

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1337*
Committee Substitute Favorable 6/19/96

Short Title: Emissions Inspection Penalties.

(Public)

Sponsors:

Referred to:

May 24, 1996

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PENALTIES THAT MAY BE IMPOSED FOR VIOLATIONS RELATING TO MOTOR VEHICLE EMISSIONS INSPECTIONS BASED ON WHETHER THE VEHICLE WAS INTENTIONALLY IMPROPERLY PASSED AND TO PROVIDE FOR NOTICE AND HEARING PRIOR TO SUSPENSION OR REVOCATION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

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

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

(1) Type I. –

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

1 or an emissions inspection ~~station,~~ station that results in a vehicle
2 being intentionally improperly passed, assess a civil penalty of
3 one thousand dollars (\$1,000) and revoke the license of the
4 business for two years.

5 b. For a first Type I violation by an emissions self-inspector or
6 emissions inspection station, other than a violation that results in
7 a vehicle being intentionally improperly passed, assess a civil
8 penalty of two hundred dollars (\$200.00). For a second Type I
9 violation within three years by an emissions self-inspector or
10 emissions inspection station, other than a violation that results in
11 a vehicle being intentionally improperly passed, assess a civil
12 penalty of three hundred dollars (\$300.00). For a third Type I
13 violation within three years by an emissions self-inspector or
14 emissions inspection station, other than a violation that results in
15 a vehicle being intentionally improperly passed, assess a civil
16 penalty of four hundred dollars (\$400.00) and suspend the license
17 of the business for 30 days. For a fourth or subsequent Type I
18 violation within three years by an emissions self-inspector or
19 emissions inspection station, other than a violation that results in
20 a vehicle being intentionally improperly passed, assess a civil
21 penalty of five hundred dollars (\$500.00) and revoke the license
22 of the business for six months.

23 c. For a first ~~or second~~ Type I violation or a second Type I violation

24 within three years by an emissions inspection ~~mechanic,~~ mechanic
25 that results in a vehicle being intentionally improperly passed,
26 assess a civil penalty of one hundred dollars (\$100.00) and
27 suspend the mechanic's license for six months. For a third or
28 subsequent Type I violation within ~~seven~~ three years by an
29 emissions inspection mechanic, assess a civil penalty of two
30 hundred fifty dollars (\$250.00) and revoke the mechanic's license
31 for two years.

32 d. For a first Type I violation by an emissions inspection mechanic,
33 other than a violation that results in a vehicle being intentionally
34 improperly passed, assess a civil penalty of one hundred dollars
35 (\$100.00). For a second Type I violation within three years by
36 an emissions inspection mechanic, other than a violation that
37 results in a vehicle being intentionally improperly passed, assess
38 a civil penalty of one hundred fifty dollars (\$150.00) and suspend
39 the mechanic's license for 30 days. For a third Type I violation
40 within three years by an emissions inspection mechanic, other
41 than a violation that results in a vehicle being intentionally
42 improperly passed, assess a civil penalty of two hundred dollars
43 (\$200.00) and suspend the mechanic's license for six months.

1 For a fourth or subsequent Type I violation within three years by
2 an emissions inspection mechanic, other than a violation that
3 results in a vehicle being intentionally improperly passed, assess
4 a civil penalty of two hundred fifty dollars (\$250.00) and revoke
5 the mechanic's license for one year.

6 (2) Type II. –

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

15 b. For a first ~~or second~~ Type II violation or a second Type II
16 violation within three years by an emissions inspection mechanic,
17 assess a civil penalty of fifty dollars (\$50.00). For a third or
18 subsequent Type II violation within ~~seven~~ three years by an
19 emissions inspection mechanic, assess a civil penalty of one
20 hundred dollars (\$100.00) and suspend the mechanic's license for
21 90 days.

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

28 (4) A suspension or revocation of a license under this section shall not be
29 effective until the Division has notified the licensee of its intention to
30 suspend or revoke the license and has held an informal hearing on the
31 suspension or revocation, unless the licensee waives the hearing. The
32 Division shall hold the informal hearing within 14 days after the notice
33 of violation is received by the licensee.

34 (5) Before an emissions inspection mechanic's license that has been
35 suspended is reinstated, the emissions inspection mechanic must
36 successfully complete the four-hour emissions refresher course required
37 to renew an emissions inspection mechanic's license under G.S. 20-
38 183.4B(c). An emissions inspection mechanic whose license is revoked
39 under this section who wishes to be relicensed after the revocation
40 period must apply for a new license and successfully complete the eight-
41 hour course required under G.S. 20-183.4A."

42 Sec. 2. G.S. 20-183.8C(a) reads as rewritten:

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

3 (1) Put an emissions inspection sticker on a vehicle without performing an
4 emissions inspection of the vehicle or after performing an emissions
5 inspection in which the vehicle did not pass the inspection.

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

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

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

17 (5) Be unable to account for five or more inspection stickers at any one time
18 upon the request of an auditor of the Division.

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

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

22 (8) Intentionally improperly pass a vehicle."

23 Sec. 3. Upon request by an emissions self-inspector, emissions inspection
24 station, or emissions inspection mechanic, the Division of Motor Vehicles of the
25 Department of Transportation shall retroactively modify the suspension or revocation of a
26 license that is in a suspended or revoked status under G.S. 20-183.8B on the date this act
27 becomes effective to make the suspension or revocation consistent with G.S. 20-183.8B,
28 as amended by Section 1 of this act.

29 Sec. 4. This act becomes effective 1 October 1996 and applies (i) to any
30 violation that occurs on or after that date and (ii) as provided in Section 3 of this act.