

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 180

Short Title: Repeal Safety Inspections.

(Public)

Sponsors: Representatives Carpenter; Allred, Baker, Buchanan, Cansler, Capps, Crawford, Davis, Howard, Kiser, Morris, Rayfield, Sexton, and Starnes.

Referred to: Highway Safety, if favorable, Finance.

March 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE MOTOR VEHICLE SAFETY INSPECTION.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 20-183.2 reads as rewritten:

5 **"§ 20-183.2. Description of vehicles subject to ~~safety or~~ emissions inspection;**
6 **definitions.**

7 (a) ~~Safety. A motor vehicle is subject to a safety inspection in accordance with~~
8 ~~this Part if it meets all of the following requirements:~~

9 (1) ~~It is subject to registration with the Division under Article 3 of this~~
10 ~~Chapter.~~

11 (2) ~~It is not subject to inspection under 49 C.F.R. Part 396, the federal~~
12 ~~Motor Carrier Safety Regulations.~~

13 (3) ~~It is not a trailer whose gross weight is less than 4,000 pounds or a~~
14 ~~house trailer.~~

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

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

- 1 (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house
2 trailer, or a motorcycle.
- 3 (3) It is a 1975 or later model.
- 4 (4) It is powered or designed so that it could be powered by gasoline.
- 5 (5) It meets any of the following descriptions:
- 6 a. It is required to be registered in an emissions county.
- 7 b. It is part of a fleet that is operated primarily in an emissions
8 county.
- 9 c. It is offered for rent in an emissions county.
- 10 d. It is a used vehicle offered for sale by a dealer in an emissions
11 county.
- 12 e. It is operated on a federal installation located in an emissions
13 county and it is not a tactical military vehicle. Vehicles operated
14 on a federal installation include those that are owned or leased by
15 employees of the installation and are used to commute to the
16 installation and those owned or operated by the federal agency
17 that conducts business at the installation.
- 18 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an
19 emissions inspection.
- 20 (c) Definitions. – The following definitions apply in this Part:
- 21 (1) Emissions county. – A county in which the State either is required by
22 federal law to conduct emissions testing or has agreed in its State
23 Implementation Plan submitted to the federal Environmental Protection
24 Agency to conduct emissions testing. The State Environmental
25 Management Commission establishes the emissions counties pursuant
26 to rules adopted under G.S. 143-215.107(a)(6).
- 27 (2) Federal installation. – An installation that is owned by, leased to, or
28 otherwise regularly used as the place of business of a federal agency."

29 Section 2. G.S. 20-183.3 reads as rewritten:

30 **"§ 20-183.3. Scope of safety inspection and emissions inspection.**

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

- 34 (1) ~~Brakes, as required by G.S. 20-124.~~
- 35 (2) ~~Lights, as required by G.S. 20-129 or G.S. 20-129.1.~~
- 36 (3) ~~Horn, as required by G.S. 20-125(a).~~
- 37 (4) ~~Steering mechanism, as required by G.S. 20-123.1.~~
- 38 (5) ~~Windows and windshield wipers, as required by G.S. 20-127. To~~
39 ~~determine if a vehicle window meets the window tinting restrictions, a~~
40 ~~safety inspection mechanic must first determine, based on use of an~~
41 ~~automotive film check card or knowledge of window tinting techniques,~~
42 ~~if after factory tint has been applied to the window. If after factory tint~~
43 ~~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, as required by G.S. 20-128. For a vehicle that is subject~~
7 ~~to an emissions inspection in addition to a safety inspection, a visual~~
8 ~~inspection of the vehicle's emission control devices is included in the~~
9 ~~emissions inspection rather than the safety inspection.~~

10 (b) Emissions. – An emissions inspection of a motor vehicle consists of a visual
11 inspection of the vehicle's emission control devices to determine if the devices are
12 present, are properly connected, and are the correct type for the vehicle and an analysis of
13 the exhaust emissions of the vehicle to determine if the exhaust emissions meet the
14 standards for the model year of the vehicle set by the Environmental Management
15 Commission. To pass an emissions inspection a vehicle ~~must~~ shall pass both the visual
16 inspection and the exhaust emissions analysis. ~~When an emissions inspection is performed~~
17 ~~on a vehicle, a safety inspection must be performed on the vehicle as well.~~

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

27 Section 3. G.S. 20-183.4 is repealed.

28 Section 4. G.S. 20-183.4C reads as rewritten:

29 **"§ 20-183.4C. When a vehicle ~~must~~ shall be inspected; one-way trip permit.**

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

32 (1) A new vehicle ~~must~~ shall be inspected before it is sold at retail in this
33 State.

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

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

41 (4) A used vehicle acquired by a resident of this State from a person outside
42 the State ~~must~~ shall be inspected within 10 days after the vehicle is
43 registered with the Division.

1 (5) A vehicle owned by a new resident of this State who transfers the
2 registration of the vehicle from the resident's former home state to this
3 State ~~must~~shall be inspected within 10 days after the vehicle is
4 registered with the Division.

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

9 (b) Permit. – The Division may issue a one-way trip permit to a person that
10 authorizes the person to drive to an inspection station a vehicle whose inspection sticker
11 has expired. The permit ~~must~~shall describe the vehicle whose inspection sticker has
12 expired. The permit authorizes the person to drive the described vehicle only from the
13 place the vehicle is parked to an inspection station.

14 The Division may issue a 10-day temporary permit to a person that authorizes the
15 person to drive a vehicle that failed to pass ~~either the safety inspection or emissions~~
16 inspection. The permit ~~must~~shall describe the vehicle that failed to pass inspection and
17 the date that it failed to pass inspection."

18 Section 5. G.S. 20-183.4D reads as rewritten:

19 **§ 20-183.4D. Procedure when a vehicle is inspected.**

20 (a) Receipt. – When ~~a safety inspection mechanic or an emissions inspection~~
21 mechanic inspects a vehicle, the mechanic ~~must~~shall give the person who brought the
22 vehicle in for inspection an inspection receipt. The inspection receipt ~~must~~shall state the
23 date of the inspection, identify the mechanic performing the inspection, identify the
24 station or self-inspector where the inspection was performed, and list the components of
25 the inspection performed and indicate for each component whether the vehicle passed or
26 failed. A vehicle that fails a component of an inspection may be repaired at any repair
27 facility chosen by the owner or operator of the vehicle.

28 (b) Sticker. – ~~When a vehicle that is subject to a safety inspection only passes the~~
29 ~~safety inspection, the safety inspection mechanic who performed the inspection must put~~
30 ~~an inspection sticker on the windshield of the vehicle at the place designated by the~~
31 ~~Division. When a vehicle that is subject to both a safety inspection and an emissions~~
32 ~~inspection passes both inspections or passes the safety inspection and has a waiver for~~
33 ~~the emissions inspection, the emissions mechanic performing the inspection must shall~~
34 put an inspection sticker on the windshield of the vehicle at the place designated by the
35 Division.

36 (c) Content of Sticker. – ~~An inspection sticker issued for a vehicle that is subject~~
37 ~~to a safety inspection only must be a different color from an inspection sticker issued for~~
38 ~~a vehicle that is subject to both a safety and an emissions inspection. An inspection~~
39 sticker ~~must~~shall indicate when it expires, ~~must~~shall be printed with a unique serial
40 number and an official program seal, and ~~must~~shall be counterfeit resistant. The side of
41 an inspection sticker that is readable from the interior of a vehicle ~~must~~shall contain the
42 following information:

43 (1) The date the inspection was performed.

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

4 (d) When Sticker Expires. – An inspection sticker put on a vehicle that did not
 5 have an inspection sticker issued under this Part when it was brought in for inspection
 6 expires at midnight on the last day of the twelfth month after the month the inspection
 7 sticker is put on the vehicle. An inspection sticker put on a vehicle that had an inspection
 8 sticker that was put on under this Part when it was brought in for inspection expires as
 9 follows:

- 10 (1) If the expiration date of the inspection sticker the vehicle had when it
 11 was brought in for inspection is less than 12 full months from the date
 12 of the inspection, the inspection sticker expires at midnight on the last
 13 day of the twelfth month after the month the inspection sticker is put on
 14 the vehicle.
- 15 (2) If the expiration date of the inspection sticker the vehicle had when it
 16 was brought in for inspection is 12 or more months from the date of the
 17 inspection, the inspection sticker expires one year after the expiration
 18 date of the inspection sticker the vehicle had when it was brought in for
 19 inspection, regardless of whether there are 12 months in this period.”

20 Section 6. G.S. 20-183.7 reads as rewritten:

21 **"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker on**
 22 **a vehicle; use of civil penalties.**

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

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only, Without After- Factory Tinted Window	\$ 8.25	\$ 1.00
Safety Only, With After-Factory Tinted Window	18.25	1.00
Emissions and Safety, Without After-Factory Tinted Window	17.00	2.40-2.40.
Emissions and Safety, With After-Factory Tinted Window	27.00	2.40.

35 The fee for performing an inspection of a vehicle applies when an inspection is
 36 performed, regardless of whether the vehicle passes the inspection. The fee for an
 37 inspection sticker applies when an inspection sticker is put on a vehicle. ~~The fee for~~
 38 ~~performing an inspection of a vehicle with a tinted window applies only to an inspection~~
 39 ~~performed with a light meter after a safety inspection mechanic determined that the window had~~
 40 ~~after-factory tint.~~

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

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

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

<u>Recipient</u>	<u>Highway Fund</u>	<u>.75</u>	<u>.00</u>
Emissions Program Account	.00		1.80
Volunteer Rescue/EMS Fund	.15		.15
Rescue Squad Workers' Relief Fund	.10		.10
Division of Environmental Management <u>Air Quality</u>	.00		.35.

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

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

Section 7. G.S. 20-183.8D reads as rewritten:

"§ 20-183.8D. Suspension or revocation of license.

(a) ~~Safety. – The Division may suspend or revoke a safety self-inspector license, a safety inspection station license, and a safety inspection mechanic license issued under this Part if the license holder fails to comply with this Part or a rule adopted by the Commissioner to implement this Part.~~

(b) Emissions. – The Division may suspend or revoke an emissions self-inspector license, an emissions inspection station license, and an emissions inspection mechanic license issued under this Part for any of the following reasons:

- (1) The suspension or revocation is imposed under G.S. 20-183.8B.
- (2) Failure to pay a civil penalty imposed under G.S. 20-183.8B within 30 days after it is imposed."

Section 8. This act is effective when it becomes law.