

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS35232-MAfz-76B* (12/16)

Short Title: Repeal Motor Vehicle Safety Inspections.

(Public)

Sponsors: Senators Albertson, Clodfelter and Hartsell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE REQUIREMENT THAT MOTOR VEHICLES REGISTERED IN THIS STATE HAVE AN ANNUAL SAFETY INSPECTION, TO ELIMINATE THE REQUIREMENT THAT WINDOW TINTING BE INSPECTED AT AN INSPECTION STATION BY A LICENSED SAFETY INSPECTOR, TO ELIMINATE THE AFFIRMATIVE DEFENSE TO AN UNSAFE TIRES CHARGE, TO ELIMINATE THE REQUIREMENT THAT A VEHICLE BE SUBJECT TO A SAFETY INSPECTION BEFORE A CHARGE FOR TINTED WINDOWS MAY BE MADE, TO DEVELOP AND IMPLEMENT A MANAGEMENT IMPROVEMENT PLAN FOR THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM, ADMINISTERED BY THE DIVISION OF MOTOR VEHICLES, WHICH WILL INCREASE EFFICIENCY, REDUCE COSTS, AND IMPROVE CUSTOMER SERVICE, AND TO REQUIRE THE FISCAL RESEARCH DIVISION OF THE GENERAL ASSEMBLY TO CONDUCT A FISCAL REVIEW OF THE DIVISION OF MOTOR VEHICLES EMISSIONS INSPECTION PROGRAM, AS RECOMMENDED BY THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3A of Chapter 20 of the General Statutes reads as rewritten:

"Article 3A.

"~~Safety and Emissions~~ Inspection Program.

"Part 1. Safe Use of Streets and Highways.

"§ 20-183.1: Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 754, s. 3.

"Part 2. ~~Safety and Emissions~~ Inspections of Certain Vehicles.

"§ 20-183.2. Description of vehicles subject to ~~safety or emissions~~ inspection; definitions.

(a) ~~Safety.~~—~~A motor vehicle is subject to a safety inspection in accordance with this Part if it meets all of the following requirements:~~

- (1) ~~It is subject to registration with the Division under Article 3 of this Chapter.~~
- (2) ~~It is not subject to inspection under 49 C.F.R. Part 396, the federal Motor Carrier Safety Regulations.~~
- (3) ~~It is not a trailer whose gross weight is less than 4,000 pounds or a house trailer.~~

(a1) ~~Safety Inspection Exceptions.~~—~~The following vehicles shall not be subject to a safety inspection pursuant to this Article:~~

- (1) ~~Historic vehicles, as defined in G.S. 20-79.4(b)(55).~~



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- 1 (2) ~~Buses titled to a local board of education and subject to the school bus~~
2 ~~inspection requirements specified by the State Board of Education and~~
3 ~~G.S. 115C-248(a).~~
- 4 (b) ~~Emissions.~~Emissions Inspections. – A motor vehicle is subject to an emissions
5 inspection in accordance with this Part if it meets all of the following requirements:
- 6 (1) It is subject to registration with the Division under Article 3 of this Chapter,
7 except for motor vehicles operated on a federal installation as provided in
8 sub-subdivision e. of subdivision (5) of this subsection.
- 9 (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house
10 trailer, or a motorcycle.
- 11 (3) It is a 1996 or later model.
- 12 (4) Repealed by Session Laws 1999-328, s. 3.11, effective July 21, 1999.
- 13 (5) It meets any of the following descriptions:
- 14 a. It is required to be registered in an emissions county.
- 15 b. It is part of a fleet that is operated primarily in an emissions county.
- 16 c. It is offered for rent in an emissions county.
- 17 d. It is a used vehicle offered for sale by a dealer in an emissions
18 county.
- 19 e. It is operated on a federal installation located in an emissions county
20 and it is not a tactical military vehicle. Vehicles operated on a federal
21 installation include those that are owned or leased by employees of
22 the installation and are used to commute to the installation and those
23 owned or operated by the federal agency that conducts business at
24 the installation.
- 25 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an
26 emissions inspection.
- 27 (6) It is not licensed at the farmer rate under G.S. 20-88(b).
- 28 (7) It is not a new motor vehicle, as defined in G.S. 20-286(10)a. and has been a
29 used motor vehicle, as defined in G.S. 20-286(10)b., for 12 months or more.
30 However, a motor vehicle that has been leased or rented, or offered for lease
31 or rent, is subject to an emissions inspection when it either:
- 32 a. Has been leased or rented, or offered for lease or rent, for 12 months
33 or more.
- 34 b. Is sold to a consumer-purchaser.
- 35 (8) It is not a privately owned, nonfleet motor home or house car, as defined in
36 G.S. 20-4.01(27)d2., that is built on a single chassis, has a gross vehicle
37 weight of more than 10,000 pounds, and is designed primarily for
38 recreational use.
- 39 (c) Definitions. – The following definitions apply in this Part:
- 40 (1) Electronic inspection authorization. – An inspection authorization that is
41 generated electronically through the electronic accounting system that
42 creates a unique nonduplicating authorization number assigned to the
43 vehicle's inspection receipt upon successful passage of an inspection. The
44 term "electronic inspection authorization" shall include the term "inspection
45 sticker" during the transition period to use of electronic inspection
46 authorizations.
- 47 (2) Emissions county. – A county listed in G.S. 143-215.107A(c) or designated
48 by the Environmental Management Commission pursuant to
49 G.S. 143-215.107A(d) and certified to the Commissioner of Motor Vehicles
50 as a county in which the implementation of a motor vehicle emissions
51 inspection program will improve ambient air quality.

- 1 (3) Federal installation. – An installation that is owned by, leased to, or
2 otherwise regularly used as the place of business of a federal agency.

3 **"§ 20-183.3. Scope of safety inspection and an emissions inspection.**

4 (a) ~~Safety.~~—A safety inspection of a motor vehicle consists of an inspection of the
5 following equipment to determine if the vehicle has the equipment required by Part 9 of Article
6 3 of this Chapter and if the equipment is in a safe operating condition:

- 7 (1) ~~Brakes, as required by G.S. 20-124.~~
8 (2) ~~Lights, as required by G.S. 20-129 or G.S. 20-129.1.~~
9 (3) ~~Horn, as required by G.S. 20-125(a).~~
10 (4) ~~Steering mechanism, as required by G.S. 20-123.1.~~
11 (5) ~~Windows and windshield wipers, as required by G.S. 20-127. To determine
12 if a vehicle window meets the window tinting restrictions, a safety
13 inspection mechanic must first determine, based on use of an automotive
14 film check card or knowledge of window tinting techniques, if after factory
15 tint has been applied to the window. If after factory tint has been applied, the
16 mechanic must use a light meter approved by the Commissioner to
17 determine if the window meets the window tinting restrictions.~~
- 18 (6) ~~Directional signals, as required by G.S. 20-125.1.~~
19 (7) ~~Tires, as required by G.S. 20-122.1.~~
20 (8) ~~Mirrors, as required by G.S. 20-126.~~
21 (9) ~~Exhaust system and emissions control devices, as required by G.S. 20-128.
22 For a vehicle that is subject to an emissions inspection in addition to a safety
23 inspection, a visual inspection of the vehicle's emissions control devices is
24 included in the emissions inspection rather than the safety inspection.~~

25 (b) Repealed by Laws 2000-134, s. 12, effective January 1, 2006.

26 (b1) Emissions. – An emissions inspection of a motor vehicle consists of a visual
27 inspection of the vehicle's emissions control devices to determine if the devices are present, are
28 properly connected, and are the correct type for the vehicle and an analysis of data provided by
29 the on-board diagnostic (OBD) equipment installed by the vehicle manufacturer to identify any
30 deterioration or malfunction in the operation of the vehicle that violates standards for the model
31 year of the vehicle set by the Environmental Management Commission. To pass an emissions
32 inspection a vehicle must pass both the visual inspection and the OBD analysis. ~~When an
33 emissions inspection is performed on a vehicle, a safety inspection must be performed on the
34 vehicle as well.~~

35 (c) Reinspection After Failure. – The scope of a reinspection of a vehicle that has been
36 repaired after failing an inspection is the same as the original inspection unless the vehicle is
37 presented for reinspection within 60 days of failing the original inspection. ~~If the vehicle is
38 presented for reinspection within this time limit and the inspection the vehicle failed was a
39 safety inspection, the reinspection is limited to an inspection of the equipment that failed the
40 original inspection. If the vehicle is presented for reinspection within this time limit and the
41 inspection the vehicle failed was an emissions inspection, limit, the reinspection is limited to
42 the portion of the inspection the vehicle failed and any other portion of the inspection that
43 would be affected by repairs made to correct the failure.~~

44 **~~§ 20-183.4. License required to perform safety inspection; qualifications for license.~~**

45 (a) ~~License Required.~~—A safety inspection must be performed by one of the following
46 methods:

- 47 (1) ~~At a station that has a safety inspection station license issued by the Division
48 and by a mechanic who is employed by the station and has a safety
49 inspection mechanic license issued by the Division.~~

- 1 (2) ~~At a place of business of a person who has a safety self-inspector license~~
2 ~~issued by the Division and by an individual who has a safety inspection~~
3 ~~mechanic license issued by the Division.~~
- 4 (b) ~~Station Qualifications.— An applicant for a license as a safety inspection station~~
5 ~~must meet all of the following requirements:~~
- 6 (1) ~~Have a place of business that has adequate facilities, space, and equipment to~~
7 ~~conduct a safety inspection. A place of business designated in a station~~
8 ~~license that has been suspended or revoked cannot be the designated place~~
9 ~~for any other license applicant during the period of the suspension or~~
10 ~~revocation, unless the Division finds that operation of the place of business~~
11 ~~as an inspection station during this period by the license applicant would not~~
12 ~~defeat the purpose of the suspension or revocation because the license~~
13 ~~applicant has no connection with the person whose license was suspended or~~
14 ~~revoked or because of another reason. A finding made by the Division under~~
15 ~~this subdivision must be set out in a written statement that includes the~~
16 ~~finding and the reason for the finding.~~
- 17 (2) ~~Regularly employ at least one mechanic who has a safety inspection~~
18 ~~mechanic license.~~
- 19 (3) ~~Designate the individual who will be responsible for the day to day~~
20 ~~operation of the station. The individual designated must be of good character~~
21 ~~and have a reputation for honesty.~~
- 22 (4) ~~Have equipment and software approved by the Division to transfer~~
23 ~~information on safety inspections to the Division by electronic means.~~
24 ~~During the initial implementation of the electronic inspection process, the~~
25 ~~vendor selected by the Division shall provide the equipment and software at~~
26 ~~no cost to a station that holds a license on October 1, 2008.~~
- 27 (c) ~~Mechanic Qualifications.— An applicant for a license as a safety inspection~~
28 ~~mechanic must meet all of the following requirements:~~
- 29 (1) ~~Have successfully completed an eight-hour course approved by the Division~~
30 ~~that teaches students about the safety equipment a motor vehicle is required~~
31 ~~to have to pass a safety inspection and how to conduct a safety inspection~~
32 ~~using equipment to electronically transmit the vehicle information and~~
33 ~~inspection results.~~
- 34 (2) ~~Have a drivers license.~~
- 35 (3) ~~Be of good character and have a reputation for honesty.~~
- 36 (d) ~~Self-Inspector Qualifications.— An applicant for a license as a safety self-inspector~~
37 ~~must meet all of the following requirements:~~
- 38 (1) ~~Operate a fleet of at least 10 vehicles that are subject to a safety inspection.~~
- 39 (2) ~~Regularly employ or contract with an individual who has a safety inspection~~
40 ~~mechanic license and who will perform a safety inspection on the vehicles~~
41 ~~that are part of the self-inspector's fleet.~~
- 42 **"§ 20-183.4A. License required to perform emissions inspection; qualifications for**
43 **license.**
- 44 (a) License Required. – An emissions inspection must be performed by one of the
45 following methods:
- 46 (1) At a station that has an emissions inspection station license issued by the
47 Division and by a mechanic who is employed by the station and has an
48 emissions inspection mechanic license issued by the Division.
- 49 (2) At a place of business of a person who has an emissions self-inspector
50 license issued by the Division and by an individual who has an emissions
51 inspection mechanic license.

1 (b) Station Qualifications. – An applicant for a license as an emissions inspection
2 station must meet all of the following requirements:

3 (1) ~~Have a license as a safety inspection station.~~

4 (2) Repealed by Session Law 2000-134, s. 15, effective January 1, 2006.

5 (2a) Have equipment to analyze data provided by the on-board diagnostic (OBD)
6 equipment approved by the Environmental Management Commission.

7 (3) Have equipment and software to transfer information on emissions
8 inspections to the Division by electronic means. During the initial
9 implementation of the electronic inspection process, the vendor selected by
10 the Division shall provide the software at no cost to a station that holds a
11 license on October 1, 2008.

12 (4) Regularly employ at least one mechanic who has an emissions inspection
13 mechanic license.

14 (c) Mechanic Qualifications. – An applicant for a license as an emissions inspection
15 mechanic must meet all of the following requirements:

16 (1) ~~Have a license as a safety inspection mechanic.~~

17 (2) Repealed by Session Law 2000-134, s. 15, effective January 1, 2006.

18 (2a) Have successfully completed an eight-hour course approved by the Division
19 that teaches students about the causes and effects of the air pollution
20 problem, the purpose of the emissions inspection program, the vehicle
21 emission standards established by the United States Environmental
22 Protection Agency, the emission control devices on vehicles, how to conduct
23 an emissions inspection using equipment to analyze data provided by the
24 on-board diagnostic (OBD) equipment approved by the Environmental
25 Management Commission, and any other topic required by 40 C.F.R. §
26 51.367 to be included in the course. Successful completion requires a
27 passing score on a written test and on a hands-on test in which the student is
28 required to conduct an emissions inspection of a motor vehicle.

29 (d) Self-Inspector Qualifications. – An applicant for a license as an emissions
30 self-inspector must meet all of the following requirements:

31 (1) ~~Have a license as a safety self-inspector.~~

32 (2) Operate a fleet of at least 10 vehicles that are subject to an emissions
33 inspection.

34 (3) Repealed by Session Law 2000-134, s. 15, effective January 1, 2006.

35 (3a) Have, or have a contract with a person who has, equipment to analyze data
36 provided by the on-board diagnostic (OBD) equipment approved by the
37 Environmental Management Commission.

38 (4) Regularly employ or contract with an individual who has an emissions
39 inspection mechanic license and who will perform an emissions inspection
40 on the vehicles that are part of the self-inspector's fleet.

41 **"§ 20-183.4B. Application for license; duration of license; renewal of mechanic license.**

42 (a) Application. – An applicant for a license issued under this Part must complete an
43 application form provided by the Division. The application must contain the applicant's name
44 and address and any other information needed by the Division to determine whether the
45 applicant is qualified for the license. The Division must review an application for a license to
46 determine if the applicant qualifies for the license. If the applicant meets the qualifications, the
47 Division must issue the license. If the applicant does not meet the qualifications, the Division
48 must deny the application and notify the applicant in writing of the reason for the denial.

49 (b) Duration of License. – ~~A safety inspection mechanic license expires four years after~~
50 ~~the date it is issued.~~ An emissions mechanic inspection license expires two years after the date
51 it is issued. ~~A safety inspection station license, an~~ An emissions inspection station

1 ~~license, license~~ and a self-inspector license are effective until surrendered by the license holder
2 or suspended or revoked by the Division.

3 (c) ~~Renewal of Mechanic License. – A safety or an~~ An emissions inspection mechanic
4 may apply to renew a license by filing an application with the Division on a form provided by
5 the Division. To renew an emissions inspection mechanic license, an applicant must have
6 successfully completed a four-hour emissions refresher course approved by the Division within
7 nine months of applying for renewal. Successful completion requires a passing score on a
8 written test and on a hands-on test in which the student is required to conduct an emissions
9 inspection of a motor vehicle.

10 **"§ 20-183.4C. When a vehicle must be inspected; three-day trip permit.**

11 (a) Inspection. – A vehicle that is subject to ~~a safety inspection, an emissions~~
12 ~~inspection, or both~~ inspection must be inspected as follows:

- 13 (1) A new vehicle must be inspected before it is sold at retail in this State. Upon
14 purchase, a receipt approved by the Division must be provided to the new
15 owner certifying compliance.
- 16 (1a) A new motor vehicle dealer who is also licensed pursuant to this Article
17 may, notwithstanding subdivision (1) of this section, examine the ~~safety and~~
18 emissions control devices on a new motor vehicle and perform such services
19 necessary to ensure the motor vehicle conforms to the required specifications
20 established by the manufacturer and contained in its predelivery check list.
21 The completion of the predelivery inspection procedure required or
22 recommended by the manufacturer on a new motor vehicle shall constitute
23 the inspection required by subdivision (1) of this section. For the purposes of
24 this subdivision, the date of inspection shall be deemed to be the date of the
25 sale of the motor vehicle to a purchaser.
- 26 (2) A used vehicle must be inspected before it is offered for sale at retail in this
27 State by a dealer. Upon purchase, a receipt approved by the Division must be
28 provided to the new owner certifying compliance.
- 29 (3) Repealed by Session Law 2007-503, s. 5, effective October 1, 2008.
- 30 (4) A new or used vehicle acquired by a resident of this State from outside the
31 State must be inspected before the vehicle is registered with the Division.
- 32 (5) A vehicle owned by a new resident of this State who transfers the
33 registration of the vehicle from the resident's former home state to this State
34 must be inspected before the vehicle is registered with the Division.
- 35 (5a) Repealed by Session Law 2007-503, s. 5, effective October 1, 2008.
- 36 (6) A vehicle that has been inspected in accordance with this Part must be
37 inspected by the last day of the month in which the registration on the
38 vehicle expires.
- 39 (7) A vehicle that is required to be inspected in accordance with this Part may be
40 inspected 90 days prior to midnight of the last day of the month as
41 designated by the vehicle registration sticker.
- 42 (8) A new or used vehicle acquired from a retailer in this State and registered
43 with the Division with a new registration or a transferred registration must
44 be inspected in accordance with this Part when the current registration
45 expires.
- 46 (9) A used vehicle acquired from a private sale in this State must be inspected in
47 accordance with this Part before the vehicle is registered with the Division
48 unless it has received a passing inspection within the previous 12 months.
- 49 (10) An unregistered vehicle must be inspected before the vehicle is registered
50 with the Division unless it has received a passing inspection within the
51 previous 12 months.

1 (11) A person who owns a vehicle located outside of this State when its
2 emissions inspection becomes due may obtain an emissions inspection in the
3 jurisdiction where the vehicle is located, in lieu of a North Carolina
4 emissions inspection, as long as the inspection meets the requirements of 40
5 C.F.R. § 51.

6 (b) Permit. – The Division may issue a three-day trip permit to a person that authorizes
7 the person to drive an insured vehicle whose inspection authorization or registration has
8 expired. The permit must describe the vehicle whose inspection authorization or registration
9 has expired. The permit authorizes the person to drive the described vehicle only from the place
10 the vehicle is parked to an inspection station, repair shop, or Division or contract agent
11 registration office.

12 The Division may issue a 10-day temporary permit to a person that authorizes the person to
13 drive a vehicle that failed to pass the emissions inspection. The permit must describe the
14 vehicle that failed to pass inspection and the date that it failed to pass inspection.

15 **"§ 20-183.4D. Procedure when a vehicle is inspected.**

16 (a) Receipt. – ~~When a safety inspection mechanic or an emissions inspection mechanic~~ or an emissions inspection mechanic
17 inspects a vehicle, the mechanic must give the person who brought the vehicle in for inspection
18 an inspection receipt. The inspection receipt must state the date of the inspection, identify the
19 mechanic performing the inspection, identify the station or self-inspector where the inspection
20 was performed, and list the components of the inspection performed and indicate for each
21 component whether the vehicle passed or failed. A vehicle that fails a component of an
22 inspection may be repaired at any repair facility chosen by the owner or operator of the vehicle.

23 (b) Electronic Inspection Authorization. – ~~When a vehicle that is subject to a safety~~
24 ~~inspection only passes the safety inspection, the safety inspection mechanic who performed the~~
25 ~~inspection must issue an electronic inspection authorization to the vehicle at the place~~
26 ~~designated by the Division.~~ When a vehicle that is subject to both a safety inspection and an
27 emissions inspection passes both inspections or passes the safety inspection and or has a waiver
28 for the emissions inspection, the emissions mechanic performing the inspection must issue an
29 electronic inspection authorization to the vehicle at the place designated by the Division.

30 (c), (d) Repealed by Session Law 2007-503, s. 6, effective October 1, 2008.

31 (e) When Electronic Inspection Authorization Expires. – An electronic inspection
32 authorization issued under this Part expires at midnight of the last day of the month designated
33 by the vehicle registration sticker of the following year.

34 **"§ 20-183.5. When a vehicle that fails an emissions inspection may obtain a waiver from**
35 **the inspection requirement.**

36 (a) Requirements. – The Division may issue a waiver for a vehicle, excluding a vehicle
37 owned or being held for retail sale by a motor vehicle dealer, that meets all of the following
38 requirements:

- 39 (1) Fails an emissions inspection because it passes the visual inspection but fails
40 the analysis of data provided by the on-board diagnostic (OBD) equipment.
- 41 (2) Has documented repairs costing at least the waiver amount made to the
42 vehicle to correct the cause of the failure. The waiver amount is two hundred
43 dollars (\$200.00).
- 44 (3) Is reinspected and again fails the inspection because it passes the visual
45 inspection but fails the analysis of data provided by the on-board diagnostic
46 (OBD) equipment.
- 47 (4) Meets any other waiver criteria required by 40 C.F.R. § 51.360, or as
48 designated by the Division.

49 (b) Procedure. – To obtain a waiver, a person must contact a local enforcement office of
50 the Division. Before issuing a waiver, an employee of the Division must review the inspection
51 receipts issued for the inspections of the vehicle, review the documents establishing what

1 repairs were made to the vehicle and at what cost, review any statement denying warranty
2 coverage of the repairs made, and do a visual inspection of the vehicle, if appropriate, to
3 determine if the documented repairs were made. The Division must issue a waiver if it
4 determines that the vehicle qualifies for a waiver. A person to whom a waiver is issued must
5 present the waiver to the self-inspector or inspection station performing the inspection to obtain
6 an electronic inspection authorization.

7 (c) Repairs. – The following repairs and their costs cannot be considered in determining
8 whether the cost of repairs made to a vehicle equals or exceeds the waiver amount:

9 (1) Repairs covered by a warranty that applies to the vehicle.

10 (2) Repairs needed as a result of tampering with an emission control device of
11 the vehicle.

12 (3) Repairs made by an individual who is not professionally engaged in the
13 business of repairing vehicles.

14 (4) OBD diagnostics without corresponding repairs.

15 (d) Electronic Inspection Authorization. – An electronic inspection authorization issued
16 to a vehicle after the vehicle receives a waiver from the requirement of passing the emissions
17 inspection expires at the same time it would if the vehicle had passed the emissions inspection.

18 ~~§ 20-183.5A. When a vehicle that fails a safety inspection because of missing emissions
19 control devices may obtain a waiver.~~

20 (a) ~~Requirements. — The Division may issue a waiver for a vehicle that meets all of the
21 following requirements:~~

22 (1) ~~Fails a safety inspection because it does not have one or more emissions
23 control devices.~~

24 (2) ~~Has documented repairs within the previous calendar year to replace missing
25 emissions control devices costing at least the waiver amount made to the
26 vehicle to correct the cause of the failure. The waiver amount is two hundred
27 dollars (\$200.00) if the vehicle is a 1996 or newer model.~~

28 (b) ~~Procedure. — To obtain a waiver, a person must contact a local enforcement office of
29 the Division. Before issuing a waiver, an employee of the Division must review the inspection
30 receipts issued for the inspections of the vehicle, review the documents establishing what
31 repairs were made to the vehicle and at what cost, review any statement denying warranty
32 coverage of the repairs made, and do a visual inspection of the vehicle, if appropriate, to
33 determine if the documented repairs were made. The Division must issue a waiver if it
34 determines that the vehicle qualifies for a waiver. A person to whom a waiver is issued must
35 present the waiver to the self-inspector or inspection station performing the inspection to obtain
36 an electronic inspection authorization.~~

37 (c) ~~Repairs. — The following repairs and their costs cannot be considered in determining
38 whether the cost of repairs made to a vehicle equals or exceeds the waiver amount:~~

39 (1) ~~Repairs covered by a warranty that applies to the vehicle.~~

40 (2) ~~Repairs needed as a result of tampering with an emission control device of
41 the vehicle.~~

42 (3) ~~Repairs made by an individual who is not professionally engaged in the
43 business of repairing vehicles.~~

44 (d) ~~Electronic Inspection Authorization Expiration. — An electronic inspection
45 authorization issued to a vehicle after the vehicle receives a waiver from the requirement of
46 passing the safety inspection expires at the same time it would if the vehicle had passed the
47 safety inspection.~~

48 **"§ 20-183.6: Repealed by Session Laws 2007-503, s. 10, effective October 1, 2008, and
49 applicable to offenses committed on or after that date.**

50 **"§ 20-183.6A. Administration of program; duties of license holders.**

1 (a) Division. – The Division is responsible for administering the ~~safety inspection and~~
 2 ~~the emissions inspection programs program.~~ In exercising this responsibility, the Division
 3 must:

- 4 (1) Conduct performance audits, record audits, and equipment audits of those
 5 licensed to perform inspections to ensure that inspections are performed
 6 properly.
- 7 (2) Ensure that Division personnel who audit license holders are knowledgeable
 8 about audit procedures and about the requirements of ~~both the safety~~
 9 ~~inspection and the emissions inspection programs program.~~
- 10 (3) Perform an emissions inspection on a vehicle when requested to do so by a
 11 vehicle owner so the owner can compare the result of the inspection
 12 performed by the Division with the result of an inspection performed at an
 13 emissions inspection station.
- 14 (4) Investigate complaints about a person licensed to perform inspections and
 15 reports of irregularities in performing inspections.
- 16 (5) Establish written procedures for the issuance of electronic inspection
 17 authorizations to persons licensed to perform electronic inspection
 18 authorizations.
- 19 (6) Submit information and reports to the federal Environmental Protection
 20 Agency as required by 40 C.F.R. Part 51.

21 (b) License Holders. – A person who is licensed by the Division under this Part must
 22 post the license at the place required by the Division and must keep a record of inspections
 23 performed. The inspection record must identify the vehicle that was inspected, indicate the type
 24 of inspection performed and the date of inspection, and contain any other information required
 25 by the Division. A self-inspector or an inspection station must send its records of inspections to
 26 the Division in the form and at the time required by the Division. An auditor of the Division
 27 may review the inspection records of a person licensed by the Division under this Part during
 28 normal business hours.

29 **"§ 20-183.7. Fees for performing an inspection and issuing an electronic inspection**
 30 **authorization to a vehicle; use of civil penalties.**

31 (a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an
 32 electronic inspection authorization, the fee must be collected. The following fees apply to an
 33 inspection of a vehicle and the issuance of an electronic inspection authorization:

<u>Type</u>	<u>Inspection</u>	<u>Authorization</u>
Safety Only	\$ 12.75	\$0.85
Emissions and Safety	23.50 \$11.00	6.50 \$5.40.

37 The fee for performing an inspection of a vehicle applies when an inspection is performed,
 38 regardless of whether the vehicle passes the inspection. The fee for an electronic inspection
 39 authorization applies when an electronic inspection authorization is issued to a vehicle. ~~The fee~~
 40 ~~for an inspection sticker does not apply to a replacement inspection sticker for use on a~~
 41 ~~windshield replaced by a business registered with the Division pursuant to G.S. 20-183.6.~~ The
 42 fee for inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies
 43 only to an inspection performed with a light meter after a ~~safety inspection~~certified mechanic
 44 determined that the window had after-factory tint. A ~~safety inspection~~certified mechanic shall
 45 not inspect an after-factory tinted window of a vehicle for which the Division has issued a
 46 medical exception permit pursuant to G.S. 20-127(f).

47 A vehicle that is inspected at an inspection station and fails the inspection is entitled to be
 48 reinspected at the same station at any time within 60 days of the failed inspection without
 49 paying another inspection fee.

50 The inspection fee for an emissions ~~and safety~~ inspection set out in this subsection is the
 51 maximum amount that an inspection station or an inspection mechanic may charge for an

emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic may charge the maximum amount or any lesser amount for an emissions and safety inspection of a vehicle. ~~The inspection fee for a safety only inspection set out in this subsection may not be increased or decreased.~~ The authorization fees set out in this subsection may not be increased or decreased.

(b) Self-Inspector. – The fee for an inspection does not apply to an inspection performed by a self-inspector. The fee for issuing an electronic inspection authorization to a vehicle applies to an inspection performed by a self-inspector.

(c) Fee Distribution. – Fees collected for electronic inspection authorizations are payable to the Division of Motor Vehicles. The amount of each fee listed in the table below shall be credited to the Highway Fund, the Emissions Program Account established in subsection (d) of this section, the Telecommunications Account established in subsection (d1) of this section, the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the Division of Air Quality of the Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only Electronic Authorization</u>	<u>Emissions and Safety Electronic Authorization</u>
Highway Fund	.55	.55
Emissions Program Account	.00	3.00
Telecommunications Account	.00	1.75
Volunteer Rescue/EMS Fund	.18	.18
Rescue Squad Workers' Relief Fund	.12	.12
Division of Air Quality	.00	.65.

(d) Emissions Program Account. – The Emissions Program Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to fund the vehicle emissions inspection and maintenance program.

(d1) Telecommunications Account. – The Telecommunications Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to provide equipment and telecommunications services associated with the vehicle ~~safety and~~ emissions inspection and maintenance program.

(d2) Repealed by Session Law 2001-504, s. 3, effective July 1, 2007.

(e) Civil Penalties. – ~~Civil penalties collected under this Part shall be credited to the Highway Fund as nontax revenue.~~ The clear proceeds of all civil penalties, civil forfeitures, and civil fines that are collected by the Division pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(f) Inspection Stations Required to Post Fee Information. – The Division shall approve the form and style of one or more standard signs to be used to display the information required by this subsection. The Division shall require that one or more of the standard signs be conspicuously posted at each inspection station in a manner reasonably calculated to make the information on the sign readily available to each person who presents a motor vehicle to the station for inspection. The sign shall include the following information:

- (1) The maximum and minimum amounts of the inspection fee authorized by this section.
- (2) The amount of the inspection fee charged by the inspection station and a statement that clearly indicates that the amount of the inspection fee is determined by the inspection station, that the inspection fee is retained by

1 the inspection station to compensate the station for performing the
2 inspection, and that the inspection fee is not paid to the State.

3 (3) The amount of the electronic inspection authorization fee, if the motor
4 vehicle passes the inspection, a statement that the electronic inspection
5 authorization fee is paid to the State, and a brief summary of the purposes
6 for which the electronic inspection authorization fee is collected.

7 (4) The total fee to be charged if the motor vehicle passes the inspection.

8 (5) A statement that a vehicle that fails an inspection may be reinspected at the
9 same station within 30 days of the inspection without payment of another
10 inspection fee.

11 (g) Information on Receipt. — The information set out in subdivisions (1) through (5) of
12 subsection (f) of this section shall be set out in not smaller than 12 point type and shall be
13 shown graphically in the form of a pie chart on the inspection receipt.

14 (h) Subsections (f) and (g) of this section apply only to inspection stations that perform
15 both emissions and safety inspections.

16 ~~§ 20-183.7A. Penalties applicable to license holders and suspension or revocation of~~
17 ~~license for safety violations.~~

18 (a) ~~Kinds of Violations.~~—The civil penalty schedule established in this section applies
19 to ~~safety self inspectors, safety inspection stations, and safety inspection mechanics.~~ The
20 schedule categorizes safety violations into serious (Type I), minor (Type II), and technical
21 (Type III) violations. A serious violation is a violation of this Part or a rule adopted to
22 implement this Part that directly affects the safety or emissions reduction benefits of the safety
23 inspection program. A minor violation is a violation of this Part or a rule adopted to implement
24 this Part that reflects negligence or carelessness in conducting a safety inspection or complying
25 with the safety inspection requirements but does not directly affect the safety benefits or
26 emission reduction benefits of the safety inspection program. A technical violation is a
27 violation that is not a serious violation, a minor violation, or another type of offense under this
28 Part.

29 (b) ~~Penalty Schedule.~~—The Division must take the following action for a violation:

30 (1) ~~Type I.~~—For a first or second Type I violation within three years by a safety
31 self inspector or a safety inspection station, assess a civil penalty of two
32 hundred fifty dollars (\$250.00) and suspend the license of the business for
33 six months. For a third or subsequent Type I violation within three years by
34 a safety self inspector or a safety inspection station, assess a civil penalty of
35 one thousand dollars (\$1,000) and revoke the license of the business for two
36 years. For a first or second Type I violation within seven years by a safety
37 inspection mechanic, assess a civil penalty of one hundred dollars (\$100.00)
38 and suspend the mechanic's license for six months. For a third or subsequent
39 Type I violation within seven years by a safety inspection mechanic, assess a
40 civil penalty of two hundred fifty dollars (\$250.00) and revoke the
41 mechanic's license for two years.

42 (2) ~~Type II.~~—For a first or second Type II violation within three years by a
43 safety self inspector or a safety inspection station, assess a civil penalty of
44 one hundred dollars (\$100.00). For a third or subsequent Type II violation
45 within three years by a safety self inspector or a safety inspection station,
46 assess a civil penalty of two hundred fifty dollars (\$250.00) and suspend the
47 license of the business for 90 days. For a first or second Type II violation
48 within seven years by a safety inspection mechanic, assess a civil penalty of
49 fifty dollars (\$50.00). For a third or subsequent Type II violation within
50 seven years by a safety inspection mechanic, assess a civil penalty of one
51 hundred dollars (\$100.00) and suspend the mechanic's license for 90 days.

1 (3) Type III.— For a first or second Type III violation within seven years by a
2 safety self-inspector, a safety inspection station, or a safety inspection
3 mechanic, send a warning letter. For a third or subsequent Type III violation
4 within seven years by the same safety license holder, assess a civil penalty of
5 twenty-five dollars (\$25.00).

6 (e) Station or Self-Inspector Responsibility.— It is the responsibility of a safety
7 inspection station and a safety self-inspector to supervise the safety inspection mechanics it
8 employs. A violation by a safety inspection mechanic is considered a violation by the station or
9 self-inspector for whom the mechanic is employed.

10 (d) Multiple Violations.— If a safety self-inspector, a safety inspection station, or a
11 safety inspection mechanic commits two or more violations in the course of a single safety
12 inspection, the Division shall take only the action specified for the most significant violation.

13 (e) Mechanic Training.— A safety inspection mechanic whose license has been
14 suspended or revoked must retake the course required under G.S. 20-183.4 and successfully
15 complete the course before the mechanic's license can be reinstated. Failure to successfully
16 complete this course continues the period of suspension or revocation until the course is
17 completed successfully.

18 **§ 20-183.7B. Acts that are Type I, II, or III safety violations.**

19 (a) Type I.— It is a Type I violation for a safety self-inspector, a safety inspection
20 station, or a safety inspection mechanic to do any of the following:

21 (1) Issue a safety electronic inspection authorization to a vehicle without
22 performing a safety inspection of vehicle.

23 (2) Issue a safety electronic inspection authorization to a vehicle after
24 performing a safety inspection of the vehicle and determining that the
25 vehicle did not pass the inspection.

26 (3) Allow a person who is not licensed as a safety inspection mechanic to
27 perform a safety inspection for a self-inspector or at a safety station.

28 (4) Sell, issue, or otherwise give an electronic inspection authorization to
29 another, other than as the result of a vehicle inspection in which the vehicle
30 passed the inspection.

31 (5) Be unable to account for five or more electronic inspection authorizations at
32 any one time upon the request of an officer of the Division.

33 (6) Perform a safety only inspection on a vehicle that is subject to both a safety
34 and an emissions inspection.

35 (7) Transfer an electronic inspection authorization from one vehicle to another.

36 (8) Conduct a safety inspection of a vehicle without driving the vehicle and
37 without raising the vehicle and without opening the hood of the vehicle to
38 check equipment located therein.

39 (9) Solicit or accept anything of value to pass a vehicle other than as provided in
40 this Part.

41 (b) Type II.— It is a Type II violation for a safety self-inspector, a safety inspection
42 station, or a safety inspection mechanic to do any of the following:

43 (1) Issue a safety electronic inspection authorization to a vehicle without driving
44 the vehicle and checking the vehicle's braking reaction, foot brake pedal
45 reserve, and steering free play.

46 (2) Issue a safety electronic inspection authorization to a vehicle without raising
47 the vehicle to free each wheel and checking the vehicle's tires, brake lines,
48 parking brake cables, wheel drums, exhaust system, and the emissions
49 equipment.

- 1 (3) ~~Issue a safety electronic inspection authorization to a vehicle without raising~~
2 ~~the hood and checking the master cylinder, horn mounting, power steering,~~
3 ~~and emissions equipment.~~
- 4 (4) ~~Conduct a safety inspection of a vehicle outside the designated inspection~~
5 ~~area.~~
- 6 (5) ~~Issue a safety electronic inspection authorization to a vehicle with~~
7 ~~inoperative equipment, or with equipment that does not conform to the~~
8 ~~vehicle's original equipment or design specifications, or with equipment that~~
9 ~~is prohibited by any provision of law.~~
- 10 (6) ~~Issue a safety electronic inspection authorization to a vehicle without~~
11 ~~performing a visual inspection of the vehicle's exhaust system.~~
- 12 (7) ~~Issue a safety electronic inspection authorization to a vehicle without~~
13 ~~checking the exhaust system for leaks.~~
- 14 (8) ~~Issue a safety electronic inspection authorization to a vehicle that is required~~
15 ~~to have any of the following emissions control devices but does not have the~~
16 ~~device:~~
- 17 a. ~~Catalytic converter.~~
- 18 b. ~~PCV valve.~~
- 19 c. ~~Thermostatic air control.~~
- 20 d. ~~Oxygen sensor.~~
- 21 e. ~~Unleaded gas restrictor.~~
- 22 f. ~~Gasoline tank cap.~~
- 23 g. ~~Air injection system.~~
- 24 h. ~~Evaporative emissions system.~~
- 25 i. ~~Exhaust gas recirculation (EGR) valve.~~
- 26 (9) ~~Issue a safety electronic inspection authorization to a vehicle after failing to~~
27 ~~inspect four or more of following:~~
- 28 a. ~~Emergency brake.~~
- 29 b. ~~Horn.~~
- 30 c. ~~Headlight high beam indicator.~~
- 31 d. ~~Inside rearview mirror.~~
- 32 e. ~~Outside rearview mirror.~~
- 33 f. ~~Turn signals.~~
- 34 g. ~~Parking lights.~~
- 35 h. ~~Headlights—operation and lens.~~
- 36 i. ~~Headlights—aim.~~
- 37 j. ~~Stoplights.~~
- 38 k. ~~Taillights.~~
- 39 l. ~~License plate lights.~~
- 40 m. ~~Windshield wiper.~~
- 41 n. ~~Windshield wiper blades.~~
- 42 o. ~~Window tint.~~
- 43 (10) ~~Impose no fee for a safety inspection of a vehicle or the issuance of a safety~~
44 ~~electronic inspection authorization or impose a fee for one of these actions in~~
45 ~~an amount that differs from the amount set in G.S. 20-183.7.~~
- 46 (c) ~~Type III.—It is a Type III violation for a safety self-inspector, a safety inspection~~
47 ~~station, or a safety inspection mechanic to do any of the following:~~
- 48 (1) ~~Fail to post a safety inspection station license issued by the Division.~~
- 49 (2) ~~Fail to send information on safety inspections to the Division at the time or~~
50 ~~in the form required by the Division.~~

- 1 (3) ~~Fail to post all safety information required by federal law and by the~~
2 ~~Division.~~
- 3 (4) ~~Fail to put the required information on an inspection receipt in a legible~~
4 ~~manner using ink.~~
- 5 (5) ~~Issue a receipt that is signed by a person other than the safety inspection~~
6 ~~mechanic.~~
- 7 (6) ~~Place an incorrect expiration date on an electronic inspection authorization.~~
- 8 (7) ~~Issue a safety electronic inspection authorization to a vehicle after having~~
9 ~~failed to inspect three or fewer of the following:~~
- 10 a. ~~Emergency brake.~~
- 11 b. ~~Horn.~~
- 12 c. ~~Headlight high beam indicator.~~
- 13 d. ~~Inside rearview mirror.~~
- 14 e. ~~Outside rearview mirror.~~
- 15 f. ~~Turn signals.~~
- 16 g. ~~Parking lights.~~
- 17 h. ~~Headlights—operation and lens.~~
- 18 i. ~~Headlights—aim.~~
- 19 j. ~~Stoplights.~~
- 20 k. ~~Taillights.~~
- 21 l. ~~License plate lights.~~
- 22 m. ~~Windshield wiper.~~
- 23 n. ~~Windshield wiper blades.~~
- 24 o. ~~Window tint.~~

25 ~~(d) Other Acts. — The lists in this section of the acts that are Type I, Type II, or Type III~~
26 ~~violations are not the only acts that are one of these types of violations. The Division may~~
27 ~~designate other acts that are a Type I, Type II, or Type III violation.~~

28 **"§ 20-183.8. Infractions and criminal offenses for violations of inspection requirements.**

29 (a) Infractions. – A person who does any of the following commits an infraction and, if
30 found responsible, is liable for a penalty of up to fifty dollars (\$50.00):

- 31 (1) Operates a motor vehicle that is subject to inspection under this Part on a
32 highway or public vehicular area in the State when the vehicle has not been
33 inspected in accordance with this Part, as evidenced by the vehicle's lack of a
34 current electronic inspection authorization or otherwise.
- 35 (2) Allows an electronic inspection authorization to be issued to a vehicle
36 owned or operated by that person, knowing that the vehicle was not
37 inspected before the electronic inspection authorization was issued or was
38 not inspected properly.
- 39 (3) Issues an electronic inspection authorization on a vehicle, knowing or having
40 reasonable grounds to know that an inspection of the vehicle was not
41 performed or was performed improperly. A person who is cited for a civil
42 penalty under G.S. 20-183.8B for an emissions violation involving the
43 inspection of a vehicle may not be charged with an infraction under this
44 subdivision based on that same vehicle.
- 45 (4) Alters the original certified configuration or data link connectors of a vehicle
46 in such a way as to make an emissions inspection by analysis of data
47 provided by on-board diagnostic (OBD) equipment inaccurate or impossible.

48 (b) Defenses to Infractions. – Any of the following is a defense to a violation under
49 subsection (a) of this section:

- 50 (1) The vehicle was continuously out of State for at least the 30 days preceding
51 the date the electronic inspection authorization expired and a current

- 1 electronic inspection authorization was obtained within 10 days after the
2 vehicle came back to the State.
- 3 (2) The vehicle displays a dealer license plate or a transporter plate, the dealer
4 repossessed the vehicle or otherwise acquired the vehicle within the last 10
5 days, and the vehicle is being driven from its place of acquisition to the
6 dealer's place of business or to an inspection station.
- 7 (3) Repealed by Session Law 1997-29, s. 5.
- 8 (4) The charged infraction is described in subdivision (a)(1) of this section, the
9 vehicle is subject to ~~a safety inspection or~~ an emissions inspection and the
10 vehicle owner establishes in court that the vehicle was inspected after the
11 citation was issued and within 30 days of the expiration date of the
12 inspection sticker that was on the vehicle or the electronic inspection
13 authorization was issued to the vehicle when the citation was issued.
- 14 (c) Felony. – A person who does any of the following commits a Class I felony:
- 15 (1) Forges an inspection sticker or inspection receipt.
- 16 (2) Buys, sells, issues, or possesses a forged inspection sticker or electronic
17 inspection authorization.
- 18 (3) Buys, sells, issues, or possesses an electronic inspection authorization other
19 than as the result of either of the following:
- 20 a. Having a license as an inspection station, a self-inspector, or an
21 inspection mechanic and obtaining the electronic inspection
22 authorization from the Division through an electronic authorization
23 vendor in the course of business.
- 24 b. A vehicle inspection in which the vehicle passed the inspection or for
25 which the vehicle received a waiver.
- 26 (4) Solicits or accepts anything of value in order to pass a vehicle that fails a
27 ~~safety or an~~ emissions inspection.
- 28 (5) Fails a vehicle for any reason not authorized by law.
- 29 **"§ 20-183.8A. Civil penalties against motorists for emissions violations; waiver.**
- 30 (a) Civil Penalties. – The Division must assess a civil penalty against a person who
31 owns or leases a vehicle that is subject to an emissions inspection and who engages in any of
32 the emissions violations set out in this subsection. As provided in G.S. 20-54, the registration of
33 a vehicle may not be renewed until a penalty imposed under this subsection has been paid. The
34 civil penalties and violations are as follows:
- 35 (1) Fifty dollars (\$50.00) for failure to have the vehicle inspected within four
36 months after it is required to be inspected under this Part.
- 37 (2) Two hundred fifty dollars (\$250.00) for instructing or allowing a person to
38 tamper with an emission control device of the vehicle so as to make the
39 device inoperative or fail to work properly.
- 40 (3) Two hundred fifty dollars (\$250.00) for incorrectly stating the vehicle's
41 county of registration to avoid having an emissions inspection of the vehicle.
- 42 (b) Waiver. – The Division must waive the civil penalty assessed under subdivision
43 (a)(1) of this section against a person who establishes the following:
- 44 (1) The person was continuously out of the State on active military duty from
45 the date the inspection sticker expired to the date the four-month grace
46 period expired.
- 47 (2) No person operated the vehicle from the date the inspection sticker expired
48 to the date the four-month grace period expired.
- 49 (3) The person obtained a current inspection sticker within 30 days after
50 returning to the State.

1 **"§ 20-183.8B. Civil penalties against license holders and suspension or revocation of**
2 **license for emissions violations.**

3 (a) Kinds of Violations. – The civil penalty schedule established in this section applies
4 to emissions self-inspectors, emissions inspection stations, and emissions inspection mechanics.
5 The schedule categorizes emissions violations into serious (Type I), minor (Type II), and
6 technical (Type III) violations.

7 A serious violation is a violation of this Part or a rule adopted to implement this Part that
8 directly affects the emission reduction benefits of the emissions inspection program. A minor
9 violation is a violation of this Part or a rule adopted to implement this Part that reflects
10 negligence or carelessness in conducting an emissions inspection or complying with the
11 emissions inspection requirements but does not directly affect the emission reduction benefits
12 of the emissions inspection program. A technical violation is a violation that is not a serious
13 violation, a minor violation, or another type of offense under this Part.

14 (b) Penalty Schedule. – The Division must take the following action for a violation:

15 (1) Type I. – For a first or second Type I violation by an emissions
16 self-inspector or an emissions inspection station, assess a civil penalty of two
17 hundred fifty dollars (\$250.00) and suspend the license of the business for
18 six months. For a third or subsequent Type I violation within three years by
19 an emissions self-inspector or an emissions inspection station, assess a civil
20 penalty of one thousand dollars (\$1,000) and revoke the license of the
21 business for two years.

22 For a first or second Type I violation by an emissions inspection
23 mechanic, assess a civil penalty of one hundred dollars (\$100.00) and
24 suspend the mechanic's license for six months. For a third or subsequent
25 Type I violation within seven years by an emissions inspection mechanic,
26 assess a civil penalty of two hundred fifty dollars (\$250.00) and revoke the
27 mechanic's license for two years.

28 (2) Type II. – For a first or second Type II violation by an emissions
29 self-inspector or an emissions inspection station, assess a civil penalty of one
30 hundred dollars (\$100.00). For a third or subsequent Type II violation within
31 three years by an emissions self-inspector or an emissions inspection station,
32 assess a civil penalty of two hundred fifty dollars (\$250.00) and suspend the
33 license of the business for 90 days.

34 For a first or second Type II violation by an emissions inspection
35 mechanic, assess a civil penalty of fifty dollars (\$50.00). For a third or
36 subsequent Type II violation within seven years by an emissions inspection
37 mechanic, assess a civil penalty of one hundred dollars (\$100.00) and
38 suspend the mechanic's license for 90 days.

39 (3) Type III. – For a first or second Type III violation by an emissions
40 self-inspector, an emissions inspection station, or an emissions inspection
41 mechanic, send a warning letter. For a third or subsequent Type III violation
42 within three years by the same emissions license holder, assess a civil
43 penalty of twenty-five dollars (\$25.00).

44 (c) Station or Self-Inspector Responsibility. – It is the responsibility of an emissions
45 inspection station and an emissions self-inspector to supervise the emissions mechanics it
46 employs. A violation by an emissions inspector mechanic is considered a violation by the
47 station or self-inspector for whom the mechanic is employed.

48 (d) Missing Stickers. – The Division must assess a civil penalty against an emissions
49 inspection station, a windshield replacement station, or an emissions self-inspector that cannot
50 account for an emissions inspection sticker issued to it. A station or a self-inspector cannot
51 account for a sticker when the sticker is missing and the station or self-inspector cannot

1 establish reasonable grounds for believing the sticker was stolen or destroyed by fire or another
2 accident.

3 (d1) Penalty for Missing Stickers. – The amount of the penalty is twenty-five dollars
4 (\$25.00) for each missing sticker. If a penalty is imposed under subsection (b) of this section as
5 the result of missing stickers, the monetary penalty that applies is the higher of the penalties
6 required under this subsection and subsection (b); the Division may not assess a monetary
7 penalty as a result of missing stickers under both this subsection and subsection (b) of this
8 section. Imposition of a monetary penalty under this subsection does not affect suspension or
9 revocation of a license required under subsection (b) of this section.

10 (e) Mechanic Training. – An emissions inspection mechanic whose license has been
11 suspended or revoked must retake the course required under G.S. 20-183.4A and successfully
12 complete the course before the mechanic's license can be reinstated. Failure to successfully
13 complete this course continues the period of suspension or revocation until the course is
14 completed successfully.

15 **"§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

16 (a) Type I. – It is a Type I violation for an emissions self-inspector, an emissions
17 inspection station, or an emissions inspection mechanic to do any of the following:

- 18 (1) Issue an emissions electronic inspection authorization on a vehicle without
19 performing an emissions inspection of the vehicle.
- 20 (1a) Issue an emissions electronic inspection authorization to a vehicle after
21 performing an emissions inspection of the vehicle and determining that the
22 vehicle did not pass the inspection.
- 23 (2) Use a test-defeating strategy when conducting an emissions inspection by
24 changing the emission standards for a vehicle by incorrectly entering the
25 vehicle type or model year, or using data provided by the on-board
26 diagnostic (OBD) equipment of another vehicle to achieve a passing result.
- 27 (3) Allow a person who is not licensed as an emissions inspection mechanic to
28 perform an emissions inspection for a self-inspector or at an emissions
29 station.
- 30 (4) Sell, issue, or otherwise give an electronic inspection authorization to
31 another other than as the result of a vehicle inspection in which the vehicle
32 passed the inspection or for which the vehicle received a waiver.
- 33 (5) Be unable to account for five or more electronic inspection authorizations at
34 any one time upon the request of an auditor of the Division.
- 35 ~~(6) Perform a safety only inspection on a vehicle that is subject to both a safety
36 and an emissions inspection.~~
- 37 (7) Transfer an electronic inspection authorization from one vehicle to another.

38 (b) Type II. – It is a Type II violation for an emissions self-inspector, an emissions
39 inspection station, or an emissions inspection mechanic to do any of the following:

- 40 (1) Use the identification code of another to gain access to an emissions
41 analyzer or to equipment to analyze data provided by on-board diagnostic
42 (OBD) equipment.
- 43 (2) Keep compliance documents in a manner that makes them easily accessible
44 to individuals who are not inspection mechanics.
- 45 (3) ~~Issue a safety electronic inspection authorization or~~ an emissions electronic
46 inspection authorization on a vehicle that is required to have one of the
47 following emissions control devices but does not have it:
 - 48 a. Catalytic converter.
 - 49 b. PCV valve.
 - 50 c. Thermostatic air control.
 - 51 d. Oxygen sensor.

- 1 e. Unleaded gas restrictor.
- 2 f. Gasoline tank cap.
- 3 g. Air injection system.
- 4 h. Evaporative emissions system.
- 5 i. Exhaust gas recirculation (EGR) valve.
- 6 (4) ~~Issue a safety electronic inspection authorization or an emissions electronic~~ inspection authorization on a vehicle without performing a visual inspection
7 of the vehicle's exhaust system and checking the exhaust system for leaks.
- 8 (5) Impose no fee for an emissions inspection of a vehicle or the issuance of an
9 emissions electronic inspection authorization or impose a fee for one of
10 these actions in an amount that differs from the amount set in G.S. 20-183.7.
- 11 (c) Type III. – It is a Type III violation for an emissions self-inspector, an emissions
12 inspection station, or an emissions inspection mechanic to do any of the following:
13 (1) Fail to post an emissions license issued by the Division.
14 (2) Fail to send information on emissions inspections to the Division at the time
15 or in the form required by the Division.
16 (3) Fail to post emissions information required by federal law to be posted.
17 (4) Repealed by Session Law 2007-503, s. 16, effective October 1, 2008.
18 (5) Fail to put the required information on an inspection receipt in a legible
19 manner.
20 (6) Repealed by Session Laws 2007-503, s. 16, effective October 1, 2008.
- 21 (d) Other Acts. – The lists in this section of the acts that are Type I, Type II, or Type III
22 violations are not the only acts that are one of these types of violations. The Division may
23 designate other acts that are a Type I, Type II, or Type III violation.

24 **"§ 20-183.8D. Suspension or revocation of license.**

25 (a) ~~Safety. – The Division may suspend or revoke a safety self-inspector license, a~~
26 ~~safety inspection station license, and a safety inspection mechanic license issued under this Part~~
27 ~~if the license holder fails to comply with this Part or a rule adopted by the Commissioner to~~
28 ~~implement this Part.~~

29 (b) Emissions. – The Division may suspend or revoke an emissions self-inspector
30 license, an emissions inspection station license, and an emissions inspection mechanic license
31 issued under this Part for any of the following reasons:

- 32 (1) The suspension or revocation is imposed under G.S. 20-183.8B.
- 33 (2) Failure to pay a civil penalty imposed under G.S. 20-183.8B within 30 days
34 after it is imposed.

35 **"§ 20-183.8E: Recodified as G.S. 20-183.8G at the direction of the Revisor of Statutes.**

36 **"§ 20-183.8F. Requirements for giving license holders notice of violations and for taking**
37 **summary action.**

38 (a) Finding of Violation. – When an auditor of the Division finds that a violation has
39 occurred that could result in the suspension or revocation of an inspection station license, a
40 self-inspector license, or a mechanic license, ~~or the registration of a person engaged in the~~
41 ~~business of replacing windshields~~, the auditor must give the affected license holder written
42 notice of the finding. The notice must be given within five business days after the completion
43 of the investigation that resulted in the discovery of the violation. The notice must state the
44 period of suspension or revocation that could apply to the violation and any monetary penalty
45 that could apply to the violation. The notice must also inform the license holder of the right to a
46 hearing if the Division charges the license holder with the violation.

47 (b) Notice of Charges. – When the Division decides to charge an inspection station, a
48 self-inspector, ~~a mechanic, or a person who is engaged in the business of replacing windshields~~
49 or a mechanic with a violation that could result in the suspension or revocation of the person's
50 license, an auditor of the Division must deliver a written statement of the charges to the
51

1 affected license holder. The statement of charges must inform the license holder of this right,
2 instruct the person on how to obtain a hearing, and inform the license holder of the effect of not
3 requesting a hearing. The license holder has the right to a hearing before the license is
4 suspended or revoked. G.S. 20-183.8E sets out the procedure for obtaining a hearing.

5 (c) Exception for Summary Action. – The right granted by subsection (b) of this section
6 to have a hearing before a license is suspended or revoked does not apply if the Division
7 summarily suspends or revokes the license after a judge has reviewed and authorized the
8 proposed action. A license issued to an inspection station, a self-inspector, or a mechanic is a
9 substantial property interest that cannot be summarily suspended or revoked without judicial
10 review.

11 (d) A notice or statement prepared pursuant to this section or an order of the Division
12 that is directed to a mechanic may be served on the mechanic by delivering a copy of the
13 notice, statement, or order to the station or to the place of business of the self-inspector where
14 the mechanic is employed.

15 **"§ 20-183.8G. Administrative and judicial review.**

16 (a) Right to Hearing. – A person who applies for a license or registration under this Part
17 or who has a license or registration issued under this Part has the right to a hearing when any of
18 the following occurs:

- 19 (1) The Division denies the person's application for a license or registration.
- 20 (2) The Division delivers to the person a written statement of charges of a
21 violation that could result in the suspension or revocation of the person's
22 license.
- 23 (3) The Division summarily suspends or revokes the person's license following
24 review and authorization of the proposed adverse action by a judge.
- 25 (4) The Division assesses a civil penalty against the person.
- 26 (5) The Division issues a warning letter to the person.
- 27 (6) The Division cancels the person's registration.

28 (b) Hearing After Statement of Charges. – When a license holder receives a statement
29 of charges of a violation that could result in the suspension or revocation of the person's
30 license, the person can obtain a hearing by making a request for a hearing. The person must
31 make the request to the Division within 10 days after receiving the statement of the charges. A
32 person who does not request a hearing within this time limit waives the right to a hearing.

33 The Division must hold a hearing requested under this subsection within three business
34 days after receiving the request unless the person requesting the hearing asks for additional
35 time to prepare for the hearing. A person may ask for no more than seven additional business
36 days to prepare. If the additional time requested is within this limit, the Division must grant a
37 person the additional time requested. The hearing must be held at the location designated by the
38 Division. Suspension or revocation of the license is stayed until a decision is made following
39 the hearing.

40 If a person does not request a hearing within the time allowed for making the request, the
41 proposed suspension or revocation becomes effective the day after the time for making the
42 request ends. If a person requests a hearing but does not attend the hearing, the proposed
43 suspension or revocation becomes effective the day after the date set for the hearing.

44 (c) Hearing After Summary Action. – When the Division summarily suspends a license
45 issued under this Part after judicial review and authorization of the proposed action, the person
46 whose license was suspended or revoked may obtain a hearing by filing with the Division a
47 written request for a hearing. The request must be filed within 10 days after the person was
48 notified of the summary action. The Division must hold a hearing requested under this
49 subsection within 14 days after receiving the request.

50 (d) All Other Hearings. – When this section gives a person the right to a hearing and
51 subsection (b) or (c) of this section does not apply to the hearing, the person may obtain a

1 hearing by filing with the Division a written request for a hearing. The request must be filed
 2 within 10 days after the person receives written notice of the action for which a hearing is
 3 requested. The Division must hold a hearing within 90 days after the Division receives the
 4 request.

5 (e) Review by Commissioner. – The Commissioner may conduct a hearing required
 6 under this section or may designate a person to conduct the hearing. When a person designated
 7 by the Commissioner holds a hearing and makes a decision, the person who requested the
 8 hearing has the right to request the Commissioner to review the decision. The procedure set by
 9 the Division governs the review by the Commissioner of a decision made by a person
 10 designated by the Commissioner.

11 (f) Decision. – A decision made after a hearing on the imposition of a monetary penalty
 12 against a motorist for an emissions violation or on a Type I, II, or III emissions violation by an
 13 emissions license holder must uphold any monetary penalty, license suspension, license
 14 revocation, or warning required by G.S. 20-183.8A or G.S. 20-183.8B, respectively, if the
 15 decision contains a finding that the motorist or license holder committed the act for which the
 16 monetary penalty, license suspension, license revocation, or warning was imposed. A decision
 17 made after a hearing on any other action may uphold or modify the action.

18 (g) Judicial Review. – Article 4 of Chapter 150B of the General Statutes governs
 19 judicial review of an administrative decision made under this section."

20 **SECTION 2.** G.S. 20-87 reads as rewritten:

21 "**§ 20-87. Passenger vehicle registration fees.**

22 (a) These fees shall be paid to the Division annually for the registration and licensing of
 23 passenger vehicles, according to the following classifications and schedules:

24 (1) For-Hire Passenger Vehicles. – The fee for a passenger vehicle that is
 25 operated for compensation and has a capacity of 15 passengers or less is
 26 seventy-eight dollars (\$78.00). The fee for a passenger vehicle that is
 27 operated for compensation and has a capacity of more than 15 passengers is
 28 one dollar and forty cents (\$1.40) per hundred pounds of empty weight of
 29 the vehicle.

30 (2) U-Drive-It Vehicles. – U-drive-it vehicles shall pay the following tax:

31			
32	Motorcycles:	1-passenger capacity	\$18.00
33		2-passenger capacity	22.00
34		3-passenger capacity	26.00
35	Automobiles:	15 or fewer passengers	\$51.00
36	Buses:	16 or more passengers	\$2.00 per
37			hundred
38			pounds of
39			empty weight
40	Trucks under		
41	7,000 pounds		
42	that do not		
43	haul products		
44	for hire:	4,000 pounds	\$41.50
45		5,000 pounds	\$51.00
46		6,000 pounds	\$61.00.

47

48 (3) Repealed by Session Laws 1981, c. 976, s. 3.

49 (4) Limousine Vehicles. – For-hire passenger vehicles on call or demand which
 50 do not solicit passengers indiscriminately for hire between points along
 51 streets or highways, shall be taxed at the same rate as for-hire passenger

- 1 vehicles under G.S. 20-87(1) but shall be issued appropriate registration
- 2 plates to distinguish such vehicles from taxicabs.
- 3 (5) Private Passenger Vehicles. – There shall be paid to the Division annually,
- 4 as of the first day of January, for the registration and licensing of private
- 5 passenger vehicles, fees according to the following classifications and
- 6 schedules:
- 7 Private passenger vehicles of not more than
- 8 fifteen passengers\$28.00
- 9 Private passenger vehicles over fifteen passengers.....31.00
- 10 Provided, that a fee of only one dollar (\$1.00) shall be charged for any
- 11 vehicle given by the federal government to any veteran on account of any
- 12 disability suffered during war so long as such vehicle is owned by the
- 13 original donee or other veteran entitled to receive such gift under Title 38,
- 14 section 252, United States Code Annotated.
- 15 (6) Private Motorcycles. – The base fee on private passenger motorcycles shall
- 16 be fifteen dollars (\$15.00); except that when a motorcycle is equipped with
- 17 an additional form of device designed to transport persons or property, the
- 18 base fee shall be twenty-two dollars (\$22.00). An additional fee of three
- 19 dollars (\$3.00) is imposed on each private motorcycle registered under this
- 20 subdivision in addition to the base fee. The revenue from the additional fee,
- 21 in addition to any other funds appropriated for this purpose, shall be used to
- 22 fund the Motorcycle Safety Instruction Program created in G.S. 115D-72.
- 23 (7) Dealer License Plates. – The fee for a dealer license plate is the regular fee
- 24 for each of the first five plates issued to the same dealer and is one-half the
- 25 regular fee for each additional dealer license plate issued to the same dealer.
- 26 The "regular fee" is the fee set in subdivision (5) of this section for a private
- 27 passenger motor vehicle of not more than 15 passengers.
- 28 (8) Driveaway Companies. – Any person engaged in the business of driving new
- 29 motor vehicles from the place of manufacture to the place of sale in this
- 30 State for compensation shall pay a fee of one-half of the amount that would
- 31 otherwise be payable under this section for each set of plates.
- 32 (9) House Trailers. – In lieu of other registration and license fees levied on
- 33 house trailers under this section or G.S. 20-88, the registration and license
- 34 fee on house trailers shall be eleven dollars (\$11.00) for the license year or
- 35 any portion thereof.
- 36 (10) Special Mobile Equipment. – The fee for special mobile equipment for the
- 37 license year or any part of the license year is two times the fee in subdivision
- 38 (5) for a private passenger motor vehicle of not more than 15 passengers.
- 39 (11) Any vehicle fee determined under this section according to the weight of the
- 40 vehicle shall be increased by the sum of three dollars (\$3.00) to arrive at the
- 41 total fee.
- 42 (12) Low-Speed Vehicles. – The fee for a low-speed vehicle is the same as the
- 43 fee for private ~~passengers~~passenger vehicles of not more than 15
- 44 passengers.

45 (b) An additional fee of one dollar (\$1.00) is imposed on each vehicle registered under
 46 this section, in addition to the base fee and any other additional fee required. The revenue
 47 derived from this fee shall be distributed as follows:

<u>Recipient</u>	<u>Amount</u>
49 Highway Fund	.78

1	<u>Volunteer Rescue/EMS Fund</u>	<u>.13</u>
2	<u>Rescue Squad Workers' Relief Fund</u>	<u>.09."</u>
3	SECTION 3. G.S. 20-88 is amended by adding a new subsection to read:	
4	"(b1) <u>An additional fee of one dollar (\$1.00) is imposed on each vehicle registered under</u>	
5	<u>this section, in addition to the base fee and any other additional fee required. The revenue</u>	
6	<u>derived from this additional fee shall be distributed as follows:</u>	
7		
8	<u>Recipient</u>	<u>Amount</u>
9		
10	<u>Highway Fund</u>	<u>.78</u>
11	<u>Volunteer Rescue/EMS Fund</u>	<u>.13</u>
12	<u>Rescue Squad Workers' Relief Fund</u>	<u>.09."</u>

13 **SECTION 4.** G.S. 20-122.1(b) reads as rewritten:
 14 "(b) The driver of any vehicle who is charged with a violation of this section shall be
 15 allowed 15 calendar days within which to bring the tires of such vehicle in conformance with
 16 the requirements of this section. ~~It shall be a defense to any such charge that the person arrested~~
 17 ~~produce in court, or submit to the prosecuting attorney prior to trial, a certificate from an~~
 18 ~~official safety inspection equipment station showing that within 15 calendar days after such~~
 19 ~~arrest, the tires on such vehicle had been made to conform with the requirements of this section~~
 20 ~~or that such vehicle had been sold, destroyed, or permanently removed from the highways.~~
 21 Violation of this section shall not constitute negligence per se."

22 **SECTION 5.** G.S. 20-127(d) reads as rewritten:
 23 "(d) Violations. – A person who does any of the following commits a misdemeanor of
 24 the class set in G.S. 20-176:
 25 (1) Applies tinting to the window of a vehicle ~~that is subject to a safety~~
 26 ~~inspection in this State~~ and the resulting tinted window does not meet the
 27 window tinting restrictions set in this section.
 28 (2) Drives on a highway or a public vehicular area a vehicle that has a window
 29 that does not meet the window tinting restrictions set in this section."

30 **SECTION 6.** The Division of Motor Vehicles, with the assistance of the
 31 Department of Environment and Natural Resources, Division of Air Quality, shall develop and
 32 implement a management improvement plan for the Motor Vehicle Emissions Inspection
 33 program, authorized by Article 3A of Chapter 20 of the General Statutes, administered by the
 34 Division of Motor Vehicles, to increase efficiency, reduce costs, and improve customer service.
 35 The plan shall include:

- 36 (1) Reviews on how inspection program data is managed and analyzed.
- 37 (2) Performance metrics for program assessment as defined by the Division and
- 38 the Office of State Budget and Management.
- 39 (3) An assessment of the types of reports that would be most useful to agencies,
- 40 including field staff and management, the General Assembly, industry
- 41 personnel, the Environmental Protection Agency, and the public.
- 42 (4) A roadmap for how program information will be collected, analyzed,
- 43 monitored, and presented.
- 44 (5) Appropriate allocation of personnel and resources to accomplish program
- 45 oversight.

46 The plan shall meet both federal and State reporting requirements.

47 **SECTION 7.** The Division of Motor Vehicles shall present the management
 48 improvement plan for the Motor Vehicle Emissions Inspection program, authorized by Article
 49 3A of Chapter 20 of the General Statutes, to the Joint Legislative Transportation Oversight
 50 Committee and the Joint Environment and Natural Resources Oversight Committee no later
 51 than December 31, 2009. The Division of Motor Vehicles shall report to the Joint Legislative

1 Transportation Oversight Committee annually, not later than January 15 of each year, on the
2 prior fiscal year and include any recommended legislation that will increase efficiency, reduce
3 costs, and improve customer service.

4 **SECTION 8.** The Fiscal Research Division of the General Assembly shall conduct
5 a fiscal review of the Motor Vehicle Emissions Inspection program. The fiscal review shall
6 include:

- 7 (1) A determination of whether the fees charged for inspections is adequate.
- 8 (2) An assessment of revenue projections.
- 9 (3) A determination of whether adjustments need to be made to current
10 inspection fees.
- 11 (4) A proposal for how inspection fees should be determined.
- 12 (5) An assessment of how inspection program budgets are planned and what
13 changes are needed to improve efficiency.

14 The Fiscal Research Division of the General Assembly shall report its findings to
15 the Joint Legislative Transportation Oversight Committee, the Joint Environment and Natural
16 Resources Oversight Committee, the Joint Program Evaluation Oversight Committee, and the
17 Program Evaluation Division of the General Assembly no later than May 1, 2010.

18 **SECTION 9.** Sections 1, 2, and 3 of this act become effective October 1, 2009, and
19 apply to motor vehicles inspected or registered on or after that date. The remainder of this act is
20 effective when it becomes law.