

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 123

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

Sponsors: Senators Bingham; Brock, Dannelly, Davis, Garrou, Goolsby, Hartsell, Hise, Hunt, Jackson, Jenkins, Meredith, Pate, Preston, and Stevens.

Referred to: Commerce.

February 28, 2011

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**"§ 20-183.1: Repealed by Session Laws 1993 (Reg.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



- 1           (2) ~~Buses titled to a local board of education and subject to the school bus~~  
2           ~~inspection requirements specified by the State Board of Education and~~  
3           ~~G.S. 115C-248(a).~~
- 4           (b) ~~Emissions.~~Emissions Inspections. – A motor vehicle is subject to an emissions  
5 inspection in accordance with this Part if it meets all of the following requirements:
- 6           (1) It is subject to registration with the Division under Article 3 of this Chapter,  
7           except for motor vehicles operated on a federal installation as provided in  
8           sub-subdivision e. of subdivision (5) of this subsection.
- 9           (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house  
10          trailer, or a motorcycle.
- 11          (3) It is a 1996 or later model.
- 12          (4) Repealed by Session Laws 1999-328, s. 3.11, effective July 21, 1999.
- 13          (5) It meets any of the following descriptions:
- 14           a. It is required to be registered in an emissions county.
- 15           b. It is part of a fleet that is operated primarily in an emissions county.
- 16           c. It is offered for rent in an emissions county.
- 17           d. It is a used vehicle offered for sale by a dealer in an emissions  
18          county.
- 19           e. It is operated on a federal installation located in an emissions county  
20          and it is not a tactical military vehicle. Vehicles operated on a federal  
21          installation include those that are owned or leased by employees of  
22          the installation and are used to commute to the installation and those  
23          owned or operated by the federal agency that conducts business at  
24          the installation.
- 25           f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an  
26          emissions inspection.
- 27          (6) It is not licensed at the farmer rate under G.S. 20-88(b).
- 28          (7) It is not a new motor vehicle, as defined in G.S. 20-286(10)a. and has been a  
29          used motor vehicle, as defined in G.S. 20-286(10)b., for 12 months or more.  
30          However, a motor vehicle that has been leased or rented, or offered for lease  
31          or rent, is subject to an emissions inspection when it either:
- 32           a. Has been leased or rented, or offered for lease or rent, for 12 months  
33          or more.
- 34           b. Is sold to a consumer-purchaser.
- 35          (8) It is not a privately owned, nonfleet motor home or house car, as defined in  
36          G.S. 20-4.01(27)d2., that is built on a single chassis, has a gross vehicle  
37          weight of more than 10,000 pounds, and is designed primarily for  
38          recreational use.
- 39          (c) Definitions. – The following definitions apply in this Part:
- 40           (1) Electronic inspection authorization. – An inspection authorization that is  
41          generated electronically through the electronic accounting system that  
42          creates a unique nonduplicating authorization number assigned to the  
43          vehicle's inspection receipt upon successful passage of an inspection. The  
44          term "electronic inspection authorization" shall include the term "inspection  
45          sticker" during the transition period to use of electronic inspection  
46          authorizations.
- 47           (2) Emissions county. – A county listed in G.S. 143-215.107A(c) or designated  
48          by the Environmental Management Commission pursuant to  
49          G.S. 143-215.107A(d) and certified to the Commissioner of Motor Vehicles  
50          as a county in which the implementation of a motor vehicle emissions  
51          inspection program will improve ambient air quality.

- 1 (3) Federal installation. – An installation that is owned by, leased to, or  
2 otherwise regularly used as the place of business of a federal agency.

3 **"§ 20-183.3. Scope of safety inspection and emissions inspection.**

4 (a) ~~Safety.~~—A safety inspection of a motor vehicle consists of an inspection of the  
5 following equipment to determine if the vehicle has the equipment required by Part 9 of Article  
6 3 of this Chapter and if the equipment is in a safe operating condition:

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

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

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

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

44 **"§ 20-183.4. License required to perform safety inspection; qualifications for license.**

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

- 47 (1) ~~At a station that has a safety inspection station license issued by the Division  
48 and by a mechanic who is employed by the station and has a safety  
49 inspection mechanic license issued by the Division.~~

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

1 (b) Station Qualifications. – An applicant for a license as an emissions inspection  
2 station must meet all of the following requirements:

3 (1) ~~Have a license as a safety inspection station.~~

4 (2) Repealed by Session Law 2000-134, s. 15, effective January 1, 2006.

5 (2a) Have equipment to analyze data provided by the on-board diagnostic (OBD)  
6 equipment approved by the Environmental Management Commission.

7 (3) Have equipment and software to transfer information on emissions  
8 inspections to the Division by electronic means. During the initial  
9 implementation of the electronic inspection process, the vendor selected by  
10 the Division shall provide the software at no cost to a station that holds a  
11 license on October 1, 2008.

12 (4) Regularly employ at least one mechanic who has an emissions inspection  
13 mechanic license.

14 (c) Mechanic Qualifications. – An applicant for a license as an emissions inspection  
15 mechanic must meet all of the following requirements:

16 (1) ~~Have a license as a safety inspection mechanic.~~

17 (2) Repealed by Session Law 2000-134, s. 15, effective January 1, 2006.

18 (2a) Have successfully completed an eight-hour course approved by the Division  
19 that teaches students about the causes and effects of the air pollution  
20 problem, the purpose of the emissions inspection program, the vehicle  
21 emission standards established by the United States Environmental  
22 Protection Agency, the emission control devices on vehicles, how to conduct  
23 an emissions inspection using equipment to analyze data provided by the  
24 on-board diagnostic (OBD) equipment approved by the Environmental  
25 Management Commission, and any other topic required by 40 C.F.R. §  
26 51.367 to be included in the course. Successful completion requires a  
27 passing score on a written test and on a hands-on test in which the student is  
28 required to conduct an emissions inspection of a motor vehicle.

29 (d) Self-Inspector Qualifications. – An applicant for a license as an emissions  
30 self-inspector must meet all of the following requirements:

31 (1) ~~Have a license as a safety self-inspector.~~

32 (2) Operate a fleet of at least 10 vehicles that are subject to an emissions  
33 inspection.

34 (3) Repealed by Session Law 2000-134, s. 15, effective January 1, 2006.

35 (3a) Have, or have a contract with a person who has, equipment to analyze data  
36 provided by the on-board diagnostic (OBD) equipment approved by the  
37 Environmental Management Commission.

38 (4) Regularly employ or contract with an individual who has an emissions  
39 inspection mechanic license and who will perform an emissions inspection  
40 on the vehicles that are part of the self-inspector's fleet.

41 **"§ 20-183.4B. Application for license; duration of license; renewal of mechanic license.**

42 (a) Application. – An applicant for a license issued under this Part must complete an  
43 application form provided by the Division. The application must contain the applicant's name  
44 and address and any other information needed by the Division to determine whether the  
45 applicant is qualified for the license. The Division must review an application for a license to  
46 determine if the applicant qualifies for the license. If the applicant meets the qualifications, the  
47 Division must issue the license. If the applicant does not meet the qualifications, the Division  
48 must deny the application and notify the applicant in writing of the reason for the denial.

49 (b) Duration of License. – ~~A safety inspection mechanic license expires four years after~~  
50 ~~the date it is issued.~~ An emissions mechanic inspection license expires two years after the date  
51 it is issued. ~~A safety inspection station license, an~~ An emissions inspection station

1 ~~license, license~~ and a self-inspector license are effective until surrendered by the license holder  
2 or suspended or revoked by the Division.

3 (c) ~~Renewal of Mechanic License. – A safety or an~~ An emissions inspection mechanic  
4 may apply to renew a license by filing an application with the Division on a form provided by  
5 the Division. To renew an emissions inspection mechanic license, an applicant must have  
6 successfully completed a four-hour emissions refresher course approved by the Division within  
7 nine months of applying for renewal. Successful completion requires a passing score on a  
8 written test and on a hands-on test in which the student is required to conduct an emissions  
9 inspection of a motor vehicle.

10 **"§ 20-183.4C. When a vehicle must be inspected; three-day trip permit.**

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

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

1 (11) A person who owns a vehicle located outside of this State when its  
2 emissions inspection becomes due may obtain an emissions inspection in the  
3 jurisdiction where the vehicle is located, in lieu of a North Carolina  
4 emissions inspection, as long as the inspection meets the requirements of 40  
5 C.F.R. § 51.

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

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

15 **"§ 20-183.4D. Procedure when a vehicle is inspected.**

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

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

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

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

34 **"§ 20-183.5. When a vehicle that fails an emissions inspection may obtain a waiver from**  
35 **the inspection requirement.**

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

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

49 (b) Procedure. – To obtain a waiver, a person must contact a local enforcement office of  
50 the Division. Before issuing a waiver, an employee of the Division must review the inspection  
51 receipts issued for the inspections of the vehicle, review the documents establishing what

1 repairs were made to the vehicle and at what cost, review any statement denying warranty  
2 coverage of the repairs made, and do a visual inspection of the vehicle, if appropriate, to  
3 determine if the documented repairs were made. The Division must issue a waiver if it  
4 determines that the vehicle qualifies for a waiver. A person to whom a waiver is issued must  
5 present the waiver to the self-inspector or inspection station performing the inspection to obtain  
6 an electronic inspection authorization.

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

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

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

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

14 (4) OBD diagnostics without corresponding repairs.

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

18 ~~"§ 20-183.5A. When a vehicle that fails a safety inspection because of missing emissions  
19 control devices may obtain a waiver.~~

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

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

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

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

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

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

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

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

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

48 **"§ 20-183.6: Repealed by Session Laws 2007-503, s. 10, effective October 1, 2008, and  
49 applicable to offenses committed on or after that date.**

50 **"§ 20-183.6A. Administration of program; duties of license holders.**



1 (a) Division. – The Division is responsible for administering the ~~safety inspection and~~  
 2 ~~the emissions inspection programs program.~~ In exercising this responsibility, the Division  
 3 must:

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

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

29 **"§ 20-183.7. Fees for performing an inspection and issuing an electronic inspection**  
 30 **authorization to a vehicle; use of civil penalties.**

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

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

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

50 The inspection fee for an emissions ~~and safety~~ inspection set out in this subsection is the  
 51 maximum amount that an inspection station or an inspection mechanic may charge for an

1 emissions ~~and safety~~ inspection of a vehicle. An inspection station or an inspection mechanic  
 2 may charge the maximum amount or any lesser amount for an emissions ~~and safety~~ inspection  
 3 of a vehicle. ~~The inspection fee for a safety only inspection set out in this subsection may not~~  
 4 ~~be increased or decreased.~~ The authorization fees set out in this subsection may not be  
 5 increased or decreased.

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

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

<u>Recipient</u>	<u>Safety Only Electronic Authorization</u>	<u>Emissions and Safety Electronic Authorization</u>
<del>Highway Fund</del>	.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.

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

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

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

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

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

- (1) The maximum and minimum amounts of the inspection fee authorized by this section.
- (2) The amount of the inspection fee charged by the inspection station and a statement that clearly indicates that the amount of the inspection fee is determined by the inspection station, that the inspection fee is retained by

1 the inspection station to compensate the station for performing the  
2 inspection, and that the inspection fee is not paid to the State.

3 (3) The amount of the electronic inspection authorization fee, if the motor  
4 vehicle passes the inspection, a statement that the electronic inspection  
5 authorization fee is paid to the State, and a brief summary of the purposes  
6 for which the electronic inspection authorization fee is collected.

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

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

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

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

16 ~~"§ 20-183.7A. Penalties applicable to license holders and suspension or revocation of~~  
17 ~~license for safety violations.~~

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

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

30 (1) ~~Type I.~~—For a first or second Type I violation within three years by a safety  
31 ~~self-inspector or a safety inspection station, assess a civil penalty of two~~  
32 ~~hundred fifty dollars (\$250.00) and suspend the license of the business for~~  
33 ~~six months. For a third or subsequent Type I violation within three years by~~  
34 ~~a safety self-inspector or a safety inspection station, assess a civil penalty of~~  
35 ~~one thousand dollars (\$1,000) and revoke the license of the business for two~~  
36 ~~years. For a first or second Type I violation within seven years by a safety~~  
37 ~~inspection mechanic, assess a civil penalty of one hundred dollars (\$100.00)~~  
38 ~~and suspend the mechanic's license for six months. For a third or subsequent~~  
39 ~~Type I violation within seven years by a safety inspection mechanic, assess a~~  
40 ~~civil penalty of two hundred fifty dollars (\$250.00) and revoke the~~  
41 ~~mechanic's license for two years.~~

42 (2) ~~Type II.~~—For a first or second Type II violation within three years by a  
43 ~~safety self-inspector or a safety inspection station, assess a civil penalty of~~  
44 ~~one hundred dollars (\$100.00). For a third or subsequent Type II violation~~  
45 ~~within three years by a safety self-inspector or a safety inspection station,~~  
46 ~~assess a civil penalty of two hundred fifty dollars (\$250.00) and suspend the~~  
47 ~~license of the business for 90 days. For a first or second Type II violation~~  
48 ~~within seven years by a safety inspection mechanic, assess a civil penalty of~~  
49 ~~fifty dollars (\$50.00). For a third or subsequent Type II violation within~~  
50 ~~seven years by a safety inspection mechanic, assess a civil penalty of one~~  
51 ~~hundred dollars (\$100.00) and suspend the mechanic's license for 90 days.~~

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

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

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

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

18    "**§ 20-183.7B. Acts that are Type I, II, or III safety violations.**

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

21               (1)    Issue a safety electronic inspection authorization to a vehicle without  
22               performing a safety inspection of vehicle.

23               (2)    Issue a safety electronic inspection authorization to a vehicle after  
24               performing a safety inspection of the vehicle and determining that the  
25               vehicle did not pass the inspection.

26               (3)    Allow a person who is not licensed as a safety inspection mechanic to  
27               perform a safety inspection for a self inspector or at a safety station.

28               (4)    Sell, issue, or otherwise give an electronic inspection authorization to  
29               another, other than as the result of a vehicle inspection in which the vehicle  
30               passed the inspection.

31               (5)    Be unable to account for five or more electronic inspection authorizations at  
32               any one time upon the request of an officer of the Division.

33               (6)    Perform a safety only inspection on a vehicle that is subject to both a safety  
34               and an emissions inspection.

35               (7)    Transfer an electronic inspection authorization from one vehicle to another.

36               (8)    Conduct a safety inspection of a vehicle without driving the vehicle and  
37               without raising the vehicle and without opening the hood of the vehicle to  
38               check equipment located therein.

39               (9)    Solicit or accept anything of value to pass a vehicle other than as provided in  
40               this Part.

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

43               (1)    Issue a safety electronic inspection authorization to a vehicle without driving  
44               the vehicle and checking the vehicle's braking reaction, foot brake pedal  
45               reserve, and steering free play.

46               (2)    Issue a safety electronic inspection authorization to a vehicle without raising  
47               the vehicle to free each wheel and checking the vehicle's tires, brake lines,  
48               parking brake cables, wheel drums, exhaust system, and the emissions  
49               equipment.

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

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

25        ~~(d)    Other Acts. The lists in this section of the acts that are Type I, Type II, or Type III~~  
26        ~~violations are not the only acts that are one of these types of violations. The Division may~~  
27        ~~designate other acts that are a Type I, Type II, or Type III violation.~~

28        **"§ 20-183.8. Infractions and criminal offenses for violations of inspection requirements.**

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

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

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

- 50           (1)    The vehicle was continuously out of State for at least the 30 days preceding  
51           the date the electronic inspection authorization expired and a current

- 1 electronic inspection authorization was obtained within 10 days after the  
2 vehicle came back to the State.
- 3 (2) The vehicle displays a dealer license plate or a transporter plate, the dealer  
4 repossessed the vehicle or otherwise acquired the vehicle within the last 10  
5 days, and the vehicle is being driven from its place of acquisition to the  
6 dealer's place of business or to an inspection station.
- 7 (3) Repealed by Session Law 1997-29, s. 5.
- 8 (4) The charged infraction is described in subdivision (a)(1) of this section, the  
9 vehicle is subject to ~~a safety inspection or~~ an emissions inspection and the  
10 vehicle owner establishes in court that the vehicle was inspected after the  
11 citation was issued and within 30 days of the expiration date of the  
12 inspection sticker that was on the vehicle or the electronic inspection  
13 authorization was issued to the vehicle when the citation was issued.
- 14 (c) Felony. – A person who does any of the following commits a Class I felony:
- 15 (1) Forges an inspection sticker or inspection receipt.
- 16 (2) Buys, sells, issues, or possesses a forged inspection sticker or electronic  
17 inspection authorization.
- 18 (3) Buys, sells, issues, or possesses an electronic inspection authorization other  
19 than as the result of either of the following:
- 20 a. Having a license as an inspection station, a self-inspector, or an  
21 inspection mechanic and obtaining the electronic inspection  
22 authorization from the Division through an electronic authorization  
23 vendor in the course of business.
- 24 b. A vehicle inspection in which the vehicle passed the inspection or for  
25 which the vehicle received a waiver.
- 26 (4) Solicits or accepts anything of value in order to pass a vehicle that fails a  
27 ~~safety or an~~ emissions inspection.
- 28 (5) Fails a vehicle for any reason not authorized by law.
- 29 **"§ 20-183.8A. Civil penalties against motorists for emissions violations; waiver.**
- 30 (a) Civil Penalties. – The Division must assess a civil penalty against a person who  
31 owns or leases a vehicle that is subject to an emissions inspection and who engages in any of  
32 the emissions violations set out in this subsection. As provided in G.S. 20-54, the registration of  
33 a vehicle may not be renewed until a penalty imposed under this subsection has been paid. The  
34 civil penalties and violations are as follows:
- 35 (1) Fifty dollars (\$50.00) for failure to have the vehicle inspected within four  
36 months after it is required to be inspected under this Part.
- 37 (2) Two hundred fifty dollars (\$250.00) for instructing or allowing a person to  
38 tamper with an emission control device of the vehicle so as to make the  
39 device inoperative or fail to work properly.
- 40 (3) Two hundred fifty dollars (\$250.00) for incorrectly stating the vehicle's  
41 county of registration to avoid having an emissions inspection of the vehicle.
- 42 (b) Waiver. – The Division must waive the civil penalty assessed under subdivision  
43 (a)(1) of this section against a person who establishes the following:
- 44 (1) The person was continuously out of the State on active military duty from  
45 the date the inspection sticker expired to the date the four-month grace  
46 period expired.
- 47 (2) No person operated the vehicle from the date the inspection sticker expired  
48 to the date the four-month grace period expired.
- 49 (3) The person obtained a current inspection sticker within 30 days after  
50 returning to the State.

1 **"§ 20-183.8B. Civil penalties against license holders and suspension or revocation of**  
2 **license for emissions violations.**

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

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

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

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

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

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

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

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

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

48 (d) **Missing Stickers.** – The Division must assess a civil penalty against an emissions  
49 inspection station, a windshield replacement station, or an emissions self-inspector that cannot  
50 account for an emissions inspection sticker issued to it. A station or a self-inspector cannot  
51 account for a sticker when the sticker is missing and the station or self-inspector cannot



1 establish reasonable grounds for believing the sticker was stolen or destroyed by fire or another  
2 accident.

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

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

15 **"§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

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

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

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

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

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

25 **"§ 20-183.8D. Suspension or revocation of license.**

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

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

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

36 **"§ 20-183.8E: Recodified as G.S. 20-183.8G at the direction of the Revisor of Statutes.**

37 **"§ 20-183.8F. Requirements for giving license holders notice of violations and for taking**  
38 **summary action.**

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

48 (b) Notice of Charges. – When the Division decides to charge an inspection station, a  
49 self-inspector, ~~a mechanic, or a person who is engaged in the business of replacing windshields~~  
50 or a mechanic with a violation that could result in the suspension or revocation of the person's  
51 license, an auditor of the Division must deliver a written statement of the charges to the

1 affected license holder. The statement of charges must inform the license holder of this right,  
2 instruct the person on how to obtain a hearing, and inform the license holder of the effect of not  
3 requesting a hearing. The license holder has the right to a hearing before the license is  
4 suspended or revoked. G.S. 20-183.8E sets out the procedure for obtaining a hearing.

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

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

15 **"§ 20-183.8G. Administrative and judicial review.**

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

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

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

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

40 If a person does not request a hearing within the time allowed for making the request, the  
41 proposed suspension or revocation becomes effective the day after the time for making the  
42 request ends. If a person requests a hearing but does not attend the hearing, the proposed  
43 suspension or revocation becomes effective the day after the date set for the hearing.

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

50 (d) All Other Hearings. – When this section gives a person the right to a hearing and  
51 subsection (b) or (c) of this section does not apply to the hearing, the person may obtain a

1 hearing by filing with the Division a written request for a hearing. The request must be filed  
 2 within 10 days after the person receives written notice of the action for which a hearing is  
 3 requested. The Division must hold a hearing within 90 days after the Division receives the  
 4 request.

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

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

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

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

21 "**§ 20-87. Passenger vehicle registration fees.**

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

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

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

31			
32	Motorcycles:	1-passenger capacity .....	\$18.00
33		2-passenger capacity .....	22.00
34		3-passenger capacity .....	26.00
35	Automobiles:	15 or fewer passengers .....	\$51.00
36	Buses:	16 or more passengers .....	\$2.00 per
37			hundred
38			pounds of
39			empty weight
40	Trucks under		
41	7,000 pounds		
42	that do not		
43	haul products		
44	for hire:	4,000 pounds .....	\$41.50
45		5,000 pounds .....	\$51.00
46		6,000 pounds .....	\$61.00.
47			

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

49 (4) Limousine Vehicles. – For-hire passenger vehicles on call or demand which  
 50 do not solicit passengers indiscriminately for hire between points along  
 51 streets or highways, shall be taxed at the same rate as for-hire passenger

- 1 vehicles under G.S. 20-87(1) but shall be issued appropriate registration  
 2 plates to distinguish such vehicles from taxicabs.
- 3 (5) Private Passenger Vehicles. – There shall be paid to the Division annually,  
 4 as of the first day of January, for the registration and licensing of private  
 5 passenger vehicles, fees according to the following classifications and  
 6 schedules:  
 7 Private passenger vehicles of not more than  
 8 fifteen passengers .....\$28.00  
 9 Private passenger vehicles over fifteen passengers.....31.00  
 10 Provided, that a fee of only one dollar (\$1.00) shall be charged for any  
 11 vehicle given by the federal government to any veteran on account of any  
 12 disability suffered during war so long as such vehicle is owned by the  
 13 original donee or other veteran entitled to receive such gift under Title 38,  
 14 section 252, United States Code Annotated.
- 15 (6) Private Motorcycles. – The base fee on private passenger motorcycles shall  
 16 be fifteen dollars (\$15.00); except that when a motorcycle is equipped with  
 17 an additional form of device designed to transport persons or property, the  
 18 base fee shall be twenty-two dollars (\$22.00). An additional fee of three  
 19 dollars (\$3.00) is imposed on each private motorcycle registered under this  
 20 subdivision in addition to the base fee. The revenue from the additional fee,  
 21 in addition to any other funds appropriated for this purpose, shall be used to  
 22 fund the Motorcycle Safety Instruction Program created in G.S. 115D-72.
- 23 (7) Dealer License Plates. – The fee for a dealer license plate is the regular fee  
 24 for each of the first five plates issued to the same dealer and is one-half the  
 25 regular fee for each additional dealer license plate issued to the same dealer.  
 26 The "regular fee" is the fee set in subdivision (5) of this section for a private  
 27 passenger motor vehicle of not more than 15 passengers.
- 28 (8) Driveaway Companies. – Any person engaged in the business of driving new  
 29 motor vehicles from the place of manufacture to the place of sale in this  
 30 State for compensation shall pay a fee of one-half of the amount that would  
 31 otherwise be payable under this section for each set of plates.
- 32 (9) House Trailers. – In lieu of other registration and license fees levied on  
 33 house trailers under this section or G.S. 20-88, the registration and license  
 34 fee on house trailers shall be eleven dollars (\$11.00) for the license year or  
 35 any portion thereof.
- 36 (10) Special Mobile Equipment. – The fee for special mobile equipment for the  
 37 license year or any part of the license year is two times the fee in subdivision  
 38 (5) for a private passenger motor vehicle of not more than 15 passengers.
- 39 (11) Any vehicle fee determined under this section according to the weight of the  
 40 vehicle shall be increased by the sum of three dollars (\$3.00) to arrive at the  
 41 total fee.
- 42 (12) Low-Speed Vehicles. – The fee for a low-speed vehicle is the same as the  
 43 fee for private ~~passengers~~ passenger vehicles of not more than 15  
 44 passengers.

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

<u>Recipient</u>	<u>Amount</u>
49 Highway Fund	.78

1	<u>Volunteer Rescue/EMS Fund</u>	<u>.13</u>
2	<u>Rescue Squad Workers' Relief Fund</u>	<u>.09."</u>
3	<b>SECTION 3.</b> G.S. 20-88 is amended by adding a new subsection to read:	
4	"(b1) <u>An additional fee of one dollar (\$1.00) is imposed on each vehicle registered under</u>	
5	<u>this section, in addition to the base fee and any other additional fee required. The revenue</u>	
6	<u>derived from this additional fee shall be distributed as follows:</u>	
7		
8	<u>Recipient</u>	<u>Amount</u>
9		
10	<u>Highway Fund</u>	<u>.78</u>
11	<u>Volunteer Rescue/EMS Fund</u>	<u>.13</u>
12	<u>Rescue Squad Workers' Relief Fund</u>	<u>.09."</u>

13 **SECTION 4.** G.S. 20-122.1(b) reads as rewritten:  
 14 "(b) The driver of any vehicle who is charged with a violation of this section shall be  
 15 allowed 15 calendar days within which to bring the tires of such vehicle in conformance with  
 16 the requirements of this section. ~~It shall be a defense to any such charge that the person arrested~~  
 17 ~~produce in court, or submit to the prosecuting attorney prior to trial, a certificate from an~~  
 18 ~~official safety inspection equipment station showing that within 15 calendar days after such~~  
 19 ~~arrest, the tires on such vehicle had been made to conform with the requirements of this section~~  
 20 ~~or that such vehicle had been sold, destroyed, or permanently removed from the highways.~~  
 21 Violation of this section shall not constitute negligence per se."

22 **SECTION 5.** G.S. 20-127(d) reads as rewritten:  
 23 "(d) Violations. – A person who does any of the following commits a misdemeanor of  
 24 the class set in G.S. 20-176:  
 25 (1) Applies tinting to the window of a vehicle ~~that is subject to a safety~~  
 26 ~~inspection in this State~~ and the resulting tinted window does not meet the  
 27 window tinting restrictions set in this section.  
 28 (2) Drives on a highway or a public vehicular area a vehicle that has a window  
 29 that does not meet the window tinting restrictions set in this section."

30 **SECTION 6.** The Division of Motor Vehicles, with the assistance of the  
 31 Department of Environment and Natural Resources, Division of Air Quality, shall develop and  
 32 implement a management improvement plan for the Motor Vehicle Emissions Inspection  
 33 program, authorized by Article 3A of Chapter 20 of the General Statutes, administered by the  
 34 Division of Motor Vehicles, to increase efficiency, reduce costs, and improve customer service.  
 35 The plan shall include the following:

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

46 The plan shall meet both federal and State reporting requirements.  
 47 **SECTION 7.** The Division of Motor Vehicles shall present the management  
 48 improvement plan for the Motor Vehicle Emissions Inspection program, authorized by Article  
 49 3A of Chapter 20 of the General Statutes, to the Joint Legislative Transportation Oversight  
 50 Committee and the Joint Environment and Natural Resources Oversight Committee no later  
 51 than December 31, 2011. The Division of Motor Vehicles shall report to the Joint Legislative

1 Transportation Oversight Committee annually, not later than January 15 of each year, on the  
2 prior fiscal year and include any recommended legislation that will increase efficiency, reduce  
3 costs, and improve customer service.

4 **SECTION 8.** The Fiscal Research Division of the General Assembly shall conduct  
5 a fiscal review of the Motor Vehicle Emissions Inspection program. The fiscal review shall  
6 include the following:

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

14 The Fiscal Research Division of the General Assembly shall report its findings to  
15 the Joint Legislative Transportation Oversight Committee, the Joint Environment and Natural  
16 Resources Oversight Committee, the Joint Program Evaluation Oversight Committee, and the  
17 Program Evaluation Division of the General Assembly no later than May 1, 2012.

18 **SECTION 9.** Sections 1, 2, and 3 of this act become effective October 1, 2011, and  
19 apply to motor vehicles inspected or registered on or after that date. The remainder of this act is  
20 effective when it becomes law.