

HB 92 - AS INTRODUCED

2023 SESSION

23-0058

08/05

HOUSE BILL

92

AN ACT requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act.

SPONSORS: Rep. McWilliams, Merr. 30; Rep. Chretien, Hills. 41; Rep. Toll, Ches. 15; Rep. Seibert, Hills. 21; Rep. Preece, Hills. 17; Sen. Watters, Dist 4; Sen. Whitley, Dist 15

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill requires the adoption of California Low Emission/Zero Emission vehicle standards to protect public health, enable New Hampshire automotive customers to utilize the extended emissions-specific warranty, and to enable New Hampshire automotive dealers to carry Zero Emissions Vehicles in stock. The bill also increases the inspection sticker fee and makes an appropriation to the department of environmental services to fund an additional position.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Statement of Purpose. The general court finds that:

2 I. Implementation of the California Low Emission/Zero Emission Vehicle (LEV/ZEV)
3 program pursuant to section 177 of the Clean Air Act will result in consumer, public health, and
4 environmental benefits for citizens of the New Hampshire. Currently the states of Vermont, Maine,
5 Massachusetts, New York, New Jersey, Connecticut, Oregon, Rhode Island, Maryland, and Colorado
6 have adopted the LEV/ZEV standards, while the states of Delaware, Pennsylvania, and Washington
7 have adopted only the LEV requirements. New Hampshire is the only state north of New Jersey
8 that has not yet adopted this program.

9 II. Motor vehicles account for approximately one-half of the emissions of air pollutants that
10 cause the formation of ground level ozone and over one-third of the state's greenhouse gas emissions.
11 Ground level ozone is a respiratory irritant that can cause severe health impacts to the sick, the very
12 young, the elderly, and those with chronic respiratory conditions such as asthma. Greenhouse gases
13 contribute to climate change, which is causing more frequent and more extreme weather events that
14 have led to loss of life and significant damage to statewide infrastructure, particularly roads and
15 bridges.

16 III. Although vehicles sold in New Hampshire currently comport with the California
17 emissions standards (as a result of the harmonization of federal and California standards through
18 2025), New Hampshire consumers cannot benefit from the 8-year, 80,000 mile extended warranty
19 provisions of the California standards because New Hampshire has not formally adopted the
20 California standards. Also New Hampshire automobile dealers currently cannot obtain some types
21 of vehicles that manufacturers only allocate to ZEV states, thus limiting consumer choice of these
22 vehicles. In addition, New Hampshire will benefit from reduced emissions upon California's
23 adoption of post-2025 standards, when the federal and California emissions standards will no longer
24 be in alignment.

25 2 New Sections; Adoption of California Air Resources Board Standards. Amend RSA 125-C by
26 inserting after section 21 the following new sections:

27 125-C:22 Adoption of Vehicle Emissions Standards; Federal Clean Air Act.

28 I.(a) Notwithstanding RSA 541-A:3-b, on or before January 1, 2024, the commissioner of the
29 department of environmental services shall adopt rules, in accordance with the provisions of RSA
30 541-A and RSA 125-C, to implement the light duty motor vehicle exhaust emission standards of the

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1 state of California section 1961.2 and the light duty motor vehicle greenhouse gas exhaust emission
2 standards of the state of California section 1961.3, and shall amend such regulations from time to
3 time, in accordance with changes in said standards. Such regulations shall be applicable to new
4 motor vehicles sold in the state of New Hampshire after January 1, 2024, with a model year of 2025
5 and later. Such regulations may incorporate by reference the California motor vehicle emissions
6 standards set forth in final regulations issued by the California Air Resources Board pursuant to
7 Division 3 of Title 13 of the California Code of Regulations and promulgated under the authority of
8 Division 26 of the California Health and Safety Code, as may be amended from time to time.
9 Nothing in this section shall limit the commissioner's authority to regulate motor vehicle emissions
10 for any other class of vehicle.

11 II.(a) Rules adopted pursuant to this section shall also include requirements for the sale of
12 zero emissions vehicles (ZEV) or related provisions set forth in California Code of Regulations,
13 section 1962.2 starting on January 1, 2024, and using New Hampshire specific vehicle numbers.

14 (b) Such rules shall include a credit system for manufacturers of low emission vehicles
15 (LEVs) and ZEVs. Manufacturers shall receive credits for LEV/ZEV vehicles delivered to New
16 Hampshire lots beginning January 1, 2022. Credits received between January 1, 2022 and January
17 1, 2024 shall be treated as received on January 1, 2024 for purposes of expiration. Credits received
18 by January 1, 2024 shall not be traded or shared with other states of manufacturers.

19 III.(a) The requirements of this section shall be funded through the air pollution abatement
20 fund established by RSA 125-S:3.

21 125-C:23 Penalties. The commissioner of the department of environmental services shall:

22 I. Impose a civil penalty not to exceed \$37,500 on any manufacturer who sells, attempts to
23 sell, or causes to be offered for sale a new motor vehicle that fails to meet the applicable emission
24 standards in RSA 125-C:22.

25 II. Impose a civil penalty not to exceed \$5,000 per zero-emission vehicle credit on a
26 manufacturer that produces and delivers for sale in New Hampshire fewer ZEVs or ZEVs than
27 required to meet its ZEV credit obligation under rules adopted by the department in a given model
28 year.

29 3 Inspection Stickers; Fees. Amend RSA 266:2 to read as follows:

30 266:2 Fees. The fee for inspection stickers shall be [~~\$3.25~~] **\$3.75** for each sticker furnished an
31 approved inspection station. The division shall transfer [~~\$.25~~] **\$.50** of each fee collected under this
32 section to the motor vehicle air pollution abatement fund established by RSA 125-S:3 and [~~\$.25~~] **\$.50**
33 of each fee collected under this section to the general fund. All unused stickers returned by the
34 approved inspection station to the division shall be refundable at the rate of [~~\$3.25~~] **\$3.75** each,
35 except that unused stickers purchased from the division for a fee of \$2.50 shall be refundable at the
36 rate of \$2.50 each.

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1 4 Department of Environmental Services; Positions Established; Appropriation. There is
2 established within the department of environmental services one classified environmentalist III
3 position for the purposes of implementing the requirements of RSA 125-C:22. The sum necessary to
4 pay the salary, benefits, and other costs related to the positions established in this section is hereby
5 appropriated to the department of environmental services for the biennium ending June 30, 2025.
6 This appropriation shall be in addition to any other appropriations made to the department. The
7 governor is authorized to draw a warrant for said sum out of any money in treasury not otherwise
8 appropriated.

9 5 Effective Date. This act shall take effect 60 days after its passage.