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District 33 (Hudson)

Co-Sponsored by:
Assemblyman Conaway, Assemblywoman Sumter, Senators B.Smith,
Greenstein, Assemblymen Wimberly and DeAngelo

SYNOPSIS
Establishes Clean Car Commission.

CURRENT VERSION OF TEXT
As reported by the Senate Environment and Energy Committee on
September 20, 2013, with amendments.

(Sponsorship Updated As Of: 12/4/2012)

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

1. (New section) a. There is established the Zero Emission Vehicle Commission consisting of members to be selected and qualified as follows:
   (1) the Commissioner of Environmental Protection or a representative of the Department of Environmental Protection appointed by the commissioner thereof; the commissioner’s designee, who shall serve ex officio;
   (2) the Commissioner of Transportation or the commissioner’s designee, who shall serve ex officio;
   (3) the President of the Board of Public Utilities or a representative of the Board of Public Utilities appointed by the president thereof; the president’s designee, who shall serve ex officio;
   (4) one member of the General Assembly appointed by the Speaker of the General Assembly, who shall serve ex officio;
   (5) one member of the Senate appointed by the President of the Senate; all of whom and nine public members.

The nine public members, to be appointed by the Governor with the advice and consent of the Senate, shall be as follows:

two members representing manufacturers of automobiles sold within the State, one of whom shall be appointed by the President of the Senate and one of whom shall be appointed by the Speaker of the General Assembly;

two members representing automotive retailers, one of whom shall be appointed by the President of the Senate and one of whom shall be appointed by the Speaker of the General Assembly;

two members of recognized Statewide environmental organizations, one of whom shall be appointed by

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:
1Assembly AEN committee amendments adopted June 14, 2012.
3Senate SEN committee amendments adopted September 20, 2012.
the President of the Senate and one of whom shall be appointed by
the Speaker of the General Assembly; two members representing public electric or gas
utilities, one of whom shall be appointed by the President of the
Senate and one of whom shall be appointed by the Speaker of the
General Assembly;
(10) one member representing a zero emission vehicle
technology company and appointed by the Governor with the
advice and consent of the Senate;
(11) one member knowledgeable about the
infrastructure necessary for fueling of zero emission vehicles and
partial zero emission vehicles as well as the economics of
developing and establishing such an infrastructure in the State and
appointed by the Governor with the advice and consent of the
Senate;
(12) one member representing the Northeast States for
Coordinated Air Use Management and appointed by the Governor
with the advice and consent of the Senate;
(13) one member of the academic community of a New Jersey college or university who has
expertise in environmental health and energy policy and
appointed by the Governor with the advice and consent of the
Senate.
b. Any vacancies in the membership of the commission shall be
filled in the same manner as the original appointments were made.
c. All appointments to the commission shall be made as
expeditiously as possible.
d. The Commissioner of Environmental Protection or the
commissioner’s designee shall serve as chairperson of the
commission and the Department of Environmental Protection
shall staff the commission. The commission shall meet at the call
of the chairperson, and the commission shall organize as soon as
practicable after appointment of its members.
e. The members of the commission shall serve without
compensation, but may be reimbursed for necessary expenses
incurred in the performance of their duties.
f. The commission shall be entitled to call to its assistance and
avail itself of the services of the employees of any State department,
board, bureau, commission or agency, as it may require and as may
be available for its purposes, and to employ stenographic and
clerical assistance and incur traveling and other miscellaneous
expenses as may be necessary in order to perform its duties, within
the limits of funds appropriated or otherwise made available to it
for its purposes.
2. (New section)  

   a. (1) Notwithstanding any provision of P.L.2003, c.266 to the contrary, the Zero Emission Vehicle Commission shall assume all responsibilities concerning zero emission vehicles and the implementation of the zero emission vehicle requirements pursuant to the California Low Emission Vehicle program previously assigned to the Low Emission Vehicle Review Commission, established pursuant to section 5 of P.L.2003, c.266 (C.26:2C-8.19), except that if the Low Emission Vehicle Review Commission makes recommendations concerning the implementation of the California Low Emission Vehicle program, it may recommend the inclusion or exclusion of the zero emission vehicle requirement as part of that recommendation.

   (2) The Department of Environmental Protection, pursuant to sections 6 and 7 of P.L.2003, c.266 (C.26:2C-8.20 and C.26:2C-8.21):

      (a) shall continue to implement the California Low Emission Vehicle program unless the Legislature by passage of a concurrent resolution directs the department to implement the National Low Emission Vehicle program or the alternative federal low emission vehicle program in effect at the time of the resolution’s passage; and

      (b) may make a determination to accept or reject the recommendation of the Zero Emission Vehicle Clean Car Commission for the Low Emission Vehicle Review Commission concerning the implementation of the zero emission vehicle requirements, if either commission recommends implementation of the California Low Emission Vehicle program without the zero emission vehicle requirements, as provided pursuant to section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill).

   (3) The Zero Emission Vehicle Clean Car Commission shall also evaluate the implementation of the California Low Emission Vehicle program concerning the impact of economic, technological, and other relevant factors since the enactment of P.L.2003, c.266 (C.26:2C-8.15 et al.) . Any other authority, duties, responsibilities, or requirements delegated to the Low Emission Vehicle Review Commission pursuant to P.L.2003, c.266 shall remain with that commission, and shall have no bearing on the Zero Emission Vehicle Commission.

   b. The Zero Emission Vehicle Clean Car Commission shall:

      (1) study advances made in zero emission vehicles, partial zero emission vehicles, and transitional zero emission vehicle technologies, the infrastructure necessary to support these vehicles, and the development of that infrastructure;
(2) evaluate any proposed or adopted changes made by the California Air Resources Board to the California Low Emission Vehicle program and the potential effects of these changes on the implementation of the program in this State;

(3) evaluate any proposed or adopted changes made by the United States Environmental Protection Agency, the National Highway Traffic Safety Administration, and other federal agencies with respect to air quality and criteria emissions standards, fuel economy, and greenhouse gas emissions standards, and the impact of these changes on the State as well as how they correlate and compare to the current requirements or the California Low Emission Vehicle program and its implementation;

(4) evaluate the feasibility of implementing the zero emission vehicle requirements of the California Low Emission Vehicle program and the State complying with these requirements, in terms of:

(a) availability of zero emission vehicle technology;
(b) cost and retail price of vehicles using such technology;
(c) performance of the technology and these vehicles;
(d) consumer acceptance of the technology, vehicles, and the costs thereof;
(e) development and accessibility of supporting infrastructure; and
(f) practicality of using zero emission vehicles in the State; and

(5) determine the incentives and infrastructure necessary to meet the current zero emissions vehicle requirements set for motor vehicle model year 2018.

c. The [Zero Emission Vehicle] Clean Car Commission shall also specifically:

(1) identify and quantify the zero emission vehicle requirement under the California Low Emission Vehicle program and the necessity, feasibility, and methods for the State to meet that requirement;

(2) study the development of electric vehicles, the infrastructure required for expanded use of these vehicles, challenges to the development of that infrastructure, and the availability and attractiveness of electric vehicles as a transportation option to the public;

(3) study the development of hydrogen fuel cell technology, the infrastructure required for its use in motor vehicles, the development of that infrastructure, and the availability of hydrogen fuel cell vehicles to the public;

(4) explore and study other alternatives for zero emission vehicles, infrastructure required for its use, development of that infrastructure, and incentives for developing the infrastructure and use of the vehicles;
(5) determine whether the sales and use tax incentive established pursuant to section 11 of P.L.2003, c.266 (C.54:32B-8.55) is sufficient to encourage the purchase of zero emission vehicles;

(6) study and develop other incentives for the use and purchase of zero emission vehicles, and development of the infrastructure required to support their use;¹[and]³

(7)³ study and assess the use, availability, and acceptance of low emission vehicles, and options for any incentives for the use of low emission vehicles, including a sales and use tax incentive;

(8) study and develop other incentives for the use and purchase of, and development of the infrastructure to support, or improve the use of, low emissions vehicles, including expansion of alternative fueling options such as E-85 and fuels that further reduce emissions from these vehicles; and

(9)³ develop recommendations ³to be submitted³ to the Governor and the Legislature setting forth any additional incentives determined to be necessary to encourage the purchase of ³low emission vehicles or³ zero emission vehicles, development of the necessary ³or improved³ infrastructure for the fueling of such vehicles, and other action necessary to ensure correct compliance with the California Low Emission Vehicle program.

d. ³[Within one year after organizing or no] No³ later than December 31, 2013, ³[whichever is earlier.]³ the commission shall submit a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature summarizing the activities and findings of the commission to date, and setting forth recommendations for:

(1) additional incentives determined to be necessary to encourage the purchase of ³low emission vehicles,³ zero emission vehicles or partial zero emission vehicles;

(2) additional incentives determined to be necessary to encourage the development of infrastructure necessary for the increased and efficient use of ³low emission vehicles,³ zero emission vehicles or partial zero emission vehicles;

(3) increasing the effectiveness of the implementation of the California Low Emission Vehicle program in the State with ³[regards]³ regard³ to ³low emission vehicles,³ zero emission vehicles³ or partial zero emission vehicles; and

(4) implementing the zero emission vehicle requirements of the California Low Emission Vehicle program, and whether they should be implemented in the State, or if such requirements should not be part of the implemented program.

3e. To assist with compliance with the requirements of this section, the New Jersey Motor Vehicle Commission shall share aggregate data with the Clean Car Commission concerning the motor vehicle market in New Jersey. The New Jersey Motor Vehicle Commission shall not be required to share any personal
data on any individual motorist in the State, and no personal data shall be provided for the purposes of complying with this subsection.

f. After submission of its report pursuant to subsection d. of this section, the commission shall continue to monitor the progress of the implementation of the California Low Emission Vehicle program in New Jersey and the purchase, use, and infrastructure development and maintenance for low emission vehicles, zero emission vehicles, and partial zero emission vehicles in the State.

3. (New section) The commissioner shall notify, in writing, the Governor and the Legislature if the commissioner finds it necessary to:

a. make a determination to accept or reject the recommendation of the \[Zero Emission Vehicle\] Clean Car\[Clean Car\] Commission \[or the Low Emission Vehicle Review Commission\] concerning the implementation of the zero emission vehicle requirement, if either commission recommends implementation of \[to implement\] the California Low Emission Vehicle program without the zero emission vehicle requirement; and

b. file temporary rules and regulations with the Office of Administrative Law for the implementation of a zero emission vehicle requirement.

Section 5 of P.L.2003, c.266 (C.26:2C-8.19) is amended to read as follows:

5. a. There is established the Low Emission Vehicle Review Commission consisting of 15 members as follows: the Director of the Environmental and Occupational Health Sciences Institute at Rutgers, the State University of New Jersey, or the director's designee; a representative of the Department of Environmental Protection appointed by the commissioner; one member of the General Assembly appointed by the Speaker of the General Assembly; one member of the Senate appointed by the President of the Senate; and 11 public members.

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

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

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

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

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

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

(2) The commission shall evaluate any proposed or adopted changes made by the California Air Resources Board to the California Low Emission Vehicle program and the potential effects of these changes on the implementation of the program in this State. If the California Air Resources Board has not acted prior to the start of the 2008 model year to revise the requirements under the alternative compliance path for the amount of fuel cell vehicles required by a manufacturer beginning for the 2012 model year from a state-specific requirement to a nationwide requirement, the commission shall make a recommendation as to whether the State should implement the California Low Emission Vehicle program [beginning on January 1, 2009] or if the State should instead [continue with implementation of] implement the National Low Emission Vehicle program or the alternative federal low emission vehicle program in effect at the time.
(3) The commission shall determine whether the incentive provided by the State pursuant to section 11 of P.L.2003, c.266 (C.54:32B-8.55) is sufficient to encourage the purchase of zero emission vehicles. The commission shall make recommendations to the Governor and the Legislature setting forth any additional incentives determined to be necessary to encourage the purchase of zero emission vehicles or advanced technology partial zero emission vehicles in order to increase the effectiveness of the implementation of the California Low Emission Vehicle program in the State.

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

g. Within one year after organizing, the commission shall submit a report to the Governor, the Commissioner of Environmental Protection, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature: (1) summarizing the activities and findings of the commission to date; and (2) setting forth any recommendations for additional incentives determined to be necessary to encourage the purchase of zero emission vehicles or advanced technology partial zero emission vehicles; and (3) setting forth any recommendations that would increase the effectiveness of the implementation of the California Low Emission Vehicle program in the State.

h. No later than January 1, 2008, December 31, 2013, the commission may submit a final report to the Governor, the Commissioner of Environmental Protection, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature:

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

(2) setting forth any recommendations for additional incentives to encourage the purchase of zero emission vehicles or advanced technology partial zero emission vehicles; and

(3) setting forth a recommendation as to whether:

(a) pursuant to paragraph (2) of subsection f. of this section, implementing the California Low Emission Vehicle program should be implemented in the State beginning on January 1, 2009, or if the State should instead continue with implementation, implementing the National Low Emission Vehicle program; and
(b) if the commission recommends that the California Low Emission Vehicle program should be implemented in the State, the commission shall further set forth a recommendation as to whether the zero emission vehicle requirements of the program should be implemented in the State based on the evaluation conducted pursuant to paragraph (4) of subsection f. of this section, or the alternative federal low emission vehicle program in effect at the time.

(cf: P.L.2003, c.266, s.5)¹

¹[5. Section 6 of P.L.2003, c.266 (C.26:2C-8.20) is amended to read as follows:

6. a. If the low emission vehicle review commission, in the report [required] submitted pursuant to subsection h. of section 5 of P.L.2003, c.266 (C.26:2C-8.19), recommends [., pursuant to subparagraph (a) of paragraph (3) of subsection h. of section 5 of P.L.2003, c.266 (C.26:2C-8.19),] that the State should not implement the California Low Emission Vehicle program and instead [continue with implementation of] should implement the National Low Emission Vehicle program or the alternative federal low emission vehicle program in effect at the time, the department shall implement the California Low Emission Vehicle program unless the Legislature by passage of a concurrent resolution directs the department to implement the National Low Emission Vehicle program or the alternative federal program.

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

The temporary rules and regulations shall be in effect for a period not to exceed 270 days after the date of the filing. The temporary rules and regulations shall thereafter be amended, adopted or readopted by the commissioner as the commissioner determines is necessary in accordance with the requirements of the "Administrative Procedure Act." (cf: P.L.2003, c.266, s.6)¹

4. Section 1 of P.L.2003, c.266 (C.26:2C-8.15) is amended to read as follows:

1. The Legislature finds and declares that the implementation of the National Low Emission Vehicle program is a key component

¹4. Section 1 of P.L.2003, c.266 (C.26:2C-8.15) is amended to read as follows:
of the State's efforts to achieve on-time emissions reductions and to 
attain compliance with the national ambient air quality standards, as 
required pursuant to the federal "Clean Air Act Amendments of 
1990," 42 U.S.C. s.7403 et seq.; that the State's attainment of the 
national ambient air quality standards will require further, more 
stringent reductions in emissions of pollutants; that the California 
Low Emission Vehicle program provides for greater reductions in 
pollutants than the National Low Emission Vehicle program; and 
that the State has committed to implementing the National Low 
Emission Vehicle program until 2006 but can implement the 
California Low Emission Vehicle program after that year. 
The Legislature further finds and declares that in the summer of 
2002, New Jersey had the highest number of smog violations per 
monitoring station in the nation; that in December 2003, the United 
States Environmental Protection Agency announced its intention to 
designate the entire State as out-of-compliance with the agency's 
health-based standard for ozone; and that this designation by the 
United States Environmental Protection Agency would require the 
State to adopt a stronger, more comprehensive clean air plan for the 
State. 
The Legislature further finds and declares that a significant 
percentage of particulate emissions, smog-forming emissions, and 
airborne cancer risk comes from vehicle emissions; that pollution 
from automobiles is expected to increase with the projected 
population increase estimate of an additional 1,200,000 people in 
the State in the next decade; and that mobile sources of emissions 
have received less regulatory attention than industrial facilities and 
area sources of pollution. 
The Legislature further finds and declares that ground-level 
ozone, or smog, is formed when automobile, industrial and other 
pollutants chemically react with bright sunshine and high 
temperatures; that ground-level ozone irritates the respiratory 
system and can cause coughing, wheezing, chest pain and 
headaches; that ozone especially aggravates chronic respiratory 
diseases such as asthma and bronchitis; that ground-level ozone and 
other air toxics have a substantial negative impact on the health and 
quality of life of residents of the State; and that reducing ground-
level ozone pollution will help reduce these negative health effects. 
The Legislature therefore determines that it is in the public 
interest to: implement the California Low Emission Vehicle 
program beginning January 1, 2009; establish a zero emission 
vehicle credit bank for manufacturers; establish a [Low] [Zero 
reviewing the implementation of the program, the availability and 
success of [the incentive,] existing incentives and the technology 
of low emission vehicles, zero emission vehicles, and 
partial zero emission vehicles; and provide [an incentive]
additional incentives for the purchase or lease of low emission vehicles, zero emission vehicles, and partial zero emission vehicles.

(cf: P.L.2003, c.266, s.1)

5. Section 2 of P.L.2003, c.266 (C.26:2C-8.16) is amended to read as follows:

2. As used in sections 1 through 7 of C.26:2C-8.15 et seq.: *Advanced technology partial zero emission vehicle* means a vehicle certified as an advanced technology partial zero emission vehicle pursuant to the California Air Resources Board vehicle standards for the applicable model year.

"California Low Emission Vehicle program" means the second phase of the low emission vehicle program being implemented in the State of California, pursuant to the provisions of the Federal Clean Air Act and the California Code of Regulations.

"Clean Car Commission" means the commission established pursuant to section 1 of P.L., c. (pending before the Legislature as this bill).

"Commissioner" means the Commissioner of Environmental Protection.

"Department" means the Department of Environmental Protection.

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

"Low Emission Vehicle Review Commission" means the commission established by subsection a. of section 5 of P.L.2003, c.266 (pending before the Legislature as this bill).

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

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

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

"Zero Emission Vehicle Commission" means the commission established pursuant to section 1 of P.L. (pending before the Legislature as this bill).
"Zero emission vehicle requirement" means the percentage or number of those vehicles certified as zero emission vehicles pursuant to the California Air Resources Board vehicle standards and required to be delivered by a manufacturer for sale or lease for the applicable model year, and any additional percentages or numbers of advanced technology partial zero emission vehicles or partial zero emission vehicles that may be delivered by a manufacturer for sale or lease to satisfy the zero emission vehicle requirement established by the California Air Resources Board in lieu of vehicles that meet the pure zero emission vehicle standard.¹

(cf: P.L.2003, c.266, s.2)

6. Section 3 of P.L.2003, c.266 (C.26:2C-8.17) is amended to read as follows:

3. a. Notwithstanding any provision of a State implementation plan submitted by the Department of Environmental Protection to the United States Environmental Protection Agency pursuant to the requirements of the federal "Clean Air Act Amendments of 1990," 42 U.S.C. s.7403 et seq., to the contrary, the department shall implement the California Low Emission Vehicle program in the State beginning on January 1, 2009, except as provided pursuant to sections 6 and 7 of P.L.2003, c.266 (C.26:2C-8.20 and C.26:2C-8.21) section 3 of P.L. , c. , (pending before the Legislature as this bill). ¹

b. The Commissioner of Environmental Protection, within 30 days after a proposed major substantive change to the California Low Emission Vehicle program that, if adopted, would necessitate a corresponding substantive change to the program in New Jersey adopted pursuant to subsection a. of this section, shall provide written notice and a summary of the proposed substantive change to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors as designated respectively by the President of the Senate and the Speaker of the General Assembly.

c. The Commissioner shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations necessary to implement the California Low Emission Vehicle program in the State beginning on January 1, 2009.¹

(cf: P.L.2003, c.266, s.3)

7. Section 4 of P.L.2003, c.266 (C.26:2C-8.18) is amended to read as follows:

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

(1) In establishing the credit bank required by this section, the commissioner shall use the highest multiplier used by the California Air Resources Board for determining the allowable vehicle equivalent credits for each advanced technology partial zero emission vehicle or partial zero emission vehicle delivered for sale or lease in the State by a manufacturer on or after January 1, 1999 until the effective date of P.L.2003, c.266 (C.26:2C-8.15 et al.).

(2) Beginning on the effective date of P.L.2003, c.266 (C.26:2C-8.15 et al.), the commissioner shall use the multiplier used by the California Air Resources Board for the applicable model year for each advanced technology partial zero emission vehicle or partial zero emission vehicle delivered for sale or lease in the State by a manufacturer on or after the effective date of P.L.2003, c.266 (C.26:2C-8.15 et al.) and through December 31, 2008.

b. (1) Within 180 days after the effective date of P.L.2003, c.266 (C.26:2C-8.15 et al.), the commissioner shall publish a list in the New Jersey Register of the make and model of those motor vehicles that qualify as advanced technology partial zero emission vehicles or partial zero emission vehicles for the 1999 through 2003 model years.

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

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

c. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner shall, immediately upon filing the proper notice with the Office of Administrative Law, adopt such temporary rules and regulations as necessary to establish a zero emission vehicle credit bank pursuant to subsection a. of this section. These rules and regulations may include, but need not be limited to, the documentation to be submitted by a manufacturer to determine eligibility and participation in the credit bank established pursuant to subsection a. of this section, and fees for administrative services provided to implement the zero emission vehicle credit bank to be assessed to those manufacturers seeking to earn and bank credits. The temporary rules and regulations shall be in effect for a period not to exceed 270 days after the date of the filing, except that in no case shall the temporary rules and regulations be in effect one year after the effective date of P.L.2003, c.266 (C.26:2C-8.15 et al.). The temporary rules and regulations shall thereafter be
amended, adopted or readopted by the commissioner as the commissioner determines is necessary in accordance with the requirements of the "Administrative Procedure Act."

d. [The provisions of this section shall expire upon the passage of a concurrent resolution by the Legislature directing the department to implement the National Low Emission Vehicle program pursuant to subsection a. of section 6 of P.L.2003, c.266 (C.26:2C-8.20).] (Deleted by amendment, P.L. , c. ) (pending before the Legislature as this bill)34

(cf: P.L.2003, c.266, s.4)

8. Sections 5 through 7 of P.L.2003, c.266 (C.26:2C-8.19 through C. 26:2C-8.21) are repealed.4

This act shall take effect immediately.