

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 882*

Short Title: Motor Vehicle Inspection Program Changes. (Public)

Sponsors: Representatives Cole; Lucas and Wray.

Referred to: Transportation, if favorable, Judiciary III.

March 31, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE DIVISION TO REFUSE TO REGISTER A VEHICLE IF THE
3 VEHICLE IS NOT IN COMPLIANCE WITH THE INSPECTIONS REQUIREMENTS,
4 TO CREATE A TEN-DAY WINDOW FOR INSPECTING NEW AND USED
5 VEHICLES REGISTERED IN THIS STATE, TO REQUIRE PROOF OF FINANCIAL
6 RESPONSIBILITY FOR A THREE-DAY TRIP PERMIT, AND TO MAKE TECHNICAL
7 CHANGES TO THE INSPECTION PROGRAM STATUTES.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 20-54(6) reads as rewritten:

10 "(6) The vehicle is not in compliance with the ~~emissions~~-inspection requirements
11 of Part 2 of Article 3A of this Chapter or a civil penalty assessed as a result
12 of the failure of the vehicle to comply with that Part has not been paid."

13 **SECTION 2.** G.S. 20-183.4C reads as rewritten:

14 **"§ 20-183.4C. When a vehicle must be inspected; three-day trip permit.**

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

17 (1) A new vehicle must be inspected before it is sold at retail in this State. Upon
18 purchase, a receipt approved by the Division must be provided to the new
19 owner certifying compliance.

20 (1a) A new motor vehicle dealer who is also licensed pursuant to this Article
21 may, notwithstanding subdivision (1) of this section, examine the safety and
22 emissions control devices on a new motor vehicle and perform such services
23 necessary to ensure the motor vehicle conforms to the required specifications
24 established by the manufacturer and contained in its predelivery check list.
25 The completion of the predelivery inspection procedure required or
26 recommended by the manufacturer on a new motor vehicle shall constitute
27 the inspection required by subdivision (1) of this section. For the purposes of
28 this subdivision, the date of inspection shall be deemed to be the date of the
29 sale of the motor vehicle to a purchaser.

30 (2) A used vehicle must be inspected before it is offered for sale at retail in this
31 State by a dealer. Upon purchase, a receipt approved by the Division must be
32 provided to the new owner certifying compliance.

33 (3) Repealed by Session Law 2007-503, s. 5, effective October 1, 2008.

34 (4) A new or used vehicle acquired by a resident of this State from outside the
35 State must be inspected ~~before~~ within 10 days after the vehicle is registered
36 with the Division.



- 1 (5) A vehicle owned by a new resident of this State who transfers the
2 registration of the vehicle from the resident's former home state to this State
3 must be inspected ~~before~~ within 10 days after the vehicle is registered with
4 the Division.
- 5 (5a) Repealed by Session Law 2007-503, s. 5, effective October 1, 2008.
- 6 (6) A vehicle that has been inspected in accordance with this Part must be
7 inspected by the last day of the month in which the registration on the
8 vehicle expires.
- 9 (7) A vehicle that is required to be inspected in accordance with this Part may be
10 inspected 90 days prior to midnight of the last day of the month as
11 designated by the vehicle registration sticker.
- 12 (8) A new or used vehicle acquired from a retailer in this State and registered
13 with the Division with a new registration or a transferred registration must
14 be inspected in accordance with this Part when the current registration
15 expires.
- 16 (9) A used vehicle acquired from a private sale in this State must be inspected in
17 accordance with this Part before the vehicle is registered with the Division
18 unless it has received a passing inspection within the previous 12 months.
- 19 (10) An unregistered vehicle must be inspected before the vehicle is registered
20 with the Division unless it has received a passing inspection within the
21 previous 12 months.
- 22 (11) A person who owns a vehicle located outside of this State when its
23 emissions inspection becomes due may obtain an emissions inspection in the
24 jurisdiction where the vehicle is located, in lieu of a North Carolina
25 emissions inspection, as long as the inspection meets the requirements of 40
26 C.F.R. § 51.

27 (b) Permit. – The Division may issue a three-day trip permit to a person that authorizes
28 the person to drive ~~an insured~~ a vehicle whose inspection authorization or registration has
29 expired. The permit may only be issued when the person has furnished proof of financial
30 responsibility. The permit must describe the vehicle whose inspection authorization or
31 registration has expired. The permit authorizes the person to drive the described vehicle only
32 from the place the vehicle is parked to an inspection station, repair shop, or Division or contract
33 agent registration office.

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

37 (c) Exemption. – The Division may issue a temporary exemption from the inspection
38 requirements of this Article for any vehicle that has been determined by the Division to be
39 principally garaged and primarily operated outside a county subject to emissions inspection
40 requirements, or if subject to a safety inspection, outside this State, when no comparable
41 inspection program is available. Vehicles exempted from the inspection requirements of this
42 Article shall be inspected within 30 days of returning to the county subject to emissions
43 inspection requirements or, if subject to a safety inspection, this State."

44 **SECTION 3.** G.S. 20-183.7 reads as rewritten:

45 **"§ 20-183.7. Fees for performing an inspection and issuing an electronic inspection**
46 **authorization to a vehicle; use of civil penalties.**

47 (a) (Effective until January 1, 2009) Fee Amount. – When a fee applies to an
48 inspection of a vehicle or the issuance of an electronic inspection authorization, the fee must be
49 collected. The following fees apply to an inspection of a vehicle and the issuance of an
50 electronic inspection authorization:

51 Type	Inspection	Authorization
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1	Safety Only	\$ 12.75	\$0.85
2	Emissions and Safety	23.75	6.25.

3 The fee for performing an inspection of a vehicle applies when an inspection is performed,
 4 regardless of whether the vehicle passes the inspection. The fee for an electronic inspection
 5 authorization applies when an electronic inspection authorization is issued to a vehicle. The fee
 6 for inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies
 7 only to an inspection performed with a light meter after a safety inspection mechanic
 8 determined that the window had after-factory tint. A safety inspection mechanic shall not
 9 inspect an after-factory tinted window of a vehicle for which the Division has issued a medical
 10 exception permit pursuant to G.S. 20-127(f).

11 A vehicle that is inspected at an inspection station and fails the inspection is entitled to be
 12 reinspected at the same station at any time within 30 days of the failed inspection without
 13 paying another inspection fee.

14 The inspection fee for an emissions and safety inspection set out in this subsection is the
 15 maximum amount that an inspection station or an inspection mechanic may charge for an
 16 emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic
 17 may charge the maximum amount or any lesser amount for an emissions and safety inspection
 18 of a vehicle. The inspection fee for a safety only inspection set out in this subsection may not
 19 be increased or decreased. The authorization fees set out in this subsection may not be
 20 increased or decreased.

21 (a) **(Effective January 1, 2009)** Fee Amount. – When a fee applies to an inspection of
 22 a vehicle or the issuance of an electronic inspection authorization, the fee must be collected.
 23 The following fees apply to an inspection of a vehicle and the issuance of an electronic
 24 inspection authorization:

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

27
 28 The fee for performing an inspection of a vehicle applies when an inspection is performed,
 29 regardless of whether the vehicle passes the inspection. The fee for an electronic inspection
 30 authorization applies when an electronic inspection authorization is issued to a vehicle. The fee
 31 for an inspection sticker does not apply to a replacement inspection sticker for use on a
 32 windshield replaced by a business registered with the Division pursuant to G.S. 20-183.6. The
 33 fee for inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies
 34 only to an inspection performed with a light meter after a safety inspection mechanic
 35 determined that the window had after-factory tint. A safety inspection mechanic shall not
 36 inspect an after-factory tinted window of a vehicle for which the Division has issued a medical
 37 exception permit pursuant to G.S. 20-127(f).

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

41 The inspection fee for an emissions and safety inspection set out in this subsection is the
 42 maximum amount that an inspection station or an inspection mechanic may charge for an
 43 emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic
 44 may charge the maximum amount or any lesser amount for an emissions and safety inspection
 45 of a vehicle. The inspection fee for a safety only inspection set out in this subsection may not
 46 be increased or decreased. The authorization fees set out in this subsection may not be
 47 increased or decreased.

48 (b) Self-Inspector. – The fee for an inspection does not apply to an inspection
 49 performed by a self-inspector. The fee for issuing an electronic inspection authorization to a
 50 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-Inspection~~ 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-Inspection~~ Program Account. – The ~~Emissions-Inspection~~ 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.

(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 the inspection station to compensate the station for performing the inspection, and that the inspection fee is not paid to the State.
- (3) The amount of the electronic inspection authorization fee, if the motor vehicle passes the inspection, a statement that the electronic inspection authorization fee is paid to the State, and a brief summary of the purposes for which the electronic inspection authorization fee is collected.
- (4) The total fee to be charged if the motor vehicle passes the inspection.
- (5) A statement that a vehicle that fails an inspection may be reinspected at the same station within 30 days of the inspection without payment of another inspection fee.

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

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

6 **SECTION 4.** G.S. 20-183.8A reads as rewritten:

7 "**§ 20-183.8A. Civil penalties against motorists for emissions violations; waiver.**

8 (a) Civil Penalties. – The Division must assess a civil penalty against a person who
9 owns or leases a vehicle that is subject to an ~~emissions~~ inspection and who engages in any of
10 the emissions violations set out in this subsection. As provided in G.S. 20-54, the registration of
11 a vehicle may not be renewed until a penalty imposed under this subsection has been paid. The
12 civil penalties and violations are as follows:

13 (1) Fifty dollars (\$50.00) for failure to have the vehicle inspected within four
14 months after it is required to be inspected under this Part.

15 (2) Two hundred fifty dollars (\$250.00) for instructing or allowing a person to
16 tamper with an emission control device of the vehicle so as to make the
17 device inoperative or fail to work properly.

18 (3) Two hundred fifty dollars (\$250.00) for incorrectly stating the vehicle's
19 county of registration to avoid having an emissions inspection of the vehicle.

20 (b) Waiver. – The Division must waive the civil penalty assessed under subdivision
21 (a)(1) of this section against a person who establishes the following:

22 (1) The person was continuously out of the State on active military duty from
23 the date the ~~inspection sticker~~electronic authorization expired to the date the
24 four-month grace period expired.

25 (2) No person operated the vehicle from the date the ~~inspection sticker~~electronic
26 authorization expired to the date the four-month grace period expired.

27 (3) The person obtained a current ~~inspection sticker~~electronic authorization
28 within 30 days after returning to the State."

29 **SECTION 5.** Chapter 20 of the General Statutes is amended by adding a new
30 section to read:

31 "**§ 20-183.8H. Penalties for violation of rules promulgated by the Division for the**
32 **inspection program.**

33 Unless a different penalty is prescribed by law, a violation of any rule promulgated by the
34 Division to implement the inspection program established by Article 3A of Chapter 20 of the
35 General Statutes by any person shall be a Class 3 misdemeanor."

36 **SECTION 6.** Section 5 of this act becomes effective December 1, 2009, and
37 applies to offenses committed on or after that date. The remainder of this act is effective when
38 it becomes law.