

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 1142
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40777-NEa-107F

Short Title: Revise Motor Vehicle Emission Laws.

(Public)

Sponsors: Representative Autry.

Referred to:

A BILL TO BE ENTITLED
AN ACT PROHIBITING MODIFICATIONS ENABLING ILLEGAL EMISSIONS ON
DIESEL-POWERED MOTOR VEHICLES, DEFINING AND CRIMINALIZING "COAL
ROLLING," AND REQUIRING LAW ENFORCEMENT OFFICERS TO UNDERGO
TRAINING TO DEVELOP THE ABILITY TO PROPERLY IDENTIFY ILLEGAL
MOTOR VEHICLE EMISSIONS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 20-128 reads as rewritten:

"§ 20-128. Exhaust system and emissions control devices.

...
(e) No person shall modify a diesel-powered motor vehicle with a device that temporarily or permanently enables (i) the vehicle to emit visible air contaminants exceeding the limits of G.S. 20-128.1 or (ii) coal rolling, as defined in G.S. 20-128.1A."

SECTION 1.(b) G.S. 20-183.3 reads as rewritten:

"§ 20-183.3. Scope of safety inspection and emissions inspection.

(a) Safety. – A safety inspection of a motor vehicle consists of an inspection of the following equipment to determine if the vehicle has the equipment required by Part 9 of Article 3 of this Chapter and if the equipment is in a safe operating condition:

...
(9) Exhaust system and emissions control devices, as required by G.S. 20-128. For diesel-powered motor vehicles, this inspection shall include a determination that the vehicle has not been modified in violation of G.S. 20-128(e). For a vehicle that is subject to an emissions inspection in addition to a safety inspection, a visual inspection of the vehicle's emissions control devices is included in the emissions inspection rather than the safety inspection.

...."

SECTION 1.(c) This section becomes effective October 1, 2022, and applies to vehicles inspected or due to be inspected on or after that date.

SECTION 2.(a) Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-128.1A. Coal rolling.

(a) For purposes of this section, "coal rolling" means operating a diesel-powered motor vehicle in a manner that causes an emission of visible air contaminants with the intent to do any of the following:

(1) Cause a reasonable person to feel harassed, annoyed, or alarmed.



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(2) Obstruct or obscure any person's view of the roadway, other users of the roadway, or a traffic control device.

(3) Create a hazard to a motor vehicle operator, bicyclist, or pedestrian.

(b) Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits coal rolling is guilty of a Class A1 misdemeanor."

SECTION 2.(b) This section becomes effective December 1, 2022, and applies to offenses committed on or after that date.

SECTION 3.(a) G.S. 17C-6 reads as rewritten:

"§ 17C-6. Powers of Commission.

(a) In addition to powers conferred upon the Commission elsewhere in this Article, the Commission shall have the following powers, which shall be enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17C-10:

...

(14) Establish minimum standards for in-service training for criminal justice officers. In-service training standards for sworn law enforcement officers shall include all of the following training topics:

...

j. Training to develop the ability to properly identify violations of G.S. 20-128.1 and G.S. 20-128.1A. The standards established under this subdivision shall require eight hours of training each year.

...."

SECTION 3.(b) G.S. 17E-4 reads as rewritten:

"§ 17E-4. Powers and duties of the Commission.

(a) The Commission shall have the following powers, duties, and responsibilities, which are enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17E-8 and G.S. 17E-9:

...

(11) Establish minimum standards for in-service training for justice officers. In-service training standards for sworn law enforcement officers shall include all of the following training topics:

...

j. Training to develop the ability to properly identify violations of G.S. 20-128.1 and G.S. 20-128.1A. The standards established under this subdivision shall require eight hours of training each year.

...."

SECTION 3.(c) This section becomes effective January 1, 2023, and applies to applications for law enforcement certification filed on or after that date.

SECTION 4.(a) There is appropriated from the Highway Fund to the Department of Transportation, Division of Motor Vehicles, the sum of twenty-five thousand dollars (\$25,000) in nonrecurring funds for the 2022-2023 fiscal year to be used to (i) implement the emission inspections standards enacted by Section 3 of this act and (ii) educate the public regarding the effects of this act.

SECTION 4.(b) This section becomes effective July 1, 2022.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.