

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1638*
Committee Substitute Favorable 6/6/00
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Short Title: I/M Technology Amends/CMAQ Funds.

(Public)

Sponsors:

Referred to:

May 18, 2000

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"(6) To adopt motor vehicle emissions standards; to adopt, when necessary and practicable, a motor vehicle emissions inspection and maintenance program to improve ambient air quality; ~~to require that motor vehicle emissions be monitored while the vehicle is in operation by means of onboard diagnostic equipment (OBD) installed by the vehicle manufacturer;~~ to require manufacturers of motor vehicles to furnish to the Equipment and Tool Institute and, upon request and at a reasonable charge, to any person who maintains or repairs a motor vehicle, all information necessary to

1 fully make use of the ~~onboard~~-on-board diagnostic equipment and the
2 data compiled by that equipment; to certify to the Commissioner of
3 Motor Vehicles that ambient air quality will be improved by the
4 implementation of a motor vehicle emissions inspection and
5 maintenance program in a county. The Commission shall implement
6 this subdivision as provided in G.S. 143-215.107A."

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 G.S. 143-215.107A(b) is repealed.

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

9 "(d) Additional Counties. – The Commission may require that motor vehicle
10 emissions inspections be performed in counties in addition to those set out in subsection
11 (c) of this section. In determining whether to require that motor vehicle emissions
12 inspections be performed in a county, the Commission may consider the population of,
13 and distribution of population in, the county; the projected change in population of, and
14 distribution of population in, the county; the number of vehicles registered in the county;
15 the projected change in the number of vehicles registered in the county; vehicle miles
16 traveled in the county; the projected change in vehicle miles traveled in the county;
17 current and projected commuting patterns in the county; and the current and projected
18 impact of these factors on attainment of air quality standards in the county and in areas
19 outside the county. The Commission may not require that motor vehicle emissions ~~testing~~
20 inspections be performed in any county with a population of less than 40,000 based on
21 the most recent population estimates prepared by the State Planning Officer. The
22 Commission may not require that motor vehicle emissions ~~testing-inspections~~ be
23 performed in any county in which the number of vehicle miles traveled per day is less
24 than 900,000, based on the most recent estimates prepared by the Department of
25 Transportation. In order to disapprove a rule that requires that motor vehicle emissions
26 inspections be performed in one or more additional counties, a bill introduced pursuant to
27 G.S. 150B-21.3(b) must amend subsection (c) of this section to add one or more other
28 counties in which the total population and vehicle miles traveled per day equal or exceed
29 the total population and vehicle miles traveled in the county or counties listed in the rule
30 that the bill would disapprove."

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

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

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

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

41 "~~§ 20-128. Prevention of noise, smoke, etc.; muffler cut-outs regulated. Exhaust~~
42 ~~system and emissions control devices.~~"

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

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

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

12 (d) The requirements of subsection (c) of this section shall not apply where such if
13 the emissions control devices have been removed for the purpose of converting the motor
14 vehicle to operate on natural or liquefied petroleum gas or other modifications have been
15 made in order to reduce air pollution, further provided that such modifications shall have first
16 been pollution and these modifications are approved by the Department of Environment
17 and Natural Resources."

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

19 "(b) Emissions. – A motor vehicle is subject to an emissions inspection in
20 accordance with this Part if it meets all of the following requirements:

21 (1) It is subject to registration with the Division under Article 3 of this
22 Chapter.

23 (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house
24 trailer, or a motorcycle.

25 (3) It is a 1975 or later model.

26 (4) Repealed by Session Laws 1999-328, s. 3.11.

27 (5) It meets any of the following descriptions:

28 a. It is required to be registered in an emissions county.

29 b. It is part of a fleet that is operated primarily in an emissions
30 county.

31 c. It is offered for rent in an emissions county.

32 d. It is a used vehicle offered for sale by a dealer in an emissions
33 county.

34 e. It is operated on a federal installation located in an emissions
35 county and it is not a tactical military vehicle. Vehicles operated
36 on a federal installation include those that are owned or leased by
37 employees of the installation and are used to commute to the
38 installation and those owned or operated by the federal agency
39 that conducts business at the installation.

40 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an
41 emissions inspection.

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

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

1 "(b) Emissions. – A motor vehicle is subject to an emissions inspection in
2 accordance with this Part if it meets all of the following requirements:

- 3 (1) It is subject to registration with the Division under Article 3 of this
4 Chapter.
- 5 (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house
6 trailer, or a motorcycle.
- 7 (3) It is a 1975 or later model.
- 8 (4) Repealed by Session Laws 1999-328, s. 3.11.
- 9 (5) It meets any of the following descriptions:
- 10 a. It is required to be registered in an emissions county.
- 11 b. It is part of a fleet that is operated primarily in an emissions
12 county.
- 13 c. It is offered for rent in an emissions county.
- 14 d. It is a used vehicle offered for sale by a dealer in an emissions
15 county.
- 16 e. It is operated on a federal installation located in an emissions
17 county and it is not a tactical military vehicle. Vehicles operated
18 on a federal installation include those that are owned or leased by
19 employees of the installation and are used to commute to the
20 installation and those owned or operated by the federal agency
21 that conducts business at the installation.
- 22 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an
23 emissions inspection.
- 24 (6) It is not licensed at the farmer rate under G.S. 20-88(b).
- 25 (7) It is not a new motor vehicle, as defined in G.S. 20-286(10)a. and has
26 been a used motor vehicle, as defined in G.S. 20-286(10)b., for more
27 than 12 months."

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

29 **"§ 20-183.3. Scope of safety inspection and emissions inspection.**

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

- 33 (1) Brakes, as required by G.S. 20-124.
- 34 (2) Lights, as required by G.S. 20-129 or G.S. 20-129.1.
- 35 (3) Horn, as required by G.S. 20-125(a).
- 36 (4) Steering mechanism, as required by G.S. 20-123.1.
- 37 (5) Windows and windshield wipers, as required by G.S. 20-127. To
38 determine if a vehicle window meets the window tinting restrictions, a
39 safety inspection mechanic must first determine, based on use of an
40 automotive film check card or knowledge of window tinting techniques,
41 if after-factory tint has been applied to the window. If after-factory tint
42 has been applied, the mechanic must use a light meter approved by the

1 Commissioner to determine if the window meets the window tinting
2 restrictions.

3 (6) Directional signals, as required by G.S. 20-125.1.

4 (7) Tires, as required by G.S. 20-122.1.

5 (8) Mirrors, as required by G.S. 20-126.

6 (9) Exhaust ~~system,~~ system and emissions control devices, as required by
7 G.S. 20-128. For a vehicle that is subject to an emissions inspection in
8 addition to a safety inspection, a visual inspection of the vehicle's
9 ~~emission control~~ emissions control devices is included in the emissions
10 inspection rather than the safety inspection.

11 (b) Emissions. – An emissions inspection of a motor vehicle consists of a visual
12 inspection of the vehicle's ~~emission~~ emissions control devices to determine if the devices
13 are present, are properly connected, and are the correct type for the vehicle ~~and~~ and, if the
14 vehicle is a 1975 through 1995 model, an analysis of the exhaust emissions of the vehicle
15 to determine if the exhaust emissions meet the standards for the model year of the vehicle
16 set by the Environmental Management Commission or, if the vehicle is a 1996 or later
17 model, an analysis of data provided by the on-board diagnostic (OBD) equipment
18 installed by the vehicle manufacturer to identify any deterioration or malfunction in the
19 operation of the vehicle that violates standards for the model year of the vehicle set by the
20 Environmental Management Commission. To pass an emissions inspection a vehicle
21 must pass both the visual inspection ~~and~~ and, if the vehicle is a 1975 through 1995 model,
22 the exhaust emissions analysis ~~analysis~~ or, if the vehicle is a 1996 or later model, the
23 OBD analysis. When an emissions inspection is performed on a vehicle, a safety
24 inspection must be performed on the vehicle as well.

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

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

36 "(b) Emissions. – A motor vehicle is subject to an emissions inspection in
37 accordance with this Part if it meets all of the following requirements:

38 (1) It is subject to registration with the Division under Article 3 of this
39 Chapter.

40 (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house
41 trailer, or a motorcycle.

42 (3) ~~It~~ Except as provided in G.S. 20-183.3(b), it is a 1975–1996 or later
43 model.

- 1 (4) Repealed by Session Laws 1999-328, s. 3.11.
2 (5) It meets any of the following descriptions:
3 a. It is required to be registered in an emissions county.
4 b. It is part of a fleet that is operated primarily in an emissions
5 county.
6 c. It is offered for rent in an emissions county.
7 d. It is a used vehicle offered for sale by a dealer in an emissions
8 county.
9 e. It is operated on a federal installation located in an emissions
10 county and it is not a tactical military vehicle. Vehicles operated
11 on a federal installation include those that are owned or leased by
12 employees of the installation and are used to commute to the
13 installation and those owned or operated by the federal agency
14 that conducts business at the installation.
15 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an
16 emissions inspection.
17 (6) It is not licensed at the farmer rate under G.S. 20-88(b).
18 (7) It is not a new motor vehicle, as defined in G.S. 20-286(10)a. and has
19 been a used motor vehicle, as defined in G.S. 20-286(10)b., for more
20 than 12 months."

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

23 **"§ 20-183.3. Scope of safety inspection and emissions inspection.**

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

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

1 to a safety inspection, a visual inspection of the vehicle's emissions
2 control devices is included in the emissions inspection rather than the
3 safety inspection.

4 (b) ~~Emissions~~-Emissions Inspection Requirements in Certain Counties. – An
5 emissions inspection of a motor vehicle in the Counties of Cabarrus, Durham, Forsyth,
6 Gaston, Guilford, Mecklenburg, Orange, Union, and Wake consists of a visual inspection
7 of the vehicle's emissions control devices to determine if the devices are present, are
8 properly connected, and are the correct type for the vehicle and, if the vehicle is a 1975
9 through 1995 model, an analysis of the exhaust emissions of the vehicle to determine if
10 the exhaust emissions meet the standards for the model year of the vehicle set by the
11 Environmental Management Commission or, if the vehicle is a 1996 or later model, an
12 analysis of data provided by the on-board diagnostic (OBD) equipment installed by the
13 vehicle manufacturer to identify any deterioration or malfunction in the operation of the
14 vehicle that would cause an increase in the emission of pollutants by the vehicle that
15 violates standards for the model year of the vehicle set by the Environmental
16 Management Commission. To pass an emissions inspection a vehicle must pass both the
17 visual inspection and, if the vehicle is a 1975 through 1995 model, the exhaust emissions
18 analysis or, if the vehicle is a 1996 or later model, the OBD analysis. When an emissions
19 inspection is performed on a vehicle, a safety inspection must be performed on the
20 vehicle as well.

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

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

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

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

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

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

4 **"§ 20-183.4A. License required to perform emissions inspection; qualifications for**
5 **license.**

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

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

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

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

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

17 (2) Have an emissions analyzer approved by the Environmental
18 Management ~~Commission.~~Commission, equipment to analyze data
19 provided by the on-board diagnostic (OBD) equipment approved by the
20 Environmental Management Commission, or both.

21 (3) Have equipment to transfer information on emissions inspections to the
22 Division by electronic means.

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

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

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

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

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

- 1 (1) Have a license as a safety self-inspector.
- 2 (2) Operate a fleet of at least 10 vehicles that are subject to an emissions
3 inspection.
- 4 (3) Have, or have a contract with a person who has, an emissions analyzer
5 approved by the Environmental Management ~~Commission~~ Commission,
6 equipment to analyze data provided by the on-board diagnostic (OBD)
7 equipment approved by the Environmental Management Commission,
8 or both.
- 9 (4) Regularly employ or contract with an individual who has an emissions
10 inspection mechanic license and who will perform an emissions
11 inspection on the vehicles that are part of the self-inspector's fleet."

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

14 **"§ 20-183.4A. License required to perform emissions inspection; qualifications for
15 license.**

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

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

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

- 26 (1) Have a license as a safety inspection station.
- 27 (2) ~~Have~~ In the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford,
28 Mecklenburg, Orange, Union, and Wake, have an emissions analyzer
29 approved by the Environmental Management Commission, equipment
30 to analyze data provided by the on-board diagnostic (OBD) equipment
31 approved by the Environmental Management Commission, or both.
- 32 (2a) Have equipment to analyze data provided by the on-board diagnostic
33 (OBD) equipment approved by the Environmental Management
34 Commission.
- 35 (3) Have equipment to transfer information on emissions inspections to the
36 Division by electronic means.
- 37 (4) Regularly employ at least one mechanic who has an emissions
38 inspection mechanic license.

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

- 41 (1) Have a license as a safety inspection mechanic.
- 42 (2) ~~Have~~ In the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford,
43 Mecklenburg, Orange, Union, and Wake, have successfully completed

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

14 (2a) Have successfully completed an eight-hour course approved by the
15 Division that teaches students about the causes and effects of the air
16 pollution problem, the purpose of the emissions inspection program, the
17 vehicle emission standards established by the United States
18 Environmental Protection Agency, the emission control devices on
19 vehicles, how to conduct an emissions inspection using equipment to
20 analyze data provided by the on-board diagnostic (OBD) equipment
21 approved by the Environmental Management Commission, and any
22 other topic required by 40 C.F.R. § 51.367 to be included in the course.
23 Successful completion requires a passing score on a written test and on
24 a hands-on test in which the student is required to conduct an emissions
25 inspection of a motor vehicle.

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

- 28 (1) Have a license as a safety self-inspector.
- 29 (2) Operate a fleet of at least 10 vehicles that are subject to an emissions
30 inspection.
- 31 (3) ~~Have, In the Counties of Cabarrus, Durham, Forsyth, Gaston, Guilford,~~
32 ~~Mecklenburg, Orange, Union, and Wake, have, or have a contract with a~~
33 ~~person who has, an emissions analyzer approved by the Environmental~~
34 ~~Management Commission, equipment to analyze data provided by the~~
35 ~~on-board diagnostic (OBD) equipment approved by the Environmental~~
36 ~~Management Commission, or both.~~
- 37 (3a) Have, or have a contract with a person who has, equipment to analyze
38 data provided by the on-board diagnostic (OBD) equipment approved
39 by the Environmental Management Commission.
- 40 (4) Regularly employ or contract with an individual who has an emissions
41 inspection mechanic license and who will perform an emissions
42 inspection on the vehicles that are part of the self-inspector's fleet."

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

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

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

7 (1) Fails an emissions inspection because it passes the visual inspection ~~part~~
8 ~~of the inspection but fails the analysis of exhaust emissions analysis part of~~
9 ~~the inspection. or the analysis of data provided by the on-board~~
10 diagnostic (OBD) equipment.

11 (2) Has documented repairs costing at least the waiver amount made to the
12 vehicle to correct the cause of the failure. The waiver amount is
13 seventy-five dollars (\$75.00) if the vehicle is a pre-1981 model and is
14 two hundred dollars (\$200.00) if the vehicle is a 1981 or newer model.

15 (3) Is reinspected and again fails the inspection because it passes the visual
16 inspection ~~part of the inspection but fails the analysis of exhaust~~
17 ~~emissions analysis part of the inspection. or the analysis of data provided~~
18 by the on-board diagnostic (OBD) equipment.

19 (4) Meets any other waiver criteria required by 40 C.F.R. § 51.360."

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

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

24 (1) Fails an emissions inspection because it passes the visual inspection but
25 fails ~~the analysis of exhaust emissions or the analysis of data provided by~~
26 ~~the on-board diagnostic (OBD) equipment.~~

27 (2) Has documented repairs costing at least the waiver amount made to the
28 vehicle to correct the cause of the failure. The waiver amount is
29 seventy-five dollars (\$75.00) if the vehicle is a pre-1981 model and is
30 two hundred dollars (\$200.00) if the vehicle is a 1981 or newer model.

31 (3) Is reinspected and again fails the inspection because it passes the visual
32 inspection but fails ~~the analysis of exhaust emissions or the analysis of data~~
33 ~~provided by the on-board diagnostic (OBD) equipment.~~

34 (4) Meets any other waiver criteria required by 40 C.F.R. § 51.360."

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

36 "**§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

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

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

41 (1a) Put an emissions inspection sticker on a vehicle after performing an
42 emissions inspection of the vehicle and determining that the vehicle did
43 not pass the inspection.

- 1 (2) Use a test-defeating strategy when conducting an emissions inspection,
2 such as holding the accelerator pedal down slightly during an idle test,
3 disconnecting or crimping a vacuum hose to effect a passing result, or
4 changing the emission standards for a vehicle by incorrectly entering the
5 vehicle type or model year to achieve a passing result.
- 6 (3) Allow a person who is not licensed as an emissions inspection mechanic
7 to perform an emissions inspection for a self-inspector or at an
8 emissions station.
- 9 (4) Sell or otherwise give an inspection sticker to another other than as the
10 result of a vehicle inspection in which the vehicle passed the inspection
11 or for which the vehicle received a waiver.
- 12 (5) Be unable to account for five or more inspection stickers at any one time
13 upon the request of an auditor of the Division.
- 14 (6) Perform a safety-only inspection on a vehicle that is subject to both a
15 safety and an emissions inspection.
- 16 (7) Transfer an inspection sticker from one vehicle to another.
- 17 (b) Type II. – It is a Type II violation for an emissions self-inspector, an emissions
18 inspection station, or an emissions inspection mechanic to do any of the following:
 - 19 (1) Use the identification code of another to gain access to an emissions
20 ~~analyzer~~ analyzer or to equipment to analyze data provided by on-board
21 diagnostic (OBD) equipment.
 - 22 (2) Keep inspection stickers and other compliance documents in a manner
23 that makes them easily accessible to individuals who are not inspection
24 mechanics.
 - 25 (3) Put an emissions inspection sticker on a vehicle that is required to have
26 one of the following emissions control devices but does not have it:
 - 27 a. Catalytic converter.
 - 28 b. PCV valve.
 - 29 c. Thermostatic air control.
 - 30 d. Oxygen sensor.
 - 31 e. Unleaded gas restrictor.
 - 32 f. Gasoline tank cap.
 - 33 g. Air injection system.
 - 34 h. Evaporative emissions system.
 - 35 i. Exhaust gas recirculation (EGR) valve.
 - 36 (4) Put an emissions inspection sticker on a vehicle without performing a
37 visual inspection of the vehicle's exhaust system and checking the
38 exhaust system for leaks.
 - 39 (5) Impose no fee for an emissions inspection of a vehicle or the issuance of
40 an emissions inspection sticker or impose a fee for one of these actions
41 in an amount that differs from the amount set in G.S. 20-183.7.

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

- 4 (1) Fail to post an emissions license issued by the Division.
- 5 (2) Fail to send information on emissions inspections to the Division at the
6 time or in the form required by the Division.
- 7 (3) Fail to post emissions information required by federal law to be posted.
- 8 (4) Fail to put the required information on an inspection sticker in a legible
9 manner using ink.
- 10 (5) Fail to put the required information on an inspection receipt in a legible
11 manner.
- 12 (6) Fail to maintain ~~an emissions analyzer a maintenance log.~~ log for an
13 emissions analyzer or for equipment to analyze data provided by on-
14 board diagnostic (OBD) equipment.

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

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

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

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

- 23 (1) Put an emissions inspection sticker on a vehicle without performing an
24 emissions inspection of the vehicle.
- 25 (1a) Put an emissions inspection sticker on a vehicle after performing an
26 emissions inspection of the vehicle and determining that the vehicle did
27 not pass the inspection.
- 28 (2) Use a test-defeating strategy when conducting an emissions inspection,
29 such as holding the accelerator pedal down slightly during an idle test,
30 disconnecting or crimping a vacuum hose to effect a passing result, or
31 changing the emission standards for a vehicle by incorrectly entering the
32 vehicle type or model year to achieve a passing result.
- 33 (3) Allow a person who is not licensed as an emissions inspection mechanic
34 to perform an emissions inspection for a self-inspector or at an
35 emissions station.
- 36 (4) Sell or otherwise give an inspection sticker to another other than as the
37 result of a vehicle inspection in which the vehicle passed the inspection
38 or for which the vehicle received a waiver.
- 39 (5) Be unable to account for five or more inspection stickers at any one time
40 upon the request of an auditor of the Division.
- 41 (6) Perform a safety-only inspection on a vehicle that is subject to both a
42 safety and an emissions inspection.
- 43 (7) Transfer an inspection sticker from one vehicle to another.

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

- 3 (1) Use the identification code of another to gain access to ~~an emissions~~
4 ~~analyzer or~~ to equipment to analyze data provided by on-board
5 diagnostic (OBD) equipment.
6 (2) Keep inspection stickers and other compliance documents in a manner
7 that makes them easily accessible to individuals who are not inspection
8 mechanics.
9 (3) Put an emissions inspection sticker on a vehicle that is required to have
10 one of the following emissions 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 an emissions inspection sticker on a vehicle without performing a
21 visual inspection of the vehicle's exhaust system and checking the
22 exhaust system for leaks.
23 (5) Impose no fee for an emissions inspection of a vehicle or the issuance of
24 an emissions inspection sticker or impose a fee for one of these actions
25 in an amount that differs from the amount set in G.S. 20-183.7.

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

- 29 (1) Fail to post an emissions license issued by the Division.
30 (2) Fail to send information on emissions inspections to the Division at the
31 time or in the form required by the Division.
32 (3) Fail to post emissions information required by federal law to be posted.
33 (4) Fail to put the required information on an inspection sticker in a legible
34 manner using ink.
35 (5) Fail to put the required information on an inspection receipt in a legible
36 manner.
37 (6) Fail to maintain a maintenance log ~~for an emissions analyzer or~~ for
38 equipment to analyze data provided by on-board diagnostic (OBD)
39 equipment.

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

1 Section 20. During the period 1 July 2002 through 31 December 2005, in the
2 counties of Cabarrus, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange, Union,
3 and Wake, an emissions inspection station, an emissions inspection mechanic, and an
4 emissions self-inspector, as those terms are used in G.S. 20-183.4A, may elect to perform
5 emissions inspections: (i) only on 1975 through 1995 model vehicles using an emissions
6 analyzer; (ii) only on 1996 or later model vehicles using equipment to analyze data
7 provided by the on-board diagnostic (OBD) equipment, or (iii) both on 1975 through
8 1995 model vehicles using an emissions analyzer and on 1996 or later model vehicles
9 using equipment to analyze data provided by the on-board diagnostic (OBD) equipment.
10 This section shall not be construed to authorize an emissions inspection station or an
11 emissions self-inspector to perform an emissions inspection on a vehicle of a model year
12 for which the emissions inspection station or emissions self-inspector does not have the
13 equipment necessary to perform an emissions inspection of vehicles of that model year.
14 This section shall not be construed to authorize an emissions inspection mechanic to
15 perform an emissions inspection on a vehicle unless the emissions inspection mechanic
16 has successfully completed a course, as required by G.S. 20-183.4A(2) or G.S. 20-
17 183.4A(2a), that includes training on the use of the equipment necessary to perform an
18 emissions inspection on vehicles of that model year.

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

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

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

- 36 (1) Distribution Region A consists of the following counties: Bertie,
37 Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax,
38 Hertford, Hyde, Johnston, Martin, Nash, Northampton, Pasquotank,
39 Perquimans, Tyrrell, Washington, Wayne, and Wilson.
- 40 (2) Distribution Region B consists of the following counties: Beaufort,
41 Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New
42 Hanover, Onslow, Pamlico, Pender, Pitt, and Sampson.

- 1 (3) Distribution Region C consists of the following counties: Bladen,
2 Columbus, Cumberland, Durham, Franklin, Granville, Harnett, Person,
3 Robeson, Vance, Wake, and Warren.
- 4 (4) Distribution Region D consists of the following counties: Alamance,
5 Caswell, Davidson, Davie, Forsyth, Guilford, Orange, Rockingham,
6 Rowan, and Stokes.
- 7 (5) Distribution Region E consists of the following counties: Anson,
8 Cabarrus, Chatham, Hoke, Lee, Mecklenburg, Montgomery, Moore,
9 Randolph, Richmond, Scotland, Stanly, and Union.
- 10 (6) Distribution Region F consists of the following counties: Alexander,
11 Alleghany, Ashe, Avery, Caldwell, Catawba, Cleveland, Gaston, Iredell,
12 Lincoln, Surry, Watauga, Wilkes, and Yadkin.
- 13 (7) Distribution Region G consists of the following counties: Buncombe,
14 Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson,
15 Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain,
16 Transylvania, and Yancey."

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

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