

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1638\*  
Committee Substitute Favorable 6/6/00

Short Title: I/M Technology Amends/CMAQ Funds.

(Public)

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Sponsors:

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Referred to:

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May 18, 2000

A BILL TO BE ENTITLED

1 AN ACT TO IMPROVE AMBIENT AIR QUALITY, TO PROVIDE FOR THE USE OF  
2 ON-BOARD DIAGNOSTIC EQUIPMENT IN THE MOTOR VEHICLE  
3 EMISSIONS INSPECTION AND MAINTENANCE PROGRAM, AND TO  
4 EXCLUDE FEDERAL CONGESTION MITIGATION AND AIR QUALITY  
5 FUNDS FROM THE DISTRIBUTION FORMULA FOR FUNDS EXPENDED ON  
6 TRANSPORTATION, AS RECOMMENDED BY THE ENVIRONMENTAL  
7 REVIEW COMMISSION.  
8

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 143-215.107(a)(6) reads as rewritten:

11 "(6) To adopt motor vehicle emissions standards; to adopt, when necessary  
12 and practicable, a motor vehicle emissions inspection and maintenance  
13 program to improve ambient air quality; ~~to require that motor vehicle~~  
14 ~~emissions be monitored while the vehicle is in operation by means of onboard~~  
15 ~~diagnostic equipment (OBD) installed by the vehicle manufacturer;~~ to require  
16 manufacturers of motor vehicles to furnish to the Equipment and Tool  
17 Institute and, upon request and at a reasonable charge, to any person  
18 who maintains or repairs a motor vehicle, all information necessary to  
19 fully make use of the ~~onboard~~ on-board diagnostic equipment and the

1 data compiled by that equipment; to certify to the Commissioner of  
2 Motor Vehicles that ambient air quality will be improved by the  
3 implementation of a motor vehicle emissions inspection and  
4 maintenance program in a county. The Commission shall implement  
5 this subdivision as provided in G.S. 143-215.107A."

6 Section 2. G.S. 143-215.107A(b) is repealed.

7 Section 3. G.S. 143-215.107A(d) reads as rewritten:

8 "(d) Additional Counties. – The Commission may require that motor vehicle  
9 emissions inspections be performed in counties in addition to those set out in subsection  
10 (c) of this section. In determining whether to require that motor vehicle emissions  
11 inspections be performed in a county, the Commission may consider the population of,  
12 and distribution of population in, the county; the projected change in population of, and  
13 distribution of population in, the county; the number of vehicles registered in the county;  
14 the projected change in the number of vehicles registered in the county; vehicle miles  
15 traveled in the county; the projected change in vehicle miles traveled in the county;  
16 current and projected commuting patterns in the county; and the current and projected  
17 impact of these factors on attainment of air quality standards in the county and in areas  
18 outside the county. The Commission may not require that motor vehicle emissions ~~testing~~  
19 inspections be performed in any county with a population of less than 40,000 based on  
20 the most recent population estimates prepared by the State Planning Officer. The  
21 Commission may not require that motor vehicle emissions ~~testing~~–inspections be  
22 performed in any county in which the number of vehicle miles traveled per day is less  
23 than 900,000, based on the most recent estimates prepared by the Department of  
24 Transportation. In order to disapprove a rule that requires that motor vehicle emissions  
25 inspections be performed in one or more additional counties, a bill introduced pursuant to  
26 G.S. 150B-21.3(b) must amend subsection (c) of this section to add one or more other  
27 counties in which the total population and vehicle miles traveled per day equal or exceed  
28 the total population and vehicle miles traveled in the county or counties listed in the rule  
29 that the bill would disapprove."

30 Section 4. Section 3.2 of S.L. 1999-328 reads as rewritten:

31 "Section 3.2. ~~The Environmental Management Commission shall adopt rules to~~  
32 ~~implement G.S. 143-215.107A(b), as enacted by Section 3.1 of this act. These rules shall~~  
33 ~~become effective on 1 July 2002.~~ The Environmental Management Commission shall not  
34 require that motor vehicle emissions inspections be performed in any county pursuant to  
35 G.S. 143-215.107A(d), as enacted by Section 3.1 of this act, prior to 1 July 2006. The  
36 Environmental Management Commission shall not require motor vehicle emissions  
37 inspections for diesel powered vehicles prior to 1 July 2001."

38 Section 5. Section 3.9 of S.L. 1999-328 is repealed.

39 Section 6. Effective 1 July 2000, G.S. 20-128 reads as rewritten:

40 "**§ 20-128. Prevention of noise, smoke, etc.; muffler cut-outs regulated. Exhaust**  
41 **system and emissions control devices.**

42 (a) No person shall drive a motor vehicle on a highway unless such motor vehicle  
43 is equipped with a muffler, or other exhaust system of the type installed at the time of

1 manufacture, in good working order and in constant operation to prevent excessive or  
2 unusual noise, annoying smoke and smoke screens.

3 (b) It shall be unlawful to use a 'muffler cut-out' on any motor vehicle upon a  
4 highway.

5 (c) No motor vehicle registered in this State ~~which that~~ was manufactured after  
6 model year 1967 shall be operated in this State unless it is equipped with ~~such emission-~~  
7 ~~control emissions control~~ devices ~~to reduce air pollution as that~~ were installed on the  
8 vehicle at the time of manufacture, ~~provided the foregoing requirement~~ the vehicle was  
9 manufactured and these devices are properly connected.

10 (d) The requirements of subsection (c) of this section shall not apply where such if  
11 the emissions control devices have been removed for the purpose of converting the motor  
12 vehicle to operate on natural or liquefied petroleum gas or other modifications have been  
13 made in order to reduce air pollution, further provided that such modifications shall have first  
14 been pollution and these modifications are approved by the Department of Environment  
15 and Natural Resources."

16 Section 7. Effective 1 July 2000, G.S. 20-183.2(b) reads as rewritten:

17 "(b) Emissions. – A motor vehicle is subject to an emissions inspection in  
18 accordance with this Part if it meets all of the following requirements:

- 19 (1) It is subject to registration with the Division under Article 3 of this  
20 Chapter.
- 21 (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house  
22 trailer, or a motorcycle.
- 23 (3) It is a 1975 or later model.
- 24 (4) Repealed by Session Laws 1999-328, s. 3.11.
- 25 (5) It meets any of the following descriptions:
  - 26 a. It is required to be registered in an emissions county.
  - 27 b. It is part of a fleet that is operated primarily in an emissions  
28 county.
  - 29 c. It is offered for rent in an emissions county.
  - 30 d. It is a used vehicle offered for sale by a dealer in an emissions  
31 county.
  - 32 e. It is operated on a federal installation located in an emissions  
33 county and it is not a tactical military vehicle. Vehicles operated  
34 on a federal installation include those that are owned or leased by  
35 employees of the installation and are used to commute to the  
36 installation and those owned or operated by the federal agency  
37 that conducts business at the installation.
  - 38 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an  
39 emissions inspection.

40 (6) It is not licensed at the farmer rate under G.S. 20-88(b)."

41 Section 8. Effective 1 July 2002, G.S. 20-183.3 reads as rewritten:

42 "**§ 20-183.3. Scope of safety inspection and emissions inspection.**

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

4 (1) Brakes, as required by G.S. 20-124.

5 (2) Lights, as required by G.S. 20-129 or G.S. 20-129.1.

6 (3) Horn, as required by G.S. 20-125(a).

7 (4) Steering mechanism, as required by G.S. 20-123.1.

8 (5) Windows and windshield wipers, as required by G.S. 20-127. To  
9 determine if a vehicle window meets the window tinting restrictions, a  
10 safety inspection mechanic must first determine, based on use of an  
11 automotive film check card or knowledge of window tinting techniques,  
12 if after-factory tint has been applied to the window. If after-factory tint  
13 has been applied, the mechanic must use a light meter approved by the  
14 Commissioner to determine if the window meets the window tinting  
15 restrictions.

16 (6) Directional signals, as required by G.S. 20-125.1.

17 (7) Tires, as required by G.S. 20-122.1.

18 (8) Mirrors, as required by G.S. 20-126.

19 (9) Exhaust ~~system,~~ system and emissions control devices, as required by  
20 G.S. 20-128. For a vehicle that is subject to an emissions inspection in  
21 addition to a safety inspection, a visual inspection of the vehicle's  
22 ~~emission control~~ emissions control devices is included in the emissions  
23 inspection rather than the safety inspection.

24 (b) Emissions. – An emissions inspection of a motor vehicle consists of a visual  
25 inspection of the vehicle's ~~emission~~ emissions control devices to determine if the devices  
26 are present, are properly connected, and are the correct type for the vehicle ~~and~~ and, if the  
27 vehicle is a 1975 through 1995 model, an analysis of the exhaust emissions of the vehicle  
28 to determine if the exhaust emissions meet the standards for the model year of the vehicle  
29 set by the Environmental Management Commission or, if the vehicle is a 1996 or later  
30 model, an analysis of data provided by the on-board diagnostic (OBD) equipment  
31 installed by the vehicle manufacturer to identify any deterioration or malfunction in the  
32 operation of the vehicle that violates standards for the model year of the vehicle set by the  
33 Environmental Management Commission. To pass an emissions inspection a vehicle  
34 must pass both the visual inspection ~~and~~ and, if the vehicle is a 1975 through 1995 model,  
35 the exhaust emissions analysis ~~analysis~~ or, if the vehicle is a 1996 or later model, the  
36 OBD analysis. When an emissions inspection is performed on a vehicle, a safety  
37 inspection must be performed on the vehicle as well.

38 (c) Reinspection After Failure. – The scope of a reinspection of a vehicle that has  
39 been repaired after failing an inspection is the same as the original inspection unless the  
40 vehicle is presented for reinspection within 30 days of failing the original inspection. If  
41 the vehicle is presented for reinspection within this time limit and the inspection the  
42 vehicle failed was a safety inspection, the reinspection is limited to an inspection of the  
43 equipment that failed the original inspection. If the vehicle is presented for reinspection

1 within this time limit and the inspection the vehicle failed was an emissions inspection,  
2 the reinspection is limited to the portion of the inspection the vehicle failed and any other  
3 portion of the inspection that would be affected by repairs made to correct the failure."

4 Section 9. Effective 1 July 2003, G.S. 20-183.2(b), as amended by Section 7  
5 of this act, reads as rewritten:

6 "(b) Emissions. – A motor vehicle is subject to an emissions inspection in  
7 accordance with this Part if it meets all of the following requirements:

- 8 (1) It is subject to registration with the Division under Article 3 of this  
9 Chapter.
- 10 (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house  
11 trailer, or a motorcycle.
- 12 (3) ~~It is except as provided in G.S. 20-183.3(b), it is a 1975–1996 or later~~  
13 ~~model.~~
- 14 (4) Repealed by Session Laws 1999-328, s. 3.11.
- 15 (5) It meets any of the following descriptions:
  - 16 a. It is required to be registered in an emissions county.
  - 17 b. It is part of a fleet that is operated primarily in an emissions  
18 county.
  - 19 c. It is offered for rent in an emissions county.
  - 20 d. It is a used vehicle offered for sale by a dealer in an emissions  
21 county.
  - 22 e. It is operated on a federal installation located in an emissions  
23 county and it is not a tactical military vehicle. Vehicles operated  
24 on a federal installation include those that are owned or leased by  
25 employees of the installation and are used to commute to the  
26 installation and those owned or operated by the federal agency  
27 that conducts business at the installation.
  - 28 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an  
29 emissions inspection.
- 30 (6) It is not licensed at the farmer rate under G.S. 20-88(b)."

31 Section 10. Effective 1 July 2003, G.S. 20-183.3, as amended by Section 8 of  
32 this act, reads as rewritten:

33 **"§ 20-183.3. Scope of safety inspection and emissions inspection.**

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

- 37 (1) Brakes, as required by G.S. 20-124.
- 38 (2) Lights, as required by G.S. 20-129 or G.S. 20-129.1.
- 39 (3) Horn, as required by G.S. 20-125(a).
- 40 (4) Steering mechanism, as required by G.S. 20-123.1.
- 41 (5) Windows and windshield wipers, as required by G.S. 20-127. To  
42 determine if a vehicle window meets the window tinting restrictions, a  
43 safety inspection mechanic must first determine, based on use of an

1 automotive film check card or knowledge of window tinting techniques,  
2 if after-factory tint has been applied to the window. If after-factory tint  
3 has been applied, the mechanic must use a light meter approved by the  
4 Commissioner to determine if the window meets the window tinting  
5 restrictions.

6 (6) Directional signals, as required by G.S. 20-125.1.

7 (7) Tires, as required by G.S. 20-122.1.

8 (8) Mirrors, as required by G.S. 20-126.

9 (9) Exhaust system and emissions control devices, as required by G.S. 20-  
10 128. For a vehicle that is subject to an emissions inspection in addition  
11 to a safety inspection, a visual inspection of the vehicle's emissions  
12 control devices is included in the emissions inspection rather than the  
13 safety inspection.

14 (b) ~~Emissions.~~ Emissions Inspection Requirements in Certain Counties. – An  
15 emissions inspection of a motor vehicle in the Counties of Cabarrus, Durham, Forsyth,  
16 Gaston, Guilford, Mecklenburg, Orange, Union, and Wake consists of a visual inspection  
17 of the vehicle's emissions control devices to determine if the devices are present, are  
18 properly connected, and are the correct type for the vehicle and, if the vehicle is a 1975  
19 through 1995 model, an analysis of the exhaust emissions of the vehicle to determine if  
20 the exhaust emissions meet the standards for the model year of the vehicle set by the  
21 Environmental Management Commission or, if the vehicle is a 1996 or later model, an  
22 analysis of data provided by the on-board diagnostic (OBD) equipment installed by the  
23 vehicle manufacturer to identify any deterioration or malfunction in the operation of the  
24 vehicle that would cause an increase in the emission of pollutants by the vehicle that  
25 violates standards for the model year of the vehicle set by the Environmental  
26 Management Commission. To pass an emissions inspection a vehicle must pass both the  
27 visual inspection and, if the vehicle is a 1975 through 1995 model, the exhaust emissions  
28 analysis or, if the vehicle is a 1996 or later model, the OBD analysis. When an emissions  
29 inspection is performed on a vehicle, a safety inspection must be performed on the  
30 vehicle as well.

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

40 (c) Reinspection After Failure. – The scope of a reinspection of a vehicle that has  
41 been repaired after failing an inspection is the same as the original inspection unless the  
42 vehicle is presented for reinspection within 30 days of failing the original inspection. If  
43 the vehicle is presented for reinspection within this time limit and the inspection the

1 vehicle failed was a safety inspection, the reinspection is limited to an inspection of the  
2 equipment that failed the original inspection. If the vehicle is presented for reinspection  
3 within this time limit and the inspection the vehicle failed was an emissions inspection,  
4 the reinspection is limited to the portion of the inspection the vehicle failed and any other  
5 portion of the inspection that would be affected by repairs made to correct the failure."

6 Section 11. Effective 1 January 2006, G.S. 20-182.2(b)(3), as amended by  
7 Section 9 of this act, reads as rewritten:

8 "(3) ~~Except as provided in G.S. 20-183.3(b), it~~ It is a 1996 or later  
9 model."

10 Section 12. Effective 1 January 2006, G.S. 20-183.3(b), as amended by  
11 Sections 8 and 10 of this act, is repealed.

12 Section 13. Effective 1 July 2002, G.S. 20-183.4A reads as rewritten:

13 **"§ 20-183.4A. License required to perform emissions inspection; qualifications for**  
14 **license.**

15 (a) License Required. – An emissions inspection must be performed by one of the  
16 following methods:

17 (1) At a station that has an emissions inspection station license issued by  
18 the Division and by a mechanic who is employed by the station and has  
19 an emissions inspection mechanic license issued by the Division.

20 (2) At a place of business of a person who has an emissions self-inspector  
21 license issued by the Division and by an individual who has an  
22 emissions inspection mechanic license.

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

25 (1) Have a license as a safety inspection station.

26 (2) Have an emissions analyzer approved by the Environmental  
27 Management ~~Commission~~ Commission, equipment to analyze data  
28 provided by the on-board diagnostic (OBD) equipment approved by the  
29 Environmental Management Commission, or both.

30 (3) Have equipment to transfer information on emissions inspections to the  
31 Division by electronic means.

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

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

36 (1) Have a license as a safety inspection mechanic.

37 (2) Have successfully completed an eight-hour course approved by the  
38 Division that teaches students about the causes and effects of the air  
39 pollution ~~problem~~ problem; the purpose of the emissions inspection  
40 ~~program~~ program; the vehicle emission standards established by the  
41 ~~federal~~ United States Environmental Protection Agency; ~~Agency~~; the  
42 emission control devices on ~~vehicles~~ vehicles; how to conduct an  
43 emissions inspection using an emissions analyzer approved by the

1 Environmental Management Commission, equipment to analyze data  
2 provided by the on-board diagnostic (OBD) equipment approved by the  
3 Environmental Management Commission, or both; and any other topic  
4 required by 40 C.F.R. § 51.367 to be included in the course. Successful  
5 completion requires a passing score on a written test and on a hands-on  
6 test in which the student is required to conduct an emissions inspection  
7 of a motor vehicle.

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

- 10 (1) Have a license as a safety self-inspector.  
11 (2) Operate a fleet of at least 10 vehicles that are subject to an emissions  
12 inspection.  
13 (3) Have, or have a contract with a person who has, an emissions analyzer  
14 approved by the Environmental Management ~~Commission~~-Commission,  
15 equipment to analyze data provided by the on-board diagnostic (OBD)  
16 equipment approved by the Environmental Management Commission,  
17 or both.  
18 (4) Regularly employ or contract with an individual who has an emissions  
19 inspection mechanic license and who will perform an emissions  
20 inspection on the vehicles that are part of the self-inspector's fleet."

21 Section 14. Effective 1 July 2003, G.S. 20-183.4A, as amended by Section 13  
22 of this act, reads as rewritten:

23 "**§ 20-183.4A. License required to perform emissions inspection; qualifications for**  
24 **license.**

25 (a) License Required. – An emissions inspection must be performed by one of the  
26 following methods:

- 27 (1) At a station that has an emissions inspection station license issued by  
28 the Division and by a mechanic who is employed by the station and has  
29 an emissions inspection mechanic license issued by the Division.  
30 (2) At a place of business of a person who has an emissions self-inspector  
31 license issued by the Division and by an individual who has an  
32 emissions inspection mechanic license.

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

- 35 (1) Have a license as a safety inspection station.  
36 (2) ~~Have~~-In the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford,  
37 Mecklenburg, Orange, Union, and Wake, have an emissions analyzer  
38 approved by the Environmental Management Commission, equipment  
39 to analyze data provided by the on-board diagnostic (OBD) equipment  
40 approved by the Environmental Management Commission, or both.

- 41 (2a) Have equipment to analyze data provided by the on-board diagnostic  
42 (OBD) equipment approved by the Environmental Management  
43 Commission.



- 1           (3)    Have equipment to transfer information on emissions inspections to the  
2           Division by electronic means.
- 3           (4)    Regularly employ at least one mechanic who has an emissions  
4           inspection mechanic license.
- 5       (c)    Mechanic Qualifications. – An applicant for a license as an emissions  
6 inspection mechanic must meet all of the following requirements:
- 7           (1)    Have a license as a safety inspection mechanic.
- 8           (2)    ~~Have~~In the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford,  
9           Mecklenburg, Orange, Union, and Wake, have successfully completed  
10          an eight-hour course approved by the Division that teaches students  
11          about the causes and effects of the air pollution problem; the purpose of  
12          the emissions inspection program; the vehicle emission standards  
13          established by the United States Environmental Protection Agency; the  
14          emission control devices on vehicles; how to conduct an emissions  
15          inspection using an emissions analyzer approved by the Environmental  
16          Management Commission, equipment to analyze data provided by the  
17          on-board diagnostic (OBD) equipment approved by the Environmental  
18          Management Commission, or both; and any other topic required by 40  
19          C.F.R. § 51.367 to be included in the course. Successful completion  
20          requires a passing score on a written test and on a hands-on test in  
21          which the student is required to conduct an emissions inspection of a  
22          motor vehicle.
- 23       (2a) Have successfully completed an eight-hour course approved by the  
24       Division that teaches students about the causes and effects of the air  
25       pollution problem, the purpose of the emissions inspection program, the  
26       vehicle emission standards established by the United States  
27       Environmental Protection Agency, the emission control devices on  
28       vehicles, how to conduct an emissions inspection using equipment to  
29       analyze data provided by the on-board diagnostic (OBD) equipment  
30       approved by the Environmental Management Commission, and any  
31       other topic required by 40 C.F.R. § 51.367 to be included in the course.  
32       Successful completion requires a passing score on a written test and on  
33       a hands-on test in which the student is required to conduct an emissions  
34       inspection of a motor vehicle.
- 35       (d)    Self-Inspector Qualifications. – An applicant for a license as an emissions self-  
36 inspector must meet all of the following requirements:
- 37           (1)    Have a license as a safety self-inspector.
- 38           (2)    Operate a fleet of at least 10 vehicles that are subject to an emissions  
39           inspection.
- 40           (3)    ~~Have~~In the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford,  
41           Mecklenburg, Orange, Union, and Wake, have, or have a contract with a  
42           person who has, an emissions analyzer approved by the Environmental  
43           Management Commission, equipment to analyze data provided by the

1 on-board diagnostic (OBD) equipment approved by the Environmental  
2 Management Commission, or both.

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

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

9 Section 15. Effective 1 January 2006, subdivision (2) of subsection (b),  
10 subdivision (2) of subsection (c), and subdivision (3) of subsection (d) of G.S. 20-  
11 183.4A, as amended by Sections 13 and 14 of this act, are repealed.

12 Section 16. Effective 1 July 2002, G.S. 20-183.5(a) reads as rewritten:

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

15 (1) Fails an emissions inspection because it passes the visual inspection ~~part~~  
16 ~~of the inspection but fails the analysis of exhaust emissions analysis part of~~  
17 ~~the inspection. or the analysis of data provided by the on-board~~  
18 diagnostic (OBD) equipment.

19 (2) Has documented repairs costing at least the waiver amount made to the  
20 vehicle to correct the cause of the failure. The waiver amount is  
21 seventy-five dollars (\$75.00) if the vehicle is a pre-1981 model and is  
22 two hundred dollars (\$200.00) if the vehicle is a 1981 or newer model.

23 (3) Is reinspected and again fails the inspection because it passes the visual  
24 inspection ~~part of the inspection but fails the analysis of exhaust~~  
25 ~~emissions analysis part of the inspection. or the analysis of data provided~~  
26 by the on-board diagnostic (OBD) equipment.

27 (4) Meets any other waiver criteria required by 40 C.F.R. § 51.360."

28 Section 17. Effective 1 January 2006, G.S. 20-183.5(a), as amended by  
29 Section 16 of this act, reads as rewritten:

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

32 (1) Fails an emissions inspection because it passes the visual inspection but  
33 fails ~~the analysis of exhaust emissions or the analysis of data provided by~~  
34 ~~the on-board diagnostic (OBD) equipment.~~

35 (2) Has documented repairs costing at least the waiver amount made to the  
36 vehicle to correct the cause of the failure. The waiver amount is  
37 seventy-five dollars (\$75.00) if the vehicle is a pre-1981 model and is  
38 two hundred dollars (\$200.00) if the vehicle is a 1981 or newer model.

39 (3) Is reinspected and again fails the inspection because it passes the visual  
40 inspection but fails ~~the analysis of exhaust emissions or the analysis of data~~  
41 ~~provided by the on-board diagnostic (OBD) equipment.~~

42 (4) Meets any other waiver criteria required by 40 C.F.R. § 51.360."

43 Section 18. Effective 1 July 2002, G.S. 20-183.8C reads as rewritten:

1 **"§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

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

- 4 (1) Put an emissions inspection sticker on a vehicle without performing an  
5 emissions inspection of the vehicle.
- 6 (1a) Put an emissions inspection sticker on a vehicle after performing an  
7 emissions inspection of the vehicle and determining that the vehicle did  
8 not pass the inspection.
- 9 (2) Use a test-defeating strategy when conducting an emissions inspection,  
10 such as holding the accelerator pedal down slightly during an idle test,  
11 disconnecting or crimping a vacuum hose to effect a passing result, or  
12 changing the emission standards for a vehicle by incorrectly entering the  
13 vehicle type or model year to achieve a passing result.
- 14 (3) Allow a person who is not licensed as an emissions inspection mechanic  
15 to perform an emissions inspection for a self-inspector or at an  
16 emissions station.
- 17 (4) Sell or otherwise give an inspection sticker to another other than as the  
18 result of a vehicle inspection in which the vehicle passed the inspection  
19 or for which the vehicle received a waiver.
- 20 (5) Be unable to account for five or more inspection stickers at any one time  
21 upon the request of an auditor of the Division.
- 22 (6) Perform a safety-only inspection on a vehicle that is subject to both a  
23 safety and an emissions inspection.
- 24 (7) Transfer an inspection sticker from one vehicle to another.

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

- 27 (1) Use the identification code of another to gain access to an emissions  
28 ~~analyzer~~ analyzer or to equipment to analyze data provided by on-board  
29 diagnostic (OBD) equipment.
- 30 (2) Keep inspection stickers and other compliance documents in a manner  
31 that makes them easily accessible to individuals who are not inspection  
32 mechanics.
- 33 (3) Put an emissions inspection sticker on a vehicle that is required to have  
34 one of the following emissions control devices but does not have it:
- 35 a. Catalytic converter.
- 36 b. PCV valve.
- 37 c. Thermostatic air control.
- 38 d. Oxygen sensor.
- 39 e. Unleaded gas restrictor.
- 40 f. Gasoline tank cap.
- 41 g. Air injection system.
- 42 h. Evaporative emissions system.
- 43 i. Exhaust gas recirculation (EGR) valve.

1 (4) Put an emissions inspection sticker on a vehicle without performing a  
2 visual inspection of the vehicle's exhaust system and checking the  
3 exhaust system for leaks.  
4 (5) Impose no fee for an emissions inspection of a vehicle or the issuance of  
5 an emissions inspection sticker or impose a fee for one of these actions  
6 in an amount that differs from the amount set in G.S. 20-183.7.  
7 (c) Type III. – It is a Type III violation for an emissions self-inspector, an  
8 emissions inspection station, or an emissions inspection mechanic to do any of the  
9 following:

10 (1) Fail to post an emissions license issued by the Division.  
11 (2) Fail to send information on emissions inspections to the Division at the  
12 time or in the form required by the Division.  
13 (3) Fail to post emissions information required by federal law to be posted.  
14 (4) Fail to put the required information on an inspection sticker in a legible  
15 manner using ink.  
16 (5) Fail to put the required information on an inspection receipt in a legible  
17 manner.  
18 (6) Fail to maintain ~~an emissions analyzer~~ a maintenance log ~~log~~ for an  
19 emissions analyzer or for equipment to analyze data provided by on-  
20 board diagnostic (OBD) equipment.

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

24 Section 19. Effective 1 January 2006, G.S. 20-183.8C, as amended by Section  
25 18 of this act, reads as rewritten:

26 **"§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

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

29 (1) Put an emissions inspection sticker on a vehicle without performing an  
30 emissions inspection of the vehicle.  
31 (1a) Put an emissions inspection sticker on a vehicle after performing an  
32 emissions inspection of the vehicle and determining that the vehicle did  
33 not pass the inspection.  
34 (2) Use a test-defeating strategy when conducting an emissions inspection,  
35 such as holding the accelerator pedal down slightly during an idle test,  
36 disconnecting or crimping a vacuum hose to effect a passing result, or  
37 changing the emission standards for a vehicle by incorrectly entering the  
38 vehicle type or model year to achieve a passing result.  
39 (3) Allow a person who is not licensed as an emissions inspection mechanic  
40 to perform an emissions inspection for a self-inspector or at an  
41 emissions station.

- 1           (4)    Sell or otherwise give an inspection sticker to another other than as the  
2           result of a vehicle inspection in which the vehicle passed the inspection  
3           or for which the vehicle received a waiver.
- 4           (5)    Be unable to account for five or more inspection stickers at any one time  
5           upon the request of an auditor of the Division.
- 6           (6)    Perform a safety-only inspection on a vehicle that is subject to both a  
7           safety and an emissions inspection.
- 8           (7)    Transfer an inspection sticker from one vehicle to another.
- 9       (b)    Type II. – It is a Type II violation for an emissions self-inspector, an emissions  
10       inspection station, or an emissions inspection mechanic to do any of the following:
- 11           (1)    Use the identification code of another to gain access ~~to an emissions~~  
12           ~~analyzer or~~ to equipment to analyze data provided by on-board  
13           diagnostic (OBD) equipment.
- 14           (2)    Keep inspection stickers and other compliance documents in a manner  
15           that makes them easily accessible to individuals who are not inspection  
16           mechanics.
- 17           (3)    Put an emissions inspection sticker on a vehicle that is required to have  
18           one of the following emissions control devices but does not have it:
- 19           a.     Catalytic converter.
- 20           b.     PCV valve.
- 21           c.     Thermostatic air control.
- 22           d.     Oxygen sensor.
- 23           e.     Unleaded gas restrictor.
- 24           f.     Gasoline tank cap.
- 25           g.     Air injection system.
- 26           h.     Evaporative emissions system.
- 27           i.     Exhaust gas recirculation (EGR) valve.
- 28           (4)    Put an emissions inspection sticker on a vehicle without performing a  
29           visual inspection of the vehicle's exhaust system and checking the  
30           exhaust system for leaks.
- 31           (5)    Impose no fee for an emissions inspection of a vehicle or the issuance of  
32           an emissions inspection sticker or impose a fee for one of these actions  
33           in an amount that differs from the amount set in G.S. 20-183.7.
- 34       (c)    Type III. – It is a Type III violation for an emissions self-inspector, an  
35       emissions inspection station, or an emissions inspection mechanic to do any of the  
36       following:
- 37           (1)    Fail to post an emissions license issued by the Division.
- 38           (2)    Fail to send information on emissions inspections to the Division at the  
39           time or in the form required by the Division.
- 40           (3)    Fail to post emissions information required by federal law to be posted.
- 41           (4)    Fail to put the required information on an inspection sticker in a legible  
42           manner using ink.

1 (5) Fail to put the required information on an inspection receipt in a legible  
2 manner.

3 (6) Fail to maintain a maintenance log ~~for an emissions analyzer or for~~  
4 equipment to analyze data provided by on-board diagnostic (OBD)  
5 equipment.

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

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

27 Section 21. This act constitutes a recent act of the General Assembly within  
28 the meaning of G.S. 150B-21.1. Notwithstanding G.S. 150B-21.1(a)(2) and 26 NCAC  
29 2C.0102(11), the Environmental Management Commission and the Division of Motor  
30 Vehicles of the Department of Transportation may adopt temporary rules to implement  
31 the provisions of this act. This section shall continue in effect until all rules necessary to  
32 implement the provisions of this act have become effective as either temporary rules or  
33 permanent rules.

34 Section 22. Effective 1 July 2000, G.S. 136-17.2A(a) reads as rewritten:

35 "(a) Funds expended for the Intrastate System projects listed in G.S. 136-179 and  
36 both State and federal-aid funds expended under the Transportation Improvement  
37 Program, other than federal congestion mitigation and air quality improvement program  
38 funds appropriated to the State by the United States pursuant to 23 U.S.C. § 104(b)(2)  
39 and 23 U.S.C. § 149, funds expended on an urban loop project listed in G.S. 136-180 and  
40 funds received through competitive awards or discretionary grants through federal  
41 appropriations either for local governments, transportation authorities, transit authorities,  
42 or the Department, shall be distributed throughout the State in accordance with this  
43 section.

- 1 (1) Distribution Region A consists of the following counties: Bertie,  
2 Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax,  
3 Hertford, Hyde, Johnston, Martin, Nash, Northampton, Pasquotank,  
4 Perquimans, Tyrrell, Washington, Wayne, and Wilson.
- 5 (2) Distribution Region B consists of the following counties: Beaufort,  
6 Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New  
7 Hanover, Onslow, Pamlico, Pender, Pitt, and Sampson.
- 8 (3) Distribution Region C consists of the following counties: Bladen,  
9 Columbus, Cumberland, Durham, Franklin, Granville, Harnett, Person,  
10 Robeson, Vance, Wake, and Warren.
- 11 (4) Distribution Region D consists of the following counties: Alamance,  
12 Caswell, Davidson, Davie, Forsyth, Guilford, Orange, Rockingham,  
13 Rowan, and Stokes.
- 14 (5) Distribution Region E consists of the following counties: Anson,  
15 Cabarrus, Chatham, Hoke, Lee, Mecklenburg, Montgomery, Moore,  
16 Randolph, Richmond, Scotland, Stanly, and Union.
- 17 (6) Distribution Region F consists of the following counties: Alexander,  
18 Alleghany, Ashe, Avery, Caldwell, Catawba, Cleveland, Gaston, Iredell,  
19 Lincoln, Surry, Watauga, Wilkes, and Yadkin.
- 20 (7) Distribution Region G consists of the following counties: Buncombe,  
21 Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson,  
22 Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain,  
23 Transylvania, and Yancey."

24 Section 23. The Environmental Review Commission, with the assistance of  
25 the Department of Environment and Natural Resources, the Division of Motor Vehicles  
26 of the Department of Transportation, the affected parties, and the Fiscal Research  
27 Division of the Legislative Services Office shall study issues related to the costs  
28 associated with the motor vehicle safety and emissions inspection and maintenance  
29 program. The Commission shall determine what constitutes a reasonable fee for motor  
30 vehicle inspections under the current program and under the enhanced inspection and  
31 maintenance program to be implemented pursuant to G.S. 20-183.3, as amended by  
32 Sections 8, 10, and 12 of this act. In determining what constitutes a reasonable fee, the  
33 Commission shall consider the cost of emissions inspection equipment, the useful life of  
34 the equipment, the average period of time during which a purchaser of this equipment is  
35 able to amortize this cost, telephone charges incurred in connection with the registration  
36 denial program, whether a fee should be charged to reinspect a vehicle that fails an  
37 emissions inspection after repairs to the vehicle have been made, the cost of the safety  
38 inspection program in relation to the emissions inspection program, and any other factors  
39 that the Commission determines to be relevant. The Commission may also evaluate  
40 strategies to ensure an efficient and orderly implementation of the enhanced inspection  
41 and maintenance program required by Part III of S.L. 1999-328 and this act. The  
42 Environmental Review Commission shall recommend legislation to amend G.S. 20-183.7

- 1 to increase the fee for motor vehicle emissions inspections to the 2001 General  
2 Assembly.
- 3           Section 24. Except as otherwise provided in this act, this act is effective when  
4 it becomes law.