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HOUSE BILL 969*
Committee Substitute Favorable 5/16/01
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Short Title: Air Quality/Motor Vehicle Inspection Fees.

(Public)

Sponsors:

Referred to:

April 4, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-183.7 reads as rewritten:

"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker on a vehicle; use of civil penalties.

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

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only, Without After-Factory Tinted Window	\$ 8.25	\$ 1.00
Safety Only, With After-Factory Tinted Window	18.25	1.00
Emissions and Safety Without After-Factory Tinted Window	17.00	2.40 4.15
Emissions and Safety With After-Factory Tinted Window	27.00	2.40 4.15.

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 inspection sticker applies when an inspection sticker is put on a vehicle. The fee for performing an inspection of a vehicle with a tinted window applies only to an inspection

1 performed with a light meter after a safety inspection mechanic determined that the
 2 window had after-factory tint.

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

6 (b) Self-Inspector. – The fee for an inspection does not apply to an inspection
 7 performed by a self-inspector. The fee for putting an inspection sticker on a vehicle
 8 applies to an inspection performed by a self-inspector.

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

15 <u>Recipient</u>	16 <u>Safety Only</u>	17 <u>Emissions and</u>
	18 <u>Sticker</u>	19 <u>Safety Sticker</u>
20 Highway Fund	.75	.00
21 Emissions Program Account	.00	1.80
22 <u>Telecommunications Account</u>	<u>.00</u>	<u>1.75</u>
23 Volunteer Rescue/EMS Fund	.15	.15
24 Rescue Squad Workers' Relief		
25 Fund	.10	.10
26 Division of Air Quality	.00	.35.

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

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

36 (e) Civil Penalties. – Civil penalties collected under this Part shall be credited to
 37 the Highway Fund as nontax revenue."

38 **SECTION 2.** G.S. 20-183.7 reads as rewritten:

39 **"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker**
 40 **on a vehicle; use of civil penalties.**

41 (a) Fee Amount. – When a fee applies to an inspection of a vehicle or the
 42 issuance of an inspection sticker, the fee must be collected. The following fees apply to
 an inspection of a vehicle and the issuance of an inspection sticker:

41 <u>Type</u>	42 <u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 8.25	\$ 13.40
	\$ 1.00	\$ 1.05

1 Emissions and Safety ~~17.00~~27.70 ~~4.15~~5.75

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

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

13 The inspection fee set out in this subsection is the maximum amount that an
 14 inspection station or an inspection mechanic may charge for an inspection of a vehicle.
 15 An inspection station or inspection mechanic may charge the maximum amount or any
 16 lesser amount for an inspection of a vehicle. The sticker fee set out in this subsection
 17 may not be increased or decreased.

18 (b) Self-Inspector. – The fee for an inspection does not apply to an inspection
 19 performed by a self-inspector. The fee for putting an inspection sticker on a vehicle
 20 applies to an inspection performed by a self-inspector.

21 (c) Fee Distribution. – Fees collected for inspection stickers are payable to the
 22 Division of Motor Vehicles. The amount of each fee listed in the table below shall be
 23 credited to the Highway Fund, the Emissions Program Account established in
 24 subsection (d) of this section, the Volunteer Rescue/EMS Fund established in G.S.
 25 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the
 26 Division of Air Quality of the Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only</u>	<u>Emissions and</u>
	<u>Sticker</u>	<u>Safety Sticker</u>
29 Highway Fund	.75	.00
30 Emissions Program Account	.00	1.80 <u>3.05</u>
31 Telecommunications Account	.00	1.75
32 Volunteer Rescue/EMS Fund	.15 <u>.18</u>	.15 <u>.18</u>
33 Rescue Squad Workers' Relief		
34 Fund	.10 <u>.12</u>	.10 <u>.12</u>
35 Division of Air Quality	.00	.35 <u>.65</u>

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

40 (d1) Telecommunications Account. – The Telecommunications Account is created
 41 as a nonreverting account within the Highway Fund. The Division shall administer the
 42 Account. Revenue in the Account may be used only to provide equipment and

1 telecommunications services associated with the vehicle emissions inspection and
2 maintenance program.

3 (e) Civil Penalties. – Civil penalties collected under this Part shall be credited to
4 the Highway Fund as nontax revenue.

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

12 (1) The maximum and minimum amounts of the inspection fee authorized
13 by this section.

14 (2) The amount of the inspection fee charged by the inspection station and
15 a statement that clearly indicates that the amount of the inspection fee
16 is determined by the inspection station, that the inspection fee is
17 retained by the inspection station to compensate the station for
18 performing the inspection, and that the inspection fee is not paid to the
19 State.

20 (3) The amount of the sticker fee, if the motor vehicle passes the
21 inspection, a statement that the sticker fee is paid to the State, and a
22 brief summary of the purposes for which the sticker fee is collected.

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

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

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

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

31 "**§ 20-183.7. Fees for performing an inspection and putting an inspection sticker**
32 **on a vehicle; use of civil penalties.**

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

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 13.40	\$ 1.05 2.60
Emissions and Safety	27.70	5.75 6.30

39 The fee for performing an inspection of a vehicle applies when an inspection is
40 performed, regardless of whether the vehicle passes the inspection. The fee for an
41 inspection sticker applies when an inspection sticker is put on a vehicle. The fee for
42 inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies

1 only to an inspection performed with a light meter after a safety inspection mechanic
 2 determined that the window had after-factory tint. A safety inspection mechanic shall
 3 not inspect an after-factory tinted window of a vehicle for which the Division has issued
 4 a medical exception permit pursuant to G.S. 20-127(f).

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

8 The inspection fee set out in this subsection is the maximum amount that an
 9 inspection station or an inspection mechanic may charge for an inspection of a vehicle.
 10 An inspection station or inspection mechanic may charge the maximum amount or any
 11 lesser amount for an inspection of a vehicle. The sticker fee set out in this subsection
 12 may not be increased or decreased.

13 (b) Self-Inspector. – The fee for an inspection does not apply to an inspection
 14 performed by a self-inspector. The fee for putting an inspection sticker on a vehicle
 15 applies to an inspection performed by a self-inspector.

16 (c) Fee Distribution. – Fees collected for inspection stickers are payable to the
 17 Division of Motor Vehicles. The amount of each fee listed in the table below shall be
 18 credited to the Highway Fund, the Emissions Program Account established in
 19 subsection (d) of this section, the Volunteer Rescue/EMS Fund established in G.S.
 20 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the
 21 Division of Air Quality of the Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only</u> <u>Sticker</u>	<u>Emissions and</u> <u>Safety Sticker</u>
24 Highway Fund	.75.55	.00.55
25 Emissions Program Account	.00	3.05
26 Telecommunications Account	.001.75	1.75
27 Volunteer Rescue/EMS Fund	.18	.18
28 Rescue Squad Workers' Relief 29 Fund	.12	.12
30 Division of Air Quality	.00	.65.

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

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

40 (e) Civil Penalties. – Civil penalties collected under this Part shall be credited to
 41 the Highway Fund as nontax revenue.

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

8 (1) The maximum and minimum amounts of the inspection fee authorized
9 by this section.

10 (2) The amount of the inspection fee charged by the inspection station and
11 a statement that clearly indicates that the amount of the inspection fee
12 is determined by the inspection station, that the inspection fee is
13 retained by the inspection station to compensate the station for
14 performing the inspection, and that the inspection fee is not paid to the
15 State.

16 (3) The amount of the sticker fee, if the motor vehicle passes the
17 inspection, a statement that the sticker fee is paid to the State, and a
18 brief summary of the purposes for which the sticker fee is collected.

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

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

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

26 **SECTION 3.1.** G.S. 20-183.2(b)(3) reads as rewritten:

27 "~~(3) It is a 1975 or later model, fewer than 25 model years old.~~"

28 **SECTION 3.2.** G.S. 20-183.2(b)(3) reads as rewritten:

29 "~~(3) It is fewer than 25 model years old. Except as provided in G.S. 20-~~
30 183.3(b), it is a 1996 or later model."

31 **SECTION 3.3.** Section 9 of S.L. 2000-134 is repealed.

32 **SECTION 3.4.** G.S. 20-183.3(b), as amended by Section 8 of S.L. 2000-
33 134, reads as rewritten:

34 "(b) Emissions. – An emissions inspection of a motor vehicle consists of a visual
35 inspection of the vehicle's emissions control devices to determine if the devices are
36 present, are properly connected, and are the correct type for the vehicle and, if the
37 vehicle is ~~a 1975 through 1995~~ fewer than 25 model years old and not a 1996 or later
38 model, an analysis of the exhaust emissions of the vehicle to determine if the exhaust
39 emissions meet the standards for the model year of the vehicle set by the Environmental
40 Management Commission or, if the vehicle is a 1996 or later model, an analysis of data
41 provided by the on-board diagnostic (OBD) equipment installed by the vehicle
42 manufacturer to identify any deterioration or malfunction in the operation of the vehicle

1 that violates standards for the model year of the vehicle set by the Environmental
2 Management Commission. To pass an emissions inspection a vehicle must pass both
3 the visual inspection and, if the vehicle is a ~~1975 through 1995~~ fewer than 25 model
4 years old and not a 1996 or later model, the exhaust emissions analysis or, if the vehicle
5 is a 1996 or later model, the OBD analysis. When an emissions inspection is performed
6 on a vehicle, a safety inspection must be performed on the vehicle as well."

7 **SECTION 3.5.** Section 20 of S.L. 2000-134 reads as rewritten:

8 "Section 20. During the period 1 July 2002 through 31 December 2005, in
9 the counties of Cabarrus, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange,
10 Union, and Wake, an emissions inspection station, an emissions inspection mechanic,
11 and an emissions self-inspector, as those terms are used in G.S. 20-183.4A, may elect to
12 perform emissions inspections: (i) only on ~~1975 through 1995~~ and older model vehicles
13 that are fewer than 25 model years old using an emissions analyzer; (ii) only on 1996 or
14 later model vehicles using equipment to analyze data provided by the on-board
15 diagnostic (OBD) equipment, or (iii) both on ~~1975 through 1995~~ and older model
16 vehicles that are fewer than 25 model years old using an emissions analyzer and on
17 1996 or later model vehicles using equipment to analyze data provided by the on-board
18 diagnostic (OBD) equipment. This section shall not be construed to authorize an
19 emissions inspection station or an emissions self-inspector to perform an emissions
20 inspection on a vehicle of a model year for which the emissions inspection station or
21 emissions self-inspector does not have the equipment necessary to perform an emissions
22 inspection of vehicles of that model year. This section shall not be construed to
23 authorize an emissions inspection mechanic to perform an emissions inspection on a
24 vehicle unless the emissions inspection mechanic has successfully completed a course,
25 as required by G.S. 20-183.4A(2) or G.S. 20-183.4A(2a), that includes training on the
26 use of the equipment necessary to perform an emissions inspection on vehicles of that
27 model year.'

28 **SECTION 3.6.** Part 2 of Article 3A of Chapter 20 of the General Statutes is
29 amended by adding a new section to read:

30 "**§ 20-183.5A. When a vehicle that fails a safety inspection because of missing**
31 **emissions control devices may obtain a waiver.**

32 (a) Requirements. – The Division may issue a waiver for a vehicle that meets all
33 of the following requirements:

34 (1) Fails a safety inspection because it does not have one or more
35 emissions control devices.

36 (2) Has documented repairs within the previous calendar year to replace
37 missing emissions control devices costing at least the waiver amount
38 made to the vehicle to correct the cause of the failure. The waiver
39 amount is seventy-five dollars (\$75.00) if the vehicle is a pre-1981
40 model and is two hundred dollars (\$200.00) if the vehicle is a 1981 or
41 newer model.

1 **(b) Procedure.** – To obtain a waiver, a person must contact a local enforcement
2 office of the Division. Before issuing a waiver, an employee of the Division must
3 review the inspection receipts issued for the inspections of the vehicle, review the
4 documents establishing what repairs were made to the vehicle and at what cost, review
5 any statement denying warranty coverage of the repairs made, and do a visual
6 inspection of the vehicle, if appropriate, to determine if the documented repairs were
7 made. The Division must issue a waiver if it determines that the vehicle qualifies for a
8 waiver. A person to whom a waiver is issued must present the waiver to the self-
9 inspector or inspection station performing the inspection to obtain an inspection sticker.

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

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

14 **(2)** Repairs needed as a result of tampering with an emission control
15 device of the vehicle.

16 **(3)** If the vehicle is a 1981 or newer model, repairs made by an individual
17 who is not engaged in the business of repairing vehicles.

18 **(d) Sticker Expiration.** – An inspection sticker put on a vehicle after the vehicle
19 receives a waiver from the requirement of passing the safety inspection expires at the
20 same time it would if the vehicle had passed the safety inspection."

21 **SECTION 4.** G.S. 20-183.2(b) is amended by adding a new subdivision to
22 read:

23 **(8)** It is not a privately owned, nonfleet motor home or house car, as
24 defined in G.S. 20-4.01(27)d2., that is built on a single chassis, has a
25 gross vehicle weight of more than 10,000 pounds, and is designed
26 primarily for recreational use."

27 **SECTION 5.** G.S. 20-183.4C(a) is amended by adding a new subdivision to
28 read:

29 **(5a)** If the registration of a vehicle is transferred from a county that is not
30 an emissions county to an emissions county, the vehicle must be
31 inspected in accordance with this Part within 60 days of the transfer of
32 registration."

33 **SECTION 6.** Part 1 of Article 3A of Chapter 20 of the General Statutes is
34 amended by adding two new sections to read:

35 **§ 20-183.7A. Penalties applicable to license holders and suspension or revocation**
36 **of license for safety violations.**

37 **(a) Kinds of Violations.** – The civil penalty schedule established in this section
38 applies to safety self-inspectors, safety inspection stations, and safety inspection
39 mechanics. The schedule categorizes safety violations into serious (Type I), minor
40 (Type II), and technical (Type III) violations. A serious violation is a violation of this
41 Part or a rule adopted to implement this Part that directly affects the safety or emissions
42 reduction benefits of the safety inspection program. A minor violation is a violation of

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

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

8 (1) Type I. – For a first or second Type I violation within three years by a
9 safety self-inspector or a safety inspection station, assess a civil
10 penalty of two hundred fifty dollars (\$250.00) and suspend the license
11 of the business for six months. For a third or subsequent Type I
12 violation within three years by a safety self-inspector or a safety
13 inspection station, assess a civil penalty of one thousand dollars
14 (\$1,000) and revoke the license of the business for two years. For a
15 first or second Type I violation within seven years by a safety
16 inspection mechanic, assess a civil penalty of one hundred dollars
17 (\$100.00) and suspend the mechanic's license for six months. For a
18 third or subsequent Type I violation within seven years by a safety
19 inspection mechanic, assess a civil penalty of two hundred fifty dollars
20 (\$250.00) and revoke the mechanic's license for two years.

21 (2) Type II. – For a first or second Type II violation within three years by
22 a safety self-inspector or a safety inspection station, assess a civil
23 penalty of one hundred dollars (\$100.00). For a third or subsequent
24 Type II violation within three years by a safety self-inspector or a
25 safety inspection station, assess a civil penalty of two hundred fifty
26 dollars (\$250.00) and suspend the license of the business for 90 days.
27 For a first or second Type II violation within seven years by a safety
28 inspection mechanic, assess a civil penalty of fifty dollars (\$50.00).
29 For a third or subsequent Type II violation within seven years by a
30 safety inspection mechanic, assess a civil penalty of one hundred
31 dollars (\$100.00) and suspend the mechanic's license for 90 days.

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

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

41 (d) Multiple Violations. – If a safety self-inspector, a safety inspection station, or
42 a safety inspection mechanic commits two or more violations in the course of a single

1 safety inspection, the Division shall take only the action specified for the most
2 significant violation.

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

8 **"§ 20-183.7B. Acts that are Type I, II, or III safety violations.**

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

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

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

- 33 (1) Put a safety inspection sticker on a vehicle without driving the vehicle
34 and checking the vehicle's braking reaction, foot brake pedal reserve,
35 and steering free play.
- 36 (2) Put a safety inspection sticker on a vehicle without raising the vehicle
37 to free each wheel and checking the vehicle's tires, brake lines, parking
38 brake cables, wheel drums, exhaust system, and the emissions
39 equipment.
- 40 (3) Put a safety inspection sticker on a vehicle without raising the hood
41 and checking the master cylinder, horn mounting, power steering, and
42 emissions equipment.

- 1 (4) Conduct a safety inspection of a vehicle outside the designated
2 inspection area.
- 3 (5) Put a safety inspection sticker on a vehicle with inoperative equipment,
4 or with equipment that does not conform to the vehicle's original
5 equipment or design specifications, or with equipment that is
6 prohibited by any provision of law.
- 7 (6) Put a safety inspection sticker on a vehicle without performing a visual
8 inspection of the vehicle's exhaust system.
- 9 (7) Put a safety inspection sticker on a vehicle without checking the
10 exhaust system for leaks.
- 11 (8) Put a safety inspection sticker on a vehicle that is required to have any
12 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) Put a safety inspection sticker on a vehicle after failing to inspect four
24 or more of the 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
41 safety inspection sticker or impose a fee for one of these actions in an
42 amount that differs from the amount set in G.S. 20-183.7.

1 (c) Type III. – It is a Type III violation for a safety self-inspector, a safety
2 inspection station, or a safety inspection mechanic to do any of the following:

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

30 (d) Other Acts. – The lists in this section of the acts that are Type I, Type II, or
31 Type III violations are not the only acts that are one of these types of violations. The
32 Division may designate other acts that are a Type I, Type II, or Type III violation."

33 **SECTION 7.** G.S. 20-183.8 reads as rewritten:

34 **"§ 20-183.8. Infractions and criminal offenses for violations of inspection**
35 **requirements.**

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

- 38 (1) Operates a motor vehicle that is subject to inspection under this Part on
39 a highway or public vehicular area in the State when the vehicle has
40 not been inspected in accordance with this Part, as evidenced by the
41 vehicle's lack of a current inspection sticker or otherwise.

- 1 (2) Allows an inspection sticker to be put on a vehicle owned or operated
2 by that person, knowing that the vehicle was not inspected before the
3 sticker was attached or was not inspected properly.
- 4 (3) Puts an inspection sticker on a vehicle, knowing or having reasonable
5 grounds to know that an inspection of the vehicle was not performed
6 or was performed improperly. A person who is cited for a civil penalty
7 under G.S. 20-183.8B for an emissions violation involving the
8 inspection of a vehicle may not be charged with an infraction under
9 this subdivision based on that same vehicle.
- 10 (4) Alters the original certified configuration or data link connectors of a
11 vehicle in such a way as to make an emissions inspection by analysis
12 of data provided by on-board diagnostic (OBD) equipment inaccurate
13 or impossible.
- 14 (b) Defenses to Infractions. – Any of the following is a defense to a violation
15 under subsection (a) of this section:
- 16 (1) The vehicle was continuously out of State for at least the 30 days
17 preceding the date the inspection sticker expired and a current
18 inspection sticker was obtained within 10 days after the vehicle came
19 back to the State.
- 20 (2) The vehicle displays a dealer license plate or a transporter plate, the
21 dealer repossessed the vehicle or otherwise acquired the vehicle within
22 the last 10 days, and the vehicle is being driven from its place of
23 acquisition to the dealer's place of business or to an inspection station.
- 24 (3) Repealed by Session Laws 1997-29, s. 5.
- 25 (4) The charged infraction is described in subdivision (a)(1) of this
26 section, the vehicle is subject to a safety inspection or an emissions
27 inspection and the vehicle owner establishes in court that the vehicle
28 was inspected after the citation was issued and within 30 days of the
29 expiration date of the inspection sticker that was on the vehicle when
30 the citation was issued.
- 31 (c) Felony. – A person who does any of the following commits a Class I felony:
- 32 (1) Forges an inspection sticker.
- 33 (2) Buys, sells, or possesses a forged inspection sticker.
- 34 (3) Buys, sells, or possesses an inspection sticker other than as the result
35 of either of the following:
- 36 a. Having a license as an inspection station, a self-inspector, or an
37 inspection mechanic and obtaining the inspection sticker from
38 the Division in the course of business.
- 39 b. A vehicle inspection in which the vehicle passed the inspection
40 or for which the vehicle received a waiver.
- 41 (4) Solicits or accepts anything of value in order to pass a vehicle that fails
42 a safety or emissions inspection.

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

2 **SECTION 8.** G.S. 20-183.8B(d) reads as rewritten:

3 "(d) **Missing Stickers.** – The Division must assess a civil penalty against an
4 emissions inspection ~~station~~station, a windshield replacement station, or an emissions
5 self-inspector that cannot account for an emissions inspection sticker issued to it. A
6 station or a self-inspector cannot account for a sticker when the sticker is missing and
7 the station or self-inspector cannot establish reasonable grounds for believing the sticker
8 was stolen or destroyed by fire or another accident.

9 (d1) Penalty for Missing Stickers. – The amount of the penalty is twenty-five
10 dollars (\$25.00) for each missing sticker. If a penalty is imposed under subsection (b) of
11 this section as the result of missing stickers, the monetary penalty that applies is the
12 higher of the penalties required under this subsection and subsection (b); the Division
13 may not assess a monetary penalty as a result of missing stickers under both this
14 subsection and subsection ~~(b)~~. (b) of this section. Imposition of a monetary penalty
15 under this subsection does not affect suspension or revocation of a license required
16 under subsection ~~(b)~~. (b) of this section."

17 **SECTION 9.** G.S. 20-183.8C(a) reads as rewritten:

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

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

1 **SECTION 10.** G.S. 20-183.8C(b) reads as rewritten:

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

- 5 (1) Use the identification code of another to gain access to an emissions
6 analyzer or to equipment to analyze data provided by on-board
7 diagnostic (OBD) equipment.
8 (2) Keep inspection stickers and other compliance documents in a manner
9 that makes them easily accessible to individuals who are not inspection
10 mechanics.
11 (3) Put a safety inspection sticker or an emissions inspection sticker on a
12 vehicle that is required to have one of the following emissions control
13 devices but does not have it:
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 (4) Put a safety inspection sticker or an emissions inspection sticker on a
24 vehicle without performing a visual inspection of the vehicle's exhaust
25 system and checking the exhaust system for leaks.
26 (5) Impose no fee for an emissions inspection of a vehicle or the issuance
27 of an emissions inspection sticker or impose a fee for one of these
28 actions in an amount that differs from the amount set in G.S.
29 20-183.7."

30 **SECTION 11.** G.S. 20-183.8F reads as rewritten:

31 "**§ 20-183.8F. Requirements for giving license holders notice of violations and for**
32 **taking summary action.**

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

1 (b) Notice of Charges. – When the Division decides to charge an inspection
2 station, a self-inspector, ~~or a mechanic~~ a mechanic, or a person who is engaged in the
3 business of replacing windshields with a violation that could result in the suspension or
4 revocation of the person's license, an auditor of the Division must deliver a written
5 statement of the charges to the affected license holder. The statement of charges must
6 inform the license holder of this right, instruct the person on how to obtain a hearing,
7 and inform the license holder of the effect of not requesting a hearing. The license
8 holder has the right to a hearing before the license is suspended or revoked. G.S.
9 20-183.8E sets out the procedure for obtaining a hearing.

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

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

20 **SECTION 12.** In order to detect and remedy any deficiency in the
21 equipment, computer software, or procedures used to analyze the data provided by
22 on-board diagnostic (OBD) equipment in connection with an emissions inspection, the
23 Division of Motor Vehicles of the Department of Transportation and the Division of Air
24 Quality of the Department of Environment and Natural Resources may conduct field
25 trials of the equipment, computer software, and procedures to be used during the
26 six-month period immediately prior to the implementation of OBD-based emissions
27 testing in any county. Field trials shall be conducted in accordance with Part 2 of
28 Article 3A of Chapter 20 of the General Statutes, as amended to provide for the use of
29 OBD equipment, at emissions inspection stations or by emissions self-inspectors that
30 have volunteered to conduct field trials and that have been approved by the Division of
31 Motor Vehicles to conduct the trials. A vehicle that passes a field trial emissions
32 inspection and a safety inspection shall be deemed to have met the requirements of Part
33 2 of Article 3A of Chapter 20 of the General Statutes in effect at the time the vehicle is
34 inspected and shall be issued an inspection sticker unless the vehicle improperly passes
35 the emissions inspection as a result of a defect in equipment, computer software, or
36 procedures, and the emissions inspection mechanic is aware of the defect.

37 **SECTION 13.** This act constitutes a recent act of the General Assembly
38 within the meaning of G.S. 150B-21.1. Notwithstanding G.S. 150B-21.1(a)(2) and 26
39 NCAC 2C.0102(11), the Environmental Management Commission and the Division of
40 Motor Vehicles of the Department of Transportation may adopt temporary rules to
41 implement the provisions of this act. This section shall continue in effect until all rules

1 necessary to implement the provisions of this act have become effective as either
2 temporary rules or permanent rules.

3 **SECTION 14.** The Environmental Review Commission shall review the
4 motor vehicle emissions inspection and maintenance program to determine ways in
5 which the cost of the program to vehicle owners could be reduced. In particular, the
6 Commission shall consider the advantages and disadvantages of requiring that vehicles
7 undergo an emissions inspection no more frequently than once each two years. The
8 Commission may report its findings and recommendations to the 2002 Regular Session
9 of the 2001 General Assembly and shall report its findings and recommendations to the
10 2003 General Assembly.

11 **SECTION 15.** Sections 1 and 4 of this act become effective on the first day
12 of the month that follows by more than 15 days the month in which this act becomes
13 law. Sections 2, 3.1, 3.6, 5, 6, 8, 10, and 11 of this act become effective 1 October
14 2001. Sections 7, 9, and 12 of this act become effective 1 January 2002. Section 3.4 of
15 this act becomes effective 1 July 2002. Section 3 of this act becomes effective 1
16 January 2003. Section 3.2 and 3.3 of this act become effective 1 July 2003. Sections
17 3.5, 13, 14, and 15 of this act are effective when this act becomes law.