

PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
LOW EMISSION VEHICLE CERTIFICATION, CHAPTER 391-3-25

The Rules of the Department of Natural Resources, Chapter 391-3-25, Low Emission Vehicle Certification are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific rules, or such subdivisions thereof as may be indicated.

[Note: Underlined text is proposed to be added. Lined-through text is proposed for deletion.]

Rule 391-3-25-.01, "Definitions," is amended to read as follows:

391-3-25-.01 Definitions.

Unless a different meaning is required by the context, the following terms as used in these rules shall have the meaning hereinafter respectively ascribed; provided, however, to the extent the definitions set forth below conflict with the definitions set forth in O.C.G.A. § 48-7-40.16, § 48-7-29.18, or § 48-7-29.19, the definitions in O.C.G.A. § 48-7-40.16, § 48-7-29.18, and § 48-7-29.19 shall control; and provided, further, to the extent any term in this Chapter is not defined below, the definitions in O.C.G.A. § 48-7-40.16, § 48-7-29.18, and § 48-7-29.18 shall apply; and provided, further, that definitions within any subsequent rule, or subdivision thereof, which are expressly made applicable to the rule or subdivision within which they appear, shall apply for purposes of such specific rule or subdivision thereof.

~~(a) "Alternative fuel" means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal derived liquid fuels; fuels other than alcohol derived from biological materials; and electricity, including electricity from solar energy.~~

(a) "Alternative fuel heavy-duty vehicle" means a new commercial vehicle, with a gross vehicle weight ratio equal to or more than 26,001 pounds, that is primarily fueled by an alternative fuel. As used in this definition, "primarily fueled by an alternative fuel" as defined in O.C.G.A. § 48-7-29.18 means a vehicle that is produced by an original equipment manufacturer and operates on 90 percent or more alternative fuel and on 10 percent or less gasoline or diesel fuel.

(b) "Alternative fuel medium-duty vehicle" means a new commercial vehicle, with a gross vehicle weight ratio equal to 8,500 pounds or more and less than 26,001 pounds, that is solely fueled by an alternative fuel as defined in O.C.G.A. § 48-7-29.18, and that is produced by an original equipment manufacturer.

~~(c) "Certificate" means the form used as proof to the Department of Revenue that the low-emission vehicle, zero emission vehicle, electric vehicle charger, or converted vehicle, alternative fuel medium-duty vehicle, or alternative fuel heavy-duty vehicle is eligible for state income tax credit. This certificate will be issued by ~~the new motor vehicle dealer or~~ EPD for new low-emission vehicles, zero emission vehicles, alternative fuel medium-duty vehicles, alternative~~

fuel heavy-duty vehicles, converted vehicles and electric vehicle chargers ~~and by EPD for converted vehicles.~~

(de) "CO" means carbon monoxide.

(ed) "Conventionally fueled vehicle" means a motor vehicle which is fueled solely by a petroleum based fuel such as gasoline or diesel.

(fe) "Converted vehicle" means a motor vehicle that is retrofitted so that it is fueled solely by an alternative fuel as defined in O.C.G.A. § 48-7-40.16 and which meets the emission standards set forth for that class of low emission vehicle (LEV), ultra low emission vehicle (ULEV) or zero emission vehicle (ZEV).

(gf) "Department" means the Department of Natural Resources.

(hg) "Director" means the Director of the Environmental Protection Division of the Department of Natural Resources.

(ih) "Electric vehicle charger" means an electrical device and installation thereof located off-board the vehicle that provides electricity for electric vehicle batteries and includes the conductors, connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses, installed specifically for the purposes of delivering energy from the premises wiring to the electric vehicle and shall have power levels greater than 130 volts, AC 1 phase.

(ji) "EPA" means the United States Environmental Protection Agency.

(kj) "EPD" means the Environmental Protection Division of the Department of Natural Resources.

(lk) "GVWR" means the gross vehicle weight rating, i.e., the weight of the vehicle and contents when loaded to its maximum capacity, as established by the vehicle manufacturer.

(ml) "Heavy Duty Vehicle (HDV)" means a vehicle that has a gross vehicle weight rating (GVWR) greater than 8500 pounds.

(nm) "HCHO" means formaldehyde.

(on) "Installer" means any person who installs a conversion system on a vehicle in order to convert it to an alternative fuel vehicle meeting the emission standards for that LEV, ULEV, or ZEV category. NOTE: Manufacturers of conversion kits, as well as installers, are responsible for demonstrating that vehicles converted to use alternative fuels have a configuration that complies with all federal motor vehicle regulations.

(pe) "Light Duty Truck (LDT)" means a truck that has a GVWR of 8500 pounds or less.

(qp) "Light Duty Vehicle (LDV)" means a passenger car or passenger car derivative capable of seating 12 passengers or less.

(rq) "Low-emission vehicle (LEV)" means a motor vehicle which is fueled solely by an alternative fuel as defined in O.C.G.A. § 48-7-40.16 and which meets emission standards for

LEV or ultra-low emission vehicle (ULEV) as defined by the EPA, when operating on such alternative fuel.

(sf) "Model year" means the model year of a vehicle as designated by the vehicle manufacturer.

(ts) "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway that is registered by the Motor Vehicle Division of the Department of Revenue.

(u) "New commercial vehicle" means a new commercial vehicle that is manufactured by an original equipment manufacturer or is manufactured by an original equipment manufacturer and any third-party equipment manufacturers, provided that such third-party manufacturers provide such parts or services prior to the original sale of such vehicle to a purchaser, and all vehicle components, including the alternative fuel system, are covered by the original equipment manufacturer or covered under separate warranties by the original equipment manufacturer and the third-party equipment manufacturer that together provide warranty for the complete vehicle.

(vt) "NMHC" means non-methane hydrocarbon.

(wv) "NMOG" means non-methane organic gasses.

(xv) "NOx" means oxides of nitrogen.

(yv) "Owner" means the registered owner or the person who holds title to a motor vehicle for the purpose of receiving the Low Emission Vehicle Certificate.

(zx) "PM" means particulate matter.

(aay) "TW" means test weight.

(bbz) "Vehicle" means a motor vehicle.

(caa) "Zero emission vehicle" means a motor vehicle which has zero tailpipe and evaporative emissions as defined by the EPA and shall include an electric vehicle whose drive train is powered solely by electricity, provided said electricity is not provided by any on-board combustion device.

Authority O.C.G.A. § 48-7-40.16, § 48-7-29.18, and § 48-7-29.19. ~~Sec. 48-7-40 et seq.~~

Rule 391-3-25-.02, "Covered Area," is amended to read as follows:

391-3-25-.02 Covered Area.

Low-emission vehicle, zero emission vehicle, alternative fuel medium-duty vehicle, and alternative fuel heavy-duty vehicle certificates shall be issued for qualified vehicles registered in the State of Georgia. Electric vehicle charger certificates shall be issued for qualified chargers located and operated in the State of Georgia.

Authority O.C.G.A. § 48-7-40.16, § 48-7-29.18, and § 48-7-29.19. ~~Sec. 48-7-40 et seq.~~

Rule 391-3-25-.03, “Low-Emission and Zero Emission Vehicle Certification Eligibility and Procedures,” is amended to read as follows:

391-3-25-.03 Low-Emission and Zero Emission Vehicle Certification Eligibility and Procedures.

(1) EPD will approve certificates for qualified new low-emission or new zero emission vehicle purchases or leases. Application by the owner or dealer must be made with EPD to initiate this certification. The EPD certification will be contingent on documents provided by the manufacturer of the vehicle that said vehicle is certified by the EPA to meet LEV, ULEV or ZEV standards.

(2) EPD will issue certificates for qualified converted vehicles. Application by the owner must be made with EPD to initiate this certification. The EPD certification will be contingent on documents provided by the manufacturer of the conversion kit certifying that the kit is federally certified to meet LEV, ULEV or ZEV standards; and certification by the installer that the conversion was made in accordance with the conversion kit manufacturer’s specifications, and that the conventional fuel system was permanently disabled.

Authority O.C.G.A. § 48-7-40.16. ~~Sec. 48-7-40 et seq.~~

Rule 391-3-25-.06, “Alternative Fuel Medium and Heavy-Duty Vehicle Certification Eligibility and Procedures,” is amended to read as follows:

391-3-25-.06 Alternative Fuel Medium and Heavy-Duty Vehicle Certification Eligibility and Procedures.

EPD will approve certificates for qualified new alternative fuel medium-duty and new alternative fuel heavy-duty vehicle purchases in accordance with procedures specified by the Director of EPD or his designee. Application by the owner must be made with EPD to initiate this certification. The EPD certification will be contingent on documents provided by the manufacturer and/or owner of the vehicle that the engine in said vehicle is certified or verified by the EPA to operate on an alternative fuel as defined in O.C.G.A. § 48-7-29.18 and § 48-7-29.19.

Authority O.C.G.A. § 48-7-29.18, and § 48-7-29.19.

Rule 391-3-25-.07, “Enforcement,” is amended to correct numbering as follows:

391-3-25-.07 Enforcement.

(1) No person shall violate the provisions set forth in this chapter.

(2) No person shall intentionally make any false material statement, representation, or certification in, or conceal or omit material information from, or intentionally alter, any document required pursuant to this chapter.

Authority O.C.G.A. § 48-7-40.16, § 48-7-29.18, and § 48-7-29.19. ~~Sec. 48-7-40 et seq.~~