

§§1-7 -
C.26:2C-8.15
to 26:2C-8.21
§11 - C.54:32B-8.55
§12 - Repealer

P.L. 2003, CHAPTER 266, *approved January 14, 2004*
Senate Committee Substitute (*First Reprint*) for
Senate, No. 2351

1 **AN ACT** concerning implementation of the California Low Emission
2 Vehicle program, supplementing P.L.1954, c.212 (C.26:2C-1 et
3 seq.), amending and repealing various sections of P.L.1993, c.69,
4 and supplementing P.L.1966, c.30 (C.54:32B-1 et seq).

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) The Legislature finds ¹and declares¹ that the
10 implementation of the National Low Emission Vehicle program is a
11 key component of the State's efforts to achieve on-time emissions
12 reductions and to attain compliance with the ¹[National Ambient Air
13 Quality Standards] national ambient air quality standards¹, as required
14 pursuant to the federal "Clean Air Act Amendments of 1990," 42
15 U.S.C. s.7403 et seq.; that the State's ¹[chances for reaching]¹
16 attainment of the ¹[National Ambient Air Quality Standards]national
17 ambient air quality standards¹ will require further, more stringent
18 reductions in emissions of pollutants ¹[to achieve the required goals;
19 that Phase II of] ; that¹ the California Low Emission Vehicle program
20 provides for greater reductions in pollutants than the National Low
21 Emission Vehicle program; and that the State has committed to
22 implementing the National Low Emission Vehicle program until 2006
23 but can implement the California Low Emission Vehicle program after
24 that ¹year¹.

25 The Legislature further finds ¹and declares¹ that in the summer of
26 2002, New Jersey had the highest number of smog violations per
27 monitoring station in the nation; that in December 2003, the United
28 States Environmental Protection Agency announced its intention to
29 designate the entire State as out-of-compliance with the agency's
30 ¹[health based] health-based¹ standard for ozone; and that this
31 designation by the United States Environmental Protection Agency
32 would require the State to adopt a stronger, more comprehensive clean
33 air plan for the State.

34 The Legislature further finds ¹[that 48 percent] and declares that
35 a significant percentage¹ of particulate emissions, ¹[31 percent of]¹

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted January 8, 2004.

1 smog-forming emissions, and ¹[80 percent of]¹ airborne cancer risk
2 comes from vehicle emissions; that pollution from automobiles is
3 expected to increase with the projected population increase estimate
4 of an additional 1,200,000 people in the State in the next decade; and
5 that mobile sources of emissions have received less regulatory
6 attention than industrial facilities and area sources of pollution.

7 The Legislature further finds ¹and declares¹ that ground-level
8 ozone, or smog, is formed ¹[from] when¹ automobile, industrial and
9 other pollutants ¹[by chemical reactions when there is] chemically
10 react with¹ bright sunshine ¹[with] and¹ high temperatures; that
11 ground-level ozone irritates the ¹[mucous membranes of the]¹
12 respiratory system and can cause coughing, wheezing, chest pain and
13 headaches; that ozone especially aggravates chronic respiratory
14 diseases such as asthma and bronchitis; that ground-level ozone and
15 other air toxics have a substantial negative impact on the health and
16 quality of life of residents of the State; and that reducing ground-level
17 ozone pollution will help reduce these negative health effects.

18 The Legislature therefore determines that it is in the public interest
19 to ¹[implement Phase II of the California Low Emission Vehicle
20 program, to provide an incentive for the purchase or lease of zero
21 emission vehicles and qualified hybrid vehicles, to establish a
22 commission charged with reviewing the implementation of the program
23 and the economic development of the technology of zero emission
24 vehicles, and to require this commission to report to the Governor and
25 the Legislature no later than December 15, 2007, and to provide for
26 the expiration of the implementation of the California Low Emission
27 Vehicle program in the State on April 15, 2008, unless the
28 implementation of the program is reauthorized by law within 120 days
29 of the submission of this report or by December 15, 2007, whichever
30 date is later] : implement the California Low Emission Vehicle
31 program beginning January 1, 2009; establish a zero emission vehicle
32 credit bank for manufacturers; establish a Low Emission Vehicle
33 Review Commission charged with reviewing the implementation of the
34 program, the availability and success of the incentive, and the
35 technology of zero emission vehicles; and provide an incentive for the
36 purchase or lease of zero emission vehicles¹.

37
38 ¹2. (New section) As used in sections 1 through 7 of P.L. _____,
39 c. (C.) (before the Legislature as this bill):

40 "Advanced technology partial zero emission vehicle" means a
41 vehicle certified as an advanced technology partial zero emission
42 vehicle pursuant to the California Air Resources Board vehicle
43 standards for the applicable model year;

44 "California Low Emission Vehicle program" means the second
45 phase of the low emission vehicle program being implemented in the
46 State of California, pursuant to the provisions of the Federal Clean Air

1 Act and the California Code of Regulations;

2 "Commissioner" means the Commissioner of Environmental
3 Protection;

4 "Department" means the Department of Environmental Protection;

5 "Federal Clean Air Act" means the federal "Clean Air Act,"
6 42 U.S.C. s.7401 et seq., and any subsequent amendments or
7 supplements to that act;

8 "Low Emission Vehicle Review Commission" means the
9 commission established by subsection a. of section 5 of P.L. , c.
10 (C.) (before the Legislature as this bill);

11 "Partial zero emission vehicle" means a vehicle certified as a partial
12 zero emission vehicle pursuant to the California Air Resources Board
13 vehicle standards for the applicable model year;

14 "State implementation plan" means the State implementation plan
15 for national ambient air quality standards adopted for New Jersey
16 pursuant to the federal Clean Air Act;

17 "Zero emission vehicle" means a vehicle certified as a zero
18 emission vehicle pursuant to the California Air Resources Board zero
19 emission vehicle standards for the applicable model year, but shall not
20 include an advanced technology partial zero emission vehicle or a
21 partial zero emission vehicle; and

22 "Zero emission vehicle requirement" means the percentage or
23 number of those vehicles certified as zero emission vehicles pursuant
24 to the California Air Resources Board vehicle standards and required
25 to be delivered by a manufacturer for sale or lease for the applicable
26 model year, and any additional percentages or numbers of advanced
27 technology partial zero emission vehicles or partial zero emission
28 vehicles that may be delivered by a manufacturer for sale or lease to
29 satisfy the zero emission vehicle requirement established by the
30 California Air Resources Board in lieu of vehicles that meet the pure
31 zero emission vehicle standard.¹

32
33 ¹[2.] 3.¹ (New section) a. Notwithstanding any provision of a
34 State ¹[Implementation Plan] implementation plan¹ submitted by the
35 Department of Environmental Protection to the United States
36 Environmental Protection Agency pursuant to the requirements of the
37 federal "Clean Air Act Amendments of 1990," 42 U.S.C. s.7403 et
38 seq., to the contrary, the ¹[Department of Environmental Protection]
39 department¹ shall implement ¹[Phase II of]¹ the California Low
40 Emission Vehicle program in the State beginning ¹[two motor vehicle
41 model years after the effective date] on January 1, 2009, except as
42 provided pursuant to sections 6 and 7¹ of P.L. , c. (C.) (before
43 the Legislature as this bill).

44 b. The Commissioner of Environmental Protection, within 30 days
45 ¹[of] after¹ a proposed major substantive change to ¹[Phase II of]¹
46 the California Low Emission Vehicle program ¹[in the State of

1 California that necessitates] that, if adopted, would necessitate¹ a
2 corresponding ¹[major]¹ substantive change to the program in New
3 Jersey adopted pursuant to subsection a. of this section, shall provide
4 written notice and a summary of the proposed ¹[major]¹ substantive
5 change to the Senate Environment Committee and the Assembly
6 Environment and Solid Waste Committee, or their successors as
7 designated respectively by the President of the Senate and the Speaker
8 of the General Assembly.

9 c. The ¹[Commissioner of Environmental Protection]
10 commissioner¹ shall adopt, pursuant to the "Administrative Procedure
11 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations
12 necessary to implement ¹[Phase II of]¹ the California Low Emission
13 Vehicle program in the State beginning ¹[two motor vehicle model
14 years after the effective date of P.L. , c. (C.) (before the
15 Legislature as this bill)] on January 1, 2009¹.

16 ¹[d. As used in this section, "Phase II of the California Low
17 Emission Vehicle program" means the second phase of the low
18 emission vehicle program being implemented in California, pursuant to
19 the requirements of the federal "Clean Air Act," 42 U.S.C. s.7401 et
20 seq.

21 e. The provisions of this section shall expire on April 15, 2008,
22 unless the provisions of this section are reauthorized by law within 120
23 days of the submission of the report required pursuant to subsection
24 g. of section 5 of P.L. , c. (C.) (before the Legislature as this
25 bill), or by December 15, 2007, whichever date is later.]¹

26

27 ¹4. (New section) a. The Commissioner of Environmental
28 Protection shall establish a zero emission vehicle credit bank to allow
29 manufacturers to earn and bank vehicle equivalent credits for any
30 advanced technology partial zero emission vehicle or partial zero
31 emission vehicle produced and delivered for sale or lease in the State
32 on or after January 1, 1999 and through December 31, 2008.

33 (1) In establishing the credit bank required by this section, the
34 commissioner shall use the highest multiplier used by the California Air
35 Resources Board for determining the allowable vehicle equivalent
36 credits for each advanced technology partial zero emission vehicle or
37 partial zero emission vehicle delivered for sale or lease in the State by
38 a manufacturer on or after January 1, 1999 until the effective date of
39 P.L. , c. (C.) (before the Legislature as this bill).

40 (2) Beginning on the effective date of P.L. , c. (C.) (before
41 the Legislature as this bill), the commissioner shall use the multiplier
42 used by the California Air Resources Board for the applicable model
43 year for each advanced technology partial zero emission vehicle or
44 partial zero emission vehicle delivered for sale or lease in the State by
45 a manufacturer on or after the effective date of P.L. , c. (C.)

1 (before the Legislature as this bill) and through December 31, 2008.

2 b. (1) Within 180 days after the effective date of P.L. , c.
3 (C.) (before the Legislature as this bill), the commissioner shall
4 publish a list in the New Jersey Register of the make and model of
5 those motor vehicles that qualify as advanced technology partial zero
6 emission vehicles or partial zero emission vehicles for the 1999
7 through 2003 model years.

8 (2) Annually thereafter, the commissioner shall publish a list in the
9 New Jersey Register of the make and model of those motor vehicles
10 that qualify as advanced technology partial zero emission vehicles or
11 partial zero emission vehicles for that respective model year.

12 (3) The commissioner may revise any list published pursuant to
13 this subsection as necessary to comply with the California Air
14 Resources Board vehicle standards for the applicable model year.

15 c. Notwithstanding the provisions of the "Administrative
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,
17 the commissioner shall, immediately upon filing the proper notice with
18 the Office of Administrative Law, adopt such temporary rules and
19 regulations as necessary to establish a zero emission vehicle credit
20 bank pursuant to subsection a. of this section. These rules and
21 regulations may include, but need not be limited to, the documentation
22 to be submitted by a manufacturer to determine eligibility and
23 participation in the credit bank established pursuant to subsection a.
24 of this section, and fees for administrative services provided to
25 implement the zero emission vehicle credit bank to be assessed to
26 those manufacturers seeking to earn and bank credits. The temporary
27 rules and regulations shall be in effect for a period not to exceed 270
28 days after the date of the filing, except that in no case shall the
29 temporary rules and regulations be in effect one year after the effective
30 date of P.L. , c. (C.) (before the Legislature as this bill). The
31 temporary rules and regulations shall thereafter be amended, adopted
32 or readopted by the commissioner as the commissioner determines is
33 necessary in accordance with the requirements of the "Administrative
34 Procedure Act."

35 d. The provisions of this section shall expire upon the passage of
36 a concurrent resolution by the Legislature directing the department to
37 implement the National Low Emission Vehicle program pursuant to
38 subsection a. of section 6 of P.L. , c. (C.) (before the Legislature
39 as this bill).¹

40
41 ¹5. (New section) a. There is established the Low Emission
42 Vehicle Review Commission consisting of 15 members as follows: the
43 Director of the Environmental and Occupational Health Sciences
44 Institute at Rutgers, the State University of New Jersey, or the
45 director's designee; a representative of the Department of
46 Environmental Protection appointed by the commissioner; one member

1 of the General Assembly appointed by the Speaker of the General
2 Assembly; one member of the Senate appointed by the President of the
3 Senate; and 11 public members.

4 The 11 public members, to be appointed by the Governor with the
5 advice and consent of the Senate, shall be as follows: two members
6 representing manufacturers of automobiles sold within the State; two
7 members representing automotive retailers and recommended to the
8 Governor by the New Jersey Coalition of Automotive Retailers; two
9 members of recognized Statewide environmental organizations; one
10 member representing the New Jersey Public Interest Research Group;
11 one member representing the New Jersey Institute of Technology and
12 recommended to the Governor by the President of the New Jersey
13 Institute of Technology; one member representing the American Lung
14 Association of New Jersey; one member representing the Northeast
15 States for Coordinated Air Use Management; and one member
16 representing a zero emission vehicle technology company.

17 b. Any vacancies in the membership of the commission shall be
18 filled in the same manner as the original appointments were made.

19 c. The Director of the Environmental and Occupational Health
20 Sciences Institute at Rutgers, the State University of New Jersey, or
21 the director's designee, shall serve as chairperson of the commission.
22 The commission shall meet at the call of the chairperson, and the
23 commission shall organize as soon as practicable after appointment of
24 its members.

25 d. The members of the commission shall serve without
26 compensation, but may be reimbursed for necessary expenses incurred
27 in the performance of their duties.

28 e. The commission shall be entitled to call to its assistance and
29 avail itself of the services of the employees of any State department,
30 board, bureau, commission or agency, as it may require and as may be
31 available for its purposes, and to employ stenographic and clerical
32 assistance and incur traveling and other miscellaneous expenses as may
33 be necessary in order to perform its duties, within the limits of funds
34 appropriated or otherwise made available to it for its purposes.

35 f. (1) The commission shall study advances made in zero emission
36 vehicle and advanced technology partial zero emission vehicle
37 technologies. The commission shall also study the development of
38 hydrogen fuel cell technology, the infrastructure required for its use in
39 motor vehicles, the development of that infrastructure, and the
40 availability of hydrogen fuel cell vehicles to the public. In studying
41 these issues, the commission shall review any advice prepared by the
42 independent expert review panel established to advise the California
43 Air Resources Board concerning advances made in zero emission
44 vehicle and advanced technology partial zero emission vehicle
45 technologies.

46 (2) The commission shall evaluate any proposed or adopted

1 changes made by the California Air Resources Board to the California
2 Low Emission Vehicle program and the potential effects of these
3 changes on the implementation of the program in this State. If the
4 California Air Resources Board has not acted prior to the start of the
5 2008 model year to revise the requirements under the alternative
6 compliance path for the amount of fuel cell vehicles required by a
7 manufacturer beginning for the 2012 model year from a state-specific
8 requirement to a nationwide requirement, the commission shall make
9 a recommendation as to whether the State should implement the
10 California Low Emission Vehicle program beginning on January 1,
11 2009 or if the State should instead continue with implementation of
12 the National Low Emission Vehicle program.

13 (3) The commission shall determine whether the incentive
14 provided by the State pursuant to section 11 of P.L. , c. (C.)
15 (before the Legislature as this bill) is sufficient to encourage the
16 purchase of zero emission vehicles. The commission shall make
17 recommendations to the Governor and the Legislature setting forth
18 any additional incentives determined to be necessary to encourage the
19 purchase of zero emission vehicles or advanced technology partial zero
20 emission vehicles in order to increase the effectiveness of the
21 implementation of the California Low Emission Vehicle program in the
22 State.

23 (4) The commission shall evaluate the feasibility of the zero
24 emission vehicle requirement of the California Low Emission Vehicle
25 program and make a determination whether the zero emission vehicle
26 requirement is achievable in this State beginning on January 1, 2009.
27 This evaluation shall include an examination of zero emission vehicle
28 technology, price, performance, consumer acceptability, and
29 implementation issues relating to the use of zero emission vehicles in
30 the State.

31 g. Within one year after organizing, the commission shall submit
32 a report to the Governor, the Commissioner of Environmental
33 Protection, and the Legislature: (1) summarizing the activities and
34 findings of the commission to date; (2) setting forth any
35 recommendations for additional incentives determined to be necessary
36 to encourage the purchase of zero emission vehicles or advanced
37 technology partial zero emission vehicles; and (3) setting forth any
38 recommendations that would increase the effectiveness of the
39 implementation of the California Low Emission Vehicle program in the
40 State.

41 h. No later than January 1, 2008, the commission shall submit a
42 final report to the Governor, the Commissioner of Environmental
43 Protection, and the Legislature:

44 (1) summarizing the studies and evaluations conducted pursuant
45 to subsection f. of this section;

46 (2) setting forth any recommendations for additional incentives to

1 encourage the purchase of zero emission vehicles or advanced
2 technology partial zero emission vehicles; and

3 (3) setting forth a recommendation as to whether:

4 (a) pursuant to paragraph (2) of subsection f. of this section, the
5 California Low Emission Vehicle program should be implemented in
6 the State beginning on January 1, 2009 or if the State should instead
7 continue with implementation of the National Low Emission Vehicle
8 program; and

9 (b) if the commission recommends that the California Low
10 Emission Vehicle program should be implemented in the State, the
11 commission shall further set forth a recommendation as to whether the
12 zero emission vehicle requirements of the program should be
13 implemented in the State based on the evaluation conducted pursuant
14 to paragraph (4) of subsection f. of this section.¹

15
16 ^{16.} (New section) a. If the low emission vehicle review
17 commission, in the report required pursuant to subsection h. of section
18 5 of P.L. , c. (C.) (before the Legislature as this bill),
19 recommends, pursuant to subparagraph (a) of paragraph (3) of
20 subsection h. of section 5 of P.L. , c. (C.) (before the Legislature
21 as this bill), that the State should not implement the California Low
22 Emission Vehicle program and instead continue with implementation
23 of the National Low Emission Vehicle program, the department shall
24 implement the California Low Emission Vehicle program unless the
25 Legislature by passage of a concurrent resolution directs the
26 department to implement the National Low Emission Vehicle program.

27 b. Upon the passage of a concurrent resolution by the Legislature
28 directing the department to implement the National Low Emission
29 Vehicle program, the commissioner, notwithstanding the provisions of
30 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
31 seq.) to the contrary, shall, immediately upon filing the proper notice
32 with the Office of Administrative Law, adopt such temporary rules and
33 regulations as necessary to continue implementation of the National
34 Low Emission Vehicle program.

35 The temporary rules and regulations shall be in effect for a period
36 not to exceed 270 days after the date of the filing. The temporary
37 rules and regulations shall thereafter be amended, adopted or
38 readopted by the commissioner as the commissioner determines is
39 necessary in accordance with the requirements of the "Administrative
40 Procedure Act."¹

41
42 ^{17.} (New section) a. If the low emission vehicle review
43 commission recommends in the report required pursuant to subsection
44 h. of section 5 of P.L. , c. (C.) (before the Legislature as this bill)
45 that the State should implement the California Low Emission Vehicle
46 program without the zero emission vehicle requirement, the

1 commissioner may make a determination to accept or reject the
2 recommendation of the commission concerning the implementation of
3 the zero emission vehicle requirement.

4 b. Notwithstanding the provisions of the "Administrative
5 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,
6 the Commissioner of Environmental Protection shall, immediately
7 upon filing the proper notice with the Office of Administrative Law,
8 adopt such temporary rules and regulations as necessary to implement
9 the provisions of subsection a. of this section.

10 The temporary rules and regulations shall be in effect for a period
11 not to exceed 270 days after the date of the filing. The temporary
12 rules and regulations shall thereafter be amended, adopted or
13 readopted by the commissioner as the commissioner determines is
14 necessary in accordance with the requirements of the "Administrative
15 Procedure Act."

16 c. The commissioner shall, in writing, notify the Governor and the
17 Legislature of: (1) the determination made pursuant to subsection a.
18 of this section; and (2) the filing of the temporary rules and
19 regulations with the Office of Administrative Law pursuant to
20 subsection b. of this section.¹

21
22 ¹8. Section 5 of P.L.1993, c.69 (C.26:2C-8.10) is amended to
23 read as follows:

24 5. The department shall not adopt rules and regulations requiring,
25 for gasoline-fueled motor vehicles, the sale and use of reformulated
26 gasoline other than that certified therefor by the United States
27 Environmental Protection Agency pursuant to subsection (k) of 42
28 U.S.C. s.7545 for sale and use in states other than the State of
29 California. If the sale and use of reformulated gasoline other than that
30 so certified is required by federal law, rule, regulation, agency ruling,
31 order, opinion, or other action or court order to be sold for use, and
32 used, in gasoline-fueled motor vehicles in New Jersey because the
33 State has implemented [a low emission vehicle] the California Low
34 Emission Vehicle program pursuant to subsection a. of section 3 of
35 P.L. , c. (C.) (before the Legislature as this bill) , the [low
36 emission vehicle] California Low Emission Vehicle program
37 implemented in New Jersey pursuant to P.L. , c. (C.) (before
38 the Legislature as this bill) shall expire 180 days from the date of
39 enactment of the federal law, adoption of the federal rule or
40 regulation, issuance of the agency ruling, order, opinion, or other
41 action, or issuance of the court order, as the case may be.¹

42 (cf: P.L.1993, c.79, s.5)

1 ¹[3.] 9.¹ Section 6 of P.L.1993, c.69 (C.26:2C-8.11) is amended
2 to read as follows:

3 6. a. The department shall adopt, pursuant to the "Administrative
4 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
5 regulations implementing the following mandated air pollution control
6 measures identified in the federal Clean Air Act and consistent with
7 any rules, regulations, or guidelines that may be promulgated therefor
8 by the United States Environmental Protection Agency:

9 [a.] (1) Enhanced vehicle inspection and maintenance program;

10 [b.] (2) Correction of reasonably available control technology
11 rules for volatile organic compounds;

12 [c.] (3) Reasonably available control technology rules for volatile
13 organic compounds;

14 [d.] (4) Reasonably available control technology rules for oxides
15 of nitrogen;

16 [e.] (5) New source review regulations for volatile organic
17 compounds, oxides of nitrogen, and carbon monoxide;

18 [f.] (6) Criteria and procedures for determining conformity
19 between the State implementation plan and transportation plans; and

20 [g.] (7) Use in ozone nonattainment areas of federal reformulated
21 gasoline that meets the requirements of subsection (k) of 42 U.S.C.
22 s.7545 for sale and use in states other than the State of California.

23 b. As used in this section:

24 "Department" means the Department of Environmental Protection;

25 "Federal Clean Air Act" means the federal "Clean Air Act,"
26 42 U.S.C. s.7401 et seq., and any subsequent amendments or
27 supplements to that act; and

28 "State implementation plan" means the State implementation plan
29 for national ambient air quality standards adopted for New Jersey
30 pursuant to the federal Clean Air Act.

31 (cf: P.L.1993, c.69, s.6)

32

33 ¹[4.] 10.¹ Section 10 of P.L.1993, c.69 (C.26:2C-8.14) is
34 amended to read as follows:

35 10. a. The Department of Environmental Protection, in
36 consultation with the [Department] Commissioner of Transportation
37 and the [Division of Motor Vehicles in the Department of Law and
38 Public Safety] Chief Administrator of the New Jersey Motor Vehicle
39 Commission , shall prepare and submit on a semi-annual basis to the
40 Senate Environment Committee and the Assembly Environment and
41 Solid Waste Committee, or their successors as designated respectively
42 by the President of the Senate and the Speaker of the General
43 Assembly, a written report that shall:

44 (1) summarize the State implementation plan and any amendments,
45 alterations, or supplements to that plan that have been made or

1 proposed since the last semi-annual report was issued; and
2 (2) analyze the progress and effectiveness of the State
3 implementation plan with respect to ensuring that the State shall be,
4 and shall remain, in compliance with all applicable requirements,
5 standards, and deadlines set forth in the federal Clean Air Act [; and
6 (3) summarize the status of the low emission vehicle program in
7 New Jersey, if one is implemented in the State, and the status of
8 similar programs in the states of California, Delaware, Maryland, New
9 York, and Pennsylvania].

10 As used in this subsection: "federal Clean Air Act" means the
11 federal "Clean Air Act," 42 U.S.C. s.7401 et seq., and any subsequent
12 amendments or supplements to that act; and "State implementation
13 plan" means the State implementation plan for national ambient air
14 quality standards adopted for New Jersey pursuant to the federal Clean
15 Air Act.

16 b. [The Department of Environmental Protection shall prepare and
17 submit to the Governor, the Legislature, and the Senate Environment
18 Committee and the Assembly Environment Committee, or their
19 successors as designated respectively by the President of the Senate
20 and the Speaker of the General Assembly, and release to the public,
21 (1) by May 30, 1993, a list of air pollution control strategies,
22 measures, and options that are optional under federal law, for
23 consideration and possible enactment into law by the Legislature, and
24 (2) within 30 days after the date of enactment of this act, a
25 comprehensive emission inventory of volatile organic compounds and
26 oxides of nitrogen for the State, which shall include emission inventory
27 data for the 1990 calendar year to the maximum extent possible.]

28 Deleted by amendment, P.L. , c. (before the Legislature as this bill).

29 c. [The Department of Environmental Protection, within 30 days
30 of a proposed substantive change to the low emission vehicle program
31 in the State of California that in the opinion of the department shall
32 necessitate a corresponding substantive change to the low emission
33 vehicle program in New Jersey, if such a program is implemented in
34 the State, shall provide written notice and a summary of the proposed
35 substantive change to the California low emission vehicle program to
36 the Senate Environment Committee and the Assembly Environment
37 Committee, or their successors as designated respectively by the
38 President of the Senate and the Speaker of the General Assembly.]

39 Deleted by amendment, P.L. , c. (before the Legislature as this bill).

40 (cf: P.L.1993, c.69, s.10)

41

42 ¹[5. (New section) a. There is established a low emission vehicle
43 review commission consisting of 14 members as follows: the
44 Commissioner of Environmental Protection or the commissioner's
45 designee; the Director of the Environmental and Occupational Health
46 Sciences Institute at Rutgers, the State University of New Jersey, or

1 the director's designee; the Chief Administrator of the New Jersey
2 Motor Vehicle Commission, or the administrator's designee, and 11
3 public members. The 11 public members, to be appointed by the
4 Governor with the advice and consent of the Senate, are as follows:
5 two members representing manufacturers of automobiles sold within
6 the State; two members representing automotive retailers and
7 recommended to the Governor by the New Jersey Coalition of
8 Automotive Retailers; two members of recognized Statewide
9 environmental organizations; one member representing the New Jersey
10 Public Interest Research Group; one member representing the New
11 Jersey Institute of Technology and recommended to the Governor by
12 the President of the New Jersey Institute of Technology; one member
13 representing the American Lung Association of New Jersey; one
14 member representing the Northeast States for Coordinated Air Use
15 Management; and one member representing a zero emission vehicle
16 technology company.

17 b. The Commissioner of Environmental Protection, or the
18 commissioner's designee, shall serve as chairperson of the commission.
19 The commission shall meet at the call of the chairperson.

20 c. Any vacancies in the membership of the commission shall be
21 filled in the same manner as the original appointments were made.

22 d. The members of the commission shall serve without
23 compensation, but may be reimbursed for necessary expenses incurred
24 in the performance of their duties.

25 e. The commission shall be entitled to call to its assistance and
26 avail itself of the services of the employees of any State department,
27 board, bureau, commission or agency, as it may require and as may be
28 available for its purposes, and to employ stenographic and clerical
29 assistance and incur traveling and other miscellaneous expenses as may
30 be necessary in order to perform its duties, within the limits of funds
31 appropriated or otherwise made available to it for its purposes.

32 f. The commission shall evaluate the implementation of Phase II
33 of the California Low Emission Vehicle program as implemented in
34 New Jersey pursuant to subsection a. of section 2 of P.L. , c. (C.)
35 (before the Legislature as this bill). The commission shall study the
36 readiness of zero emission vehicle technology, the economic
37 development opportunities of zero emission vehicle technology, and
38 whether additional State policies are necessary to prepare for the
39 model year 2012 zero emission vehicle requirement of the California
40 Low Emission Vehicle program. In studying these issues, the
41 commission shall review any advice prepared by the independent
42 expert review panel established to advise the California Air Resources
43 Board concerning technology advances made in zero emission vehicle
44 and advanced technology partial zero emission vehicle technologies.
45 The commission shall also consider any proposed or adopted changes
46 made by the California Air Resources Board to the California Low

1 Emission Vehicle program for the 2009 and subsequent model years.
2 The commission shall also determine whether the incentives provided
3 by the State pursuant to sections 6 and 7 of P.L. , c. (C.) (before
4 the Legislature as this bill) are sufficient to encourage the purchase of
5 zero emission vehicles or qualified hybrid vehicles.

6 g. No later than December 15, 2007, the commission shall submit
7 a report to the Governor and the Legislature summarizing the study
8 and review conducted pursuant to subsection f. of this section, and
9 setting forth recommendations for additional incentives or other State
10 programs to increase the effectiveness of the implementation of the
11 California Low Emission Vehicle program in the State, and making a
12 recommendation as to whether the California Low Emission Vehicle
13 program implemented pursuant to subsection a. of section 2 of P.L. ,
14 c. (C.) (before the Legislature as this bill) should continue to be
15 implemented in the State.]¹

16

17 ¹[6.] 11.¹ (New section) a. Receipts from sales of zero emission
18 vehicles sold on ¹[and] or¹ after the ¹[date of implementation of
19 Phase II of the California Low Emission Vehicle program in the State
20 pursuant to subsection a. of section 2 of P.L. , c. (C.)
21 (pending before this Legislature as this bill) and before April 15,
22 2008,] first day of the fourth month following the effective date of
23 P.L. , c. (C.) (before the Legislature as this bill)¹ are exempt
24 from the tax imposed under the "Sales and Use Tax Act," P.L.1966,
25 c.30 (C.54:32B-1 et seq.).

26 b. The Commissioner of Environmental Protection shall certify to
27 the State Treasurer the make and model of those motor vehicles that
28 are zero emission vehicles and eligible for the exemption provided
29 pursuant to subsection a. of this section.

30 c. ¹[For the purposes of] As used in¹ this section, "zero emission
31 vehicle" means a vehicle certified as a zero emission vehicle
32 ¹[according] pursuant¹ to the California Air Resources Board zero
33 emission vehicle standards for the applicable model year ¹, but shall
34 not include any other type of vehicle that may be delivered by a
35 manufacturer for sale or lease to satisfy the zero emission vehicle
36 requirement established by the California Air Resources Board in lieu
37 of a vehicle that qualifies as a pure zero emission vehicle¹.

38

39 ¹[7. (New section) a. Receipts from sales of qualified hybrid
40 vehicles sold on or after the first day of the fourth month following the
41 effective date of P.L. , c. (C.) (before the Legislature as this
42 bill) and before April 15, 2008, are exempt from the tax imposed under
43 the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

44 b. The Commissioner of Environmental Protection shall certify to
45 the State Treasurer the make and model of those motor vehicles that
46 are qualified hybrid vehicles and eligible for the exemption provided

1 pursuant to subsection a. of this section.

2 c. For the purposes of this section, "qualified hybrid vehicle"
3 means a motor vehicle, other than an electric vehicle, which draws
4 propulsion energy from both an internal combustion engine and an
5 energy storage device, and employs a regenerative braking system to
6 recover waste energy to charge the energy storage device that is
7 providing propulsion energy.]¹

8

9 ¹[8.] 12.¹ The following are repealed:

10 Sections 1 through ¹[5] 4¹ inclusive of P.L.1993, c.69 (C.26:2C-
11 8.6 through ¹[26:2C-8.10] 26:2C-8.9¹); and

12 Sections 7 and 8 of P.L.1993, c.69 (C.26:2C-8.12 and 26:2C-
13 8.13).

14

15 ¹[9.] 13.¹ This act shall take effect immediately.

16

17

18

19

20 _____
21 Requires DEP to implement California Low Emission Vehicle program
22 beginning on January 1, 2009 under certain circumstances; establishes
23 review commission; and establishes incentive for purchase or lease of
zero emission vehicles.