

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

1

SENATE BILL 849\*

Short Title: Repeal Motor Vehicle Safety Inspections. (Public)

Sponsors: Senators Albertson, Clodfelter, Hartsell; and Boseman.

Referred to: Commerce.

March 25, 2009

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**"§ 20-183.1: Repealed by Session Laws 1993 (Reg.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).

(2) Buses titled to a local board of education and subject to the school bus inspection requirements specified by the State Board of Education and G.S. 115C-248(a).



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- 9 (4) Repealed by Session Laws 1999-328, s. 3.11, effective July 21, 1999.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

51 **"§ 20-183.3. Scope of ~~safety inspection~~ and an emissions inspection.**

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

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

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

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

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

41 **~~§ 20-183.4. License required to perform safety inspection; qualifications for license.~~**

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

- 44 (1) ~~At a station that has a safety inspection station license issued by the Division~~  
45 ~~and by a mechanic who is employed by the station and has a safety~~  
46 ~~inspection mechanic license issued by the Division.~~
- 47 (2) ~~At a place of business of a person who has a safety self inspector license~~  
48 ~~issued by the Division and by an individual who has a safety inspection~~  
49 ~~mechanic license issued by the Division.~~

50 (b) ~~Station Qualifications.— An applicant for a license as a safety inspection station~~  
51 ~~must meet all of the following requirements:~~

- 1           (1)     ~~Have a place of business that has adequate facilities, space, and equipment to~~  
2           ~~conduct a safety inspection. A place of business designated in a station~~  
3           ~~license that has been suspended or revoked cannot be the designated place~~  
4           ~~for any other license applicant during the period of the suspension or~~  
5           ~~revocation, unless the Division finds that operation of the place of business~~  
6           ~~as an inspection station during this period by the license applicant would not~~  
7           ~~defeat the purpose of the suspension or revocation because the license~~  
8           ~~applicant has no connection with the person whose license was suspended or~~  
9           ~~revoked or because of another reason. A finding made by the Division under~~  
10          ~~this subdivision must be set out in a written statement that includes the~~  
11          ~~finding and the reason for the finding.~~
- 12          (2)     ~~Regularly employ at least one mechanic who has a safety inspection~~  
13          ~~mechanic license.~~
- 14          (3)     ~~Designate the individual who will be responsible for the day to day~~  
15          ~~operation of the station. The individual designated must be of good character~~  
16          ~~and have a reputation for honesty.~~
- 17          (4)     ~~Have equipment and software approved by the Division to transfer~~  
18          ~~information on safety inspections to the Division by electronic means.~~  
19          ~~During the initial implementation of the electronic inspection process, the~~  
20          ~~vendor selected by the Division shall provide the equipment and software at~~  
21          ~~no cost to a station that holds a license on October 1, 2008.~~
- 22          (e)     ~~Mechanic Qualifications. — An applicant for a license as a safety inspection~~  
23          ~~mechanic must meet all of the following requirements:~~
- 24                 (1)     ~~Have successfully completed an eight hour course approved by the Division~~  
25                 ~~that teaches students about the safety equipment a motor vehicle is required~~  
26                 ~~to have to pass a safety inspection and how to conduct a safety inspection~~  
27                 ~~using equipment to electronically transmit the vehicle information and~~  
28                 ~~inspection results.~~
- 29                 (2)     ~~Have a drivers license.~~
- 30                 (3)     ~~Be of good character and have a reputation for honesty.~~
- 31          (d)     ~~Self Inspector Qualifications. — An applicant for a license as a safety self inspector~~  
32          ~~must meet all of the following requirements:~~
- 33                 (1)     ~~Operate a fleet of at least 10 vehicles that are subject to a safety inspection.~~  
34                 (2)     ~~Regularly employ or contract with an individual who has a safety inspection~~  
35                 ~~mechanic license and who will perform a safety inspection on the vehicles~~  
36                 ~~that are part of the self inspector's fleet.~~
- 37          **"§ 20-183.4A. License required to perform emissions inspection; qualifications for**  
38          **license.**
- 39          (a)     License Required. – An emissions inspection must be performed by one of the  
40          following methods:
- 41                 (1)     At a station that has an emissions inspection station license issued by the  
42                 Division and by a mechanic who is employed by the station and has an  
43                 emissions inspection mechanic license issued by the Division.
- 44                 (2)     At a place of business of a person who has an emissions self-inspector  
45                 license issued by the Division and by an individual who has an emissions  
46                 inspection mechanic license.
- 47          (b)     Station Qualifications. – An applicant for a license as an emissions inspection  
48          station must meet all of the following requirements:
- 49                 (1)     ~~Have a license as a safety inspection station.~~
- 50                 (2)     Repealed by Session Law 2000-134, s. 15, effective January 1, 2006.

- 1 (2a) Have equipment to analyze data provided by the on-board diagnostic (OBD)  
2 equipment approved by the Environmental Management Commission.
- 3 (3) Have equipment and software to transfer information on emissions  
4 inspections to the Division by electronic means. During the initial  
5 implementation of the electronic inspection process, the vendor selected by  
6 the Division shall provide the software at no cost to a station that holds a  
7 license on October 1, 2008.
- 8 (4) Regularly employ at least one mechanic who has an emissions inspection  
9 mechanic license.
- 10 (c) Mechanic Qualifications. – An applicant for a license as an emissions inspection  
11 mechanic must meet all of the following requirements:
- 12 (1) ~~Have a license as a safety inspection mechanic.~~
- 13 (2) Repealed by Session Law 2000-134, s. 15, effective January 1, 2006.
- 14 (2a) Have successfully completed an eight-hour course approved by the Division  
15 that teaches students about the causes and effects of the air pollution  
16 problem, the purpose of the emissions inspection program, the vehicle  
17 emission standards established by the United States Environmental  
18 Protection Agency, the emission control devices on vehicles, how to conduct  
19 an emissions inspection using equipment to analyze data provided by the  
20 on-board diagnostic (OBD) equipment approved by the Environmental  
21 Management Commission, and any other topic required by 40 C.F.R. §  
22 51.367 to be included in the course. Successful completion requires a  
23 passing score on a written test and on a hands-on test in which the student is  
24 required to conduct an emissions inspection of a motor vehicle.
- 25 (d) Self-Inspector Qualifications. – An applicant for a license as an emissions  
26 self-inspector must meet all of the following requirements:
- 27 (1) ~~Have a license as a safety self-inspector.~~
- 28 (2) Operate a fleet of at least 10 vehicles that are subject to an emissions  
29 inspection.
- 30 (3) Repealed by Session Law 2000-134, s. 15, effective January 1, 2006.
- 31 (3a) Have, or have a contract with a person who has, equipment to analyze data  
32 provided by the on-board diagnostic (OBD) equipment approved by the  
33 Environmental Management Commission.
- 34 (4) Regularly employ or contract with an individual who has an emissions  
35 inspection mechanic license and who will perform an emissions inspection  
36 on the vehicles that are part of the self-inspector's fleet.
- 37 **"§ 20-183.4B. Application for license; duration of license; renewal of mechanic license.**
- 38 (a) Application. – An applicant for a license issued under this Part must complete an  
39 application form provided by the Division. The application must contain the applicant's name  
40 and address and any other information needed by the Division to determine whether the  
41 applicant is qualified for the license. The Division must review an application for a license to  
42 determine if the applicant qualifies for the license. If the applicant meets the qualifications, the  
43 Division must issue the license. If the applicant does not meet the qualifications, the Division  
44 must deny the application and notify the applicant in writing of the reason for the denial.
- 45 (b) Duration of License. – ~~A safety inspection mechanic license expires four years after~~  
46 ~~the date it is issued.~~ An emissions mechanic inspection license expires two years after the date  
47 it is issued. ~~A safety inspection station license, an~~ An emissions inspection station  
48 license, license and a self-inspector license are effective until surrendered by the license holder  
49 or suspended or revoked by the Division.
- 50 (c) Renewal of Mechanic License. – ~~A safety or an~~ An emissions inspection mechanic  
51 may apply to renew a license by filing an application with the Division on a form provided by

1 the Division. To renew an emissions inspection mechanic license, an applicant must have  
2 successfully completed a four-hour emissions refresher course approved by the Division within  
3 nine months of applying for renewal. Successful completion requires a passing score on a  
4 written test and on a hands-on test in which the student is required to conduct an emissions  
5 inspection of a motor vehicle.

6 **"§ 20-183.4C. When a vehicle must be inspected; three-day trip permit.**

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

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

1 emissions inspection, as long as the inspection meets the requirements of 40  
2 C.F.R. § 51.

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

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

12 **"§ 20-183.4D. Procedure when a vehicle is inspected.**

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

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

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

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

30 **"§ 20-183.5. When a vehicle that fails an emissions inspection may obtain a waiver from**  
31 **the inspection requirement.**

32 (a) Requirements. – The Division may issue a waiver for a vehicle, excluding a vehicle  
33 owned or being held for retail sale by a motor vehicle dealer, that meets all of the following  
34 requirements:  
35

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

46 (b) Procedure. – To obtain a waiver, a person must contact a local enforcement office of  
47 the Division. Before issuing a waiver, an employee of the Division must review the inspection  
48 receipts issued for the inspections of the vehicle, review the documents establishing what  
49 repairs were made to the vehicle and at what cost, review any statement denying warranty  
50 coverage of the repairs made, and do a visual inspection of the vehicle, if appropriate, to  
51 determine if the documented repairs were made. The Division must issue a waiver if it

1 determines that the vehicle qualifies for a waiver. A person to whom a waiver is issued must  
2 present the waiver to the self-inspector or inspection station performing the inspection to obtain  
3 an electronic inspection authorization.

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

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

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

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

11 (4) OBD diagnostics without corresponding repairs.

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

15 ~~§ 20-183.5A. When a vehicle that fails a safety inspection because of missing emissions  
16 control devices may obtain a waiver.~~

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

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

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

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

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

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

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

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

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

45 **"§ 20-183.6: Repealed by Session Laws 2007-503, s. 10, effective October 1, 2008, and  
46 applicable to offenses committed on or after that date.**

47 **"§ 20-183.6A. Administration of program; duties of license holders.**

48 (a) Division. – The Division is responsible for administering the safety inspection and  
49 the emissions inspection programs.program. In exercising this responsibility, the Division  
50 must:



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

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

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

(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an electronic inspection authorization, the fee must be collected. The following fees apply to an 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 <del>and Safety</del>	<del>23.50</del> \$11.00	<del>6.50</del> \$5.40.

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

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

The inspection fee for an emissions ~~and safety~~ inspection set out in this subsection is the 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~~

1 ~~be increased or decreased.~~ The authorization fees set out in this subsection may not be  
 2 increased or decreased.

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

6 (c) Fee Distribution. – Fees collected for electronic inspection authorizations are  
 7 payable to the Division of Motor Vehicles. The amount of each fee listed in the table below  
 8 shall be credited to the Highway Fund, the Emissions Program Account established in  
 9 subsection (d) of this section, the Telecommunications Account established in subsection (d1)  
 10 of this section, the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue Squad  
 11 Workers' Relief Fund established in G.S. 58-88-5, and the Division of Air Quality of the  
 12 Department of Environment and Natural Resources:  
 13

<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
<del>Volunteer Rescue/EMS Fund</del>	.18	.18
<del>Rescue Squad Workers' Relief Fund</del>	.12	.12
Division of Air Quality	.00	.65.

14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25 (d) Emissions Program Account. – The Emissions Program Account is created as a  
 26 nonreverting account within the Highway Fund. The Division shall administer the Account.  
 27 Revenue in the Account may be used only to fund the vehicle emissions inspection and  
 28 maintenance program.

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

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

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

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

- 44 (1) The maximum and minimum amounts of the inspection fee authorized by  
 45 this section.
- 46 (2) The amount of the inspection fee charged by the inspection station and a  
 47 statement that clearly indicates that the amount of the inspection fee is  
 48 determined by the inspection station, that the inspection fee is retained by  
 49 the inspection station to compensate the station for performing the  
 50 inspection, and that the inspection fee is not paid to the State.

- 1 (3) The amount of the electronic inspection authorization fee, if the motor  
2 vehicle passes the inspection, a statement that the electronic inspection  
3 authorization fee is paid to the State, and a brief summary of the purposes  
4 for which the electronic inspection authorization fee is collected.
- 5 (4) The total fee to be charged if the motor vehicle passes the inspection.
- 6 (5) A statement that a vehicle that fails an inspection may be reinspected at the  
7 same station within 30 days of the inspection without payment of another  
8 inspection fee.

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

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

14 ~~§ 20-183.7A. Penalties applicable to license holders and suspension or revocation of~~  
15 ~~license for safety violations.~~

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

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

- 28 (1) ~~Type I.—For a first or second Type I violation within three years by a safety~~  
29 ~~self-inspector or a safety inspection station, assess a civil penalty of two~~  
30 ~~hundred fifty dollars (\$250.00) and suspend the license of the business for~~  
31 ~~six months. For a third or subsequent Type I violation within three years by~~  
32 ~~a safety self-inspector or a safety inspection station, assess a civil penalty of~~  
33 ~~one thousand dollars (\$1,000) and revoke the license of the business for two~~  
34 ~~years. For a first or second Type I violation within seven years by a safety~~  
35 ~~inspection mechanic, assess a civil penalty of one hundred dollars (\$100.00)~~  
36 ~~and suspend the mechanic's license for six months. For a third or subsequent~~  
37 ~~Type I violation within seven years by a safety inspection mechanic, assess a~~  
38 ~~civil penalty of two hundred fifty dollars (\$250.00) and revoke the~~  
39 ~~mechanic's license for two years.~~
- 40 (2) ~~Type II.—For a first or second Type II violation within three years by a~~  
41 ~~safety self-inspector or a safety inspection station, assess a civil penalty of~~  
42 ~~one hundred dollars (\$100.00). For a third or subsequent Type II violation~~  
43 ~~within three years by a safety self-inspector or a safety inspection station,~~  
44 ~~assess a civil penalty of two hundred fifty dollars (\$250.00) and suspend the~~  
45 ~~license of the business for 90 days. For a first or second Type II violation~~  
46 ~~within seven years by a safety inspection mechanic, assess a civil penalty of~~  
47 ~~fifty dollars (\$50.00). For a third or subsequent Type II violation within~~  
48 ~~seven years by a safety inspection mechanic, assess a civil penalty of one~~  
49 ~~hundred dollars (\$100.00) and suspend the mechanic's license for 90 days.~~
- 50 (3) ~~Type III.—For a first or second Type III violation within seven years by a~~  
51 ~~safety self-inspector, a safety inspection station, or a safety inspection~~

1 mechanic, send a warning letter. For a third or subsequent Type III violation  
2 within seven years by the same safety license holder, assess a civil penalty of  
3 twenty five dollars (\$25.00).

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

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

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

16 **~~§ 20-183.7B. Acts that are Type I, II, or III safety violations.~~**

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

- 19 (1) ~~Issue a safety electronic inspection authorization to a vehicle without~~  
20 ~~performing a safety inspection of vehicle.~~
- 21 (2) ~~Issue a safety electronic inspection authorization to a vehicle after~~  
22 ~~performing a safety inspection of the vehicle and determining that the~~  
23 ~~vehicle did not pass the inspection.~~
- 24 (3) ~~Allow a person who is not licensed as a safety inspection mechanic to~~  
25 ~~perform a safety inspection for a self-inspector or at a safety station.~~
- 26 (4) ~~Sell, issue, or otherwise give an electronic inspection authorization to~~  
27 ~~another, other than as the result of a vehicle inspection in which the vehicle~~  
28 ~~passed the inspection.~~
- 29 (5) ~~Be unable to account for five or more electronic inspection authorizations at~~  
30 ~~any one time upon the request of an officer of the Division.~~
- 31 (6) ~~Perform a safety only inspection on a vehicle that is subject to both a safety~~  
32 ~~and an emissions inspection.~~
- 33 (7) ~~Transfer an electronic inspection authorization from one vehicle to another.~~
- 34 (8) ~~Conduct a safety inspection of a vehicle without driving the vehicle and~~  
35 ~~without raising the vehicle and without opening the hood of the vehicle to~~  
36 ~~check equipment located therein.~~
- 37 (9) ~~Solicit or accept anything of value to pass a vehicle other than as provided in~~  
38 ~~this Part.~~

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

- 41 (1) ~~Issue a safety electronic inspection authorization to a vehicle without driving~~  
42 ~~the vehicle and checking the vehicle's braking reaction, foot brake pedal~~  
43 ~~reserve, and steering free play.~~
- 44 (2) ~~Issue a safety electronic inspection authorization to a vehicle without raising~~  
45 ~~the vehicle to free each wheel and checking the vehicle's tires, brake lines,~~  
46 ~~parking brake cables, wheel drums, exhaust system, and the emissions~~  
47 ~~equipment.~~
- 48 (3) ~~Issue a safety electronic inspection authorization to a vehicle without raising~~  
49 ~~the hood and checking the master cylinder, horn mounting, power steering,~~  
50 ~~and emissions equipment.~~

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

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

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

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

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

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

- 46               (1)    The vehicle was continuously out of State for at least the 30 days preceding  
47               the date the electronic inspection authorization expired and a current  
48               electronic inspection authorization was obtained within 10 days after the  
49               vehicle came back to the State.
- 50               (2)    The vehicle displays a dealer license plate or a transporter plate, the dealer  
51               repossessed the vehicle or otherwise acquired the vehicle within the last 10

1 days, and the vehicle is being driven from its place of acquisition to the  
2 dealer's place of business or to an inspection station.

3 (3) Repealed by Session Law 1997-29, s. 5.

4 (4) The charged infraction is described in subdivision (a)(1) of this section, the  
5 vehicle is subject to ~~a safety inspection or an emissions inspection~~ and the  
6 vehicle owner establishes in court that the vehicle was inspected after the  
7 citation was issued and within 30 days of the expiration date of the  
8 inspection sticker that was on the vehicle or the electronic inspection  
9 authorization was issued to the vehicle when the citation was issued.

10 (c) Felony. – A person who does any of the following commits a Class I felony:

11 (1) Forges an inspection sticker or inspection receipt.

12 (2) Buys, sells, issues, or possesses a forged inspection sticker or electronic  
13 inspection authorization.

14 (3) Buys, sells, issues, or possesses an electronic inspection authorization other  
15 than as the result of either of the following:

16 a. Having a license as an inspection station, a self-inspector, or an  
17 inspection mechanic and obtaining the electronic inspection  
18 authorization from the Division through an electronic authorization  
19 vendor in the course of business.

20 b. A vehicle inspection in which the vehicle passed the inspection or for  
21 which the vehicle received a waiver.

22 (4) Solicits or accepts anything of value in order to pass a vehicle that fails a  
23 ~~safety or an~~ emissions inspection.

24 (5) Fails a vehicle for any reason not authorized by law.

25 **"§ 20-183.8A. Civil penalties against motorists for emissions violations; waiver.**

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

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

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

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

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

40 (1) The person was continuously out of the State on active military duty from  
41 the date the inspection sticker expired to the date the four-month grace  
42 period expired.

43 (2) No person operated the vehicle from the date the inspection sticker expired  
44 to the date the four-month grace period expired.

45 (3) The person obtained a current inspection sticker within 30 days after  
46 returning to the State.

47 **"§ 20-183.8B. Civil penalties against license holders and suspension or revocation of  
48 license for emissions violations.**

49 (a) Kinds of Violations. – The civil penalty schedule established in this section applies  
50 to emissions self-inspectors, emissions inspection stations, and emissions inspection mechanics.

1 The schedule categorizes emissions violations into serious (Type I), minor (Type II), and  
2 technical (Type III) violations.

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

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

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

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

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

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

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

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

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

50 (d1) Penalty for Missing Stickers. – The amount of the penalty is twenty-five dollars  
51 (\$25.00) for each missing sticker. If a penalty is imposed under subsection (b) of this section as



1 the result of missing stickers, the monetary penalty that applies is the higher of the penalties  
2 required under this subsection and subsection (b); the Division may not assess a monetary  
3 penalty as a result of missing stickers under both this subsection and subsection (b) of this  
4 section. Imposition of a monetary penalty under this subsection does not affect suspension or  
5 revocation of a license required under subsection (b) of this section.

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

11 **"§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

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

- 14 (1) Issue an emissions electronic inspection authorization on a vehicle without  
15 performing an emissions inspection of the vehicle.
- 16 (1a) Issue an emissions electronic inspection authorization to a vehicle after  
17 performing an emissions inspection of the vehicle and determining that the  
18 vehicle did not pass the inspection.
- 19 (2) Use a test-defeating strategy when conducting an emissions inspection by  
20 changing the emission standards for a vehicle by incorrectly entering the  
21 vehicle type or model year, or using data provided by the on-board  
22 diagnostic (OBD) equipment of another vehicle to achieve a passing result.
- 23 (3) Allow a person who is not licensed as an emissions inspection mechanic to  
24 perform an emissions inspection for a self-inspector or at an emissions  
25 station.
- 26 (4) Sell, issue, or otherwise give an electronic inspection authorization to  
27 another other than as the result of a vehicle inspection in which the vehicle  
28 passed the inspection or for which the vehicle received a waiver.
- 29 (5) Be unable to account for five or more electronic inspection authorizations at  
30 any one time upon the request of an auditor of the Division.
- 31 ~~(6) Perform a safety only inspection on a vehicle that is subject to both a safety  
32 and an emissions inspection.~~
- 33 (7) Transfer an electronic inspection authorization from one vehicle to another.

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

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

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

21 **"§ 20-183.8D. Suspension or revocation of license.**

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

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

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

32 **"§ 20-183.8E: Recodified as G.S. 20-183.8G at the direction of the Revisor of Statutes.**

33 **"§ 20-183.8F. Requirements for giving license holders notice of violations and for taking  
34 summary action.**

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

44 (b) Notice of Charges. – When the Division decides to charge an inspection station, a  
45 self-inspector, ~~a mechanic, or a person who is engaged in the business of replacing windshields~~  
46 or a mechanic with a violation that could result in the suspension or revocation of the person's  
47 license, an auditor of the Division must deliver a written statement of the charges to the  
48 affected license holder. The statement of charges must inform the license holder of this right,  
49 instruct the person on how to obtain a hearing, and inform the license holder of the effect of not  
50 requesting a hearing. The license holder has the right to a hearing before the license is  
51 suspended or revoked. G.S. 20-183.8E sets out the procedure for obtaining a hearing.

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

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

11 **"§ 20-183.8G. Administrative and judicial review.**

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

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

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

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

36 If a person does not request a hearing within the time allowed for making the request, the  
37 proposed suspension or revocation becomes effective the day after the time for making the  
38 request ends. If a person requests a hearing but does not attend the hearing, the proposed  
39 suspension or revocation becomes effective the day after the date set for the hearing.

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

46 (d) All Other Hearings. – When this section gives a person the right to a hearing and  
47 subsection (b) or (c) of this section does not apply to the hearing, the person may obtain a  
48 hearing by filing with the Division a written request for a hearing. The request must be filed  
49 within 10 days after the person receives written notice of the action for which a hearing is  
50 requested. The Division must hold a hearing within 90 days after the Division receives the  
51 request.

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

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

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

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

"§ 20-87. Passenger vehicle registration fees.

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

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

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

Motorcycles:	1-passenger capacity .....	\$18.00
	2-passenger capacity .....	22.00
	3-passenger capacity .....	26.00
Automobiles:	15 or fewer passengers .....	\$51.00
Buses:	16 or more passengers .....	\$2.00 per
		hundred
		pounds of
		empty weight
Trucks under		
7,000 pounds		
that do not		
haul products		
for hire:	4,000 pounds .....	\$41.50
	5,000 pounds .....	\$51.00
	6,000 pounds .....	\$61.00.

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

(4) Limousine Vehicles. – For-hire passenger vehicles on call or demand which do not solicit passengers indiscriminately for hire between points along streets or highways, shall be taxed at the same rate as for-hire passenger vehicles under G.S. 20-87(1) but shall be issued appropriate registration plates to distinguish such vehicles from taxicabs.

(5) Private Passenger Vehicles. – There shall be paid to the Division annually, as of the first day of January, for the registration and licensing of private

passenger vehicles, fees according to the following classifications and schedules:

Private passenger vehicles of not more than fifteen passengers.....\$28.00

Private passenger vehicles over fifteen passengers.....31.00

Provided, that a fee of only one dollar (\$1.00) shall be charged for any vehicle given by the federal government to any veteran on account of any disability suffered during war so long as such vehicle is owned by the original donee or other veteran entitled to receive such gift under Title 38, section 252, United States Code Annotated.

(6) Private Motorcycles. – The base fee on private passenger motorcycles shall be fifteen dollars (\$15.00); except that when a motorcycle is equipped with an additional form of device designed to transport persons or property, the base fee shall be twenty-two dollars (\$22.00). An additional fee of three dollars (\$3.00) is imposed on each private motorcycle registered under this subdivision in addition to the base fee. The revenue from the additional fee, in addition to any other funds appropriated for this purpose, shall be used to fund the Motorcycle Safety Instruction Program created in G.S. 115D-72.

(7) Dealer License Plates. – The fee for a dealer license plate is the regular fee for each of the first five plates issued to the same dealer and is one-half the regular fee for each additional dealer license plate issued to the same dealer. The "regular fee" is the fee set in subdivision (5) of this section for a private passenger motor vehicle of not more than 15 passengers.

(8) Driveaway Companies. – Any person engaged in the business of driving new motor vehicles from the place of manufacture to the place of sale in this State for compensation shall pay a fee of one-half of the amount that would otherwise be payable under this section for each set of plates.

(9) House Trailers. – In lieu of other registration and license fees levied on house trailers under this section or G.S. 20-88, the registration and license fee on house trailers shall be eleven dollars (\$11.00) for the license year or any portion thereof.

(10) Special Mobile Equipment. – The fee for special mobile equipment for the license year or any part of the license year is two times the fee in subdivision (5) for a private passenger motor vehicle of not more than 15 passengers.

(11) Any vehicle fee determined under this section according to the weight of the vehicle shall be increased by the sum of three dollars (\$3.00) to arrive at the total fee.

(12) Low-Speed Vehicles. – The fee for a low-speed vehicle is the same as the fee for private ~~passengers~~passenger vehicles of not more than 15 passengers.

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

<u>Recipient</u>	<u>Amount</u>
<u>Highway Fund</u>	<u>.78</u>
<u>Volunteer Rescue/EMS Fund</u>	<u>.13</u>
<u>Rescue Squad Workers' Relief Fund</u>	<u>.09."</u>

**SECTION 3.** G.S. 20-88 is amended by adding a new subsection to read:

"(b1) An additional fee of one dollar (\$1.00) is imposed on each vehicle registered under this section, in addition to the base fee and any other additional fee required. The revenue derived from this additional fee shall be distributed as follows:

<u>Recipient</u>	<u>Amount</u>
<u>Highway Fund</u>	<u>.78</u>
<u>Volunteer Rescue/EMS Fund</u>	<u>.13</u>
<u>Rescue Squad Workers' Relief Fund</u>	<u>.09."</u>

**SECTION 4.** G.S. 20-122.1(b) reads as rewritten:

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

**SECTION 5.** G.S. 20-127(d) reads as rewritten:

"(d) Violations. – A person who does any of the following commits a misdemeanor of the class set in G.S. 20-176:

- (1) Applies tinting to the window of a vehicle ~~that is subject to a safety inspection in this State~~ and the resulting tinted window does not meet the window tinting restrictions set in this section.
- (2) Drives on a highway or a public vehicular area a vehicle that has a window that does not meet the window tinting restrictions set in this section."

**SECTION 6.** The Division of Motor Vehicles, with the assistance of the

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

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

The plan shall meet both federal and State reporting requirements.

**SECTION 7.** The Division of Motor Vehicles shall present the management

improvement plan for the Motor Vehicle Emissions Inspection program, authorized by Article 3A of Chapter 20 of the General Statutes, to the Joint Legislative Transportation Oversight Committee and the Joint Environment and Natural Resources Oversight Committee no later than December 31, 2009. The Division of Motor Vehicles shall report to the Joint Legislative Transportation Oversight Committee annually, not later than January 15 of each year, on the prior fiscal year and include any recommended legislation that will increase efficiency, reduce costs, and improve customer service.

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

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

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

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