

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 679

Short Title: Safety/Emission Inspection Changes.-AB

(Public)

Sponsors: Representatives Cole; and Alexander.

Referred to: Transportation, if favorable, Finance.

March 15, 2007

A BILL TO BE ENTITLED
AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS
INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION
PROCESSES AND AUTHORIZATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-183.4 reads as rewritten:

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

...

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

- (1) Have a place of business that has adequate facilities, space, and equipment to conduct a safety inspection. A place of business designated in a station license that has been suspended or revoked cannot be the designated place for any other license applicant during the period of the suspension or revocation, unless the Division finds that operation of the place of business as an inspection station during this period by the license applicant would not defeat the purpose of the suspension or revocation because the license applicant has no connection with the person whose license was suspended or revoked or because of another reason. A finding made by the Division under this subdivision must be set out in a written statement that includes the finding and the reason for the finding.
- (2) Regularly employ at least one mechanic who has a safety inspection mechanic license.
- (3) Designate the individual who will be responsible for the day-to-day operation of the station. The individual designated must be of good character and have a reputation for honesty.

1 (4) Have equipment to transfer information on safety inspections to the
2 Division by electronic means.

3 "

4 **SECTION 2.** G.S. 20-183.4C(a) reads as rewritten:

5 "**§ 20-183.4C. When a vehicle must be inspected; one-way trip permit.**

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

8 (1) A new vehicle must be inspected before it is sold at retail in this State.

9 (2) A used vehicle must be inspected before it is offered for sale at retail
10 in this State by a dealer at a location other than a public auction.

11 (3) A used vehicle that is offered for sale at retail in this State by a dealer
12 at a public auction must be inspected before it is offered for sale unless
13 it has an inspection sticker that was put on the vehicle under this Part
14 and does not expire until at least nine months after the date the vehicle
15 is offered for sale at auction.

16 (4) A new or used vehicle acquired by a resident of this State from a
17 person outside the State must be inspected within 10 days after the
18 vehicle is registered with the Division.

19 (5) A vehicle owned by a new resident of this State who transfers the
20 registration of the vehicle from the resident's former home state to this
21 State must be inspected within 10 days after the vehicle is registered
22 with the Division.

23 (5a) If the registration of a vehicle is transferred from a county that is not
24 an emissions county to an emissions county, the vehicle must be
25 inspected in accordance with this Part within 60 days of the transfer of
26 registration.

27 (6) A vehicle that has been inspected in accordance with this Part must be
28 inspected by the last day of the month in which the ~~inspection~~
29 ~~sticker~~registration on the vehicle ~~expires, unless another subdivision of~~
30 ~~this section requires it to be inspected sooner.~~expires.

31 (7) A vehicle that is required to be inspected in accordance with this Part
32 must be inspected and receive a passing result prior to the issuance of
33 an initial or renewal registration.

34 "

35 **SECTION 3.** G.S. 20-183.4D reads as rewritten:

36 "**§ 20-183.4D. Procedure when a vehicle is inspected.**

37 (a) Receipt. – When a safety inspection mechanic or an emissions inspection
38 mechanic inspects a vehicle, the mechanic must give the person who brought the vehicle
39 in for inspection an inspection receipt. The inspection receipt must state the date of the
40 inspection, identify the mechanic performing the inspection, identify the station or
41 self-inspector where the inspection was performed, and list the components of the
42 inspection performed and indicate for each component whether the vehicle passed or
43 failed. A vehicle that fails a component of an inspection may be repaired at any repair
44 facility chosen by the owner or operator of the vehicle.

1 ~~Sticker.~~Electronic Inspection Authorization. – When a vehicle that is subject
2 to a safety inspection only passes the safety inspection, the safety inspection mechanic
3 who performed the inspection must ~~put an inspection sticker on the windshield of~~issue
4 an electronic inspection authorization to the vehicle at the place designated by the
5 Division. When a vehicle that is subject to both a safety inspection and an emissions
6 inspection passes both inspections or passes the safety inspection and has a waiver for
7 the emissions inspection, the emissions mechanic performing the inspection must ~~put an~~
8 ~~inspection sticker on the windshield of~~issue an electronic inspection authorization to the
9 vehicle at the place designated by the Division.

10 ~~(e) Content of Sticker.~~—An inspection sticker issued for a vehicle that is subject
11 to a safety inspection only must be a different color from an inspection sticker issued for
12 a vehicle that is subject to both a safety and an emissions inspection. An inspection
13 sticker must indicate when it expires, must be printed with a unique serial number and
14 an official program seal, and must be counterfeit resistant. The side of an inspection
15 sticker that is readable from the interior of a vehicle must contain the following
16 information:

- 17 (1) The date the inspection was performed.
- 18 (2) The odometer reading when the inspection was performed.
- 19 (3) The signature, initials, or other identification of the mechanic who
20 performed the inspection and put the sticker on the windshield.

21 ~~(d) When Sticker Expires.~~—An inspection sticker put on a vehicle that did not
22 have an inspection sticker issued under this Part when it was brought in for inspection
23 expires at midnight on the last day of the twelfth month after the month the inspection
24 sticker is put on the vehicle. An inspection sticker put on a vehicle that had an
25 inspection sticker that was put on under this Part when it was brought in for inspection
26 expires as follows:

- 27 (1) If the expiration date of the inspection sticker the vehicle had when it
28 was brought in for inspection is less than 12 full months from the date
29 of the inspection, the inspection sticker expires at midnight on the last
30 day of the twelfth month after the month the inspection sticker is put
31 on the vehicle.
- 32 (2) If the expiration date of the inspection sticker the vehicle had when it
33 was brought in for inspection is 12 or more months from the date of
34 the inspection, the inspection sticker expires one year after the
35 expiration date of the inspection sticker the vehicle had when it was
36 brought in for inspection, regardless of whether there are 12 months in
37 this period."

38 **SECTION 4.** G.S. 20-183.5 reads as rewritten:

39 **"§ 20-183.5. When a vehicle that fails an emissions inspection may obtain a waiver**
40 **from the inspection requirement.**

41 (a) **(For amendment to subsection (a) effective January 1, 2006, see notes.)**
42 Requirements. – The Division may issue a waiver for a vehicle that meets all of the
43 following requirements:

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

14 (b) Procedure. – To obtain a waiver, a person must contact a local enforcement
15 office of the Division. Before issuing a waiver, an employee of the Division must
16 review the inspection receipts issued for the inspections of the vehicle, review the
17 documents establishing what repairs were made to the vehicle and at what cost, review
18 any statement denying warranty coverage of the repairs made, and do a visual
19 inspection of the vehicle, if appropriate, to determine if the documented repairs were
20 made. The Division must issue a waiver if it determines that the vehicle qualifies for a
21 waiver. A person to whom a waiver is issued must present the waiver to the
22 self-inspector or inspection station performing the inspection to obtain an ~~inspection~~
23 ~~sticker.~~electronic inspection authorization.

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

- 27 (1) Repairs covered by a warranty that applies to the vehicle.
28 (2) Repairs needed as a result of tampering with an emission control
29 device of the vehicle.
30 (3) ~~If the vehicle is a 1981 or newer model, repairs made by an individual~~
31 ~~who is not engaged in the business of repairing vehicles.~~

32 (d) ~~Sticker Expiration.~~Electronic Inspection Authorization. – An ~~inspection~~
33 ~~sticker put on~~electronic inspection authorization issued to a vehicle after the vehicle
34 receives a waiver from the requirement of passing the emissions inspection expires at
35 the same time it would if the vehicle had passed the emissions inspection."

36 **SECTION 5.** G.S. 20-183.5A(b) reads as rewritten:

37 **"§ 20-183.5A. When a vehicle that fails a safety inspection because of missing**
38 **emissions control devices may obtain a waiver.**

39 ...

40 (b) Procedure. – To obtain a waiver, a person must contact a local enforcement
41 office of the Division. Before issuing a waiver, an employee of the Division must
42 review the inspection receipts issued for the inspections of the vehicle, review the
43 documents establishing what repairs were made to the vehicle and at what cost, review
44 any statement denying warranty coverage of the repairs made, and do a visual

1 inspection of the vehicle, if appropriate, to determine if the documented repairs were
 2 made. The Division must issue a waiver if it determines that the vehicle qualifies for a
 3 waiver. A person to whom a waiver is issued must present the waiver to the
 4 self-inspector or inspection station performing the inspection to obtain an ~~inspection~~
 5 ~~sticker~~ electronic inspection authorization."

6 **SECTION 6.** G.S. 20-183.5A(d) reads as rewritten:

7 **"§ 20-183.5A. When a vehicle that fails a safety inspection because of missing**
 8 **emissions control devices may obtain a waiver.**

9 ...

10 (d) ~~Sticker~~ Electronic Inspection Authorization Expiration. – An ~~inspection~~
 11 ~~sticker put on~~ electronic inspection authorization issued to a vehicle after the vehicle
 12 receives a waiver from the requirement of passing the safety inspection expires at the
 13 same time it would if the vehicle had passed the safety inspection."

14 **SECTION 7.** G.S. 20-183.6 is repealed.

15 **SECTION 8.** G.S. 20-183.6A(a)(5) is repealed.

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

17 **"§ 20-183.7. Fees for performing an inspection and ~~putting an inspection sticker~~**
 18 **~~on~~ issuing an electronic inspection authorization to a vehicle; use of civil**
 19 **penalties.**

20 (a) **(Effective July 1, 2007)** Fee Amount. – When a fee applies to an inspection
 21 of a vehicle or the issuance of an ~~inspection sticker~~, electronic inspection authorization,
 22 the fee must be collected. The following fees apply to an inspection of a vehicle and the
 23 issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker Authorization</u>
Safety Only	\$ 8.25	\$0.85
Emissions and Safety	23.75	6.25.

24
 25
 26
 27
 28
 29
 30 The fee for performing an inspection of a vehicle applies when an inspection is
 31 performed, regardless of whether the vehicle passes the inspection. The fee for an
 32 ~~inspection sticker~~ electronic inspection authorization applies when an ~~inspection sticker~~
 33 ~~is put on~~ electronic inspection authorization is issued to a vehicle. ~~The fee for an~~
 34 ~~inspection sticker does not apply to a replacement inspection sticker for use on a~~
 35 ~~windshield replaced by a business registered with the Division pursuant to~~
 36 ~~G.S. 20-183.6.~~ The fee for inspecting after-factory tinted windows shall be ten dollars
 37 (\$10.00), and the fee applies only to an inspection performed with a light meter after a
 38 safety inspection mechanic determined that the window had after-factory tint. A safety
 39 inspection mechanic shall not inspect an after-factory tinted window of a vehicle for
 40 which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).

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

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

8 (b) Self-Inspector. – The fee for an inspection does not apply to an inspection
 9 performed by a self-inspector. The fee for ~~putting an inspection sticker on~~ issuing an
 10 electronic inspection authorization to a vehicle applies to an inspection performed by a
 11 self-inspector.

12 (c) **(Effective July 1, 2007)** Fee Distribution. – Fees collected for ~~inspection~~
 13 ~~stickers~~ electronic inspection authorizations are payable to the Division of Motor
 14 Vehicles. The amount of each fee listed in the table below shall be credited to the
 15 Highway Fund, the Emissions Program Account established in subsection (d) of this
 16 section, the Telecommunications Account established in subsection (d1) of this section,
 17 the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue Squad
 18 Workers' Relief Fund established in G.S. 58-88-5, and the Division of Air Quality of the
 19 Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only Sticker Electronic Authorization</u>	<u>Emissions and Safety Sticker Electronic Authorization</u>
Highway Fund	.55	.55
Emissions Program Account	.00	3.00
Telecommunications Account	.00	1.75
Volunteer Rescue/EMS Fund	.18	.18
Rescue Squad Workers' Relief Fund	.12	.12
Division of Air Quality	.00	.65

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

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

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

43 (f) Inspection Stations Required to Post Fee Information. – The Division shall
 44 approve the form and style of one or more standard signs to be used to display the

1 information required by this subsection. The Division shall require that one or more of
2 the standard signs be conspicuously posted at each inspection station in a manner
3 reasonably calculated to make the information on the sign readily available to each
4 person who presents a motor vehicle to the station for inspection. The sign shall include
5 the following information:

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

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

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

28 **SECTION 10.** G.S. 20-183.7B reads as rewritten:

29 **"§ 20-183.7B. Acts that are Type I, II, or III safety violations.**

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

- 32 (1) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
33 authorization to a vehicle without performing a safety inspection of
34 vehicle.
- 35 (2) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
36 authorization to a vehicle after performing a safety inspection of the
37 vehicle and determining that the vehicle did not pass the inspection.
- 38 (3) Allow a person who is not licensed as a safety inspection mechanic to
39 perform a safety inspection for a self-inspector or at a safety station.
- 40 (4) ~~Sell~~ Sell, issue, or otherwise give an inspection sticker electronic
41 inspection authorization to another, other than as the result of a vehicle
42 inspection in which the vehicle passed the inspection.

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

- 1 c. Thermostatic air control.
- 2 d. Oxygen sensor.
- 3 e. Unleaded gas restrictor.
- 4 f. Gasoline tank cap.
- 5 g. Air injection system.
- 6 h. Evaporative emissions system.
- 7 i. Exhaust gas recirculation (EGR) valve.
- 8 (9) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
- 9 authorization to a vehicle after failing to inspect four or more of
- 10 following:
- 11 a. Emergency brake.
- 12 b. Horn.
- 13 c. Headlight high beam indicator.
- 14 d. Inside rearview mirror.
- 15 e. Outside rearview mirror.
- 16 f. Turn signals.
- 17 g. Parking lights.
- 18 h. Headlights – operation and lens.
- 19 i. Headlights – aim.
- 20 j. Stoplights.
- 21 k. Taillights.
- 22 l. License plate lights.
- 23 m. Windshield wiper.
- 24 n. Windshield wiper blades.
- 25 o. Window tint.
- 26 (10) Impose no fee for a safety inspection of a vehicle or the issuance of a
- 27 safety ~~inspection sticker~~ electronic inspection authorization or impose
- 28 a fee for one of these actions in an amount that differs from the amount
- 29 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.
- 42 (7) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
- 43 authorization to a vehicle after having failed to inspect three or fewer
- 44 of the following:

- 1 a. Emergency brake.
- 2 b. Horn.
- 3 c. Headlight high beam indicator.
- 4 d. Inside rearview mirror.
- 5 e. Outside rearview mirror.
- 6 f. Turn signals.
- 7 g. Parking lights.
- 8 h. Headlights – operation and lens.
- 9 i. Headlights – aim.
- 10 j. Stoplights.
- 11 k. Taillights.
- 12 l. License plate lights.
- 13 m. Windshield wiper.
- 14 n. Windshield wiper blades.
- 15 o. Window tint.

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

19 **SECTION 11.** G.S. 183.8 reads as rewritten:

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

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

- 24 (1) Operates a motor vehicle that is subject to inspection under this Part on
 25 a highway or public vehicular area in the State when the vehicle has
 26 not been inspected in accordance with this Part, as evidenced by the
 27 vehicle's lack of a current ~~inspection sticker~~ electronic inspection
 28 authorization or otherwise.
- 29 (2) Allows an ~~inspection sticker~~ electronic inspection authorization to be
 30 ~~put on~~ issued to a vehicle owned or operated by that person, knowing
 31 that the vehicle was not inspected before the ~~sticker~~ electronic
 32 inspection authorization was ~~attached~~ issued or was not inspected
 33 properly.
- 34 (3) ~~Puts~~ Issues an ~~inspection sticker~~ electronic inspection authorization on
 35 a vehicle, knowing or having reasonable grounds to know that an
 36 inspection of the vehicle was not performed or was performed
 37 improperly. A person who is cited for a civil penalty under
 38 G.S. 20-183.8B for an emissions violation involving the inspection of
 39 a vehicle may not be charged with an infraction under this subdivision
 40 based on that same vehicle.
- 41 (4) Alters the original certified configuration or data link connectors of a
 42 vehicle in such a way as to make an emissions inspection by analysis
 43 of data provided by on-board diagnostic (OBD) equipment inaccurate
 44 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~~ electronic inspection
5 authorization expired and a current ~~inspection sticker~~ electronic
6 inspection authorization was obtained within 10 days after the vehicle
7 came back to the State.

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

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

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

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

21 (1) Forges an inspection ~~sticker~~ sticker, or electronic inspection
22 authorization.

23 (2) Buys, sells, issues, or possesses a forged inspection ~~sticker~~ sticker or
24 electronic inspection authorization.

25 (3) Buys, sells, issues, or possesses an ~~inspection sticker~~ electronic
26 inspection authorization other than as the result of either of the
27 following:

28 a. Having a license as an inspection station, a self-inspector, or an
29 inspection mechanic and obtaining the ~~inspection sticker~~ electronic inspection
30 authorization from the Division through an
31 electronic authorization vendor in the course of business.

32 b. A vehicle inspection in which the vehicle passed the inspection
33 or for which the vehicle received a waiver.

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

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

37 **SECTION 12.** G.S. 20-183.8A reads as rewritten:

38 **"§ 20-183.8A. Civil penalties against motorists for emissions violations.**

39 The Division shall assess a civil penalty against a person who owns or leases a
40 vehicle that is subject to an emissions inspection and who does any of the following:

41 (1) Fails to have the vehicle inspected within four months after it is
42 required to be inspected under this Part.

1 (2) Instructs or allows a person to tamper with an emission control device
2 of the vehicle so as to make the device inoperative or fail to work
3 properly.

4 (3) Incorrectly states the county of registration of the vehicle to avoid
5 having an emissions inspection of the vehicle.

6 The amount of penalty is ~~one hundred dollars (\$100.00) if the vehicle is a pre-1981~~
7 ~~vehicle and two hundred fifty dollars (\$250.00) if the vehicle is a 1981 or newer model~~
8 ~~vehicle.(\$250.00).~~ As provided in G.S. 20-54, the registration of a vehicle may not be
9 renewed until a penalty imposed under this section has been paid."

10 **SECTION 13.** G.S. 20-183.8C reads as rewritten:

11 "**§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

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

14 (1) ~~Put~~ Issue an emissions ~~inspection sticker~~ electronic inspection
15 authorization on a vehicle without performing an emissions inspection
16 of the vehicle.

17 (1a) ~~Put~~ Issue an emissions ~~inspection sticker on~~ electronic inspection
18 authorization to a vehicle after performing an emissions inspection of
19 the vehicle and determining that the vehicle did not pass the
20 inspection.

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

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

31 (4) ~~Sell~~ Sell, issue, or otherwise give an ~~inspection sticker~~ electronic
32 inspection authorization to another other than as the result of a vehicle
33 inspection in which the vehicle passed the inspection or for which the
34 vehicle received a waiver.

35 (5) Be unable to account for five or more ~~inspection stickers~~ electronic
36 inspection authorizations at any one time upon the request of an
37 auditor of the Division.

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

40 (7) Transfer an ~~inspection sticker~~ electronic inspection authorization from
41 one vehicle to another.

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

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

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

4 **SECTION 14.** This act becomes effective December 1, 2007, and applies to
5 offenses committed on or after that date.