

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**HOUSE BILL 969*
Committee Substitute Favorable 5/16/01
Committee Substitute #2 Favorable 5/30/01**

Short Title: Air Quality/Motor Vehicle Inspection Fees. (Public)

Sponsors:

Referred to:

April 4, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR
3 QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134,
4 BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS
5 AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO
6 THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS
7 INSPECTIONS.

8 The General Assembly of North Carolina enacts:

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

10 "§ 20-183.7. Fees for performing an inspection and putting an inspection sticker
11 on a vehicle; use of civil penalties.

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

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

22 The fee for performing an inspection of a vehicle applies when an inspection is
23 performed, regardless of whether the vehicle passes the inspection. The fee for an
24 inspection sticker applies when an inspection sticker is put on a vehicle. The fee for
25 performing an inspection of a vehicle with a tinted window applies only to an inspection
26 performed with a light meter after a safety inspection mechanic determined that the
27 window had after-factory tint.
28

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:

13 <u>Recipient</u>	14 <u>Safety Only</u> <u>Sticker</u>	15 <u>Emissions and</u> <u>Safety Sticker</u>
16 Highway Fund	.75	.00
17 Emissions Program Account	.00	1.80
18 <u>Telecommunications Account</u>	<u>.00</u>	<u>1.75</u>
19 Volunteer Rescue/EMS Fund	.15	.15
20 Rescue Squad Workers' Relief Fund	.10	.10
21 Division of Air Quality	.00	.35.

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

39 <u>Type</u>	40 <u>Inspection</u>	41 <u>Sticker</u>
40 Safety Only	\$ 8.2513.40	\$ 1.001.05
41 Emissions and Safety	17.0027.70	4.155.75

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

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

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

<u>Recipient</u>	<u>Safety Only</u>	<u>Emissions and</u>
	<u>Sticker</u>	<u>Safety Sticker</u>
28 Highway Fund	.75	.00
29 Emissions Program Account	.00	1.803.05
30 Telecommunications Account	.00	1.75
31 Volunteer Rescue/EMS Fund	-15.18	-15.18
32 Rescue Squad Workers' Relief		
33 Fund	-10.12	-10.12
34 Division of Air Quality	.00	-35.65.

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

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

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

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

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

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

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

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

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

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

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

28 **"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker**
 29 **on a vehicle; use of civil penalties.**

30 (a) Fee Amount. – When a fee applies to an inspection of a vehicle or the
 31 issuance of an inspection sticker, the fee must be collected. The following fees apply to
 32 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	\$ 4.05 2.60
Emissions and Safety	27.70	5.45 6.30

36 The fee for performing an inspection of a vehicle applies when an inspection is
 37 performed, regardless of whether the vehicle passes the inspection. The fee for an
 38 inspection sticker applies when an inspection sticker is put on a vehicle. The fee for
 39 inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies
 40 only to an inspection performed with a light meter after a safety inspection mechanic
 41 determined that the window had after-factory tint. A safety inspection mechanic shall

1 not inspect an after-factory tinted window of a vehicle for which the Division has issued
 2 a medical exception permit pursuant to G.S. 20-127(f).

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

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

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

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

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

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

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

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

40 (f) Inspection Stations Required to Post Fee Information. – The Division shall
 41 approve the form and style of one or more standard signs to be used to display the
 42 information required by this subsection. The Division shall require that one or more of

1 the standard signs be conspicuously posted at each inspection station in a manner
2 reasonably calculated to make the information on the sign readily available to each
3 person who presents a motor vehicle to the station for inspection. The sign shall include
4 the following information:

- 5 (1) The maximum and minimum amounts of the inspection fee authorized
6 by this section.
- 7 (2) The amount of the inspection fee charged by the inspection station and
8 a statement that clearly indicates that the amount of the inspection fee
9 is determined by the inspection station, that the inspection fee is
10 retained by the inspection station to compensate the station for
11 performing the inspection, and that the inspection fee is not paid to the
12 State.
- 13 (3) The amount of the sticker fee, if the motor vehicle passes the
14 inspection, a statement that the sticker fee is paid to the State, and a
15 brief summary of the purposes for which the sticker fee is collected.
- 16 (4) The total fee to be charged if the motor vehicle passes the inspection.
- 17 (5) A statement that a vehicle that fails an inspection may be reinspected
18 at the same station within 30 days of the inspection without payment
19 of another inspection fee."

20 **SECTION 3.1.** G.S. 20-183.2 is amended by adding a new subsection to
21 read:

22 "(b1) Exemption. – Notwithstanding subsections (a) and (b) of this section and G.S.
23 20-183.3, a motor vehicle is exempt from an emissions inspection and from the
24 requirement that it have the emissions control devices set out in G.S. 20-183.7B(b)(8) if
25 the motor vehicle is more than 25 model years old. A motor vehicle that is exempt from
26 an emissions inspection under this subsection is subject to a safety inspection."

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

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

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

35 "(5a) If the registration of a vehicle is transferred from a county that is not
36 an emissions county to an emissions county, the vehicle must be
37 inspected in accordance with this Part within 60 days of the transfer of
38 registration."

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

41 "§ 20-183.7A. Penalties applicable to license holders and suspension or revocation
42 of license for safety violations.

1 (a) Kinds of Violations. – The civil penalty schedule established in this section
2 applies to safety self-inspectors, safety inspection stations, and safety inspection
3 mechanics. The schedule categorizes safety violations into serious (Type I), minor
4 (Type II), and technical (Type III) violations. A serious violation is a violation of this
5 Part or a rule adopted to implement this Part that directly affects the safety or emissions
6 reduction benefits of the safety inspection program. A minor violation is a violation of
7 this Part or a rule adopted to implement this Part that reflects negligence or carelessness
8 in conducting a safety inspection or complying with the safety inspection requirements
9 but does not directly affect the safety benefits or emission reduction benefits of the
10 safety inspection program. A technical violation is a violation that is not a serious
11 violation, a minor violation, or another type of offense under this Part.

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

- 14 (1) Type I. – For a first or second Type I violation within three years by a
15 safety self-inspector or a safety inspection station, assess a civil
16 penalty of two hundred fifty dollars (\$250.00) and suspend the license
17 of the business for six months. For a third or subsequent Type I
18 violation within three years by a safety self-inspector or a safety
19 inspection station, assess a civil penalty of one thousand dollars
20 (\$1,000) and revoke the license of the business for two years. For a
21 first or second Type I violation within seven years by a safety
22 inspection mechanic, assess a civil penalty of one hundred dollars
23 (\$100.00) and suspend the mechanic's license for six months. For a
24 third or subsequent Type I violation within seven years by a safety
25 inspection mechanic, assess a civil penalty of two hundred fifty dollars
26 (\$250.00) and revoke the mechanic's license for two years.
- 27 (2) Type II. – For a first or second Type II violation within three years by
28 a safety self-inspector or a safety inspection station, assess a civil
29 penalty of one hundred dollars (\$100.00). For a third or subsequent
30 Type II violation within three years by a safety self-inspector or a
31 safety inspection station, assess a civil penalty of two hundred fifty
32 dollars (\$250.00) and suspend the license of the business for 90 days.
33 For a first or second Type II violation within seven years by a safety
34 inspection mechanic, assess a civil penalty of fifty dollars (\$50.00).
35 For a third or subsequent Type II violation within seven years by a
36 safety inspection mechanic, assess a civil penalty of one hundred
37 dollars (\$100.00) and suspend the mechanic's license for 90 days.
- 38 (3) Type III. – For a first or second Type III violation within seven years
39 by a safety self-inspector, a safety inspection station, or a safety
40 inspection mechanic, send a warning letter. For a third or subsequent
41 Type III violation within seven years by the same safety license
42 holder, assess a civil penalty of twenty-five dollars (\$25.00).

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

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

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

14 **"§ 20-183.7B. Acts that are Type I, II, or III safety violations.**

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

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

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

- 39 (1) Put a safety inspection sticker on a vehicle without driving the vehicle
40 and checking the vehicle's braking reaction, foot brake pedal reserve,
41 and steering free play.

- 1 (2) Put a safety inspection sticker on a vehicle without raising the vehicle
2 to free each wheel and checking the vehicle's tires, brake lines, parking
3 brake cables, wheel drums, exhaust system, and the emissions
4 equipment.
- 5 (3) Put a safety inspection sticker on a vehicle without raising the hood
6 and checking the master cylinder, horn mounting, power steering, and
7 emissions equipment.
- 8 (4) Conduct a safety inspection of a vehicle outside the designated
9 inspection area.
- 10 (5) Put a safety inspection sticker on a vehicle with inoperative equipment,
11 or with equipment that does not conform to the vehicle's original
12 equipment or design specifications, or with equipment that is
13 prohibited by any provision of law.
- 14 (6) Put a safety inspection sticker on a vehicle without performing a visual
15 inspection of the vehicle's exhaust system.
- 16 (7) Put a safety inspection sticker on a vehicle without checking the
17 exhaust system for leaks.
- 18 (8) Put a safety inspection sticker on a vehicle that is required to have any
19 of the following emissions control devices but does not have the
20 device:
- 21 a. Catalytic converter.
22 b. PCV valve.
23 c. Thermostatic air control.
24 d. Oxygen sensor.
25 e. Unleaded gas restrictor.
26 f. Gasoline tank cap.
27 g. Air injection system.
28 h. Evaporative emissions system.
29 i. Exhaust gas recirculation (EGR) valve.
- 30 (9) Put a safety inspection sticker on a vehicle after failing to inspect four
31 or more of the following:
- 32 a. Emergency brake.
33 b. Horn.
34 c. Headlight high beam indicator.
35 d. Inside rearview mirror.
36 e. Outside rearview mirror.
37 f. Turn signals.
38 g. Parking lights.
39 h. Headlights – operation and lens.
40 i. Headlights – aim.
41 j. Stoplights.
42 k. Taillights.

- 1 l. License plate lights.
2 m. Windshield wiper.
3 n. Windshield wiper blades.
4 o. Window tint.
5 (10) Impose no fee for a safety inspection of a vehicle or the issuance of a
6 safety inspection sticker or impose a fee for one of these actions in an
7 amount that differs from the amount set in G.S. 20-183.7.
8 (c) Type III. – It is a Type III violation for a safety self-inspector, a safety
9 inspection station, or a safety inspection mechanic to do any of the following:
10 (1) Fail to post a safety inspection station license issued by the Division.
11 (2) Fail to send information on safety inspections to the Division at the
12 time or in the form required by the Division.
13 (3) Fail to post all safety information required by federal law and by the
14 Division.
15 (4) Fail to put the required information on an inspection sticker or
16 inspection receipt in a legible manner using ink.
17 (5) Issue a receipt that is signed by a person other than the safety
18 inspection mechanic.
19 (6) Place an incorrect expiration date on an inspection sticker.
20 (7) Put a safety inspection sticker on a vehicle after having failed to
21 inspect three or fewer of the following:
22 a. Emergency brake.
23 b. Horn.
24 c. Headlight high beam indicator.
25 d. Inside rearview mirror.
26 e. Outside rearview mirror.
27 f. Turn signals.
28 g. Parking lights.
29 h. Headlights – operation and lens.
30 i. Headlights – aim.
31 j. Stoplights.
32 k. Taillights.
33 l. License plate lights.
34 m. Windshield wiper.
35 n. Windshield wiper blades.
36 o. Window tint.
37 (d) Other Acts. – The lists in this section of the acts that are Type I, Type II, or
38 Type III violations are not the only acts that are one of these types of violations. The
39 Division may designate other acts that are a Type I, Type II, or Type III violation."

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

41 "**§ 20-183.8. Infractions and criminal offenses for violations of inspection**
42 **requirements.**

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

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

7 (2) Allows an inspection sticker to be put on a vehicle owned or operated
8 by that person, knowing that the vehicle was not inspected before the
9 sticker was attached or was not inspected properly.

10 (3) Puts an inspection sticker on a vehicle, knowing or having reasonable
11 grounds to know that an inspection of the vehicle was not performed
12 or was performed improperly. A person who is cited for a civil penalty
13 under G.S. 20-183.8B for an emissions violation involving the
14 inspection of a vehicle may not be charged with an infraction under
15 this subdivision based on that same vehicle.

16 (4) Alters the original certified configuration or data link connectors of a
17 vehicle in such a way as to make an emissions inspection by analysis
18 of data provided by on-board diagnostic (OBD) equipment inaccurate
19 or impossible.

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

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

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

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

31 (4) The charged infraction is described in subdivision (a)(1) of this
32 section, the vehicle is subject to a safety inspection or an emissions
33 inspection and the vehicle owner establishes in court that the vehicle
34 was inspected after the citation was issued and within 30 days of the
35 expiration date of the inspection sticker that was on the vehicle when
36 the citation was issued.

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

38 (1) Forges an inspection sticker.

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

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

- 1 a. Having a license as an inspection station, a self-inspector, or an
2 inspection mechanic and obtaining the inspection sticker from
3 the Division in the course of business.
4 b. A vehicle inspection in which the vehicle passed the inspection
5 or for which the vehicle received a waiver.

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

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

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

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

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

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

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

- 27 (1) Put an emissions inspection sticker on a vehicle without performing an
28 emissions inspection of the vehicle.
29 (1a) Put an emissions inspection sticker on a vehicle after performing an
30 emissions inspection of the vehicle and determining that the vehicle
31 did not pass the inspection.
32 (2) Use a test-defeating strategy when conducting an emissions inspection,
33 such as holding the accelerator pedal down slightly during an idle test,
34 disconnecting or crimping a vacuum hose to effect a passing result, ~~or~~
35 changing the emission standards for a vehicle by incorrectly entering
36 the vehicle type or model ~~year~~ year, or using data provided by the on-
37 board diagnostic (OBD) equipment of another vehicle to achieve a
38 passing result.
39 (3) Allow a person who is not licensed as an emissions inspection
40 mechanic to perform an emissions inspection for a self-inspector or at
41 an 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
- 3 inspection or for which the vehicle received a waiver.
- 4 (5) Be unable to account for five or more inspection stickers at any one
- 5 time 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 **SECTION 10.** G.S. 20-183.8C(b) reads as rewritten:

10 "(b) Type II. – It is a Type II violation for an emissions self-inspector, an

11 emissions inspection station, or an emissions inspection mechanic to do any of the

12 following:

- 13 (1) Use the identification code of another to gain access to an emissions
- 14 analyzer or to equipment to analyze data provided by on-board
- 15 diagnostic (OBD) equipment.
- 16 (2) Keep inspection stickers and other compliance documents in a manner
- 17 that makes them easily accessible to individuals who are not inspection
- 18 mechanics.
- 19 (3) Put a safety inspection sticker or an emissions inspection sticker on a
- 20 vehicle that is required to have one of the following emissions control
- 21 devices but does not have it:
 - 22 a. Catalytic converter.
 - 23 b. PCV valve.
 - 24 c. Thermostatic air control.
 - 25 d. Oxygen sensor.
 - 26 e. Unleaded gas restrictor.
 - 27 f. Gasoline tank cap.
 - 28 g. Air injection system.
 - 29 h. Evaporative emissions system.
 - 30 i. Exhaust gas recirculation (EGR) valve.
- 31 (4) Put a safety inspection sticker or an emissions inspection sticker on a
- 32 vehicle without performing a visual inspection of the vehicle's exhaust
- 33 system and checking the exhaust system for leaks.
- 34 (5) Impose no fee for an emissions inspection of a vehicle or the issuance
- 35 of an emissions inspection sticker or impose a fee for one of these
- 36 actions in an amount that differs from the amount set in G.S.
- 37 20-183.7."

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

39 **"§ 20-183.8F. Requirements for giving license holders notice of violations and for**

40 **taking summary action.**

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

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

1 license, a self-inspector license, ~~or a mechanic license,~~ a mechanic license, or the
2 registration of a person engaged in the business of replacing windshields, the auditor
3 must give the affected license holder written notice of the finding. The notice must be
4 given within five business days after the ~~violation occurred.~~ completion of the
5 investigation that resulted in the discovery of the violation. The notice must state the
6 period of suspension or revocation that could apply to the violation and any monetary
7 penalty that could apply to the violation. The notice must also inform the license holder
8 of the right to a hearing if the Division charges the license holder with the violation.

9 (b) Notice of Charges. – When the Division decides to charge an inspection
10 station, a self-inspector, ~~or a mechanic~~ a mechanic, or a person who is engaged in the
11 business of replacing windshields with a violation that could result in the suspension or
12 revocation of the person's license, an auditor of the Division must deliver a written
13 statement of the charges to the affected license holder. The statement of charges must
14 inform the license holder of this right, instruct the person on how to obtain a hearing,
15 and inform the license holder of the effect of not requesting a hearing. The license
16 holder has the right to a hearing before the license is suspended or revoked. G.S.
17 20-183.8E sets out the procedure for obtaining a hearing.

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

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

28 **SECTION 12.** In order to detect and remedy any deficiency in the
29 equipment, computer software, or procedures used to analyze the data provided by
30 on-board diagnostic (OBD) equipment in connection with an emissions inspection, the
31 Division of Motor Vehicles of the Department of Transportation and the Division of Air
32 Quality of the Department of Environment and Natural Resources may conduct field
33 trials of the equipment, computer software, and procedures to be used during the
34 six-month period immediately prior to the implementation of OBD-based emissions
35 testing in any county. Field trials shall be conducted in accordance with Part 2 of
36 Article 3A of Chapter 20 of the General Statutes, as amended to provide for the use of
37 OBD equipment, at emissions inspection stations or by emissions self-inspectors that
38 have volunteered to conduct field trials and that have been approved by the Division of
39 Motor Vehicles to conduct the trials. A vehicle that passes a field trial emissions
40 inspection and a safety inspection shall be deemed to have met the requirements of Part
41 2 of Article 3A of Chapter 20 of the General Statutes in effect at the time the vehicle is
42 inspected and shall be issued an inspection sticker unless the vehicle improperly passes

1 the emissions inspection as a result of a defect in equipment, computer software, or
2 procedures, and the emissions inspection mechanic is aware of the defect.

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

10 **SECTION 14.** The Environmental Review Commission shall review the
11 motor vehicle emissions inspection and maintenance program to determine ways in
12 which the cost of the program to vehicle owners could be reduced. In particular, the
13 Commission shall consider the advantages and disadvantages of requiring that vehicles
14 undergo an emissions inspection no more frequently than once each two years. The
15 Commission may report its findings and recommendations to the 2002 Regular Session
16 of the 2001 General Assembly and shall report its findings and recommendations to the
17 2003 General Assembly.

18 **SECTION 15.** Sections 1 and 4 of this act become effective on the first day
19 of the month that follows by more than 15 days the month in which this act becomes
20 law. Sections 2, 3.1, 5, 6, 8, 10, and 11 of this act become effective 1 October 2001.
21 Sections 7, 9, and 12 of this act become effective 1 January 2002. Section 3 of this act
22 becomes effective 1 January 2003. Sections 13, 14, and 15 of this act are effective
23 when this act becomes law.