

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 882*
Committee Substitute Favorable 5/7/09
Third Edition Engrossed 5/13/09

Short Title: Motor Vehicle Inspection Program Changes.

(Public)

Sponsors:

Referred to:

March 31, 2009

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

7 The General Assembly of North Carolina enacts:

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

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

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

13 **"§ 20-183.4C. When a vehicle must be inspected; three-day trip permit.**

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

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

19 (1a) A new motor vehicle dealer who is also licensed pursuant to this Article
20 may, notwithstanding subdivision (1) of this section, examine the safety and
21 emissions control devices on a new motor vehicle and perform such services
22 necessary to ensure the motor vehicle conforms to the required specifications
23 established by the manufacturer and contained in its predelivery check list.
24 The completion of the predelivery inspection procedure required or
25 recommended by the manufacturer on a new motor vehicle shall constitute
26 the inspection required by subdivision (1) of this section. For the purposes of
27 this subdivision, the date of inspection shall be deemed to be the date of the
28 sale of the motor vehicle to a purchaser.

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

32 (3) Repealed by Session Law 2007-503, s. 5, effective October 1, 2008.

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

26 (b) Permit. – The Division may issue a three-day trip permit to a person that authorizes

27 the person to drive ~~an insured~~ a vehicle whose inspection authorization or registration has

28 expired. The permit may only be issued when the person has furnished proof of financial

29 responsibility. The permit must describe the vehicle whose inspection authorization or

30 registration has expired. The permit authorizes the person to drive the described vehicle only

31 from the place the vehicle is parked to an inspection station, repair shop, or Division or contract

32 agent registration office.

33 The Division may issue a 10-day temporary permit to a person that authorizes the person to

34 drive a vehicle that failed to pass the emissions inspection. The permit must describe the

35 vehicle that failed to pass inspection and the date that it failed to pass inspection.

36 (c) Exemption. – The Division may issue a temporary exemption from the inspection

37 requirements of this Article for any vehicle that has been determined by the Division to be

38 principally garaged and primarily operated outside a county subject to emissions inspection

39 requirements, or if subject to a safety inspection, outside this State, when no comparable

40 inspection program is available. Vehicles exempted from the inspection requirements of this

41 Article shall be inspected within 30 days of returning to the county subject to emissions

42 inspection requirements or, if subject to a safety inspection, this State."

43 **SECTION 3.** G.S. 20-183.7(c) and (d) read as rewritten:

44 "(c) Fee Distribution. – Fees collected for electronic inspection authorizations are

45 payable to the Division of Motor Vehicles. The amount of each fee listed in the table below

46 shall be credited to the Highway Fund, the ~~Emissions-Inspection~~ Program Account established

47 in subsection (d) of this section, the Telecommunications Account established in subsection

48 (d1) of this section, the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue

49 Squad Workers' Relief Fund established in G.S. 58-88-5, and the Division of Air Quality of the

50 Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only</u>	<u>Emissions and</u>
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	<u>Electronic Authorization</u>	<u>Safety Electronic Authorization</u>
Highway Fund	.55	.55
Emissions-Inspection 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."

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

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

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

- (1) Fifty dollars (\$50.00) for failure to have the vehicle inspected within four months after it is required to be inspected under this Part.
- (2) Two hundred fifty dollars (\$250.00) for instructing or allowing a person to tamper with an emission control device of the vehicle so as to make the device inoperative or fail to work properly.
- (3) Two hundred fifty dollars (\$250.00) for incorrectly stating the vehicle's county of registration to avoid having an emissions inspection of the vehicle.

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

- (1) The person was continuously out of the State on active military duty from the date the ~~inspection-sticker~~electronic authorization expired to the date the four-month grace period expired.
- (2) No person operated the vehicle from the date the ~~inspection-sticker~~electronic authorization expired to the date the four-month grace period expired.
- (3) The person obtained a current ~~inspection-sticker~~electronic authorization within 30 days after returning to the State."

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

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

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

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