

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1337*

Short Title: Emissions Inspection Penalties.

(Public)

Sponsors: Representatives Mitchell; Culp, Locke, Nichols, Tolson, and Weatherly.

Referred to: Health and Environment.

May 24, 1996

A BILL TO BE ENTITLED

1 AN ACT TO CHANGE THE CIVIL PENALTIES THAT MAY BE ASSESSED
2 AGAINST CERTAIN LICENSE HOLDERS FOR EMISSIONS INSPECTIONS
3 BASED ON WHETHER THE VEHICLE WAS INTENTIONALLY IMPROPERLY
4 PASSED INSPECTION AND TO CHANGE THE PROVISIONS REGARDING
5 THE SUSPENSION OR REVOCATION OF LICENSES TO PROVIDE FOR
6 NOTICE AND HEARING, AS RECOMMENDED BY THE ENVIRONMENTAL
7 REVIEW COMMISSION.
8

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 20-183.8B(b) reads as rewritten:

11 "(b) Penalty Schedule. – The Division must take the following action for a
12 violation:

13 (1) Type I. – For a first or second Type I violation within three years that
14 results in a vehicle being intentionally improperly passed by an
15 emissions self-inspector or an emissions inspection station, assess a civil
16 penalty of two hundred fifty dollars (\$250.00) and ~~suspend~~ suspend
17 after notice and hearing within 14 days, the license of the business for
18 six months. For a third or subsequent Type I violation within ~~seven-three~~
19 years that results in a vehicle being intentionally improperly passed by
20 an emissions self-inspector or an emissions inspection station, assess a

1 civil penalty of one thousand dollars (\$1,000) and ~~revoke~~ revoke, after
2 notice and hearing within 14 days, the license of the business for two
3 years.

4 For a first Type I violation that results in a vehicle being not
5 intentionally improperly passed by an emissions self-inspector or an
6 emissions inspection station, assess the emissions self-inspector a civil
7 penalty of one hundred dollars (\$100.00) and send a warning letter and
8 assess the business a civil penalty of two hundred dollars (\$200.00) and
9 send a warning letter. For a second Type I violation within three years
10 that results in a vehicle being not intentionally improperly passed by an
11 emissions self-inspector or an emissions inspection station, assess the
12 emissions self-inspector a civil penalty of one hundred fifty dollars
13 (\$150.00) and suspend, after notice and hearing within 14 days, the
14 license of the emissions self-inspector for 30 days and assess the
15 business a civil penalty of three hundred dollars (\$300.00) and send a
16 warning letter. For a third Type I violation within three years that
17 results in a vehicle being not intentionally improperly passed by an
18 emissions self-inspector or an emissions inspection station, assess the
19 emissions self-inspector a civil penalty of two hundred dollars
20 (\$200.00), suspend, after notice and hearing within 14 days, the license
21 of the emissions self-inspector for six months, and require the emissions
22 self-inspector to attend the school for emissions inspectors designated
23 by the Division and assess the business a civil penalty of four hundred
24 dollars (\$400.00) and suspend, after notice and hearing within 14 days,
25 the license of the business for 30 days. For a fourth and subsequent
26 Type I violation within three years that results in a vehicle being not
27 intentionally improperly passed by an emissions self-inspector or an
28 emissions inspection station, assess the emissions self-inspector a civil
29 penalty of two hundred fifty dollars (\$250.00) and suspend, after notice
30 and hearing within 14 days, the license of the emissions self-inspector
31 for one year and assess the business a civil penalty of five hundred
32 dollars (\$500.00) and suspend, after notice and hearing within 14 days,
33 the license of the business for six months.

34 For a first or second Type I violation within three years by an
35 emissions inspection mechanic, assess a civil penalty of one hundred
36 dollars (\$100.00) and ~~suspend~~ suspend, after notice and hearing within
37 14 days, the mechanic's license for six months. For a third or subsequent
38 Type I violation within ~~seven~~ three years by an emissions inspection
39 mechanic, assess a civil penalty of two hundred fifty dollars (\$250.00)
40 and ~~revoke~~ revoke, after notice and hearing within 14 days, the
41 mechanic's license for two years.

- 42 (2) Type II. – For a first or second Type II violation within three years by
43 an emissions self-inspector or an emissions inspection station, assess a

1 civil penalty of one hundred dollars (\$100.00). For a third or subsequent
2 Type II violation within ~~seven~~three years by an emissions self-inspector
3 or an emissions inspection station, assess a civil penalty of two hundred
4 fifty dollars (\$250.00) and ~~suspend~~suspend, after notice and hearing
5 within 14 days, the license of the business for 90 days.

6 For a first or second Type II violation within three years by an
7 emissions inspection mechanic, assess a civil penalty of fifty dollars
8 (\$50.00). For a third or subsequent Type II violation within ~~seven~~three
9 years by an emissions inspection mechanic, assess a civil penalty of one
10 hundred dollars (\$100.00) and ~~suspend~~suspend, after notice and hearing
11 within 14 days, the mechanic's license for 90 days.

12 (3) Type III. – For a first or second Type III violation within three years by
13 an emissions self-inspector, an emissions inspection station, or an
14 emissions inspection mechanic, send a warning letter. For a third or
15 subsequent Type III violation within ~~seven~~three years by the same
16 emissions license holder, assess a civil penalty of twenty-five dollars
17 (\$25.00)."

18 Sec. 2. Any emissions self-inspector, emissions inspection station, or
19 emissions inspection mechanic whose license currently is suspended or revoked pursuant
20 to G.S. 20-183.8B prior to the effective date of this act may have the current suspension
21 or revocation period changed by the Division of Motor Vehicles, Department of
22 Transportation, to a period of suspension or revocation that is consistent with the
23 provisions of G.S. 20-183.8B, as amended by Section 1 of this act.

24 Sec. 3. This act becomes effective October 1, 1996, and, except as provided in
25 Section 2 of this act, applies to all violations that occur on or after that date.