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SESSION 2007

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HOUSE BILL 679
Committee Substitute Favorable 6/21/07
Committee Substitute #2 Favorable 7/19/07

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(b1) Repealed by Session Laws 1993, c. 467, s. 2.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(d), (e) Repealed by Session Laws 1993 (Reg.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(f) Repealed by Session Laws 1993, c. 467, s. 2.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

1 of the month designated on the sticker. It is lawful, however, to operate the vehicle on a
2 highway until midnight on the fifteenth day of the month following the month in which
3 the sticker expired.

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

9 (h) Repealed by Session Laws 2004-167, s. 3, as amended by Session Laws
10 2004-199, s. 59, effective January 1, 2006.

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

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

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

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

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

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

34 ~~(4)~~(2) Emissions county. – A county listed in G.S. 143-215.107A(c) or
35 designated by the Environmental Management Commission pursuant
36 to G.S. 143-215.107A(d) and certified to the Commissioner of Motor
37 Vehicles as a county in which the implementation of a motor vehicle
38 emissions inspection program will improve ambient air quality.

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

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

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

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

3 (1) At a station that has a safety inspection station license issued by the
4 Division and by a mechanic who is employed by the station and has a
5 safety inspection mechanic license issued by the Division.

6 (2) At a place of business of a person who has a safety self-inspector
7 license issued by the Division and by an individual who has a safety
8 inspection mechanic license issued by the Division.

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

11 (1) Have a place of business that has adequate facilities, space, and
12 equipment to conduct a safety inspection. A place of business
13 designated in a station license that has been suspended or revoked
14 cannot be the designated place for any other license applicant during
15 the period of the suspension or revocation, unless the Division finds
16 that operation of the place of business as an inspection station during
17 this period by the license applicant would not defeat the purpose of the
18 suspension or revocation because the license applicant has no
19 connection with the person whose license was suspended or revoked or
20 because of another reason. A finding made by the Division under this
21 subdivision must be set out in a written statement that includes the
22 finding and the reason for the finding.

23 (2) Regularly employ at least one mechanic who has a safety inspection
24 mechanic license.

25 (3) Designate the individual who will be responsible for the day-to-day
26 operation of the station. The individual designated must be of good
27 character and have a reputation for honesty.

28 (4) Have equipment and software to transfer information on safety
29 inspections to the Division by electronic means. During the initial
30 implementation of the electronic inspection process, the vendor
31 selected by the Division shall provide the equipment and software at
32 no cost to a station that holds a license on October 1, 2008.

33 (c) Mechanic Qualifications. – An applicant for a license as a safety inspection
34 mechanic must meet all of the following requirements:

35 (1) Have successfully completed an eight-hour course approved by the
36 Division that teaches students about the safety equipment a motor
37 vehicle is required to have to pass a safety inspection and how to
38 conduct a safety ~~inspection~~inspection using equipment to
39 electronically transmit the vehicle information and inspection results.

40 (2) Have a drivers license.

41 (3) Be of good character and have a reputation for honesty.

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

- 1 (1) Operate a fleet of at least 10 vehicles that are subject to a safety
2 inspection.
3 (2) Regularly employ or contract with an individual who has a safety
4 inspection mechanic license and who will perform a safety inspection
5 on the vehicles that are part of the self-inspector's fleet."

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

7 **"§ 20-183.4A. License required to perform emissions inspection; qualifications for**
8 **license.**

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

- 11 (1) At a station that has an emissions inspection station license issued by
12 the Division and by a mechanic who is employed by the station and
13 has an emissions inspection mechanic license issued by the Division.
14 (2) At a place of business of a person who has an emissions self-inspector
15 license issued by the Division and by an individual who has an
16 emissions inspection mechanic license.

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

- 19 (1) Have a license as a safety inspection station.
20 (2) Repealed by Laws 2000-134, s. 15, effective January 1, 2006.
21 (2a) Have equipment to analyze data provided by the on-board diagnostic
22 (OBD) equipment approved by the Environmental Management
23 Commission.
24 (3) Have equipment and software to transfer information on emissions
25 inspections to the Division by electronic means. During the initial
26 implementation of the electronic inspection process, the vendor
27 selected by the Division shall provide the software at no cost to a
28 station that holds a license on October 1, 2008.
29 (4) Regularly employ at least one mechanic who has an emissions
30 inspection mechanic license.

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

- 33 (1) Have a license as a safety inspection mechanic.
34 (2) Repealed by Laws 2000-134, s. 15, effective January 1, 2006.
35 (2a) Have successfully completed an eight-hour course approved by the
36 Division that teaches students about the causes and effects of the air
37 pollution problem, the purpose of the emissions inspection program,
38 the vehicle emission standards established by the United States
39 Environmental Protection Agency, the emission control devices on
40 vehicles, how to conduct an emissions inspection using equipment to
41 analyze data provided by the on-board diagnostic (OBD) equipment
42 approved by the Environmental Management Commission, and any
43 other topic required by 40 C.F.R. § 51.367 to be included in the
44 course. Successful completion requires a passing score on a written

1 test and on a hands-on test in which the student is required to conduct
2 an emissions inspection of a motor vehicle.

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

5 (1) Have a license as a safety self-inspector.

6 (2) Operate a fleet of at least 10 vehicles that are subject to an emissions
7 inspection.

8 (3) Repealed by Laws 2000-134, s. 15, effective January 1, 2006.

9 (3a) Have, or have a contract with a person who has, equipment to analyze
10 data provided by the on-board diagnostic (OBD) equipment approved
11 by the Environmental Management Commission.

12 (4) Regularly employ or contract with an individual who has an emissions
13 inspection mechanic license and who will perform an emissions
14 inspection on the vehicles that are part of the self-inspector's fleet."

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

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

18 (1) A new vehicle must be inspected before it is sold at retail in this State.
19 Upon purchase, a receipt approved by the Division must be provided
20 to the new owner certifying compliance.

21 (2) A used vehicle must be inspected before it is offered for sale at retail
22 in this State by a ~~dealer at a location other than a public auction~~
23 ~~dealer.~~ Upon purchase, a receipt approved by the Division must be
24 provided to the new owner certifying compliance.

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

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

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

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

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

- 1 (7) A vehicle that is required to be inspected in accordance with this Part
2 may be inspected 90 days prior to midnight of the last day of the
3 month as designated by the vehicle registration sticker.
- 4 (8) A new or used vehicle acquired from a retailer in this State and
5 registered with the Division with a new registration or a transferred
6 registration must be inspected in accordance with this Part when the
7 current registration expires.
- 8 (9) A used vehicle acquired from a private sale in this State must be
9 inspected in accordance with this Part within 30 days after the vehicle
10 is registered with the Division or when the current registration expires
11 if it has not received a passing inspection within the previous 12
12 months.
- 13 (10) An unregistered vehicle must be inspected within 30 days after the
14 vehicle is registered with the Division or not later than 30 days after a
15 transferred registration expires.
- 16 (11) A person who owns a vehicle located outside of this State when its
17 emissions inspection becomes due may obtain an emissions inspection
18 in the jurisdiction where the vehicle is located, in lieu of a North
19 Carolina emissions inspection, as long as the inspection meets the
20 requirements of 40 C.F.R. § 51."

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

22 **"§ 20-183.4D. Procedure when a vehicle is inspected.**

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

31 (b) ~~Sticker.~~ Electronic Inspection Authorization. – When a vehicle that is subject
32 to a safety inspection only passes the safety inspection, the safety inspection mechanic
33 who performed the inspection must ~~put an inspection sticker on the windshield of~~ issue
34 an electronic inspection authorization to the vehicle at the place designated by the
35 Division. When a vehicle that is subject to both a safety inspection and an emissions
36 inspection passes both inspections or passes the safety inspection and has a waiver for
37 the emissions inspection, the emissions mechanic performing the inspection must ~~put an~~
38 inspection sticker on the windshield of issue an electronic inspection authorization to the
39 vehicle at the place designated by the Division.

40 (c) ~~Content of Sticker.~~ – ~~An inspection sticker issued for a vehicle that is subject~~
41 ~~to a safety inspection only must be a different color from an inspection sticker issued for~~
42 ~~a vehicle that is subject to both a safety and an emissions inspection. An inspection~~
43 ~~sticker must indicate when it expires, must be printed with a unique serial number and~~
44 ~~an official program seal, and must be counterfeit resistant. The side of an inspection~~

1 ~~sticker that is readable from the interior of a vehicle must contain the following~~
2 ~~information:~~

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

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

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

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

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

28 "**§ 20-183.5. When a vehicle that fails an emissions inspection may obtain a waiver**
29 **from the inspection requirement.**

30 (a) **(For amendment to subsection (a) effective January 1, 2006, see notes.)**
31 **Requirements. — The Division may issue a waiver for a vehicle-vehicle, excluding a**
32 **vehicle owned or being held for retail sale by a motor vehicle dealer, that meets all of**
33 **the following requirements:**

- 34 (1) ~~Fails an emissions inspection because it passes the visual inspection~~
35 ~~but fails the analysis of exhaust emissions or the analysis of data~~
36 ~~provided by the on-board diagnostic (OBD) equipment.~~
- 37 (2) ~~Has documented repairs costing at least the waiver amount made to the~~
38 ~~vehicle to correct the cause of the failure. The waiver amount is~~
39 ~~seventy five dollars (\$75.00) if the vehicle is a pre 1981 model and is~~
40 ~~two hundred dollars (\$200.00) if the vehicle is a 1981 or newer~~
41 ~~model.(\$200.00).~~
- 42 (3) ~~Is reinspected and again fails the inspection because it passes the~~
43 ~~visual inspection but fails the analysis of exhaust emissions or the~~

1 analysis of data provided by the on-board diagnostic (OBD)
2 equipment.

3 (4) Meets any other waiver criteria required by 40 C.F.R. § ~~51.360~~51.360,
4 or as designated by the Division.

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

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

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

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

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

24 (4) OBD diagnostics without corresponding repairs.

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

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

30 "**§ 20-183.5A. When a vehicle that fails a safety inspection because of missing**
31 **emissions control devices may obtain a waiver.**

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

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

36 (2) Has documented repairs within the previous calendar year to replace
37 missing emissions control devices costing at least the waiver amount
38 made to the vehicle to correct the cause of the failure. The waiver
39 amount is ~~seventy five dollars (\$75.00) if the vehicle is a pre 1981~~
40 ~~model and is two hundred dollars (\$200.00) if the vehicle is a~~
41 ~~1981~~1996 or newer model.

42 (b) Procedure. – To obtain a waiver, a person must contact a local enforcement
43 office of the Division. Before issuing a waiver, an employee of the Division must
44 review the inspection receipts issued for the inspections of the vehicle, review the

1 documents establishing what repairs were made to the vehicle and at what cost, review
2 any statement denying warranty coverage of the repairs made, and do a visual
3 inspection of the vehicle, if appropriate, to determine if the documented repairs were
4 made. The Division must issue a waiver if it determines that the vehicle qualifies for a
5 waiver. A person to whom a waiver is issued must present the waiver to the
6 self-inspector or inspection station performing the inspection to obtain an ~~inspection~~
7 ~~sticker~~ electronic inspection authorization.

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

- 11 (1) Repairs covered by a warranty that applies to the vehicle.
- 12 (2) Repairs needed as a result of tampering with an emission control
13 device of the vehicle.
- 14 (3) ~~If the vehicle is a 1981 or newer model, repairs~~ Repairs made by an
15 individual who is not professionally engaged in the business of
16 repairing vehicles.

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

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

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

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

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

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

- 30 (1) Conduct performance audits, record audits, and equipment audits of
31 those licensed to perform inspections to ensure that inspections are
32 performed properly.
- 33 (2) Ensure that Division personnel who audit license holders are
34 knowledgeable about audit procedures and about the requirements of
35 both the safety inspection and the emissions inspection programs.
- 36 (3) Perform an emissions inspection on a vehicle when requested to do so
37 by a vehicle owner so the owner can compare the result of the
38 inspection performed by the Division with the result of an inspection
39 performed at an emissions inspection station.
- 40 (4) Investigate complaints about a person licensed to perform inspections
41 and reports of irregularities in performing inspections.
- 42 (5) Establish written procedures for the issuance of ~~inspection stickers~~
43 electronic inspection authorizations to persons licensed to perform
44 ~~inspections~~ electronic inspection authorizations.

(6) Submit information and reports to the federal Environmental Protection Agency as required by 40 C.F.R. Part 51.

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

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

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

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

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

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

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

The inspection fee for an emissions and safety inspection set out in this subsection is the maximum amount that an inspection station or an inspection mechanic may charge for an emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic may charge the maximum amount or any lesser amount for an emissions and safety inspection of a vehicle. The inspection fee for a safety only

1 inspection set out in this subsection may not be increased or decreased. The ~~sticker~~
 2 authorization fees set out in this subsection may not be increased or decreased.

3 (b) Self-Inspector. – The fee for an inspection does not apply to an inspection
 4 performed by a self-inspector. The fee for ~~putting an inspection sticker on~~ issuing an
 5 electronic inspection authorization to a vehicle applies to an inspection performed by a
 6 self-inspector.

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

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

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

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

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

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

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

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

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

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

24 "**§ 20-183.7B. Acts that are Type I, II, or III safety violations.**

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

- 27 (1) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
28 authorization to a vehicle without performing a safety inspection of
29 vehicle.
- 30 (2) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
31 authorization to a vehicle after performing a safety inspection of the
32 vehicle and determining that the vehicle did not pass the inspection.
- 33 (3) Allow a person who is not licensed as a safety inspection mechanic to
34 perform a safety inspection for a self-inspector or at a safety station.
- 35 (4) ~~Sell~~ Sell, issue, or otherwise give an inspection sticker electronic
36 inspection authorization to another, other than as the result of a vehicle
37 inspection in which the vehicle passed the inspection.
- 38 (5) Be unable to account for five or more ~~inspection stickers~~ electronic
39 inspection authorizations at any one time upon the request of an officer
40 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~~ electronic inspection authorization from
44 one vehicle to another.

- 1 (8) Conduct a safety inspection of a vehicle without driving the vehicle
2 and without raising the vehicle and without opening the hood of the
3 vehicle to check equipment located therein.
- 4 (9) Solicit or accept anything of value to pass a vehicle other than as
5 provided in this Part.
- 6 (b) Type II. – It is a Type II violation for a safety self-inspector, a safety
7 inspection station, or a safety inspection mechanic to do any of the following:
- 8 (1) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
9 authorization to a vehicle without driving the vehicle and checking the
10 vehicle's braking reaction, foot brake pedal reserve, and steering free
11 play.
- 12 (2) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
13 authorization to a vehicle without raising the vehicle to free each
14 wheel and checking the vehicle's tires, brake lines, parking brake
15 cables, wheel drums, exhaust system, and the emissions equipment.
- 16 (3) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
17 authorization to a vehicle without raising the hood and checking the
18 master cylinder, horn mounting, power steering, and emissions
19 equipment.
- 20 (4) Conduct a safety inspection of a vehicle outside the designated
21 inspection area.
- 22 (5) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
23 authorization to a vehicle with inoperative equipment, or with
24 equipment that does not conform to the vehicle's original equipment or
25 design specifications, or with equipment that is prohibited by any
26 provision of law.
- 27 (6) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
28 authorization to a vehicle without performing a visual inspection of the
29 vehicle's exhaust system.
- 30 (7) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
31 authorization to a vehicle without checking the exhaust system for
32 leaks.
- 33 (8) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
34 authorization to a vehicle that is required to have any of the following
35 emissions control devices but does not have the device:
- 36 a. Catalytic converter.
37 b. PCV valve.
38 c. Thermostatic air control.
39 d. Oxygen sensor.
40 e. Unleaded gas restrictor.
41 f. Gasoline tank cap.
42 g. Air injection system.
43 h. Evaporative emissions system.
44 i. Exhaust gas recirculation (EGR) valve.

- 1 (9) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
2 authorization to a vehicle after failing to inspect four or more of
3 following:
4 a. Emergency brake.
5 b. Horn.
6 c. Headlight high beam indicator.
7 d. Inside rearview mirror.
8 e. Outside rearview mirror.
9 f. Turn signals.
10 g. Parking lights.
11 h. Headlights – operation and lens.
12 i. Headlights – aim.
13 j. Stoptlights.
14 k. Taillights.
15 l. License plate lights.
16 m. Windshield wiper.
17 n. Windshield wiper blades.
18 o. Window tint.
- 19 (10) Impose no fee for a safety inspection of a vehicle or the issuance of a
20 safety ~~inspection sticker~~ electronic inspection authorization or impose
21 a fee for one of these actions in an amount that differs from the amount
22 set in G.S. 20-183.7.
- 23 (c) Type III. – It is a Type III violation for a safety self-inspector, a safety
24 inspection station, or a safety inspection mechanic to do any of the following:
- 25 (1) Fail to post a safety inspection station license issued by the Division.
26 (2) Fail to send information on safety inspections to the Division at the
27 time or in the form required by the Division.
28 (3) Fail to post all safety information required by federal law and by the
29 Division.
30 (4) Fail to put the required information on an ~~inspection sticker or~~
31 inspection receipt in a legible manner using ink.
32 (5) Issue a receipt that is signed by a person other than the safety
33 inspection mechanic.
34 (6) Place an incorrect expiration date on an ~~inspection sticker~~ electronic
35 inspection authorization.
36 (7) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection
37 authorization to a vehicle after having failed to inspect three or fewer
38 of the following:
39 a. Emergency brake.
40 b. Horn.
41 c. Headlight high beam indicator.
42 d. Inside rearview mirror.
43 e. Outside rearview mirror.
44 f. Turn signals.

- g. Parking lights.
- h. Headlights – operation and lens.
- i. Headlights – aim.
- j. Stoplights.
- k. Taillights.
- l. License plate lights.
- m. Windshield wiper.
- n. Windshield wiper blades.
- o. Window tint.

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

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

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

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

- (1) Operates a motor vehicle that is subject to inspection under this Part on a highway or public vehicular area in the State when the vehicle has not been inspected in accordance with this Part, as evidenced by the vehicle's lack of a current ~~inspection sticker~~electronic inspection authorization or otherwise.
- (2) Allows an ~~inspection sticker~~electronic inspection authorization to be ~~put on~~issued to a vehicle owned or operated by that person, knowing that the vehicle was not inspected before the ~~sticker~~electronic inspection authorization was ~~attached~~issued or was not inspected properly.
- (3) ~~Puts~~Issues an ~~inspection sticker~~electronic inspection authorization on a vehicle, knowing or having reasonable grounds to know that an inspection of the vehicle was not performed or was performed improperly. A person who is cited for a civil penalty under G.S. 20-183.8B for an emissions violation involving the inspection of a vehicle may not be charged with an infraction under this subdivision based on that same vehicle.
- (4) Alters the original certified configuration or data link connectors of a vehicle in such a way as to make an emissions inspection by analysis of data provided by on-board diagnostic (OBD) equipment inaccurate or impossible.

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

- (1) The vehicle was continuously out of State for at least the 30 days preceding the date the ~~inspection sticker~~electronic inspection authorization expired and a current ~~inspection sticker~~electronic

1 inspection authorization was obtained within 10 days after the vehicle
2 came back to the State.

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

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

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

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

16 (1) Forges an inspection ~~sticker~~ sticker or inspection receipt.

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

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

22 a. Having a license as an inspection station, a self-inspector, or an
23 inspection mechanic and obtaining the ~~inspection sticker~~
24 electronic inspection authorization from the Division through an
25 electronic authorization vendor in the course of business.

26 b. A vehicle inspection in which the vehicle passed the inspection
27 or for which the vehicle received a waiver.

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

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

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

32 "**§ 20-183.8A. Civil penalties against motorists for emissions violations.**

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

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

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

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

42 The amount of penalty is ~~one hundred dollars (\$100.00) if the vehicle is a pre 1981~~
43 ~~vehicle and two hundred fifty dollars (\$250.00) if the vehicle is a 1981 or newer model~~

1 ~~vehicle.(\$250.00).~~ As provided in G.S. 20-54, the registration of a vehicle may not be
2 renewed until a penalty imposed under this section has been paid."

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

4 "**§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

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

7 (1) ~~Put~~ Issue an emissions ~~inspection sticker~~ electronic inspection
8 authorization on a vehicle without performing an emissions inspection
9 of the vehicle.

10 (1a) ~~Put~~ Issue an emissions ~~inspection sticker~~ on electronic inspection
11 authorization to a vehicle after performing an emissions inspection of
12 the vehicle and determining that the vehicle did not pass the
13 inspection.

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

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

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

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

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

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

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

38 (1) Use the identification code of another to gain access to an emissions
39 analyzer or to equipment to analyze data provided by on-board
40 diagnostic (OBD) equipment.

41 (2) Keep ~~inspection stickers and other~~ compliance documents in a manner
42 that makes them easily accessible to individuals who are not inspection
43 mechanics.

- 1 (3) ~~Put Issue a safety inspection sticker~~ electronic inspection authorization
2 or an emissions ~~inspection sticker~~ electronic inspection authorization
3 on a vehicle that is required to have one of the following emissions
4 control devices but does not have it:
5 a. Catalytic converter.
6 b. PCV valve.
7 c. Thermostatic air control.
8 d. Oxygen sensor.
9 e. Unleaded gas restrictor.
10 f. Gasoline tank cap.
11 g. Air injection system.
12 h. Evaporative emissions system.
13 i. Exhaust gas recirculation (EGR) valve.
14 (4) ~~Put Issue a safety inspection sticker~~ electronic inspection authorization
15 or an emissions ~~inspection sticker~~ electronic inspection authorization
16 on a vehicle without performing a visual inspection of the vehicle's
17 exhaust system and checking the exhaust system for leaks.
18 (5) Impose no fee for an emissions inspection of a vehicle or the issuance
19 of an emissions ~~inspection sticker~~ electronic inspection authorization
20 or impose a fee for one of these actions in an amount that differs from
21 the amount set in G.S. 20-183.7.

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

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

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

40 **SECTION 16.1.** The Division may utilize the vendor currently providing
41 services for the emissions stations to help implement the provisions of this act.

42 **SECTION 16.2.** The Division shall report on the progress of implementing
43 this act to the Joint Legislative Transportation Oversight Committee by May 1, 2008.

1 **SECTION 17.** This act becomes effective October 1, 2008, and applies to
2 offenses committed on or after that date.