

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**HOUSE BILL 679
Committee Substitute Favorable 6/21/07**

Short Title: Safety/Emission Inspection Changes.-AB

(Public)

Sponsors:

Referred to:

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. 20-66 reads as rewritten:

"§ 20-66. Renewal of vehicle registration.

(a) Annual Renewal. – The registration of a vehicle must be renewed annually. To renew the registration of a vehicle, the owner of the vehicle must file an application with the Division and pay the required registration fee. The Division may receive and grant an application for renewal of registration at any time before the registration expires.

(b) Method of Renewal. – When the Division renews the registration of a vehicle, it must issue a new registration card for the vehicle and either a new registration plate or a registration renewal sticker. The Division may renew a registration plate for any type of vehicle by means of a renewal sticker.

(b1) Repealed by Session Laws 1993, c. 467, s. 2.

(c) Renewal Stickers. – A registration renewal sticker issued by the Division must be displayed on the registration plate that it renews in the place prescribed by the Commissioner and must indicate the period for which it and the registration plate on which it is displayed are valid. Except where physical differences between a registration renewal sticker and a registration plate render a provision of this Chapter inapplicable, the provisions of this Chapter relating to registration plates apply to registration renewal stickers.

(d), (e) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, § 5.

(f) Repealed by Session Laws 1993, c. 467, s. 2.

(g) When Renewal Sticker Expires. – The registration of a vehicle that is renewed by means of a registration renewal sticker expires at midnight on the last day of the month designated on the sticker. It is lawful, however, to operate the vehicle on a

1 highway until midnight on the fifteenth day of the month following the month in which
2 the sticker expired.

3 The Division may vary the expiration dates of registration renewal stickers issued
4 for a type of vehicle so that an approximately equal number expires at the end of each
5 month, quarter, or other period consisting of one or more months. When the Division
6 implements registration renewal for a type of vehicle by means of a renewal sticker, it
7 may issue a registration renewal sticker that expires at the end of any monthly interval.

8 (h) Repealed by Session Laws 2004-167, s. 3, as amended by Session Laws
9 2004-199, s. 59, effective January 1, 2006.

10 (i) Property Tax Consolidation. – When the Division receives an application
11 under subsection (a) for the renewal of registration before the current registration
12 expires, the Division shall grant the application if it is made for the purpose of
13 consolidating the property taxes payable by the applicant on classified motor vehicles,
14 as defined in G.S. 105-330. The registration fee for a motor vehicle whose registration
15 cycle is changed under this subsection shall be reduced by a prorated amount. The
16 prorated amount is one-twelfth of the registration fee in effect when the motor vehicle's
17 registration was last renewed multiplied by the number of full months remaining in the
18 motor vehicle's current registration cycle, rounded to the nearest multiple of twenty-five
19 cents (25¢).

20 (j) Inspection Prior to Renewal of Registration. – The Division shall not renew
21 the registration of a vehicle unless it has a current safety or emissions inspection.

22 (k) Return of Registration Plates Upon Expiration. – Registration plates that are
23 not renewed shall be surrendered to the Division within 120 days of expiration."

24 **SECTION 2.** G.S. 20-183.2(c) reads as rewritten:

25 "(c) Definitions. – The following definitions apply in this Part:

26 (1) Electronic inspection authorization. – An inspection authorization that
27 is generated electronically through the electronic accounting system
28 that creates a unique nonduplicating authorization number assigned to
29 the vehicle's inspection receipt upon successful passage of an
30 inspection. The term 'electronic inspection authorization' shall include
31 the term 'inspection sticker' during the transition period to use of
32 electronic inspection authorizations.

33 ~~(1)~~(2) Emissions county. – A county listed in G.S. 143-215.107A(c) or
34 designated by the Environmental Management Commission pursuant
35 to G.S. 143-215.107A(d) and certified to the Commissioner of Motor
36 Vehicles as a county in which the implementation of a motor vehicle
37 emissions inspection program will improve ambient air quality.

38 ~~(2)~~(3) Federal installation. – An installation that is owned by, leased to, or
39 otherwise regularly used as the place of business of a federal agency."

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

41 "**§ 20-183.4. License required to perform safety inspection; qualifications for**
42 **license.**

43 (a) License Required. – A safety inspection must be performed by one of the
44 following methods:

- 1 (1) At a station that has a safety inspection station license issued by the
2 Division and by a mechanic who is employed by the station and has a
3 safety inspection mechanic license issued by the Division.
- 4 (2) At a place of business of a person who has a safety self-inspector
5 license issued by the Division and by an individual who has a safety
6 inspection mechanic license issued by the Division.
- 7 (b) Station Qualifications. – An applicant for a license as a safety inspection
8 station must meet all of the following requirements:
- 9 (1) Have a place of business that has adequate facilities, space, and
10 equipment to conduct a safety inspection. A place of business
11 designated in a station license that has been suspended or revoked
12 cannot be the designated place for any other license applicant during
13 the period of the suspension or revocation, unless the Division finds
14 that operation of the place of business as an inspection station during
15 this period by the license applicant would not defeat the purpose of the
16 suspension or revocation because the license applicant has no
17 connection with the person whose license was suspended or revoked or
18 because of another reason. A finding made by the Division under this
19 subdivision must be set out in a written statement that includes the
20 finding and the reason for the finding.
- 21 (2) Regularly employ at least one mechanic who has a safety inspection
22 mechanic license.
- 23 (3) Designate the individual who will be responsible for the day-to-day
24 operation of the station. The individual designated must be of good
25 character and have a reputation for honesty.
- 26 (4) Have equipment, provided at no cost to the station by the vendor
27 selected by the Division, to transfer information on safety inspections
28 to the Division by electronic means.
- 29 (c) Mechanic Qualifications. – An applicant for a license as a safety inspection
30 mechanic must meet all of the following requirements:
- 31 (1) Have successfully completed an eight-hour course approved by the
32 Division that teaches students about the safety equipment a motor
33 vehicle is required to have to pass a safety inspection and how to
34 conduct a safety ~~inspection~~inspection using equipment to
35 electronically transmit the vehicle information and inspection results.
- 36 (2) Have a drivers license.
- 37 (3) Be of good character and have a reputation for honesty.
- 38 (d) Self-Inspector Qualifications. – An applicant for a license as a safety
39 self-inspector must meet all of the following requirements:
- 40 (1) Operate a fleet of at least 10 vehicles that are subject to a safety
41 inspection.
- 42 (2) Regularly employ or contract with an individual who has a safety
43 inspection mechanic license and who will perform a safety inspection
44 on the vehicles that are part of the self-inspector's fleet."

1 **SECTION 4.** G.S. 20-183.4A reads as rewritten:

2 "**§ 20-183.4A. License required to perform emissions inspection; qualifications for**
3 **license.**

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

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

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

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

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

15 (2) In the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford,
16 Mecklenburg, Orange, Union, and Wake, have an emissions analyzer
17 approved by the Environmental Management Commission, equipment
18 to analyze data provided by the on-board diagnostic (OBD) equipment
19 approved by the Environmental Management Commission, or both.

20 (2a) Have equipment to analyze data provided by the on-board diagnostic
21 (OBD) equipment approved by the Environmental Management
22 Commission.

23 (3) Have ~~equipment~~ equipment, provided at no cost to the station by the
24 vendor selected by the Division, to transfer information on emissions
25 inspections to the Division by electronic means.

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

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

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

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

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

- 3 (2a) Have successfully completed an eight-hour course approved by the
4 Division that teaches students about the causes and effects of the air
5 pollution problem, the purpose of the emissions inspection program,
6 the vehicle emission standards established by the United States
7 Environmental Protection Agency, the emission control devices on
8 vehicles, how to conduct an emissions inspection using equipment to
9 analyze data provided by the on-board diagnostic (OBD) equipment
10 approved by the Environmental Management Commission, and any
11 other topic required by 40 C.F.R. § 51.367 to be included in the
12 course. Successful completion requires a passing score on a written
13 test and on a hands-on test in which the student is required to conduct
14 an emissions inspection of a motor vehicle.

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

- 17 (1) Have a license as a safety self-inspector.
18 (2) Operate a fleet of at least 10 vehicles that are subject to an emissions
19 inspection.
20 (3) In the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford,
21 Mecklenburg, Orange, Union, and Wake, have, or have a contract with
22 a person who has, an emissions analyzer approved by the
23 Environmental Management Commission, equipment to analyze data
24 provided by the on-board diagnostic (OBD) equipment approved by
25 the Environmental Management Commission, or both.
26 (3a) Have, or have a contract with a person who has, equipment to analyze
27 data provided by the on-board diagnostic (OBD) equipment approved
28 by the Environmental Management Commission.
29 (4) Regularly employ or contract with an individual who has an emissions
30 inspection mechanic license and who will perform an emissions
31 inspection on the vehicles that are part of the self-inspector's fleet."

32 **SECTION 5.** G.S. 20-183.4C(a) reads as rewritten:

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

- 35 (1) A new vehicle must be inspected before it is sold at retail in this State.
36 Upon purchase, a receipt approved by the Division must be provided
37 to the new owner certifying compliance.
38 (2) A used vehicle must be inspected before it is offered for sale at retail
39 in this State by a ~~dealer at a location other than a public auction~~
40 dealer. Upon purchase, a receipt approved by the Division must be
41 provided to the new owner certifying compliance.
42 (3) ~~A used vehicle that is offered for sale at retail in this State by a dealer~~
43 ~~at a public auction must be inspected before it is offered for sale unless~~
44 ~~it has an inspection sticker that was put on the vehicle under this Part~~

1 and does not expire until at least nine months after the date the vehicle
2 is offered for sale at auction.

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

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

10 (5a) ~~If the registration of a vehicle is transferred from a county that is not~~
11 ~~an emissions county to an emissions county, the vehicle must be~~
12 ~~inspected in accordance with this Part within 60 days of the transfer of~~
13 ~~registration.~~

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

18 (7) A vehicle that is required to be inspected in accordance with this Part
19 may be inspected 90 days prior to midnight of the last day of the
20 month as designated by the vehicle registration sticker.

21 (8) A new or used vehicle acquired from a retailer in this State and
22 registered with the Division with a new registration or a transferred
23 registration must be inspected in accordance with this Part when the
24 current registration expires.

25 (9) A used vehicle acquired from a private sale in this State must be
26 inspected in accordance with this Part within 30 days after the vehicle
27 is registered with the Division or when the current registration expires
28 if it has not received a passing inspection within the previous 12
29 months.

30 (10) An unregistered vehicle must be inspected within 30 days after the
31 vehicle is registered with the Division or not later than 30 days after a
32 transferred registration expires."

33 **SECTION 6.** G.S. 20-183.4D reads as rewritten:

34 **"§ 20-183.4D. Procedure when a vehicle is inspected.**

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

43 (b) ~~Sticker.~~Electronic Inspection Authorization. – When a vehicle that is subject
44 to a safety inspection only passes the safety inspection, the safety inspection mechanic

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

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

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

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

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

36 (e) When Electronic Inspection Authorization Expires. – An electronic
37 inspection authorization issued under this Part expires at midnight of the last day of the
38 month designated by the vehicle registration sticker of the following year."

39 **SECTION 7.** G.S. 20-183.5 reads as rewritten:

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

42 (a) (For amendment to subsection (a) effective January 1, 2006, see notes.)
43 Requirements. – The Division may issue a waiver for a ~~vehicle~~ vehicle, excluding a

1 vehicle owned or being held for retail sale by a motor vehicle dealer, that meets all of
2 the following requirements:

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

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

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

- 30 (1) Repairs covered by a warranty that applies to the vehicle.
31 (2) Repairs needed as a result of tampering with an emission control
32 device of the vehicle.
33 (3) ~~If the vehicle is a 1981 or newer model, repairs~~Repairs made by an
34 individual who is not professionally engaged in the business of
35 repairing vehicles.
36 (4) OBD diagnostics without corresponding repairs.

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

41 **SECTION 8.** G.S. 20-183.5A reads as rewritten:

42 "**§ 20-183.5A. When a vehicle that fails a safety inspection because of missing**
43 **emissions control devices may obtain a waiver.**"

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

3 (1) Fails a safety inspection because it does not have one or more
4 emissions control devices.

5 (2) Has documented repairs within the previous calendar year to replace
6 missing emissions control devices costing at least the waiver amount
7 made to the vehicle to correct the cause of the failure. The waiver
8 amount is ~~seventy five dollars (\$75.00) if the vehicle is a pre-1981~~
9 ~~model and is~~ two hundred dollars (\$200.00) if the vehicle is a
10 ~~1981-1996~~ or newer model.

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

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

24 (1) Repairs covered by a warranty that applies to the vehicle.

25 (2) Repairs needed as a result of tampering with an emission control
26 device of the vehicle.

27 (3) ~~If the vehicle is a 1981 or newer model, repairs~~ Repairs made by an
28 individual who is not professionally engaged in the business of
29 repairing vehicles.

30 (d) Sticker Expiration. – An inspection sticker put on a vehicle after the vehicle
31 receives a waiver from the requirement of passing the safety inspection expires at the
32 same time it would if the vehicle had passed the safety inspection."

33 **SECTION 9.** G.S. 20-183.5A(d) reads as rewritten:

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

38 **SECTION 10.** G.S. 20-183.6 is repealed.

39 **SECTION 11.** G.S. 20-183.6A(a) reads as rewritten:

40 "(a) Division. – The Division is responsible for administering the safety
41 inspection and the emissions inspection programs. In exercising this responsibility, the
42 Division must:

- 1 (1) Conduct performance audits, record audits, and equipment audits of
- 2 those licensed to perform inspections to ensure that inspections are
- 3 performed properly.
- 4 (2) Ensure that Division personnel who audit license holders are
- 5 knowledgeable about audit procedures and about the requirements of
- 6 both the safety inspection and the emissions inspection programs.
- 7 (3) Perform an emissions inspection on a vehicle when requested to do so
- 8 by a vehicle owner so the owner can compare the result of the
- 9 inspection performed by the Division with the result of an inspection
- 10 performed at an emissions inspection station.
- 11 (4) Investigate complaints about a person licensed to perform inspections
- 12 and reports of irregularities in performing inspections.
- 13 (5) Establish written procedures for the issuance of ~~inspection stickers~~
- 14 electronic inspection authorizations to persons licensed to perform
- 15 ~~inspections~~electronic inspection authorizations.
- 16 (6) Submit information and reports to the federal Environmental
- 17 Protection Agency as required by 40 C.F.R. Part 51.

18 (b) License Holders. – A person who is licensed by the Division under this Part
 19 must post the license at the place required by the Division and must keep a record of
 20 inspections performed. The inspection record must identify the vehicle that was
 21 inspected, indicate the type of inspection performed and the date of inspection, and
 22 contain any other information required by the Division. A self-inspector or an
 23 inspection station must send its records of inspections to the Division in the form and at
 24 the time required by the Division. An auditor of the Division may review the inspection
 25 records of a person licensed by the Division under this Part during normal business
 26 hours."

27 **SECTION 12.** G.S. 20-183.7 reads as rewritten:

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

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

35

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u> <u>Authorization</u>
Safety Only	\$ 8.25 <u>12.75</u>	\$0.85
Emissions and Safety	23.75	6.25.

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41 The fee for performing an inspection of a vehicle applies when an inspection is
 42 performed, regardless of whether the vehicle passes the inspection. The fee for an
 43 ~~inspection sticker~~electronic inspection authorization applies when an ~~inspection sticker~~
 44 ~~is put on~~electronic inspection authorization is issued to a vehicle. The fee for an

1 inspection sticker does not apply to a replacement inspection sticker for use on a
 2 windshield replaced by a business registered with the Division pursuant to
 3 G.S. 20-183.6. The fee for inspecting after-factory tinted windows shall be ten dollars
 4 (\$10.00), and the fee applies only to an inspection performed with a light meter after a
 5 safety inspection mechanic determined that the window had after-factory tint. A safety
 6 inspection mechanic shall not inspect an after-factory tinted window of a vehicle for
 7 which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).

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

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

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

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

<u>Recipient</u>	<u>Safety Only</u> <u>Sticker</u>	<u>Emissions and</u> <u>Safety Sticker</u> <u>Electronic</u> <u>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

42 (d) Emissions Program Account. – The Emissions Program Account is created as
 43 a nonreverting account within the Highway Fund. The Division shall administer the

1 Account. Revenue in the Account may be used only to fund the vehicle emissions
2 inspection and maintenance program.

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

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

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

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

19 (2) The amount of the inspection fee charged by the inspection station and
20 a statement that clearly indicates that the amount of the inspection fee
21 is determined by the inspection station, that the inspection fee is
22 retained by the inspection station to compensate the station for
23 performing the inspection, and that the inspection fee is not paid to the
24 State.

25 (3) The amount of the ~~sticker~~ electronic inspection authorization fee, if the
26 motor vehicle passes the inspection, a statement that the ~~sticker~~
27 electronic inspection authorization fee is paid to the State, and a brief
28 summary of the purposes for which the ~~sticker~~ electronic inspection
29 authorization fee is collected.

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

31 (5) A statement that a vehicle that fails an inspection may be reinspected
32 at the same station within 30 days of the inspection without payment
33 of another inspection fee.

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

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

39 **SECTION 13.** G.S. 20-183.7B reads as rewritten:

40 "**§ 20-183.7B. Acts that are Type I, II, or III safety violations.**

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

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

- 1 (6) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
2 authorization to a vehicle without performing a visual inspection of the
3 vehicle's exhaust system.
- 4 (7) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
5 authorization to a vehicle without checking the exhaust system for
6 leaks.
- 7 (8) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
8 authorization to a vehicle that is required to have any of the following
9 emissions control devices but does not have the device:
10 a. Catalytic converter.
11 b. PCV valve.
12 c. Thermostatic air control.
13 d. Oxygen sensor.
14 e. Unleaded gas restrictor.
15 f. Gasoline tank cap.
16 g. Air injection system.
17 h. Evaporative emissions system.
18 i. Exhaust gas recirculation (EGR) valve.
- 19 (9) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
20 authorization to a vehicle after failing to inspect four or more of
21 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 (10) Impose no fee for a safety inspection of a vehicle or the issuance of a
38 safety ~~inspection sticker~~ electronic inspection authorization or impose
39 a fee for one of these actions in an amount that differs from the amount
40 set in G.S. 20-183.7.
- 41 (c) Type III. – It is a Type III violation for a safety self-inspector, a safety
42 inspection station, or a safety inspection mechanic to do any of the following:
43 (1) Fail to post a safety inspection station license issued by the Division.

- 1 (2) Fail to send information on safety inspections to the Division at the
- 2 time or in the form required by the Division.
- 3 (3) Fail to post all safety information required by federal law and by the
- 4 Division.
- 5 (4) Fail to put the required information on an inspection sticker or
- 6 inspection receipt in a legible manner using ink.
- 7 (5) Issue a receipt that is signed by a person other than the safety
- 8 inspection mechanic.
- 9 (6) Place an incorrect expiration date on an inspection sticker.
- 10 (7) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
- 11 authorization to a vehicle after having failed to inspect three or fewer
- 12 of the following:
- 13 a. Emergency brake.
- 14 b. Horn.
- 15 c. Headlight high beam indicator.
- 16 d. Inside rearview mirror.
- 17 e. Outside rearview mirror.
- 18 f. Turn signals.
- 19 g. Parking lights.
- 20 h. Headlights – operation and lens.
- 21 i. Headlights – aim.
- 22 j. Stoplights.
- 23 k. Taillights.
- 24 l. License plate lights.
- 25 m. Windshield wiper.
- 26 n. Windshield wiper blades.
- 27 o. Window tint.

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

31 **SECTION 14.** G.S. 20-183.8 reads as rewritten:

32 "**§ 20-183.8. Infractions and criminal offenses for violations of inspection**
 33 **requirements.**

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

- 36 (1) Operates a motor vehicle that is subject to inspection under this Part on
- 37 a highway or public vehicular area in the State when the vehicle has
- 38 not been inspected in accordance with this Part, as evidenced by the
- 39 vehicle's lack of a current ~~inspection sticker~~ electronic inspection
- 40 authorization or otherwise.
- 41 (2) Allows an ~~inspection sticker~~ electronic inspection authorization to be
- 42 ~~put on~~ issued to a vehicle owned or operated by that person, knowing
- 43 that the vehicle was not inspected before the ~~sticker~~ electronic

- 1 inspection authorization was ~~attached~~-issued or was not inspected
2 properly.
- 3 (3) ~~Puts~~-Issues an ~~inspection sticker~~-electronic inspection authorization on
4 a vehicle, knowing or having reasonable grounds to know that an
5 inspection of the vehicle was not performed or was performed
6 improperly. A person who is cited for a civil penalty under
7 G.S. 20-183.8B for an emissions violation involving the inspection of
8 a vehicle may not be charged with an infraction under this subdivision
9 based on that same vehicle.
- 10 (4) Alters the original certified configuration or data link connectors of a
11 vehicle in such a way as to make an emissions inspection by analysis
12 of data provided by on-board diagnostic (OBD) equipment inaccurate
13 or impossible.
- 14 (b) Defenses to Infractions. – Any of the following is a defense to a violation
15 under subsection (a) of this section:
- 16 (1) The vehicle was continuously out of State for at least the 30 days
17 preceding the date the ~~inspection sticker~~electronic inspection
18 authorization expired and a current ~~inspection sticker~~-electronic
19 inspection authorization was obtained within 10 days after the vehicle
20 came back to the State.
- 21 (2) The vehicle displays a dealer license plate or a transporter plate, the
22 dealer repossessed the vehicle or otherwise acquired the vehicle within
23 the last 10 days, and the vehicle is being driven from its place of
24 acquisition to the dealer's place of business or to an inspection station.
- 25 (3) Repealed by Session Laws 1997-29, s. 5.
- 26 (4) The charged infraction is described in subdivision (a)(1) of this
27 section, the vehicle is subject to a safety inspection or an emissions
28 inspection and the vehicle owner establishes in court that the vehicle
29 was inspected after the citation was issued and within 30 days of the
30 expiration date of the inspection sticker that was on the vehicle or the
31 electronic inspection authorization was issued to the vehicle when the
32 citation was issued.
- 33 (c) Felony. – A person who does any of the following commits a Class I felony:
- 34 (1) Forges an inspection ~~sticker~~-sticker, or inspection receipt.
- 35 (2) Buys, sells, issues, or possesses a forged inspection ~~sticker~~-sticker or
36 electronic inspection authorization.
- 37 (3) Buys, sells, issues, or possesses an ~~inspection sticker~~-electronic
38 inspection authorization other than as the result of either of the
39 following:
- 40 a. Having a license as an inspection station, a self-inspector, or an
41 inspection mechanic and obtaining the ~~inspection sticker~~
42 electronic inspection authorization from the Division through an
43 electronic authorization vendor in the course of business.

1 b. A vehicle inspection in which the vehicle passed the inspection
2 or for which the vehicle received a waiver.

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

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

6 **SECTION 15.** G.S. 20-183.8A reads as rewritten:

7 "**§ 20-183.8A. Civil penalties against motorists for emissions violations.**

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

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

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

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

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

21 **SECTION 16.** G.S. 20-183.8C reads as rewritten:

22 "**§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

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

25 (1) ~~Put~~Issue an emissions ~~inspection sticker~~electronic inspection
26 authorization on a vehicle without performing an emissions inspection
27 of the vehicle.

28 (1a) ~~Put~~Issue an emissions ~~inspection sticker on~~electronic inspection
29 authorization to a vehicle after performing an emissions inspection of
30 the vehicle and determining that the vehicle did not pass the
31 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,~~
35 inspection by changing the emission standards for a vehicle by
36 incorrectly entering the vehicle type or model year, or using data
37 provided by the on-board diagnostic (OBD) equipment of another
38 vehicle to achieve a 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.

42 (4) ~~Sell~~Sell, issue, or otherwise give an inspection stickerelectronic
43 inspection authorization to another other than as the result of a vehicle

- 1 inspection in which the vehicle passed the inspection or for which the
2 vehicle received a waiver.
- 3 (5) Be unable to account for five or more ~~inspection stickers~~ electronic
4 inspection authorizations at any one time upon the request of an
5 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~~ electronic inspection authorization from
9 one vehicle to another.
- 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~~ Issue a safety ~~inspection sticker~~ electronic inspection authorization
20 or an emissions ~~inspection sticker~~ electronic inspection authorization
21 on a vehicle that is required to have one of the following emissions
22 control devices but does not have it:
- 23 a. Catalytic converter.
24 b. PCV valve.
25 c. Thermostatic air control.
26 d. Oxygen sensor.
27 e. Unleaded gas restrictor.
28 f. Gasoline tank cap.
29 g. Air injection system.
30 h. Evaporative emissions system.
31 i. Exhaust gas recirculation (EGR) valve.
- 32 (4) ~~Put~~ Issue a safety ~~inspection sticker~~ electronic inspection authorization
33 or an emissions ~~inspection sticker~~ electronic inspection authorization
34 on a vehicle without performing a visual inspection of the vehicle's
35 exhaust system and checking the exhaust system for leaks.
- 36 (5) Impose no fee for an emissions inspection of a vehicle or the issuance
37 of an emissions ~~inspection sticker~~ electronic inspection authorization
38 or impose a fee for one of these actions in an amount that differs from
39 the amount set in G.S. 20-183.7.
- 40 (c) Type III. – It is a Type III violation for an emissions self-inspector, an
41 emissions inspection station, or an emissions inspection mechanic to do any of the
42 following:
- 43 (1) Fail to post an emissions license issued by the Division.

- 1 (2) Fail to send information on emissions inspections to the Division at the
2 time or in the form required by the Division.
- 3 (3) Fail to post emissions information required by federal law to be
4 posted.
- 5 (4) ~~Fail to put the required information on an inspection sticker in a
6 legible manner using ink.~~
- 7 (5) Fail to put the required information on an inspection receipt in a
8 legible manner.
- 9 (6) ~~Fail to maintain a maintenance log for an emissions analyzer or for
10 equipment to analyze data provided by on-board diagnostic (OBD)
11 equipment.~~
- 12 (d) Other Acts. – The lists in this section of the acts that are Type I, Type II, or
13 Type III violations are not the only acts that are one of these types of violations. The
14 Division may designate other acts that are a Type I, Type II, or Type III violation."
- 15 **SECTION 17.** This act becomes effective January 1, 2009, and applies to
16 offenses committed on or after that date.