

1 within seven years by a safety inspection mechanic, assess a civil penalty of
2 fifty dollars (\$50.00). For a third or subsequent Type II violation within
3 seven years by a safety inspection mechanic, assess a civil penalty of one
4 hundred dollars (\$100.00) and suspend the mechanic's license for 90 days.

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

10 (c) Station or Self-Inspector Responsibility. – It is the responsibility of a safety
11 inspection station and a safety self-inspector to supervise the safety inspection mechanics it
12 employs. A violation by a safety inspection mechanic is considered a violation by the station or
13 self-inspector for whom the mechanic is employed. A safety inspection station or safety
14 self-inspector charged with a violation resulting from the actions of a safety inspection
15 mechanic shall not result in a suspension or revocation of the license of the safety inspection
16 station or safety self-inspector if the safety inspection station or safety self-inspector establishes
17 that the safety inspection station or safety self-inspector has implemented and maintained
18 reasonable procedures to ensure compliance with this Article, and the violation was committed
19 by a safety inspection mechanic without prior actual knowledge of the safety inspection station
20 or safety self-inspector license holder.

21 (d) Multiple Violations. – If a safety self-inspector, a safety inspection station, or a
22 safety inspection mechanic commits two or more violations in the course of a single safety
23 inspection, the Division shall take only the action specified for the most significant violation. In
24 any case where a safety inspection station or safety self-inspector is charged with a violation
25 due to the actions of a safety inspection mechanic, and the Division believes multiple violations
26 by the safety inspection mechanic occurred, the Division shall only charge a safety inspection
27 station or safety self-inspector with one violation.

28 (e) Mechanic Training. – A safety inspection mechanic whose license has been
29 suspended or revoked must retake the course required under G.S. 20-183.4 and successfully
30 complete the course before the mechanic's license can be reinstated. Failure to successfully
31 complete this course continues the period of suspension or revocation until the course is
32 completed successfully."

33 **SECTION 2.** G.S. 20-183.8B reads as rewritten:

34 **"§ 20-183.8B. Civil penalties against license holders and suspension or revocation of**
35 **license for emissions violations.**

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

40 A serious violation is a violation of this Part or a rule adopted to implement this Part that
41 directly affects the emission reduction benefits of the emissions inspection program. A minor
42 violation is a violation of this Part or a rule adopted to implement this Part that reflects
43 negligence or carelessness in conducting an emissions inspection or complying with the
44 emissions inspection requirements but does not directly affect the emission reduction benefits
45 of the emissions inspection program. A technical violation is a violation that is not a serious
46 violation, a minor violation, or another type of offense under this Part.

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

- 48 (1) Type I. – For a first or second Type I violation by an emissions
49 self-inspector or an emissions inspection station, assess a civil penalty of two
50 hundred fifty dollars (\$250.00) and suspend the license of the business for
51 six months. For a third or subsequent Type I violation within three years by

1 an emissions self-inspector or an emissions inspection station, assess a civil
2 penalty of one thousand dollars (\$1,000) and revoke the license of the
3 business for two years.

4 For a first or second Type I violation by an emissions inspection
5 mechanic, assess a civil penalty of one hundred dollars (\$100.00) and
6 suspend the mechanic's license for six months. For a third or subsequent
7 Type I violation within seven years by an emissions inspection mechanic,
8 assess a civil penalty of two hundred fifty dollars (\$250.00) and revoke the
9 mechanic's license for two years.

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

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

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

26 (c) Station or Self-Inspector Responsibility. – It is the responsibility of an emissions
27 inspection station and an emissions self-inspector to supervise the emissions inspection
28 mechanics it employs. A violation by an emissions inspector mechanic is considered a violation
29 by the station or self-inspector for whom the mechanic is employed. An emissions inspection
30 station or emissions self-inspector charged with a violation resulting from the actions of an
31 emissions inspection mechanic shall not result in a suspension or revocation of the emissions
32 inspection station or emissions self-inspector license if the emissions inspection station or
33 emissions self-inspector establishes that the emissions inspection station or emissions
34 self-inspector has implemented and maintained reasonable procedures to ensure compliance
35 with this Article, and the violation was committed by an emissions inspection mechanic
36 without prior actual knowledge of the emissions inspection station or emissions self-inspector
37 license holder.

38 (c1) Multiple Violations. – If an emissions self-inspector, an emissions inspection
39 station, or an emissions inspection mechanic commits two or more violations in the course of a
40 single emissions inspection, the Division shall take only the action specified for the most
41 significant violation. In any case where an emissions inspection station or emissions
42 self-inspector is charged with a violation due to the actions of an emissions inspection
43 mechanic, and the Division believes multiple violations by the emissions inspection mechanic
44 occurred, the Division shall only charge an emissions inspection station or emissions
45 self-inspector with one violation.

46 (d) Missing Stickers. – The Division must assess a civil penalty against an emissions
47 inspection station, a windshield replacement station, or an emissions self-inspector that cannot
48 account for an emissions inspection sticker issued to it. A station or a self-inspector cannot
49 account for a sticker when the sticker is missing and the station or self-inspector cannot
50 establish reasonable grounds for believing the sticker was stolen or destroyed by fire or another
51 accident.

1 (d1) Penalty for Missing Stickers. – The amount of the penalty is twenty-five dollars
2 (\$25.00) for each missing sticker. If a penalty is imposed under subsection (b) of this section as
3 the result of missing stickers, the monetary penalty that applies is the higher of the penalties
4 required under this subsection and subsection (b); the Division may not assess a monetary
5 penalty as a result of missing stickers under both this subsection and subsection (b) of this
6 section. Imposition of a monetary penalty under this subsection does not affect suspension or
7 revocation of a license required under subsection (b) of this section.

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

13 **SECTION 3.** G.S. 20-183.8F(a) reads as rewritten:

14 "(a) Finding of Violation. – When an auditor of the Division finds that a violation has
15 occurred that could result in the suspension or revocation of an inspection station license, a
16 self-inspector license, a mechanic license, or the registration of a person engaged in the
17 business of replacing windshields, the auditor must give the affected license holder written
18 notice of the finding. The notice must be given within five business days after the completion
19 of the investigation that resulted in the discovery of the violation. The notice must state the
20 period of suspension or revocation that could apply to the violation and any monetary penalty
21 that could apply to the violation. The notice must also inform the license holder of the right to a
22 hearing if the Division charges the license holder with the violation. Failure to comply with the
23 notice requirements of this section shall result in the dismissal of the charge of the violation
24 against the license holder."

25 **SECTION 4.** G.S. 20-183.8G(f) reads as rewritten:

26 "(f) Decision. – Except as otherwise provided in this Article, a decision made after a
27 hearing on the imposition of a monetary penalty against a motorist for an emissions violation or
28 on a Type I, II, or III emissions violation by an emissions license holder must uphold any
29 monetary penalty, license suspension, license revocation, or warning required
30 by ~~G.S. 20-183.8A~~ G.S. 20-183.7A, 20-183.8A, or G.S. 20-183.8B, respectively, if the decision
31 contains a finding that the motorist or license holder committed the act for which the monetary
32 penalty, license suspension, license revocation, or warning was imposed. A decision made after
33 a hearing on any other action may uphold or modify the action."

34 **SECTION 5.** G.S. 20-183.8G is amended by adding a new subsection to read:

35 "(f1) Offers in Compromise. – In any case where a safety inspection station or safety
36 self-inspector is charged with an administrative violation due to the actions of a safety
37 inspection mechanic and the Division imposes a suspension or revocation of the license, the
38 Commissioner may accept from the license holder an offer in compromise to pay a penalty of
39 not more than two thousand dollars (\$2,000) to the Division in lieu of the suspension or
40 revocation of the license. The Commissioner may accept an offer in compromise, or suspend or
41 revoke the license, but may not take both actions."

42 **SECTION 6.** This act becomes effective December 1, 2009, and applies to
43 offenses committed on or after that date.