

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 2000-134
HOUSE BILL 1638

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

The General Assembly of North Carolina enacts:

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

"(6) To adopt motor vehicle emissions standards; to adopt, when necessary and practicable, a motor vehicle emissions inspection and maintenance program to improve ambient air quality; ~~to require that motor vehicle emissions be monitored while the vehicle is in operation by means of onboard diagnostic equipment (OBD) installed by the vehicle manufacturer;~~ to require manufacturers of motor vehicles to furnish to the Equipment and Tool Institute and, upon request and at a reasonable charge, to any person who maintains or repairs a motor vehicle, all information necessary to fully make use of the ~~onboard~~ on-board diagnostic equipment and the data compiled by that equipment; to certify to the Commissioner of Motor Vehicles that ambient air quality will be improved by the implementation of a motor vehicle emissions inspection and maintenance program in a county. The Commission shall implement this subdivision as provided in G.S. 143-215.107A."

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 G.S. 143-215.107A(b) is repealed.

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

"(d) Additional Counties. – The Commission may require that motor vehicle emissions inspections be performed in counties in addition to those set out in subsection (c) of this section. In determining whether to require that motor vehicle emissions inspections be performed in a county, the Commission may consider the population of, and distribution of population in, the county; the projected change in population of, and distribution of population in, the county; the number of vehicles registered in the county; the projected change in the number of vehicles registered in the county; vehicle miles traveled in the county; the projected change in vehicle miles traveled in the county; current and projected commuting patterns in the county; and the current and

projected impact of these factors on attainment of air quality standards in the county and in areas outside the county. The Commission may not require that motor vehicle emissions ~~testing inspections~~ be performed in any county with a population of less than 40,000 based on the most recent population estimates prepared by the State Planning Officer. The Commission may not require that motor vehicle emissions ~~testing inspections~~ be performed in any county in which the number of vehicle miles traveled per day is less than 900,000, based on the most recent estimates prepared by the Department of Transportation. In order to disapprove a rule that requires that motor vehicle emissions inspections be performed in one or more additional counties, a bill introduced pursuant to G.S. 150B-21.3(b) must amend subsection (c) of this section to add one or more other counties in which the total population and vehicle miles traveled per day equal or exceed the total population and vehicle miles traveled in the county or counties listed in the rule that the bill would disapprove."

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

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

Section 4.1. Sections 3.3 through 3.8 of S.L. 1999-328 are amended by deleting "G.S. 143-215.7A(c)" and substituting "G.S. 143-215.107A(c)" in the introductory language of each section.

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

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

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

(a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler, or other exhaust system of the type installed at the time of manufacture, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and smoke screens.

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

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

(d) The requirements of subsection (c) of this section shall not apply where such if the emissions control devices have been removed for the purpose of converting the motor vehicle to operate on natural or liquefied petroleum gas or other modifications have been made in order to reduce air pollution, further provided that such

~~modifications shall have first been~~ pollution and these modifications are approved by the Department of Environment and Natural Resources."

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

"(b) Emissions. – A motor vehicle is subject to an emissions 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 a trailer whose gross weight is less than 4,000 pounds, a house trailer, or a motorcycle.
- (3) It is a 1975 or later model.
- (4) Repealed by Session Laws 1999-328, s. 3.11.
- (5) It meets any of the following descriptions:
 - a. It is required to be registered in an emissions county.
 - b. It is part of a fleet that is operated primarily in an emissions county.
 - c. It is offered for rent in an emissions county.
 - d. It is a used vehicle offered for sale by a dealer in an emissions county.
 - e. It is operated on a federal installation located in an emissions county and it is not a tactical military vehicle. Vehicles operated on a federal installation include those that are owned or leased by employees of the installation and are used to commute to the installation and those owned or operated by the federal agency that conducts business at the installation.
 - f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an emissions inspection.

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

Section 7.1. Effective 1 July 2002, G.S. 20-183.2(b) reads as rewritten:

"(b) Emissions. – A motor vehicle is subject to an emissions 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 a trailer whose gross weight is less than 4,000 pounds, a house trailer, or a motorcycle.
- (3) It is a 1975 or later model.
- (4) Repealed by Session Laws 1999-328, s. 3.11.
- (5) It meets any of the following descriptions:
 - a. It is required to be registered in an emissions county.
 - b. It is part of a fleet that is operated primarily in an emissions county.
 - c. It is offered for rent in an emissions county.
 - d. It is a used vehicle offered for sale by a dealer in an emissions county.

- e. It is operated on a federal installation located in an emissions county and it is not a tactical military vehicle. Vehicles operated on a federal installation include those that are owned or leased by employees of the installation and are used to commute to the installation and those owned or operated by the federal agency that conducts business at the installation.
- f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an emissions inspection.
- (6) It is not licensed at the farmer rate under G.S. 20-88(b).
- (7) It is not a new motor vehicle, as defined in G.S. 20-286(10)a. and has been a used motor vehicle, as defined in G.S. 20-286(10)b., for 12 months or more. However, a motor vehicle that has been leased or rented, or offered for lease or rent, is subject to an emissions inspection when it either:
 - a. Has been leased or rented, or offered for lease or rent, for 12 months or more.
 - b. Is sold to a consumer-purchaser."

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

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

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

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

(b) Emissions. – An emissions inspection of a motor vehicle consists of a visual inspection of the vehicle's ~~emission~~ emissions control devices to determine if the

devices are present, are properly connected, and are the correct type for the vehicle ~~and~~ and, if the vehicle is a 1975 through 1995 model, an analysis of the exhaust emissions of the vehicle to determine if the exhaust emissions meet the standards for the model year of the vehicle set by the Environmental Management Commission or, if the vehicle is a 1996 or later model, an analysis of data provided by the on-board diagnostic (OBD) equipment installed by the vehicle manufacturer to identify any deterioration or malfunction in the operation of the vehicle that violates standards for the model year of the vehicle set by the Environmental Management Commission. To pass an emissions inspection a vehicle must pass both the visual inspection ~~and~~ and, if the vehicle is a 1975 through 1995 model, the exhaust emissions analysis. ~~analysis or, if the vehicle is a 1996 or later model, the OBD analysis.~~ When an emissions inspection is performed on a vehicle, a safety inspection must be performed on the vehicle as well.

(c) Reinspection After Failure. – The scope of a reinspection of a vehicle that has been repaired after failing an inspection is the same as the original inspection unless the vehicle is presented for reinspection within 30 days of failing the original inspection. If the vehicle is presented for reinspection within this time limit and the inspection the vehicle failed was a safety inspection, the reinspection is limited to an inspection of the equipment that failed the original inspection. If the vehicle is presented for reinspection within this time limit and the inspection the vehicle failed was an emissions inspection, the reinspection is limited to the portion of the inspection the vehicle failed and any other portion of the inspection that would be affected by repairs made to correct the failure."

Section 9. Effective 1 July 2003, G.S. 20-183.2(b), as amended by Sections 7 and 7.1 of this act, reads as rewritten:

"(b) Emissions. – A motor vehicle is subject to an emissions 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 a trailer whose gross weight is less than 4,000 pounds, a house trailer, or a motorcycle.
- (3) ~~It~~ Except as provided in G.S. 20-183.3(b), it is a 1975–1996 or later model.
- (4) Repealed by Session Laws 1999-328, s. 3.11.
- (5) It meets any of the following descriptions:
 - a. It is required to be registered in an emissions county.
 - b. It is part of a fleet that is operated primarily in an emissions county.
 - c. It is offered for rent in an emissions county.
 - d. It is a used vehicle offered for sale by a dealer in an emissions county.
 - e. It is operated on a federal installation located in an emissions county and it is not a tactical military vehicle. Vehicles operated on a federal installation include those that are owned or leased by employees of the installation and are used to commute to the

installation and those owned or operated by the federal agency that conducts business at the installation.

- f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an emissions inspection.
- (6) It is not licensed at the farmer rate under G.S. 20-88(b).
- (7) It is not a new motor vehicle, as defined in G.S. 20-286(10)a. and has been a used motor vehicle, as defined in G.S. 20-286(10)b., for 12 months or more. However, a motor vehicle that has been leased or rented, or offered for lease or rent, is subject to an emissions inspection when it either:
 - a. Has been leased or rented, or offered for lease or rent, for 12 months or more.
 - b. Is sold to a consumer-purchaser."

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

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

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

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

(b) ~~Emissions.~~ Emissions Inspection Requirements in Certain Counties. – An emissions inspection of a motor vehicle in the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange, Union, and Wake consists of a visual inspection of the vehicle's emissions control devices to determine if the devices are present, are properly connected, and are the correct type for the vehicle and, if the

vehicle is a 1975 through 1995 model, an analysis of the exhaust emissions of the vehicle to determine if the exhaust emissions meet the standards for the model year of the vehicle set by the Environmental Management Commission or, if the vehicle is a 1996 or later model, an analysis of data provided by the on-board diagnostic (OBD) equipment installed by the vehicle manufacturer to identify any deterioration or malfunction in the operation of the vehicle that would cause an increase in the emission of pollutants by the vehicle that violates standards for the model year of the vehicle set by the Environmental Management Commission. To pass an emissions inspection a vehicle must pass both the visual inspection and, if the vehicle is a 1975 through 1995 model, the exhaust emissions analysis or, if the vehicle is a 1996 or later model, the OBD analysis. When an emissions inspection is performed on a vehicle, a safety inspection must be performed on the vehicle as well.

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

(c) Reinspection After Failure. – The scope of a reinspection of a vehicle that has been repaired after failing an inspection is the same as the original inspection unless the vehicle is presented for reinspection within 30 days of failing the original inspection. If the vehicle is presented for reinspection within this time limit and the inspection the vehicle failed was a safety inspection, the reinspection is limited to an inspection of the equipment that failed the original inspection. If the vehicle is presented for reinspection within this time limit and the inspection the vehicle failed was an emissions inspection, the reinspection is limited to the portion of the inspection the vehicle failed and any other portion of the inspection that would be affected by repairs made to correct the failure."

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

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

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

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

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

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

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

- (2) At a place of business of a person who has an emissions self-inspector license issued by the Division and by an individual who has an emissions inspection mechanic license.
- (b) Station Qualifications. – An applicant for a license as an emissions inspection station must meet all of the following requirements:
- (1) Have a license as a safety inspection station.
 - (2) Have an emissions analyzer approved by the Environmental Management ~~Commission.~~ Commission, equipment to analyze data provided by the on-board diagnostic (OBD) equipment approved by the Environmental Management Commission, or both.
 - (3) Have equipment to transfer information on emissions inspections to the Division by electronic means.
 - (4) Regularly employ at least one mechanic who has an emissions inspection mechanic license.
- (c) Mechanic Qualifications. – An applicant for a license as an emissions inspection mechanic must meet all of the following requirements:
- (1) Have a license as a safety inspection mechanic.
 - (2) Have successfully completed an eight-hour course approved by the Division that teaches students about the causes and effects of the air pollution ~~problem, problem;~~ the purpose of the emissions inspection ~~program, program;~~ the vehicle emission standards established by the ~~federal~~ United States Environmental Protection Agency, Agency; the emission control devices on ~~vehicles, vehicles;~~ how to conduct an emissions inspection using an emissions analyzer approved by the Environmental Management Commission, equipment to analyze data provided by the on-board diagnostic (OBD) equipment approved by the Environmental Management Commission, or both; and any other topic required by 40 C.F.R. § 51.367 to be included in the course. Successful completion requires a passing score on a written test and on a hands-on test in which the student is required to conduct an emissions inspection of a motor vehicle.
- (d) Self-Inspector Qualifications. – An applicant for a license as an emissions self-inspector must meet all of the following requirements:
- (1) Have a license as a safety self-inspector.
 - (2) Operate a fleet of at least 10 vehicles that are subject to an emissions inspection.
 - (3) Have, or have a contract with a person who has, an emissions analyzer approved by the Environmental Management ~~Commission.~~ Commission, equipment to analyze data provided by the on-board diagnostic (OBD) equipment approved by the Environmental Management Commission, or both.
 - (4) Regularly employ or contract with an individual who has an emissions inspection mechanic license and who will perform an emissions inspection on the vehicles that are part of the self-inspector's fleet."

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

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

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

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

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

- (1) Have a license as a safety inspection station.
- (2) ~~Have~~ In the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange, Union, and Wake, have an emissions analyzer approved by the Environmental Management Commission, equipment to analyze data provided by the on-board diagnostic (OBD) equipment approved by the Environmental Management Commission, or both.
- (2a) Have equipment to analyze data provided by the on-board diagnostic (OBD) equipment approved by the Environmental Management Commission.
- (3) Have equipment to transfer information on emissions inspections to the Division by electronic means.
- (4) Regularly employ at least one mechanic who has an emissions inspection mechanic license.

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

- (1) Have a license as a safety inspection mechanic.
- (2) ~~Have~~ In the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange, Union, and Wake, have successfully completed an eight-hour course approved by the Division that teaches students about the causes and effects of the air pollution problem; the purpose of the emissions inspection program; the vehicle emission standards established by the United States Environmental Protection Agency; the emission control devices on vehicles; how to conduct an emissions inspection using an emissions analyzer approved by the Environmental Management Commission, equipment to analyze data provided by the on-board diagnostic (OBD) equipment approved by the Environmental Management Commission, or both; and any other topic required by 40 C.F.R. § 51.367 to be included in the course. Successful completion requires a passing score on a written test and on a hands-on test in

which the student is required to conduct an emissions inspection of a motor vehicle.

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

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

- (1) Have a license as a safety self-inspector.
- (2) Operate a fleet of at least 10 vehicles that are subject to an emissions inspection.
- (3) ~~Have, In the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange, Union, and Wake, have,~~ or have a contract with a person who has, an emissions analyzer approved by the Environmental Management Commission, equipment to analyze data provided by the on-board diagnostic (OBD) equipment approved by the Environmental Management Commission, or both.
- (3a) Have, or have a contract with a person who has, equipment to analyze data provided by the on-board diagnostic (OBD) equipment approved by the Environmental Management Commission.
- (4) Regularly employ or contract with an individual who has an emissions inspection mechanic license and who will perform an emissions inspection on the vehicles that are part of the self-inspector's fleet."

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

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

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

- (1) Fails an emissions inspection because it passes the visual inspection ~~part of the inspection~~ but fails the analysis of exhaust emissions analysis part of the inspection or the analysis of data provided by the on-board diagnostic (OBD) equipment.
- (2) Has documented repairs costing at least the waiver amount made to the vehicle to correct the cause of the failure. The waiver amount is

seventy-five dollars (\$75.00) if the vehicle is a pre-1981 model and is two hundred dollars (\$200.00) if the vehicle is a 1981 or newer model.

- (3) Is reinspected and again fails the inspection because it passes the visual inspection ~~part of the inspection~~ but fails the analysis of exhaust emissions analysis part of the inspection, or the analysis of data provided by the on-board diagnostic (OBD) equipment.
- (4) Meets any other waiver criteria required by 40 C.F.R. § 51.360."

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

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

- (1) Fails an emissions inspection because it passes the visual inspection but fails ~~the analysis of exhaust emissions or the~~ analysis of data provided by the on-board diagnostic (OBD) equipment.
- (2) Has documented repairs costing at least the waiver amount made to the vehicle to correct the cause of the failure. The waiver amount is seventy-five dollars (\$75.00) if the vehicle is a pre-1981 model and is two hundred dollars (\$200.00) if the vehicle is a 1981 or newer model.
- (3) Is reinspected and again fails the inspection because it passes the visual inspection but fails ~~the analysis of exhaust emissions or the~~ analysis of data provided by the on-board diagnostic (OBD) equipment.
- (4) Meets any other waiver criteria required by 40 C.F.R. § 51.360."

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

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

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

- (1) Put an emissions inspection sticker on a vehicle without performing an emissions inspection of the vehicle.
 - (1a) Put an emissions inspection sticker on a vehicle after performing an emissions inspection of the vehicle and determining that the vehicle did not pass the inspection.
- (2) Use a test-defeating strategy when conducting an emissions inspection, such as holding the accelerator pedal down slightly during an idle test, disconnecting or crimping a vacuum hose to effect a passing result, or changing the emission standards for a vehicle by incorrectly entering the vehicle type or model year to achieve a passing result.
- (3) Allow a person who is not licensed as an emissions inspection mechanic to perform an emissions inspection for a self-inspector or at an emissions station.
- (4) Sell or otherwise give an inspection sticker to another other than as the result of a vehicle inspection in which the vehicle passed the inspection or for which the vehicle received a waiver.

- (5) Be unable to account for five or more inspection stickers at any one time upon the request of an auditor of the Division.
 - (6) Perform a safety-only inspection on a vehicle that is subject to both a safety and an emissions inspection.
 - (7) Transfer an inspection sticker from one vehicle to another.
- (b) Type II. – It is a Type II violation for an emissions self-inspector, an emissions inspection station, or an emissions inspection mechanic to do any of the following:
- (1) Use the identification code of another to gain access to an emissions ~~analyzer.~~ analyzer or to equipment to analyze data provided by on-board diagnostic (OBD) equipment.
 - (2) Keep inspection stickers and other compliance documents in a manner that makes them easily accessible to individuals who are not inspection mechanics.
 - (3) Put an emissions inspection sticker on a vehicle that is required to have one of the following emissions control devices but does not have it:
 - a. Catalytic converter.
 - b. PCV valve.
 - c. Thermostatic air control.
 - d. Oxygen sensor.
 - e. Unleaded gas restrictor.
 - f. Gasoline tank cap.
 - g. Air injection system.
 - h. Evaporative emissions system.
 - i. Exhaust gas recirculation (EGR) valve.
 - (4) Put an emissions inspection sticker on a vehicle without performing a visual inspection of the vehicle's exhaust system and checking the exhaust system for leaks.
 - (5) Impose no fee for an emissions inspection of a vehicle or the issuance of an emissions inspection sticker or impose a fee for one of these actions in an amount that differs from the amount set in G.S. 20-183.7.
- (c) Type III. – It is a Type III violation for an emissions self-inspector, an emissions inspection station, or an emissions inspection mechanic to do any of the following:
- (1) Fail to post an emissions license issued by the Division.
 - (2) Fail to send information on emissions inspections to the Division at the time or in the form required by the Division.
 - (3) Fail to post emissions information required by federal law to be posted.
 - (4) Fail to put the required information on an inspection sticker in a legible manner using ink.
 - (5) Fail to put the required information on an inspection receipt in a legible manner.

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

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

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

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

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

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

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

- (1) Use the identification code of another to gain access ~~to an emissions analyzer or~~ to equipment to analyze data provided by on-board diagnostic (OBD) equipment.
- (2) Keep inspection stickers and other compliance documents in a manner that makes them easily accessible to individuals who are not inspection mechanics.
- (3) Put an emissions inspection sticker on a vehicle that is required to have one of the following emissions control devices but does not have it:
 - a. Catalytic converter.

- b. PCV valve.
 - c. Thermostatic air control.
 - d. Oxygen sensor.
 - e. Unleaded gas restrictor.
 - f. Gasoline tank cap.
 - g. Air injection system.
 - h. Evaporative emissions system.
 - i. Exhaust gas recirculation (EGR) valve.
- (4) Put an emissions inspection sticker on a vehicle without performing a visual inspection of the vehicle's exhaust system and checking the exhaust system for leaks.
 - (5) Impose no fee for an emissions inspection of a vehicle or the issuance of an emissions inspection sticker or impose a fee for one of these actions in an amount that differs from the amount set in G.S. 20-183.7.
- (c) Type III. – It is a Type III violation for an emissions self-inspector, an emissions inspection station, or an emissions inspection mechanic to do any of the following:
- (1) Fail to post an emissions license issued by the Division.
 - (2) Fail to send information on emissions inspections to the Division at the time or in the form required by the Division.
 - (3) Fail to post emissions information required by federal law to be posted.
 - (4) Fail to put the required information on an inspection sticker in a legible manner using ink.
 - (5) Fail to put the required information on an inspection receipt in a legible manner.
 - (6) Fail to maintain a maintenance log ~~for an emissions analyzer or for~~ equipment to analyze data provided by on-board diagnostic (OBD) equipment.

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

Section 20. During the period 1 July 2002 through 31 December 2005, in the counties of Cabarrus, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange, Union, and Wake, an emissions inspection station, an emissions inspection mechanic, and an emissions self-inspector, as those terms are used in G.S. 20-183.4A, may elect to perform emissions inspections: (i) only on 1975 through 1995 model vehicles using an emissions analyzer; (ii) only on 1996 or later model vehicles using equipment to analyze data provided by the on-board diagnostic (OBD) equipment, or (iii) both on 1975 through 1995 model vehicles using an emissions analyzer and on 1996 or later model vehicles using equipment to analyze data provided by the on-board diagnostic (OBD) equipment. This section shall not be construed to authorize an emissions inspection station or an emissions self-inspector to perform an emissions inspection on a vehicle of a model year for which the emissions inspection station or emissions self-

inspector does not have the equipment necessary to perform an emissions inspection of vehicles of that model year. This section shall not be construed to authorize an emissions inspection mechanic to perform an emissions inspection on a vehicle unless the emissions inspection mechanic has successfully completed a course, as required by G.S. 20-183.4A(2) or G.S. 20-183.4A(2a), that includes training on the use of the equipment necessary to perform an emissions inspection on vehicles of that model year.

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

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

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

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

Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey."

Section 23. The Environmental Review Commission, with the assistance of the Department of Environment and Natural Resources, the Division of Motor Vehicles of the Department of Transportation, the affected parties, and the Fiscal Research Division of the Legislative Services Office shall study issues related to the costs associated with the motor vehicle safety and emissions inspection and maintenance program. The Commission shall determine what constitutes a reasonable fee for motor vehicle inspections under the current program and under the enhanced inspection and maintenance program to be implemented pursuant to G.S. 20-183.3, as amended by Sections 8, 10, and 12 of this act. In determining what constitutes a reasonable fee, the Commission shall consider the cost of emissions inspection equipment, the useful life of the equipment, the average period of time during which a purchaser of this equipment is able to amortize this cost, telephone charges incurred in connection with the registration denial program, whether a fee should be charged to reinspect a vehicle that fails an emissions inspection after repairs to the vehicle have been made, the cost of the safety inspection program in relation to the emissions inspection program, and any other factors that the Commission determines to be relevant. The Commission may also evaluate strategies to ensure an efficient and orderly implementation of the enhanced inspection and maintenance program required by Part III of S.L. 1999-328 and this act. The Environmental Review Commission shall recommend legislation to amend G.S. 20-183.7 to increase the fee for motor vehicle emissions inspections to the 2001 General Assembly.

Section 24. Except as otherwise provided in this act, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 7th day of July, 2000.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 8:53 a.m. this 14th day of July, 2000