OF THIS COMMONWEALTH AT THE TIME THE PREVIOUSLY OWNED
16 VEHICLE WAS EITHER DAMAGED OR BECAME INOPERATIVE OR WAS
17 STOLEN.

18 (9) A LIGHT-DUTY VEHICLE TRANSFERRED BY INHERITANCE OR
19 COURT DECREE.

20 (10) A LIGHT-DUTY VEHICLE DEFINED AS A MILITARY TACTICAL
21 VEHICLE OR ENGINES USED IN MILITARY TACTICAL VEHICLES
22 INCLUDING A VEHICLE OR ENGINE EXCLUDED FROM REGULATION UNDER
23 40 CFR 85.1703 (RELATING TO APPLICATION OF SECTION 216(2)).

24 (11) A LIGHT-DUTY VEHICLE IF THE VEHICLE WAS REGISTERED
25 IN THIS COMMONWEALTH BEFORE THE EFFECTIVE DATE OF THIS ACT.

26 (12) A LIGHT-DUTY VEHICLE HAVING A CERTIFICATE OF
27 CONFORMITY ISSUED UNDER THE CLEAN AIR ACT AND ORIGINALLY
28 REGISTERED IN ANOTHER STATE BY A RESIDENT OF THAT STATE WHO
29 SUBSEQUENTLY ESTABLISHES RESIDENCE IN THIS COMMONWEALTH AND
30 UPON REGISTRATION OF THE VEHICLE PROVIDES SATISFACTORY

1 EVIDENCE TO THE DEPARTMENT OF TRANSPORTATION OF THE PREVIOUS
2 RESIDENCE AND REGISTRATION.

3 (13) A VEHICLE TRANSFERRED FOR THE PURPOSE OF SALVAGE.

4 (14) A LIGHT-DUTY VEHICLE PURCHASED OR LEASED FROM AN
5 OUT-OF-STATE DEALER BY A RESIDENT OF THIS COMMONWEALTH FOR
6 THE PERSONAL USE OF THE RESIDENT AND NOT FOR IMMEDIATE
7 RESALE.

8 (B) REGISTRATION.--TO REGISTER AN EXEMPTED VEHICLE, THE
9 PERSON SEEKING REGISTRATION SHALL PROVIDE SATISFACTORY EVIDENCE,
10 AS DETERMINED BY THE DEPARTMENT OF TRANSPORTATION, DEMONSTRATING
11 THAT THE EXEMPTION IS APPLICABLE.

12 Section 4 6. Prohibition. <—

13 ~~The~~ EXCEPT AS PROVIDED IN SECTION 4, THE department and the <—
14 board shall not adopt the low emission vehicle standard
15 established by the State of California.

16 SECTION 7. DEPARTMENT RESPONSIBILITIES. <—

17 (A) REPORT.--NO LATER THAN JUNE 30, 2010, THE DEPARTMENT
18 SHALL REPORT TO THE GENERAL ASSEMBLY ON THE OZONE ATTAINMENT
19 STATUS OF PENNSYLVANIA'S COUNTIES AND REGIONS AS REQUIRED UNDER
20 THE CLEAN AIR ACT (69 STAT. 322, 42 U.S.C. § 7401 ET SEQ.). THE
21 REPORT SHALL CONTAIN THE DEPARTMENT'S RECOMMENDATIONS TO ATTAIN
22 AND MAINTAIN COMPLIANCE WITH CLEAN AIR ACT AIR QUALITY OZONE
23 STANDARDS.

24 (B) STAKEHOLDER PROCESS.--TO ASSIST IN THE DEPARTMENT'S
25 RECOMMENDATIONS, THE DEPARTMENT SHALL CONVENE A STAKEHOLDER
26 PROCESS FOR EACH GEOGRAPHIC AREA OR REGION LISTED AS
27 NONATTAINMENT BY THE ENVIRONMENTAL PROTECTION AGENCY, AND NOT
28 ANTICIPATED TO MEET ATTAINMENT BY JUNE 30, 2010. EACH
29 STAKEHOLDER GROUP SHALL BE ORGANIZED AND CONVENEED NO LATER THAN
30 JUNE 30, 2008. THE DEPARTMENT SHALL USE AN OUTSIDE NEUTRAL

1 FACILITATOR TO CONDUCT EACH STAKEHOLDER GROUP'S DELIBERATIONS.

2 (C) COMPOSITION.--EACH STAKEHOLDER GROUP SHALL BE COMPRISED
3 OF FAIR REPRESENTATION CONSISTING OF MOTORIST, PUBLIC HEALTH AND
4 ENVIRONMENTAL ORGANIZATIONS, PUBLIC UTILITY, AUTOMOTIVE
5 MANUFACTURERS, BUSINESS AND INDUSTRY ORGANIZATIONS AS WELL AS
6 FEDERAL, STATE AND LOCAL OFFICIALS.

7 (D) WAIVER PETITIONS.--THE DEPARTMENT SHALL SUBMIT, IF
8 NECESSARY, ANY PETITIONS FOR WAIVERS TO THE ENVIRONMENTAL
9 PROTECTION AGENCY TO EFFECTUATE ANY PROVISION OF THIS ACT.

10 SECTION 8. DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.

11 PRIOR TO DECEMBER 31, 2006, AND EACH YEAR THEREAFTER, THE
12 DEPARTMENT OF TRANSPORTATION SHALL PROVIDE TO THE CHAIRMEN AND
13 MINORITY CHAIRMEN OF THE TRANSPORTATION COMMITTEE AND THE
14 ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE SENATE AND
15 THE CHAIRMEN AND MINORITY CHAIRMEN OF THE TRANSPORTATION
16 COMMITTEE AND THE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE
17 OF THE HOUSE OF REPRESENTATIVES A REPORT LISTING THE FOLLOWING:

18 (1) THE APPROXIMATE NUMBER OF VEHICLES REGISTERED IN
19 PENNSYLVANIA WHICH ARE CERTIFIED BY THE CALIFORNIA AIR
20 RESOURCE BOARD AS CA-LEV II COMPLIANT, LISTED BY COUNTY.

21 (2) THE APPROXIMATE NUMBER OF VEHICLES OF EACH MODEL
22 YEAR SUBSEQUENT TO 1970 CURRENTLY REGISTERED IN EACH COUNTY
23 OF THIS COMMONWEALTH.

24 Section 5 9. Abrogation of regulation. <—

25 The provisions of 25 Pa. Code Ch. 126 Subch. D (relating to
26 new motor vehicle emissions control program) are abrogated to
27 the extent they are inconsistent with this act.

28 Section 6 10. Federal approval. <—

29 The board, the department and all appropriate executive
30 authorities shall, as expeditiously as possible, seek and obtain

1 necessary approvals by the Environmental Protection Agency for a
2 State implementation plan revision. Upon receipt of all of the
3 necessary approvals, the Secretary of the Commonwealth shall
4 transmit notice of the receipt to the Legislative Reference
5 Bureau for publication in the Pennsylvania Bulletin.

6 Section ~~10~~ 20. Effective date. ←

7 This act shall take effect as follows:

8 (1) The following sections shall take effect
9 immediately:

10 (i) Section ~~5~~ 9. ←

11 (ii) This section.

12 (2) The remainder of this act shall take effect upon
13 publication of the notice under section ~~6~~ 10. ←