

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1843

Short Title: Emissions Inspection Changes.

(Public)

Sponsors: Representatives McLaughlin, Bowen, Bowie, Grady, R. Hunter, McAllister, Robinson; and Sutton.

Referred to: Transportation.

May 30, 1994

1 A BILL TO BE ENTITLED  
2 AN ACT TO CONFORM THE VEHICLE EMISSIONS INSPECTION PROGRAM  
3 TO THE REQUIREMENTS OF FEDERAL LAW AND TO MAKE TECHNICAL  
4 CHANGES IN THE VEHICLE INSPECTION LAWS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Part 2 of Article 3A of Chapter 20 of the General Statutes reads as  
7 rewritten:

8 **"PART 2. EQUIPMENT INSPECTION OF MOTOR VEHICLES.**  
9 **SAFETY AND EMISSIONS INSPECTIONS OF CERTAIN VEHICLES.**

10 **"§ 20-183.2. — Equipment inspection required; inspection certificate; one station.**  
11 **Description of vehicles subject to safety or emissions inspection;**  
12 **definitions.**

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

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

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

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

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

- 1           (1) It is subject to registration with the Division under Article 3 of this  
2           Chapter.
- 3           (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house  
4           trailer, or a motorcycle.
- 5           (3) It is a 1975 or later model.
- 6           (4) It is powered or designed so that it could be powered by gasoline.
- 7           (5) It meets any of the following descriptions:
- 8           a. It is required to be registered in an emissions county.
- 9           b. It is part of a fleet that is operated primarily in an emissions  
10           county.
- 11           c. It is offered for rent in an emissions county.
- 12           d. It is offered for sale by a dealer in an emissions county.
- 13           e. It is operated on a federal installation located in an emissions  
14           county and it is not a tactical military vehicle. Vehicles  
15           operated on a federal installation include those that are owned  
16           or leased by employees of the installation and are used to  
17           commute to the installation and those owned or operated by the  
18           federal agency that conducts business at the installation.
- 19           f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an  
20           emissions inspection.

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

- 22           (1) Emissions county. – A county in which the State either is required by  
23           federal law to conduct emissions testing or has agreed in its State  
24           Implementation Plan submitted to the federal Environmental  
25           Protection Agency to conduct emissions testing. The State  
26           Environmental Management Commission establishes the emissions  
27           counties pursuant to rules adopted under G.S. 143-215.107(a)(6).
- 28           (2) Federal installation. – An installation that is owned by, leased to, or  
29           otherwise regularly used as the place of business of a federal agency.
- 30       (a) ~~Every motor vehicle, trailer, semitrailer, and pole trailer not including trailers~~  
31 ~~of a gross weight of less than 4,000 pounds and house trailers, registered or required to~~  
32 ~~be registered in North Carolina when operated on the streets and highways of this State~~  
33 ~~must display a current approved State or federal inspection certificate as required by the~~  
34 ~~Federal Motor Carrier Safety Regulations at such place on the vehicle as may be~~  
35 ~~designated by the Commissioner, indicating that it has been inspected in accordance~~  
36 ~~with this Part. Gasoline powered vehicles over 26,001 pounds shall be subject to~~  
37 ~~emission control device and exhaust emission testing required under G.S. 20-128.2.~~  
38 ~~Such motor vehicle shall thereafter be inspected and display a current inspection~~  
39 ~~certificate as is required by subsection (b) hereof.~~
- 40       (b) ~~Every inspection certificate issued under this Part shall be valid for not less~~  
41 ~~than 12 months and shall expire at midnight on the last day of the month designated on~~  
42 ~~said inspection certificate. It shall be unlawful to operate any motor vehicle on the~~  
43 ~~highway until there is displayed thereon a current inspection certificate as provided by~~  
44 ~~this Part, indicating that the vehicle has been inspected within the previous 12 months~~

1 and has been found to comply with the standard for safety equipment prescribed by this  
2 Chapter subject to the following provisions:

3 (1) ~~Vehicles of a type required to be inspected under subsection (a), which  
4 are owned by a resident of this State, that have been outside of North  
5 Carolina continuously for a period of 30 days, or more, immediately  
6 preceding the expiration of the then current inspection certificate shall  
7 within 10 days of reentry to the State be inspected and have an  
8 approved certificate attached thereto if vehicle is to continue operation  
9 on the streets and highways.~~

10 (2) ~~Any vehicle owned or possessed by a dealer, manufacturer or  
11 transporter within this State and operated over the public streets and  
12 highways displaying thereon a dealer demonstration, manufacturer or  
13 transporter plate must have affixed to the windshield thereof a valid  
14 certificate of inspection and approval, except a dealer, manufacturer or  
15 transporter or his agent may operate a motor vehicle displaying dealer  
16 demonstration, manufacturer or transporter plates from source of  
17 purchase to his place of business or to an inspection station, provided it  
18 is within 10 days of purchase, foreclosure or repossession. Provided  
19 further, that a new car dealer may operate a new motor vehicle prior to  
20 first sale for customer demonstration purposes only without affixing  
21 thereto an inspection certificate as required by this section if such  
22 dealer causes an inspection of the equipment enumerated in G.S. 20-  
23 183.3 to be made and affixes on the window of the vehicle adjacent to  
24 the manufacturer's price list a certificate as near as practical in form  
25 and content as follows:~~

26 Dealer.....  
27 Dealer license number.....  
28 Vehicle make..... Year model.....  
29 Vehicle identification number.....

30 Equipment Item Check square when inspected  
31 and approved

- 32 Brakes
- 33 Lights
- 34 Horn
- 35 Steering Mechanism
- 36 Windshield Wiper
- 37 Directional Signals
- 38 Tires
- 39 Rear View Mirror
- 40 Exhaust System

41 I certify that the above items of equipment have been inspected and  
42 found to be in good working order.

43 .....  
44 Dealer or Agent

- 1  
2           (3) ~~Vehicles acquired by residents of this State from dealers or owners~~  
3 ~~located outside of the State must, upon entry to this State, be inspected~~  
4 ~~and approved, certificate attached, within 10 days after the vehicle~~  
5 ~~becomes subject to registration.~~
- 6           (4) ~~Vehicles acquired by residents within this State, not displaying current~~  
7 ~~North Carolina inspection certificates, must be inspected and have~~  
8 ~~approved inspection certificate attached within 10 days from date~~  
9 ~~registration plate issued or if registration plate is to be transferred,~~  
10 ~~within 10 days of the date of purchase.~~
- 11           (5) ~~Owners of motor vehicles moving their residence to North Carolina~~  
12 ~~from other states must within 10 days from the date the vehicles are~~  
13 ~~subject to registration have same inspected and have an approved~~  
14 ~~certificate attached thereto.~~
- 15           (6) ~~The Commissioner of Motor Vehicles or his duly authorized agent is~~  
16 ~~empowered to grant special written one way permits to operate motor~~  
17 ~~vehicles without current inspection certificates solely for the purpose~~  
18 ~~of moving such vehicles to an authorized inspection station to obtain~~  
19 ~~the inspection required under this Part.~~
- 20           (7) ~~Vehicles which are base plated in North Carolina under the~~  
21 ~~International Registration Plan but which are stationed in another~~  
22 ~~jurisdiction shall be permitted to operate in North Carolina on their~~  
23 ~~initial trip into North Carolina without displaying a valid inspection~~  
24 ~~certificate.~~

25           (e) ~~On and after February 16, 1966, all motor vehicle dealers in North Carolina~~  
26 ~~shall, prior to retail sale of any new or used motor vehicle, have such motor vehicle~~  
27 ~~inspected by an approved inspection station as required by this Part. Provided,~~  
28 ~~however, a purchaser of a motor vehicle, who is licensed as a self inspector, may~~  
29 ~~conduct the required inspection, after entering into a written agreement with the dealer~~  
30 ~~to follow such a procedure. A copy of such dealer purchaser agreement must be filed~~  
31 ~~with the Division of Motor Vehicles. Provided further, that any new and unregistered~~  
32 ~~vehicle sold to a nonresident (as defined in G.S. 20-6) shall be exempt from the~~  
33 ~~requirements of this section if such vehicle is not required to be registered in this State.~~  
34 ~~Provided further, that motor vehicles sold by public auction dealers meet the inspection~~  
35 ~~requirements of this subsection if they have a current North Carolina inspection sticker~~  
36 ~~less than 90 days old displayed at the time of sale.~~

37           (d) ~~When a motor vehicle required to be inspected under this Part shall, upon~~  
38 ~~inspection, fail to meet the safety requirements of this Part, the safety equipment~~  
39 ~~inspection station making such inspection, shall issue an authorized receipt for such~~  
40 ~~vehicle indicating that it has been inspected and shall enumerate the defects found. The~~  
41 ~~owner or operator may have such defects corrected at such place as he or she chooses.~~  
42 ~~The vehicle may be reinspected at the safety equipment inspection station, first making~~  
43 ~~the inspection, without additional charge, or the owner or operator may have same~~  
44 ~~inspected at another safety equipment station upon payment of a new inspection fee.~~

1 (e) On and after January 1, 1974, each motor vehicle safety inspection certificate  
2 shall contain, on the portion readable from the vehicle interior, the following  
3 information:

- 4 (1) The date of the current inspection;
- 5 (2) The odometer reading at the time of the current inspection;
- 6 (3) The signature, initials or other identification of the person making the  
7 inspection and affixing the certificate to the windshield.

8 "**§ 20-183.3. Inspection requirements. Scope of safety inspection and emissions**  
9 **inspection.**

10 (a) Safety. ~~Before an approval certificate may be issued for a motor vehicle, the~~  
11 ~~vehicle must be inspected by a safety equipment inspection station, and if required by~~  
12 ~~Chapter 20 of the General Statutes of North Carolina, must be found to possess in safe~~  
13 ~~operating condition the following articles and equipment: A safety inspection of a motor~~  
14 ~~vehicle consists of an inspection of the following equipment to determine if the vehicle~~  
15 ~~has the equipment required by Part 9 of Article 3 of this Chapter and if the equipment is~~  
16 ~~in a safe operating condition:~~

- 17 (1) Brakes, as required by G.S. 20-124.
- 18 (2) Lights, as required by G.S. 20-129 or G.S. 20-129.1.
- 19 (3) Horn, as required by G.S. 20-125(a).
- 20 (4) Steering mechanism, as required by G.S. 20-123.1.
- 21 (5) ~~Windshield wiper,~~ Windows and windshield wipers, as required by G.S.  
22 20-127.
- 23 (6) Directional signals, as required by G.S. 20-125.1.
- 24 (7) Tires, as required by G.S. 20-122.1.
- 25 (8) ~~Rearview mirror or mirrors,~~ Mirrors, as required by G.S. 20-126.
- 26 (9) Exhaust system. ~~system, as required by G.S. 20-128. For a vehicle that~~  
27 ~~is subject to an emissions inspection in addition to a safety inspection,~~  
28 ~~a visual inspection of the vehicle's emission-control devices is~~  
29 ~~included in the emissions inspection rather than the safety inspection.~~

30 No inspection certificate shall be issued by a safety equipment inspection station for  
31 a motor vehicle manufactured after model year 1967 unless the vehicle is equipped with  
32 such emission control devices to reduce air pollution as were installed at the time of  
33 manufacture which are readily visible, provided the foregoing requirements shall not  
34 apply where such devices have been removed for the purpose of converting the motor  
35 vehicle to operate on natural or liquified petroleum gas. Other modifications of  
36 emission control devices shall be approved by the Environmental Management  
37 Commission before an inspection certification is issued.

38 The inspection requirements herein provided for shall not exceed the standards  
39 provided in the current General Statutes for such equipment.

40 (b) Emissions. ~~When required pursuant to G.S. 20-128.2, and as a condition for~~  
41 ~~approval certificate issuance under subsection (a) of this section, emission control~~  
42 ~~devices and exhaust emissions shall be inspected and shall comply with those standards~~  
43 ~~established pursuant to G.S. 20-128.2 on 1975 and later model gasoline powered~~  
44 ~~vehicles excluding the current year model and, to this end, the Commissioner of Motor~~

1 ~~Vehicles is authorized to adopt and enforce such rules and regulations as may be~~  
2 ~~necessary to carry out the intent and purpose of this section. Provided that motorcycles~~  
3 ~~as defined in G.S. 20-4.01(22) and G.S. 20-4.01(27)d shall not be subject to the~~  
4 ~~requirements of this subsection. An emissions inspection of a motor vehicle consists of~~  
5 ~~a visual inspection of the vehicle's emission control devices to determine if the devices~~  
6 ~~are present, are properly connected, and are the correct type for the vehicle and an~~  
7 ~~analysis of the exhaust emissions of the vehicle to determine if the exhaust emissions~~  
8 ~~meet the standards for the model year of the vehicle set by the Environmental~~  
9 ~~Management Commission. To pass an emissions inspection a vehicle must pass both~~  
10 ~~the visual inspection and the exhaust emissions analysis. When an emissions inspection~~  
11 ~~is performed on a vehicle, a safety inspection must be performed on the vehicle as well.~~

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

22 ~~"§ 20-183.4. Licensing of safety equipment inspection stations. License required to~~  
23 ~~perform safety inspection; qualifications for license.~~

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

- 26 (1) At a station that has a safety inspection station license issued by the  
27 Division and by a mechanic who is employed by the station and has a  
28 safety inspection mechanic license issued by the Division.  
29 (2) At a place of business of a person who has a safety self-inspector  
30 license issued by the Division and by an individual who has a safety  
31 inspection mechanic license issued by the Division.

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

- 34 (1) Have a place of business that has adequate facilities, space, and  
35 equipment to conduct a safety inspection.  
36 (2) Regularly employ at least one mechanic who has a safety inspection  
37 mechanic license.

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

- 40 (1) Have successfully completed an eight-hour course approved by the  
41 Division that teaches students about the safety equipment a motor  
42 vehicle is required to have to pass a safety inspection and how to  
43 conduct a safety inspection.  
44 (2) Have a drivers license.

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

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

4           (1) Operate a fleet of at least 10 vehicles that are subject to a safety  
5 inspection.

6           (2) Regularly employ or contract with an individual who has a safety  
7 inspection mechanic license and who will perform a safety inspection  
8 on the vehicles that are part of the self-inspector's fleet.

9       ~~Every person, firm or agency with employees meeting the following qualifications~~  
10 ~~shall, upon application, be issued a license designating the person, firm or agency as a~~  
11 ~~safety equipment inspection station:~~

12           (1) ~~Be of good character and have a good reputation for honesty.~~

13           (2) ~~Have adequate knowledge of the equipment requirements of the motor~~  
14 ~~vehicle laws of North Carolina.~~

15           (3) ~~Be able to satisfactorily conduct the mechanical inspection required~~  
16 ~~by this Part.~~

17           (4) ~~Have adequate facilities as to space and equipment in order to check~~  
18 ~~each of the items of safety equipment listed herein.~~

19           (5) ~~Have a general knowledge of motor vehicles sufficient to recognize a~~  
20 ~~mechanical condition which is not safe.~~

21       ~~Any person, firm or agency meeting the above requirements and desiring to be~~  
22 ~~licensed as a motor vehicle inspection station may apply to the Commissioner of Motor~~  
23 ~~Vehicles on forms provided by the Commissioner. The Commissioner shall cause an~~  
24 ~~investigation to be made as to the applicant's qualifications, and if, in the opinion of the~~  
25 ~~Commissioner, the applicant fulfills such qualifications, he shall issue a certificate of~~  
26 ~~appointment to such person, firm or agency as a safety equipment inspection station.~~  
27 ~~Such appointment shall be issued without charge and shall be effective until canceled by~~  
28 ~~request of licensee or until revoked or suspended by the Commissioner. Any licensee~~  
29 ~~whose license has been revoked or suspended or any applicant whose application has~~  
30 ~~been refused may, within 10 days from the notice of such revocation, suspension or~~  
31 ~~refusal, request a hearing before the Commissioner and, in such cases, the hearing shall~~  
32 ~~be conducted within 10 days of receipt of request for such hearing. The Commissioner,~~  
33 ~~following such hearing, may rescind the order of suspension, revocation or the refusal to~~  
34 ~~issue license, or he may affirm the previous order of revocation, suspension or refusal.~~  
35 ~~Any applicant or licensee aggrieved by the decision of the Commissioner may,~~  
36 ~~following such decision, file a petition in the Superior Court of Wake County or in the~~  
37 ~~county wherein applicant or licensee resides. Such petition shall recite the fact that the~~  
38 ~~administrative remedy, as provided above, has been exhausted. Provided, that no~~  
39 ~~restraining order shall issue against the Division of Motor Vehicles under this section~~  
40 ~~until and unless the Division shall have had at least five days' notice of the petitioner's~~  
41 ~~intention to seek such restraining order.~~

42       ~~The Commissioner may designate the State or any political subdivision thereof or~~  
43 ~~any person, firm or corporation as self-inspectors for the sole purpose of inspecting~~

1 ~~vehicles owned or operated by such agencies, persons, firms, or corporations so~~  
2 ~~designated.~~

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

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

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

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

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

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

16 (2) Have an emissions analyzer approved by the Environmental  
17 Management Commission.

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

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

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

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

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

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

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

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

41 (3) Have, or have a contract with a person who has, an emissions analyzer  
42 approved by the Environmental Management Commission.



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

4 **"§ 20-183.4B. Application for license; duration of license; renewal of mechanic**  
5 **license.**

6           (a) Application. – An applicant for a license issued under this Part must complete  
7 an application form provided by the Division. The application must contain the  
8 applicant's name and address and any other information needed by the Division to  
9 determine whether the applicant is qualified for the license. The Division must review  
10 an application for a license to determine if the applicant qualifies for the license. If the  
11 applicant meets the qualifications, the Division must issue the license. If the applicant  
12 does not meet the qualifications, the Division must deny the application and notify the  
13 applicant in writing of the reason for the denial.

14           (b) Duration of License. – A safety inspection mechanic license expires four  
15 years after the date it is issued. An emissions mechanic inspection license expires two  
16 years after the date it is issued. A safety inspection station license, an emissions  
17 inspection station license, and a self-inspector license are effective until surrendered by  
18 the license holder or suspended or revoked by the Division.

19           (c) Renewal of Mechanic License. – A safety or an emissions inspection  
20 mechanic may apply to renew a license by filing an application with the Division on a  
21 form provided by the Division. To renew an emissions inspection mechanic license, an  
22 applicant must have successfully completed a four-hour emissions refresher course  
23 approved by the Division within nine months of applying for renewal. Successful  
24 completion requires a passing score on a written test and on a hands-on test in which the  
25 student is required to conduct an emissions inspection of a motor vehicle.

26 **"§ 20-183.4C. When a vehicle must be inspected.**

27 A vehicle that is subject to a safety inspection, an emissions inspection, or both must  
28 be inspected as follows:

29           (1) A new vehicle must be inspected before it is offered for sale at retail in  
30 this State.

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

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

38           (4) A used vehicle acquired by a resident of this State from a person  
39 outside the State must be inspected within 10 days after the vehicle is  
40 registered with the Division.

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

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

5 **"§ 20-183.4D. Procedure when a vehicle is inspected.**

6           (a) Receipt. – When a safety inspection mechanic or an emissions inspection  
7 mechanic inspects a vehicle, the mechanic must give the person who brought the vehicle  
8 in for inspection an inspection receipt. The inspection receipt must state the date of the  
9 inspection, identify the mechanic performing the inspection, identify the station or self-  
10 inspector where the inspection was performed, and list the components of the inspection  
11 performed and indicate for each component whether the vehicle passed or failed. A  
12 vehicle that fails a component of an inspection may be repaired at any repair facility  
13 chosen by the owner or operator of the vehicle.

14           (b) Sticker. – When a vehicle that is subject to a safety inspection only passes the  
15 safety inspection, the safety inspection mechanic who performed the inspection must  
16 put an inspection sticker on the windshield of the vehicle at the place designated by the  
17 Division. When a vehicle that is subject to both a safety inspection and an emissions  
18 inspection passes both inspections or passes the safety inspection and has a waiver for  
19 the emissions inspection, the emissions mechanic performing the inspection must put an  
20 inspection sticker on the windshield of the vehicle at the place designated by the  
21 Division.

22           (c) Content of Sticker. – An inspection sticker issued for a vehicle that is subject  
23 to a safety inspection only must be a different color from an inspection sticker issued for  
24 a vehicle that is subject to both a safety and an emissions inspection. An inspection  
25 sticker must indicate when it expires, must be printed with a unique serial number and  
26 an official program seal, and must be counterfeit resistant. The side of an inspection  
27 sticker that is readable from the interior of a vehicle must contain the following  
28 information:

29                   (1) The date the inspection was performed.

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

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

33           (d) When Sticker Expires. – An inspection sticker put on a vehicle that did not  
34 have an inspection sticker issued under this Part when it was brought in for inspection  
35 expires at midnight on the last day of the twelfth month after the month the inspection  
36 sticker is put on the vehicle. An inspection sticker put on a vehicle that had an  
37 inspection sticker that was put on under this Part when it was brought in for inspection  
38 expires as follows:

39                   (1) If the expiration date of the inspection sticker the vehicle had when it  
40 was brought in for inspection is less than 12 full months from the date  
41 of the inspection, the inspection sticker expires at midnight on the last  
42 day of the twelfth month after the month the inspection sticker is put  
43 on the vehicle.

1           (2) If the expiration date of the inspection sticker the vehicle had when it  
2 was brought in for inspection is 12 or more months from the date of  
3 the inspection, the inspection sticker expires one year after the  
4 expiration date of the inspection sticker the vehicle had when it was  
5 brought in for inspection, regardless of whether there are 12 months in  
6 this period.

7 **"§ 20-183.5. Supervision of safety equipment inspection stations. When a vehicle that**  
8 **fails an emissions inspection may obtain a waiver from the inspection**  
9 **requirement.**

10 ~~When a person, firm or agency is designated as a safety equipment inspection station~~  
11 ~~the Commissioner of Motor Vehicles shall record such appointment and shall cause~~  
12 ~~periodic checks to be made to determine that inspections are being conducted in~~  
13 ~~accordance with this Part, and shall cause investigations to be made of bona fide~~  
14 ~~complaints received regarding any such inspection station. The Division shall conduct~~  
15 ~~administrative audits.~~

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

18           (1) Fails an emissions inspection because it passes the visual inspection  
19 part of the inspection but fails the exhaust emissions analysis part of  
20 the inspection.

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

25           (3) Is reinspected and again fails the inspection because it passes the  
26 visual inspection part of the inspection but fails the exhaust emissions  
27 analysis part of the inspection.

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

29 (b) Procedure. – To obtain a waiver, a person must contact a local enforcement  
30 office of the Division. Before issuing a waiver, an employee of the Division must  
31 review the inspection receipts issued for the inspections of the vehicle, review the  
32 documents establishing what repairs were made to the vehicle and at what cost, review  
33 any statement denying warranty coverage of the repairs made, and do a visual  
34 inspection of the vehicle, if appropriate, to determine if the documented repairs were  
35 made. The Division must issue a waiver if it determines that the vehicle qualifies for a  
36 waiver. A person to whom a waiver is issued must present the waiver to the self-  
37 inspector or inspection station performing the inspection to obtain an inspection sticker.

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

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

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

1           (3) If the vehicle is a 1981 or newer model, repairs made by an individual  
2           who is not engaged in the business of repairing vehicles.

3           (d) Sticker Expiration. – An inspection sticker put on a vehicle after the vehicle  
4 receives a waiver from the requirement of passing the emissions inspection expires at  
5 the same time it would if the vehicle had passed the emissions inspection.

6 **"§ 20-183.6. Commissioner of Motor Vehicles to establish procedures; unlawful**  
7 **possession, etc., of certificates. – Businesses that replace windshields must**  
8 **register with Division to get inspection stickers.**

9           (a) ~~The Commissioner of Motor Vehicles shall establish procedures for the~~  
10 ~~control, distribution, sale, refund, and display of certificates and for the accounting for~~  
11 ~~proceeds of their sale, consistent with this Article. It shall be unlawful knowingly to~~  
12 ~~possess, affix, transfer, remove, imitate or reproduce an inspection certificate, except by~~  
13 ~~direction of the Commissioner of Motor Vehicles under the terms of this Article.~~

14           (b) ~~Notwithstanding any other provision of this Article, those who replace~~  
15 ~~windshields in motor vehicles shall place on the replacement windshield an inspection~~  
16 ~~certificate having the same expiration date as the certificate attached to the windshield~~  
17 ~~removed and shall retain the certificate attached to the windshield removed until 30~~  
18 ~~days after the expiration thereof. In addition to the authority granted in subsection (a),~~  
19 ~~the Commissioner is hereby authorized to adopt and enforce such rules and regulations~~  
20 ~~as may be necessary to carry out the provisions of this section.~~

21           A person who is engaged in the business of replacing windshields on vehicles that  
22 are subject to inspection under this Part may register with the Division to obtain  
23 replacement inspection stickers for use on replaced windshields. A replacement  
24 inspection sticker put on a windshield that has been replaced must contain the same  
25 information and expire at the same time as the inspection sticker it replaces. A person  
26 who puts a replacement inspection sticker on a replaced windshield must remove the  
27 inspection sticker from the windshield that was replaced and keep the removed  
28 inspection sticker until 30 days after it expires.

29           A person registered under this section must keep records of replacement stickers put  
30 on replaced windshields and must be able to account for all inspection stickers received  
31 from the Division. The Division may suspend or revoke the registration of a person  
32 under this section if the person fails to keep records required by the Division or is  
33 unable to account for inspection stickers received from the Division. An auditor of the  
34 Division may review the records of a person registered under this section during normal  
35 business hours.

36 **"§ 20-183.6A. Administration of program; duties of license holders.**

37           (a) Division. – The Division is responsible for administering the safety  
38 inspection and the emissions inspection programs. In exercising this responsibility, the  
39 Division must:

40           (1) Conduct performance audits, record audits, and equipment audits of  
41 those licensed to perform inspections to ensure that inspections are  
42 performed properly.

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

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

23 **"§ 20-183.7. Charges for inspections and certificates; safety equipment inspection station**  
 24 **records. Fees for performing an inspection and putting an inspection**  
 25 **sticker on a vehicle; use of civil penalties.**

26          (a) Fee Amount. –Every safety equipment inspection station shall charge a  
 27 fee of six dollars and twenty five cents (\$6.25) effective October 1, 1990; and a fee of  
 28 eight dollars and twenty five cents (\$8.25) effective October 1, 1993, for inspecting a  
 29 motor vehicle to determine compliance with the safety inspection requirements of this  
 30 Article and shall give the vehicle operator a dated receipt, indicating the articles and  
 31 equipment approved and disapproved. At any time within 90 days thereafter, when the  
 32 receipt is presented to the inspection station which issued it with a request for  
 33 reinspection, that inspection station shall reinspect the vehicle at no charge. Whenever  
 34 any vehicle is approved, the inspection station shall obtain an additional fee of one  
 35 dollar (\$1.00) for a valid inspection certificate, and affix the certificate to that vehicle or  
 36 otherwise document the issuance of the certificate in a manner prescribed by the  
 37 Commissioner of Motor Vehicles. The following fees apply to an inspection of a vehicle  
 38 and the issuance of an inspection sticker:

39	Type	
40		Inspe
41		ction
42		Stick
43		er

1	<u>Safety Only</u>	<u>\$8.25</u>
2		<u>\$1.0</u>
3		<u>0</u>
4	<u>Emissions and Safety</u>	<u>17.00</u>
5		
6		<u>2.40.</u>

7 The fee for performing an inspection of a vehicle applies when an inspection is  
 8 performed, regardless of whether the vehicle passes the inspection. The fee for an  
 9 inspection sticker applies when an inspection sticker is put on a vehicle.

10 A vehicle that is inspected at an inspection station and fails the inspection is entitled  
 11 to be reinspected at the same station at any time within 45 days of the failed inspection  
 12 without paying another inspection fee.

13 ~~(a1) For inspection of vehicles required to be inspected under the~~  
 14 ~~inspection/maintenance provisions of G.S. 20-183.3(b), every safety equipment~~  
 15 ~~inspection station shall charge a fee of thirteen dollars (\$13.00) effective October 1,~~  
 16 ~~1990; and a fee of seventeen dollars (\$17.00) effective October 1, 1993, for inspecting a~~  
 17 ~~motor vehicle to determine compliance with the safety inspection requirements and the~~  
 18 ~~exhaust emission standards pursuant to the inspection/maintenance requirements of this~~  
 19 ~~Article and shall give the vehicle operator a dated receipt indicating the articles and~~  
 20 ~~equipment approved or disapproved and whether the vehicle met the emission control~~  
 21 ~~standards. If the vehicle is disapproved, at any time within 30 days thereafter when the~~  
 22 ~~receipt is presented to the inspection station which issued it with a request for~~  
 23 ~~reinspection, that inspection station shall reinspect the vehicle at no charge. Whenever~~  
 24 ~~any vehicle is approved, the inspection station shall obtain an additional fee of two~~  
 25 ~~dollars and forty cents (\$2.40) for a valid inspection certificate covering both the safety~~  
 26 ~~inspection requirements and the emission control inspection/maintenance requirements~~  
 27 ~~and affix the certificate to that vehicle or otherwise document the issuance of the~~  
 28 ~~certificate in a manner prescribed by the Commissioner of Motor Vehicles.~~

29 (b) Self-Inspector. – Self inspector stations licensed under G.S. 20-183.4 are  
 30 exempt from the inspecting fee provisions of subsection (a) above, but shall pay to the  
 31 Division of Motor Vehicles the prescribed certificate fee for each inspection certificate  
 32 issued by it. The fee for an inspection does not apply to an inspection performed by a  
 33 self-inspector. The fee for putting an inspection sticker on a vehicle applies to an  
 34 inspection performed by a self-inspector.

35 (c) Fee Distribution. – Fees collected for inspection certificates–stickers are  
 36 payable to the Division of Motor Vehicles. The amount of each fee listed in the table  
 37 below shall be credited to the Highway Fund, the Emissions Program Account  
 38 established in subsection (d) of this section, the Volunteer Rescue/EMS Fund  
 39 established in G.S. 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S.  
 40 58-88-5, and the Division of Environmental Management of the Department of  
 41 Environment, Health, and Natural Resources:

42	Recipient	Safety Only	Emissions and
43		Sticker	Safety Sticker
44	Highway Fund	.75	<u>1.80.00</u>

1	<u>Emissions Program Account</u>	<u>.00</u>	<u>1.80</u>
2	Volunteer Rescue/EMS Fund	.15	.15
3	Rescue Squad Workers' Relief		
4	Fund	.10	.10
5	Division of Environmental		
6	Management	.00	.35.

7     (d) Account. ~~Each inspection station shall maintain a record of inspections~~  
8 ~~performed, in a form approved by the Division of Motor Vehicles, for a period of 18~~  
9 ~~months and such records shall be made available for inspection by any law enforcement~~  
10 ~~officer, upon demand, during normal business hours. The Emissions Program Account~~  
11 ~~is created as a nonreverting account within the Highway Fund. The Division shall~~  
12 ~~administer the Account. Revenue in the Account may be used only to fund the vehicle~~  
13 ~~emissions inspection and maintenance program.~~

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

16 **"§ 20-183.8. Commissioner of Motor Vehicles to issue regulations subject to**  
17 **approval of Governor; penalties for violation; fictitious or unlawful**  
18 **inspection certificate; 30tperiod for expired inspection certificates.**  
19 **Infractions and criminal offenses for violations of inspection**  
20 **requirements.**

21     (a) ~~It is the intent of the Article that the provisions herein shall be carried out by~~  
22 ~~the Commissioner of Motor Vehicles for the safety and convenience of the motoring~~  
23 ~~public. The Commissioner shall have authority to promulgate only such regulations as~~  
24 ~~are reasonably necessary for the purpose of carrying out the provisions of this~~  
25 ~~inspection program, but such regulations shall not be effective until the same have been~~  
26 ~~approved by the Governor.~~

27     (b) ~~The Commissioner of Motor Vehicles is authorized to enter into agreements~~  
28 ~~or arrangements with the duly authorized representatives of other jurisdictions whereby~~  
29 ~~the safety equipment inspection required under this Article may be waived with respect~~  
30 ~~to vehicles which have undergone substantially similar safety equipment inspections in~~  
31 ~~such other jurisdictions and for which valid inspection certificates have been issued by~~  
32 ~~such other jurisdictions. Such agreements or arrangements shall provide that vehicles~~  
33 ~~inspected in this State and for which valid inspection certificates have been issued shall~~  
34 ~~be accorded a similar privilege when subject to the laws of such other jurisdictions.~~  
35 ~~Each such agreement or arrangement shall, in the judgment of the Commissioner, be in~~  
36 ~~the best interest of this State and the citizens thereof and shall be fair and equitable to~~  
37 ~~this State and citizens thereof, and all of the same shall be determined upon the basis~~  
38 ~~and recognition of the benefits which accrue to the citizens of this State by reason of the~~  
39 ~~agreement or arrangement.~~

40     ~~The Commissioner is also authorized to promulgate rules and regulations providing~~  
41 ~~that the safety equipment inspection may be waived with respect to any vehicle which~~  
42 ~~has undergone a similar inspection in another jurisdiction and for which a valid and~~  
43 ~~current inspection certificate has been issued by such other jurisdiction.~~

1       (e) ~~Except for the unauthorized reproduction of an inspection sticker, violation of~~  
2 ~~any provision of this Article is an infraction which carries a penalty of not more than~~  
3 ~~fifty dollars (\$50.00). The unauthorized reproduction of an inspection sticker is a~~  
4 ~~forgery under G.S. 14-119.~~

5       (d) ~~No person shall display or cause to be displayed or permit to be displayed~~  
6 ~~upon any motor vehicle any inspection certificate, knowing the same to be fictitious or~~  
7 ~~to be issued for another motor vehicle or to be issued without inspection and approval~~  
8 ~~having been made. The Division is hereby authorized to take immediate possession of~~  
9 ~~any inspection certificate which is fictitious or which has been otherwise unlawfully or~~  
10 ~~erroneously issued or which has been unlawfully used.~~

11       (e) ~~No person shall be convicted of failing to display current inspection~~  
12 ~~certificate as provided under this Article if he produces in court at the time of his trial a~~  
13 ~~receipt from a licensed motor vehicle inspection station showing that a valid inspection~~  
14 ~~certificate was issued for the vehicle involved within 30 days after expiration of the~~  
15 ~~previous inspection certificate issued for the vehicle.~~

16       (f) ~~It shall be unlawful for any person to attach an inspection certificate to a~~  
17 ~~vehicle if he knows, or has reasonable grounds to know, that the required inspection has~~  
18 ~~not been performed according to law, including rules and regulations promulgated by~~  
19 ~~the Commissioner.~~

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

22       (1) Operates a motor vehicle that is subject to inspection under this Part on  
23 a highway or public vehicular area in the State when the vehicle has  
24 not been inspected in accordance with this Part, as evidenced by the  
25 vehicle's lack of a current inspection sticker or otherwise.

26       (2) Allows an inspection sticker to be put on a vehicle owned or operated  
27 by that person, knowing that the vehicle was not inspected before the  
28 sticker was attached or was not inspected properly.

29       (3) Attaches an inspection sticker to a vehicle, knowing or having  
30 reasonable grounds to know an inspection of the vehicle was not  
31 performed or was performed improperly.

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

34       (1) The vehicle was continuously out of State for at least the 30 days  
35 preceding the date the inspection sticker expired and a current  
36 inspection sticker was obtained within 10 days after the vehicle came  
37 back to the State.

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

42       (3) The vehicle was in a state of disrepair and was not driven for at least  
43 the 30 days preceding the date the inspection sticker expired, the  
44 owner repaired the vehicle, and the vehicle is being driven from the



1 owner's residence or other place where it was repaired to an inspection  
2 station.

3 (4) The charged infraction is described in subdivision (a)(1) of this  
4 section, the vehicle is subject to a safety-only inspection, and the  
5 vehicle owner establishes in court that the vehicle was inspected after  
6 the citation was issued and within 30 days of the expiration date of the  
7 inspection sticker that was on the vehicle when the citation was issued.

8 (c) Felony. – A person who forges an inspection sticker commits a Class I  
9 felony.

10 **"§ 20-183.8A. Civil penalties against motorists for emissions violations.**

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

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

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

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

20 The amount of the penalty is one hundred dollars (\$100.00) if the vehicle is a pre-  
21 1981 vehicle and is two hundred twenty-five dollars (\$225.00) if the vehicle is a 1981 or  
22 newer model vehicle.

23 **"§ 20-183.8B. Civil penalties against license holders and suspension or revocation**  
24 **of license for emissions violations.**

25 (a) Kinds of Violations. – The civil penalty schedule established in this section  
26 applies to emissions self-inspectors, emissions inspection stations, and emissions  
27 inspection mechanics. The schedule categorizes emissions violations into serious (Type  
28 I), minor (Type II), and technical (Type III) violations.

29 A serious violation is a violation of this Part or a rule adopted to implement this Part  
30 that directly affects the emission reduction benefits of the emissions inspection program.  
31 A minor violation is a violation of this Part or a rule adopted to implement this Part that  
32 reflects negligence or carelessness in conducting an emissions inspection or complying  
33 with the emissions inspection requirements but does not directly affect the emission  
34 reduction benefits of the emissions inspection program. A technical violation is a  
35 violation that is not a serious violation, a minor violation, or another type of offense  
36 under this Part.

37 (b) Penalty Schedule. – The Division must take the following action for a  
38 violation:

39 (1) Type I. – For a first or second Type I violation by an emissions self-  
40 inspector or an emissions inspection station, assess a civil penalty of  
41 two hundred fifty dollars (\$250.00) and suspend the license of the  
42 business for six months. For a third or subsequent Type I violation  
43 within 10 years by an emissions self-inspector or an emissions

1 inspection station, assess a civil penalty of one thousand dollars  
2 (\$1,000) and revoke the license of the business for two years.

3 For a first or second Type I violation by an emissions inspection  
4 mechanic, assess a civil penalty of one hundred dollars (\$100.00) and  
5 suspend the mechanic's license for six months. For a third or  
6 subsequent Type I violation within 10 years by an emissions  
7 inspection mechanic, assess a civil penalty of two hundred fifty dollars  
8 (\$250.00) and revoke the mechanic's license for two years.

9 (2) Type II. – For a first or second Type II violation by an emissions self-  
10 inspector or an emissions inspection station, assess a civil penalty of  
11 one hundred dollars (\$100.00). For a third or subsequent Type II  
12 violation within 10 years by an emissions self-inspector or an  
13 emissions inspection station, assess a civil penalty of two hundred fifty  
14 dollars (\$250.00) and suspend the license of the business for 90 days.

15 For a first or second Type II violation by an emissions inspection  
16 mechanic, assess a civil penalty of fifty dollars (\$50.00). For a third or  
17 subsequent Type II violation within 10 years by an emissions  
18 inspection mechanic, assess a civil penalty of one hundred dollars  
19 (\$100.00) and suspend the mechanic's license for 90 days.

20 (3) Type III. – For a first or second Type III violation by an emissions  
21 self-inspector, an emissions inspection station, or an emissions  
22 inspection mechanic, send a warning letter. For a third or subsequent  
23 Type III violation within 10 years by the same emissions license  
24 holder, assess a civil penalty of twenty-five dollars (\$25.00).

25 (c) Station or Self-Inspector Responsibility. – It is the responsibility of an  
26 emissions inspection station and an emissions self-inspector to supervise the emissions  
27 mechanics it employs. A Type I violation by an emissions inspector mechanic is  
28 considered a Type I violation by the station or self-inspector for whom the mechanic is  
29 employed. A Type II or III violation by an emissions mechanic is not automatically a  
30 Type II or III violation by the station or self-inspector for whom the mechanic is  
31 employed. The Division may determine which Type II or Type III violations by an  
32 emissions mechanic are also violations by the station or self-inspector.

33 (d) Missing Stickers. – The Division must assess a civil penalty against an  
34 emissions inspection station or an emissions self-inspector that cannot account for an  
35 emissions inspection sticker issued to it. A station or a self-inspector cannot account for  
36 a sticker when the sticker is missing and the station or self-inspector cannot establish  
37 reasonable grounds for believing the sticker was stolen or destroyed by fire or another  
38 accident.

39 The amount of the penalty is twenty-five dollars (\$25.00) for each missing sticker.  
40 If a penalty is imposed under subsection (b) of this section as the result of missing  
41 stickers, the monetary penalty that applies is the higher of the penalties required under  
42 this subsection and subsection (b); the Division may not assess a monetary penalty as a  
43 result of missing stickers under both this subsection and subsection (b). Imposition of a

1 monetary penalty under this subsection does not affect suspension or revocation of a  
2 license required under subsection (b).

3 **"§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

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

6 (1) Put an emissions inspection sticker on a vehicle without performing an  
7 emissions inspection of the vehicle or after performing an emissions  
8 inspection in which the vehicle did not pass the inspection.

9 (2) Use a test-defeating strategy when conducting an emissions inspection,  
10 such as holding the accelerator pedal down slightly during an idle test,  
11 disconnecting or crimping a vacuum hose to effect a passing result, or  
12 changing the emission standards for a vehicle by incorrectly entering  
13 the vehicle type or model year to achieve a passing result.

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

17 (4) Sell or otherwise give an inspection sticker to another other than as the  
18 result of a vehicle inspection in which the vehicle passed the  
19 inspection or for which the vehicle received a waiver.

20 (5) Be unable to account for five or more inspection stickers.

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

23 (7) Transfer an inspection sticker from one vehicle to another.

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

27 (1) Use the identification code of another to gain access to an emissions  
28 analyzer.

29 (2) Keep inspection stickers and other compliance documents in a place  
30 that is easily accessible by the public.

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

34 (1) Fail to post an emissions license issued by the Division.

35 (2) Fail to send information on emissions inspections to the Division at the  
36 time or in the form required by the Division.

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 **"§ 20-183.8D. Suspension or revocation of license for safety violations.**

41 The Division may suspend or revoke a safety self-inspector license, a safety  
42 inspection station license, and a safety inspection mechanic license issued under this  
43 Part if the license holder fails to comply with this Part or a rule adopted by the  
44 Commissioner to implement this Part.

1 **§ 20-183.8E. Administrative and judicial review.**

2 A person whose application for a license or registration is denied, whose license or  
3 registration is suspended or revoked, who is assessed a civil penalty, or who receives a  
4 warning letter under this Part may obtain an administrative review of the action by the  
5 Commissioner by filing with the Division a written request for a hearing before the  
6 Commissioner. A request for a hearing must be filed within 10 days after the person  
7 receives written notice of the action for which a hearing is requested.

8 If the action that is the subject of a request for a hearing is the suspension or  
9 revocation of an emissions self-inspector license, an emissions inspection station  
10 license, or an emissions inspection mechanic license, the Commissioner must hold the  
11 hearing within 14 days after the Division receives the request. If the action that is the  
12 subject of a request for a hearing is not one of these actions, the Commissioner must  
13 hold a hearing within 90 days after the Division receives the request.

14 After a hearing on the imposition of a monetary penalty against a motorist for an  
15 emissions violation or on a Type I, II, or III emissions violation by an emissions license  
16 holder, the Commissioner must uphold any monetary penalty, license suspension,  
17 license revocation, or warning required by G.S. 20-183.8A or G.S. 20-183.8B,  
18 respectively, if the Commissioner finds that the motorist or license holder committed  
19 the act for which the monetary penalty, license suspension, license revocation, or  
20 warning was imposed. After a hearing on any other action, the Commissioner may  
21 uphold or modify the action.

22 Article 4 of Chapter 150B of the General Statutes governs judicial review of an  
23 administrative decision by the Commissioner under this section."

24 Sec. 2. The heading to Article 3A of Chapter 20 of the General Statutes reads  
25 as rewritten:

26 **"ARTICLE 3A.**

27 **"~~MOTOR VEHICLE LAW OF 1947. SAFETY AND EMISSIONS INSPECTION~~**  
28 **PROGRAM."**

29 Sec. 3. Part 1 of Article 3A of Chapter 20 of the General Statutes is repealed.

30 Sec. 4. G.S. 20-127(e) is repealed.

31 Sec. 5. G.S. 20-128.2(b) is repealed.

32 Sec. 6. G.S. 20-384 reads as rewritten:

33 **§ 20-384. ~~Safety regulations applicable to motor carrier and private carrier~~**  
34 **vehicles. Carriers must comply with safety rules and regulations.**

35 (a) Scope. – The Division of Motor Vehicles may promulgate adopt highway safety  
36 rules and regulations for all for-hire motor carrier vehicles and all private carrier vehicles  
37 engaged in interstate commerce and intrastate commerce over the highways of North  
38 Carolina whether common carriers, contract carriers, exempt carriers, or private carriers.

39 (b) Infraction. – A motor carrier who fails to conduct a safety inspection of a  
40 vehicle as required by 49 C.F.R. Part 396, the federal Motor Carrier Safety Regulations,  
41 or who fails to mark a vehicle that has been inspected as required by that Part commits  
42 an infraction and, if found responsible, is liable for a penalty of up to fifty dollars  
43 (\$50.00)."

44 Sec. 7. Effective October 1, 1996, G.S. 20-54 reads as rewritten:

1 **"§ 20-54. Authority for refusing registration or certificate of title.**

2 The Division shall refuse registration or issuance of a certificate of title or any  
3 transfer of registration upon any of the following grounds:

- 4 (1) ~~That the~~The application contains ~~any a~~ false or fraudulent ~~statement or~~  
5 ~~that statement,~~ the applicant has failed to furnish required information  
6 or reasonable additional information requested by the ~~Division or that~~  
7 Division, or the applicant is not entitled to the issuance of a certificate  
8 of title or registration of the vehicle under this ~~Article;~~Article.
- 9 (2) ~~That the~~The vehicle is mechanically unfit or unsafe to be operated or  
10 moved upon the ~~highways;~~highways.
- 11 (3) ~~That the~~The Division has reasonable ground to believe that the vehicle  
12 is a stolen or embezzled vehicle, or that the granting of registration or  
13 the issuance of a certificate of title would constitute a fraud against the  
14 rightful owner or ~~other another~~ person ~~having~~who has a valid lien ~~upon~~  
15 ~~such vehicle;~~against the vehicle.
- 16 (4) ~~That the~~The registration of the vehicle stands suspended or revoked for  
17 any reason as provided in the motor vehicle laws of this ~~State;~~State.
- 18 (5) ~~That the~~The required fee has not been paid.
- 19 (6) The vehicle is not in compliance with the emissions inspection  
20 requirements of Part 2 of Article 3A of this Chapter or a civil penalty  
21 assessed as a result of the failure of the vehicle to comply with that  
22 Part has not been paid."

23 Sec. 8. Effective October 1, 1996, G.S. 20-183.8A, as enacted by Section 1  
24 of this act, reads as rewritten:

25 **"§ 20-183.8A. Civil penalties against motorists for emissions violations.**

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

- 28 (1) Fails to have the vehicle inspected within four months after it is  
29 required to be inspected under this Part.
- 30 (2) Instructs or allows a person to tamper with an emission control device  
31 of the vehicle so as to make the device inoperative or fail to work  
32 properly.
- 33 (3) Incorrectly states the county of registration of the vehicle to avoid  
34 having an emissions inspection of the vehicle.

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

39 Sec. 9. Temporary Computer Matching. – From the effective date of this act  
40 until October 1, 1996, the Division of Motor Vehicles of the Department of  
41 Transportation shall ensure motorist compliance with the emissions inspection  
42 requirements of Part 2 of Article 3A of Chapter 20 of the General Statutes by the  
43 following computer matching method:

- 1 (1) Determine from data supplied by emissions inspection stations if each  
2 vehicle that is subject to the emissions inspection requirements, and for  
3 which the Division issues or renews a registration, and has a current  
4 inspection sticker.
- 5 (2) Send a warning letter to the owner of each vehicle that is not in  
6 compliance notifying the owner that the vehicle is not in compliance,  
7 that the Division will check to see if the vehicle is brought into  
8 compliance within 30 days of the date the letter is mailed, and that  
9 failure to comply will result in revocation of the registration of the  
10 vehicle.
- 11 (3) Check to determine if a vehicle is brought into compliance as required  
12 by the letter.
- 13 (4) Send a notice of violation and a notice of penalty to the owner of a  
14 vehicle that has not been brought into compliance in accordance with  
15 the first letter. The letter must notify the owner that the registration of  
16 the vehicle will be revoked effective 30 days from the date the second  
17 letter is mailed if the owner does not bring the vehicle into compliance  
18 within that time and pay any penalty that is due. The Division must  
19 assess a civil penalty against the owner of a vehicle that was not  
20 inspected within four months of the time it was required to be  
21 inspected. The penalty is the amount set in G.S. 20-183.8A, as enacted  
22 by Section 1 of this act.
- 23 (5) Revoke the registration and pick up the registration plate for a vehicle  
24 whose owner has failed to bring the vehicle into compliance or pay a  
25 required penalty within 30 days after the second letter.

26 Sec. 10. The Joint Legislative Transportation Oversight Committee shall  
27 review the definition of a transaction that is set in the Current Operations  
28 Appropriations Act and establishes the method by which branch agents of the Division  
29 of Motor Vehicles of the Department of Transportation are reimbursed. The review  
30 shall evaluate whether the definition will adequately compensate branch agents for the  
31 time involved in denying a vehicle registration and explaining the reason for the denial  
32 when a vehicle registration is denied for failure to have an emissions inspection or pay  
33 an emissions inspection civil penalty. The review may include a review of the branch  
34 agent compensation and time involved in similar activities, such as the denial of a  
35 vehicle registration for failure to pay property taxes. The Committee shall report its  
36 findings to the 1995 General Assembly.

37 Sec. 11. The Division of Motor Vehicles of the Department of Transportation  
38 shall study the problem of the unlawful transfer of a vehicle inspection sticker from one  
39 vehicle to another. In studying this problem, the Division shall consider whether the  
40 current design of the inspection sticker can be improved so that an inspection sticker  
41 cannot be removed from a vehicle without tearing or otherwise becoming unusable and  
42 whether inspection stickers will be necessary when denial of vehicle registration  
43 becomes effective October 1, 1996. The Division shall also consider whether some  
44 vehicles, such as public school buses, should be exempt from the requirement that a

1 vehicle display an inspection sticker to prevent vandalism of buses that occurs when a  
2 person unlawfully removes an inspection sticker from the windshield of a bus. The  
3 Division shall report its findings to the Joint Legislative Transportation Oversight  
4 Committee by December 1, 1994.

5           Sec. 12. Sections 1 through 6 of this act become effective October 1, 1994.  
6 Sections 7 and 8 of this act become effective October 1, 1996. The remaining sections  
7 of this act are effective upon ratification.