

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

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

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

<u>Recipient</u>	<u>Safety Only Sticker</u>	<u>Emissions and Safety Sticker</u>
Highway Fund	.75	.00
Emissions Program Account	.00	1.80
<u>Telecommunications Account</u>	<u>.00</u>	<u>1.75</u>
Volunteer Rescue/EMS Fund	.15	.15
Rescue Squad Workers' Relief Fund	.10	.10
Division of Air Quality	.00	.35.

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

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

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

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

34 **"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker**
 35 **on a vehicle; use of civil penalties.**

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

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 8.2513.40	\$ 1.001.05
Emissions and Safety	17.0027.70	3.905.75

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

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

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

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

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

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

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

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

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

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

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

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 13.40	\$ 1.05 <u>2.60</u>
Emissions and Safety	27.70	5.45 <u>6.30</u>

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

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

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

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

<u>Recipient</u>	<u>Safety Only Sticker</u>	<u>Emissions and Safety Sticker</u>
Highway Fund	.75 <u>.55</u>	.00 <u>.55</u>
Emissions Program Account	.00	3.05
Telecommunications Account	.00 <u>1.75</u>	1.75
Volunteer Rescue/EMS Fund	.18	.18
Rescue Squad Workers' Relief Fund	.12	.12
Division of Air Quality	.00	.65.

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

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

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

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

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

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

16 "(5a) If the registration of a vehicle is transferred from a county that is not
17 an emissions county to an emissions county, the vehicle must be
18 inspected in accordance with this Part within 60 days of the transfer of
19 registration."

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

22 "**§ 20-183.7A. Penalties applicable to license holders and suspension or revocation**
23 **of license for safety violations.**

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

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

37 (1) Type I. – For a first or second Type I violation within three years by a
38 safety self-inspector or a safety inspection station, assess a civil
39 penalty of two hundred fifty dollars (\$250.00) and suspend the license
40 of the business for six months. For a third or subsequent Type I
41 violation within three years by a safety self-inspector or a safety
42 inspection station, assess a civil penalty of one thousand dollars

1 (\$1,000) and revoke the license of the business for two years. For a
2 first or second Type I violation within seven years by a safety
3 inspection mechanic, assess a civil penalty of one hundred dollars
4 (\$100.00) and suspend the mechanic's license for six months. For a
5 third or subsequent Type I violation within seven years by a safety
6 inspection mechanic, assess a civil penalty of two hundred fifty dollars
7 (\$250.00) and revoke the mechanic's license for two years.

8 (2) Type II. – For a first or second Type II violation within three years by
9 a safety self-inspector or a safety inspection station, assess a civil
10 penalty of one hundred dollars (\$100.00). For a third or subsequent
11 Type II violation within three years by a safety self-inspector or a
12 safety inspection station, assess a civil penalty of two hundred fifty
13 dollars (\$250.00) and suspend the license of the business for 90 days.
14 For a first or second Type II violation within seven years by a safety
15 inspection mechanic, assess a civil penalty of fifty dollars (\$50.00).
16 For a third or subsequent Type II violation within seven years by a
17 safety inspection mechanic, assess a civil penalty of one hundred
18 dollars (\$100.00) and suspend the mechanic's license for 90 days.

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

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

28 (d) Multiple Violations. – If a safety self-inspector, a safety inspection station, or
29 a safety inspection mechanic commits two or more violations in the course of a single
30 safety inspection, the Division shall take only the action specified for the most
31 significant violation.

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

37 **"§ 20-183.7B. Acts that are Type I, II, or III safety violations.**

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

40 (1) Put a safety inspection sticker on a vehicle without performing a safety
41 inspection of the vehicle.

- 1 (2) Put a safety inspection sticker on a vehicle after performing a safety
2 inspection of the vehicle and determining that the vehicle did not pass
3 the inspection.
- 4 (3) Allow a person who is not licensed as a safety inspection mechanic to
5 perform a safety inspection for a self-inspector or at a safety station.
- 6 (4) Sell or otherwise give an inspection sticker to another, other than as
7 the result of a vehicle inspection in which the vehicle passed the
8 inspection.
- 9 (5) Be unable to account for five or more inspection stickers at any one
10 time upon the request of an officer of the Division.
- 11 (6) Perform a safety-only inspection on a vehicle that is subject to both a
12 safety and an emissions inspection.
- 13 (7) Transfer an inspection sticker from one vehicle to another.
- 14 (8) Conduct a safety inspection of a vehicle without driving the vehicle
15 and without raising the vehicle and without opening the hood of the
16 vehicle to check equipment located therein.
- 17 (9) Solicit or accept anything of value to pass a vehicle other than as
18 provided in this Part.
- 19 (b) Type II. – It is a Type II violation for a safety self-inspector, a safety
20 inspection station, or a safety inspection mechanic to do any of the following:
- 21 (1) Put a safety inspection sticker on a vehicle without driving the vehicle
22 and checking the vehicle's braking reaction, foot brake pedal reserve,
23 and steering free play.
- 24 (2) Put a safety inspection sticker on a vehicle without raising the vehicle
25 to free each wheel and checking the vehicle's tires, brake lines, parking
26 brake cables, wheel drums, exhaust system, and the emissions
27 equipment.
- 28 (3) Put a safety inspection sticker on a vehicle without raising the hood
29 and checking the master cylinder, horn mounting, power steering, and
30 emissions equipment.
- 31 (4) Conduct a safety inspection of a vehicle outside the designated
32 inspection area.
- 33 (5) Put a safety inspection sticker on a vehicle with inoperative equipment,
34 or with equipment that does not conform to the vehicle's original
35 equipment or design specifications, or with equipment that is
36 prohibited by any provision of law.
- 37 (6) Put a safety inspection sticker on a vehicle without performing a visual
38 inspection of the vehicle's exhaust system.
- 39 (7) Put a safety inspection sticker on a vehicle without checking the
40 exhaust system for leaks.
- 41 (8) Put a safety inspection sticker on a vehicle that is required to have one
42 of the following safety control devices but does not have it:

- 1 a. Catalytic converter.
- 2 b. PCV valve.
- 3 c. Thermostatic air control.
- 4 d. Oxygen sensor.
- 5 e. Unleaded gas restrictor.
- 6 f. Gasoline tank cap.
- 7 g. Air injection system.
- 8 h. Evaporative emissions system.
- 9 i. Exhaust gas recirculation (EGR) valve.
- 10 (9) Put a safety inspection sticker on a vehicle after failing to inspect four
- 11 or more of the following:
- 12 a. Emergency brake.
- 13 b. Horn.
- 14 c. Headlight high beam indicator.
- 15 d. Inside rearview mirror.
- 16 e. Outside rearview mirror.
- 17 f. Turn signals.
- 18 g. Parking lights.
- 19 h. Headlights – operation and lens.
- 20 i. Headlights – aim.
- 21 j. Stoplights.
- 22 k. Taillights.
- 23 l. License plate lights.
- 24 m. Windshield wiper.
- 25 n. Windshield wiper blades.
- 26 o. Window tint.
- 27 (10) Impose no fee for a safety inspection of a vehicle or the issuance of a
- 28 safety inspection sticker or impose a fee for one of these actions in an
- 29 amount that differs from the amount set in G.S. 20-183.7.
- 30 (c) Type III. – It is a Type III violation for a safety self-inspector, a safety
- 31 inspection station, or a safety inspection mechanic to do any of the following:
- 32 (1) Fail to post a safety inspection station license issued by the Division.
- 33 (2) Fail to send information on safety inspections to the Division at the
- 34 time or in the form required by the Division.
- 35 (3) Fail to post all safety information required by federal law and by the
- 36 Division.
- 37 (4) Fail to put the required information on an inspection sticker or
- 38 inspection receipt in a legible manner using ink.
- 39 (5) Issue a receipt that is signed by a person other than the safety
- 40 inspection mechanic.
- 41 (6) Place an incorrect expiration date on an inspection sticker.

- 1 (7) Put a safety inspection sticker on a vehicle after having failed to
2 inspect three or fewer of the following:
3 a. Emergency brake.
4 b. Horn.
5 c. Headlight high beam indicator.
6 d. Inside rearview mirror.
7 e. Outside rearview mirror.
8 f. Turn signals.
9 g. Parking lights.
10 h. Headlights – operation and lens.
11 i. Headlights – aim.
12 j. Stoplights.
13 k. Taillights.
14 l. License plate lights.
15 m. Windshield wiper.
16 n. Windshield wiper blades.
17 o. Window tint.

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

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

22 "**§ 20-183.8. Infractions and criminal offenses for violations of inspection**
23 **requirements.**

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

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

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

3 (1) The vehicle was continuously out of State for at least the 30 days
4 preceding the date the inspection sticker expired and a current
5 inspection sticker was obtained within 10 days after the vehicle came
6 back to the State.

7 (2) The vehicle displays a dealer license plate or a transporter plate, the
8 dealer repossessed the vehicle or otherwise acquired the vehicle within
9 the last 10 days, and the vehicle is being driven from its place of
10 acquisition to the dealer's place of business or to an inspection station.

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

12 (4) The charged infraction is described in subdivision (a)(1) of this
13 section, the vehicle is subject to a safety inspection or an emissions
14 inspection and the vehicle owner establishes in court that the vehicle
15 was inspected after the citation was issued and within 30 days of the
16 expiration date of the inspection sticker that was on the vehicle when
17 the citation was issued.

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

19 (1) Forges an inspection sticker.

20 (2) Buys, sells, or possesses a forged inspection sticker.

21 (3) Buys, sells, or possesses an inspection sticker other than as the result
22 of either of the following:

23 a. Having a license as an inspection station, a self-inspector, or an
24 inspection mechanic and obtaining the inspection sticker from
25 the Division in the course of business.

26 b. A vehicle inspection in which the vehicle passed the inspection
27 or for which the vehicle received a waiver.

28 (4) Solicits or accepts anything of value in order to pass a vehicle that fails
29 a safety or emissions inspection.

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

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

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

38 (d1) Penalty for Missing Stickers. – The amount of the penalty is twenty-five
39 dollars (\$25.00) for each missing sticker. If a penalty is imposed under subsection (b) of
40 this section as the result of missing stickers, the monetary penalty that applies is the
41 higher of the penalties required under this subsection and subsection (b); the Division
42 may not assess a monetary penalty as a result of missing stickers under both this

1 subsection and subsection ~~(b)~~. (b) of this section. Imposition of a monetary penalty
2 under this subsection does not affect suspension or revocation of a license required
3 under subsection ~~(b)~~. (b) of this section."

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

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

7 (1) Put an emissions inspection sticker on a vehicle without performing an
8 emissions inspection of the vehicle.

9 (1a) Put an emissions inspection sticker on a vehicle after performing an
10 emissions inspection of the vehicle and determining that the vehicle
11 did not pass the inspection.

12 (2) Use a test-defeating strategy when conducting an emissions inspection,
13 such as holding the accelerator pedal down slightly during an idle test,
14 disconnecting or crimping a vacuum hose to effect a passing result, ~~or~~
15 changing the emission standards for a vehicle by incorrectly entering
16 the vehicle type or model ~~year~~ year, or using data provided by the on-
17 board diagnostic (OBD) equipment of another vehicle to achieve a
18 passing result.

19 (3) Allow a person who is not licensed as an emissions inspection
20 mechanic to perform an emissions inspection for a self-inspector or at
21 an emissions station.

22 (4) Sell or otherwise give an inspection sticker to another other than as the
23 result of a vehicle inspection in which the vehicle passed the
24 inspection or for which the vehicle received a waiver.

25 (5) Be unable to account for five or more inspection stickers at any one
26 time upon the request of an auditor of the Division.

27 (6) Perform a safety-only inspection on a vehicle that is subject to both a
28 safety and an emissions inspection.

29 (7) Transfer an inspection sticker from one vehicle to another."

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

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

34 (1) Use the identification code of another to gain access to an emissions
35 analyzer or to equipment to analyze data provided by on-board
36 diagnostic (OBD) equipment.

37 (2) Keep inspection stickers and other compliance documents in a manner
38 that makes them easily accessible to individuals who are not inspection
39 mechanics.

40 (3) Put a safety inspection sticker or an emissions inspection sticker on a
41 vehicle that is required to have one of the following emissions control
42 devices but does not have it:

- 1 a. Catalytic converter.
- 2 b. PCV valve.
- 3 c. Thermostatic air control.
- 4 d. Oxygen sensor.
- 5 e. Unleaded gas restrictor.
- 6 f. Gasoline tank cap.
- 7 g. Air injection system.
- 8 h. Evaporative emissions system.
- 9 i. Exhaust gas recirculation (EGR) valve.
- 10 (4) Put a safety inspection sticker or an emissions inspection sticker on a
- 11 vehicle without performing a visual inspection of the vehicle's exhaust
- 12 system and checking the exhaust system for leaks.
- 13 (5) Impose no fee for an emissions inspection of a vehicle or the issuance
- 14 of an emissions inspection sticker or impose a fee for one of these
- 15 actions in an amount that differs from the amount set in G.S.
- 16 20-183.7."

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

18 **"§ 20-183.8F. Requirements for giving license holders notice of violations and for**

19 **taking summary action.**

20 (a) Finding of Violation. – When an auditor of the Division finds that a violation

21 has occurred that could result in the suspension or revocation of an inspection station

22 license, a self-inspector license, ~~or a mechanic license,~~ a mechanic license, or the

23 registration of a person engaged in the business of replacing windshields, the auditor

24 must give the affected license holder written notice of the finding. The notice must be

25 given within five business days after the ~~violation occurred.~~ completion of the

26 investigation that resulted in the discovery of the violation. The notice must state the

27 period of suspension or revocation that could apply to the violation and any monetary

28 penalty that could apply to the violation. The notice must also inform the license holder

29 of the right to a hearing if the Division charges the license holder with the violation.

30 (b) Notice of Charges. – When the Division decides to charge an inspection

31 station, a self-inspector, ~~or a mechanic~~ a mechanic, or a person who is engaged in the

32 business of replacing windshields with a violation that could result in the suspension or

33 revocation of the person's license, an auditor of the Division must deliver a written

34 statement of the charges to the affected license holder. The statement of charges must

35 inform the license holder of this right, instruct the person on how to obtain a hearing,

36 and inform the license holder of the effect of not requesting a hearing. The license

37 holder has the right to a hearing before the license is suspended or revoked. G.S.

38 20-183.8E sets out the procedure for obtaining a hearing.

39 (c) Exception for Summary Action. – The right granted by subsection (b) of this

40 section to have a hearing before a license is suspended or revoked does not apply if the

41 Division summarily suspends or revokes the license after a judge has reviewed and

42 authorized the proposed action. A license issued to an inspection station, a

1 self-inspector, or a mechanic is a substantial property interest that cannot be summarily
2 suspended or revoked without judicial review.

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

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

24 **SECTION 13.** This act constitutes a recent act of the General Assembly
25 within the meaning of G.S. 150B-21.1. Notwithstanding G.S. 150B-21.1(a)(2) and 26
26 NCAC 2C.0102(11), the Environmental Management Commission and the Division of
27 Motor Vehicles of the Department of Transportation may adopt temporary rules to
28 implement the provisions of this act. This section shall continue in effect until all rules
29 necessary to implement the provisions of this act have become effective as either
30 temporary rules or permanent rules.

31 **SECTION 14.** Sections 1 and 4 of this act become effective on the first day
32 of the month that follows by more than 15 days the month in which this act becomes
33 law. Sections 2, 5, 6, 8, 10, and 11 of this act become effective 1 October 2001.
34 Sections 7, 9, and 12 of this act become effective 1 January 2002. Section 3 of this act
35 becomes effective 1 January 2003. Sections 13 and 14 of this act are effective when it
36 becomes law.