

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE DRS35183-MA-203A\* (3/6)**

Short Title: Safety/Emission Inspection Changes.-AB (Public)

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Sponsors: Senator Jenkins.

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Referred to:

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A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

...

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

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

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

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

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

6 ...."

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

8 **"§ 20-183.4C. When a vehicle must be inspected; one-way trip permit.**

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

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

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

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

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

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

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

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

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

37 ...."

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

39 **"§ 20-183.4D. Procedure when a vehicle is inspected.**

40 (a) Receipt. – When a safety inspection mechanic or an emissions inspection  
41 mechanic inspects a vehicle, the mechanic must give the person who brought the vehicle  
42 in for inspection an inspection receipt. The inspection receipt must state the date of the  
43 inspection, identify the mechanic performing the inspection, identify the station or  
44 self-inspector where the inspection was performed, and list the components of the

1 inspection performed and indicate for each component whether the vehicle passed or  
2 failed. A vehicle that fails a component of an inspection may be repaired at any repair  
3 facility chosen by the owner or operator of the vehicle.

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

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

20 (1) ~~The date the inspection was performed.~~

21 (2) ~~The odometer reading when the inspection was performed.~~

22 (3) ~~The signature, initials, or other identification of the mechanic who~~  
23 ~~performed the inspection and put the sticker on the windshield.~~

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

30 (1) ~~If the expiration date of the inspection sticker the vehicle had when it~~  
31 ~~was brought in for inspection is less than 12 full months from the date~~  
32 ~~of the inspection, the inspection sticker expires at midnight on the last~~  
33 ~~day of the twelfth month after the month the inspection sticker is put~~  
34 ~~on the vehicle.~~

35 (2) ~~If the expiration date of the inspection sticker the vehicle had when it~~  
36 ~~was brought in for inspection is 12 or more months from the date of~~  
37 ~~the inspection, the inspection sticker expires one year after the~~  
38 ~~expiration date of the inspection sticker the vehicle had when it was~~  
39 ~~brought in for inspection, regardless of whether there are 12 months in~~  
40 ~~this period."~~

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

42 **"§ 20-183.5. When a vehicle that fails an emissions inspection may obtain a waiver**  
43 **from the inspection requirement.**

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

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

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

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

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

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

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

40 "**§ 20-183.5A. When a vehicle that fails a safety inspection because of missing**  
41 **emissions control devices may obtain a waiver.**

42 ...

43 (b) Procedure. – To obtain a waiver, a person must contact a local enforcement  
44 office of the Division. Before issuing a waiver, an employee of the Division must

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

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

10 "**§ 20-183.5A. When a vehicle that fails a safety inspection because of missing**  
 11 **emissions control devices may obtain a waiver.**

12 ...

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (2) The amount of the inspection fee charged by the inspection station and  
13 a statement that clearly indicates that the amount of the inspection fee  
14 is determined by the inspection station, that the inspection fee is  
15 retained by the inspection station to compensate the station for  
16 performing the inspection, and that the inspection fee is not paid to the  
17 State.

18 (3) The amount of the ~~sticker~~ electronic inspection authorization fee, if the  
19 motor vehicle passes the inspection, a statement that the ~~sticker~~  
20 electronic inspection authorization fee is paid to the State, and a brief  
21 summary of the purposes for which the ~~sticker~~ electronic inspection  
22 authorization fee is collected.

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

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

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

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

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

33 "**§ 20-183.7B. Acts that are Type I, II, or III safety violations.**

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

36 (1) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection  
37 authorization to a vehicle without performing a safety inspection of  
38 vehicle.

39 (2) ~~Put~~ Issue a safety ~~inspection sticker on~~ electronic inspection  
40 authorization to a vehicle after performing a safety inspection of the  
41 vehicle and determining that the vehicle did not pass the inspection.

42 (3) Allow a person who is not licensed as a safety inspection mechanic to  
43 perform a safety inspection for a self-inspector or at a safety station.

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



- 1           (8) ~~Put~~ Issue a safety inspection sticker on electronic inspection  
2 authorization to a vehicle that is required to have any of the following  
3 emissions control devices but does not have the device:  
4           a. Catalytic converter.  
5           b. PCV valve.  
6           c. Thermostatic air control.  
7           d. Oxygen sensor.  
8           e. Unleaded gas restrictor.  
9           f. Gasoline tank cap.  
10          g. Air injection system.  
11          h. Evaporative emissions system.  
12          i. Exhaust gas recirculation (EGR) valve.  
13         (9) ~~Put~~ Issue a safety inspection sticker on electronic inspection  
14 authorization to a vehicle after failing to inspect four or more of  
15 following:  
16          a. Emergency brake.  
17          b. Horn.  
18          c. Headlight high beam indicator.  
19          d. Inside rearview mirror.  
20          e. Outside rearview mirror.  
21          f. Turn signals.  
22          g. Parking lights.  
23          h. Headlights – operation and lens.  
24          i. Headlights – aim.  
25          j. Stoplights.  
26          k. Taillights.  
27          l. License plate lights.  
28          m. Windshield wiper.  
29          n. Windshield wiper blades.  
30          o. Window tint.  
31         (10) Impose no fee for a safety inspection of a vehicle or the issuance of a  
32 safety ~~inspection sticker~~ electronic inspection authorization or impose  
33 a fee for one of these actions in an amount that differs from the amount  
34 set in G.S. 20-183.7.  
35         (c) Type III. – It is a Type III violation for a safety self-inspector, a safety  
36 inspection station, or a safety inspection mechanic to do any of the following:  
37           (1) Fail to post a safety inspection station license issued by the Division.  
38           (2) Fail to send information on safety inspections to the Division at the  
39 time or in the form required by the Division.  
40           (3) Fail to post all safety information required by federal law and by the  
41 Division.  
42           (4) Fail to put the required information on an inspection sticker or  
43 inspection receipt in a legible manner using ink.

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

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

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

26 "**§ 20-183.8. Infractions and criminal offenses for violations of inspection**  
27 **requirements.**

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

- 30 (1) Operates a motor vehicle that is subject to inspection under this Part on  
31 a highway or public vehicular area in the State when the vehicle has  
32 not been inspected in accordance with this Part, as evidenced by the  
33 vehicle's lack of a current ~~inspection sticker~~ electronic inspection  
34 authorization or otherwise.
- 35 (2) Allows an ~~inspection sticker~~ electronic inspection authorization to be  
36 ~~put on~~ issued to a vehicle owned or operated by that person, knowing  
37 that the vehicle was not inspected before the ~~sticker~~ electronic  
38 inspection authorization was ~~attached~~ issued or was not inspected  
39 properly.
- 40 (3) ~~Puts~~ Issues an ~~inspection sticker~~ electronic inspection authorization on  
41 a vehicle, knowing or having reasonable grounds to know that an  
42 inspection of the vehicle was not performed or was performed  
43 improperly. A person who is cited for a civil penalty under  
44 G.S. 20-183.8B for an emissions violation involving the inspection of

1 a vehicle may not be charged with an infraction under this subdivision  
2 based on that same vehicle.

3 (4) Alters the original certified configuration or data link connectors of a  
4 vehicle in such a way as to make an emissions inspection by analysis  
5 of data provided by on-board diagnostic (OBD) equipment inaccurate  
6 or impossible.

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

9 (1) The vehicle was continuously out of State for at least the 30 days  
10 preceding the date the ~~inspection sticker~~ electronic inspection  
11 authorization expired and a current ~~inspection sticker~~ electronic  
12 inspection authorization was obtained within 10 days after the vehicle  
13 came back to the State.

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

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

19 (4) The charged infraction is described in subdivision (a)(1) of this  
20 section, the vehicle is subject to a safety inspection or an emissions  
21 inspection and the vehicle owner establishes in court that the vehicle  
22 was inspected after the citation was issued and within 30 days of the  
23 expiration date of the inspection sticker that was on the vehicle or the  
24 electronic inspection authorization was issued to the vehicle when the  
25 citation was issued.

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

27 (1) Forges an inspection ~~sticker~~ sticker, or electronic inspection  
28 authorization.

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

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

34 a. Having a license as an inspection station, a self-inspector, or an  
35 inspection mechanic and obtaining the ~~inspection sticker~~ electronic inspection  
36 authorization from the Division through an  
37 electronic authorization vendor in the course of business.

38 b. A vehicle inspection in which the vehicle passed the inspection  
39 or for which the vehicle received a waiver.

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

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

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

44 **"§ 20-183.8A. Civil penalties against motorists for emissions violations.**

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

- 3 (1) Fails to have the vehicle inspected within four months after it is  
4 required to be inspected under this Part.
- 5 (2) Instructs or allows a person to tamper with an emission control device  
6 of the vehicle so as to make the device inoperative or fail to work  
7 properly.
- 8 (3) Incorrectly states the county of registration of the vehicle to avoid  
9 having an emissions inspection of the vehicle.

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

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

15 "**§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

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

- 18 (1) ~~Put~~ Issue an emissions ~~inspection sticker~~ electronic inspection  
19 authorization on a vehicle without performing an emissions inspection  
20 of the vehicle.
- 21 (1a) ~~Put~~ Issue an emissions ~~inspection sticker on~~ electronic inspection  
22 authorization to a vehicle after performing an emissions inspection of  
23 the vehicle and determining that the vehicle did not pass the  
24 inspection.
- 25 (2) Use a test-defeating strategy when conducting an emissions ~~inspection,~~  
26 ~~such as holding the accelerator pedal down slightly during an idle test,~~  
27 ~~disconnecting or crimping a vacuum hose to effect a passing result,~~  
28 inspection by changing the emission standards for a vehicle by  
29 incorrectly entering the vehicle type or model year, or using data  
30 provided by the on-board diagnostic (OBD) equipment of another  
31 vehicle to achieve a passing result.
- 32 (3) Allow a person who is not licensed as an emissions inspection  
33 mechanic to perform an emissions inspection for a self-inspector or at  
34 an emissions 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 or for which the  
38 vehicle received a waiver.
- 39 (5) Be unable to account for five or more ~~inspection stickers~~ electronic  
40 inspection authorizations at any one time upon the request of an  
41 auditor of the Division.
- 42 (6) Perform a safety-only inspection on a vehicle that is subject to both a  
43 safety and an emissions inspection.



1           ~~(6) Fail to maintain a maintenance log for an emissions analyzer or for~~  
2           ~~equipment to analyze data provided by on-board diagnostic (OBD)~~  
3           ~~equipment.~~

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

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