

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1242*

Short Title: Repeal Safety Inspection.

(Public)

Sponsors: Senators Carpenter; and Foxx.

Referred to: Judiciary II/Election Laws.

May 22, 1996

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE MOTOR VEHICLE SAFETY INSPECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-183.2 reads as rewritten:

"§ 20-183.2. Description of vehicles subject to ~~safety or~~ emissions inspection; definitions.

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

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

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

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

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

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

(2) It is not a trailer whose gross weight is less than 4,000 pounds, a house trailer, or a motorcycle.

- 1 (3) It is a 1975 or later model.
2 (4) It is powered or designed so that it could be powered by gasoline.
3 (5) It meets any of the following descriptions:
4 a. It is required to be registered in an emissions county.
5 b. It is part of a fleet that is operated primarily in an emissions
6 county.
7 c. It is offered for rent in an emissions county.
8 d. It is offered for sale by a dealer in an emissions county and is not
9 a new vehicle that has not been titled.
10 e. It is operated on a federal installation located in an emissions
11 county and it is not a tactical military vehicle. Vehicles operated
12 on a federal installation include those that are owned or leased by
13 employees of the installation and are used to commute to the
14 installation and those owned or operated by the federal agency
15 that conducts business at the installation.
16 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an
17 emissions inspection.
- 18 (c) Definitions. – The following definitions apply in this Part:
19 (1) Emissions county. – A county in which the State either is required by
20 federal law to conduct emissions testing or has agreed in its State
21 Implementation Plan submitted to the federal Environmental Protection
22 Agency to conduct emissions testing. The State Environmental
23 Management Commission establishes the emissions counties pursuant
24 to rules adopted under G.S. 143-215.107(a)(6).
25 (2) Federal installation. – An installation that is owned by, leased to, or
26 otherwise regularly used as the place of business of a federal agency."

27 Sec. 2. G.S. 20-183.3 reads as rewritten:

28 **"§ 20-183.3. Scope of safety inspection and emissions inspection.**

29 (a) ~~Safety.—A safety inspection of a motor vehicle consists of an inspection of the~~
30 ~~following equipment to determine if the vehicle has the equipment required by Part 9 of~~
31 ~~Article 3 of this Chapter and if the equipment is in a safe operating condition:~~

- 32 (1) ~~Brakes, as required by G.S. 20-124.~~
33 (2) ~~Lights, as required by G.S. 20-129 or G.S. 20-129.1.~~
34 (3) ~~Horn, as required by G.S. 20-125(a).~~
35 (4) ~~Steering mechanism, as required by G.S. 20-123.1.~~
36 (5) ~~Windows and windshield wipers, as required by G.S. 20-127. To~~
37 ~~determine if a vehicle window meets the window tinting restrictions, a~~
38 ~~safety inspection mechanic must first determine, based on use of an~~
39 ~~automotive film check card or knowledge of window tinting techniques,~~
40 ~~if after factory tint has been applied to the window. If after factory tint~~
41 ~~has been applied, the mechanic must use a light meter approved by the~~
42 ~~Commissioner to determine if the window meets the window tinting~~
43 ~~restrictions.~~

- 1 (6) Directional signals, as required by G.S. 20-125.1.
2 (7) Tires, as required by G.S. 20-122.1.
3 (8) Mirrors, as required by G.S. 20-126.
4 (9) Exhaust system, as required by G.S. 20-128. For a vehicle that is subject
5 to an emissions inspection in addition to a safety inspection, a visual
6 inspection of the vehicle's emission control devices is included in the
7 emissions inspection rather than the safety inspection.

8 (b) Emissions. – An emissions inspection of a motor vehicle consists of a visual
9 inspection of the vehicle's emission control devices to determine if the devices are
10 present, are properly connected, and are the correct type for the vehicle and an analysis of
11 the exhaust emissions of the vehicle to determine if the exhaust emissions meet the
12 standards for the model year of the vehicle set by the Environmental Management
13 Commission. To pass an emissions inspection a vehicle ~~must~~ shall pass both the visual
14 inspection and the exhaust emissions analysis. ~~When an emissions inspection is performed~~
15 ~~on a vehicle, a safety inspection must be performed on the vehicle as well.~~

16 (c) Reinspection After Failure. – The scope of a reinspection of a vehicle that has
17 been repaired after failing an inspection is the same as the original inspection unless the
18 vehicle is presented for reinspection within 30 days of failing the original inspection. If
19 the vehicle is presented for reinspection within this time limit ~~and the inspection the vehicle~~
20 ~~failed was a safety inspection, the reinspection is limited to an inspection of the equipment that~~
21 ~~failed the original inspection. If the vehicle is presented for reinspection within this time limit~~
22 ~~and the inspection the vehicle failed was an emissions inspection, the reinspection is~~
23 limited to the portion of the inspection the vehicle failed and any other portion of the
24 inspection that would be affected by repairs made to correct the failure."

25 Sec. 3. G.S. 20-183.4 is repealed.

26 Sec. 4. G.S. 20-183.4C reads as rewritten:

27 **"§ 20-183.4C. When a vehicle ~~must~~ shall be inspected.**

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

- 30 (1) A new vehicle ~~must~~ shall be inspected before it is offered for sale at
31 retail in this State.
32 (2) A used vehicle ~~must~~ shall be inspected before it is offered for sale at
33 retail in this State by a dealer at a location other than a public auction.
34 (3) A used vehicle that is offered for sale at retail in this State by a dealer at
35 a public auction ~~must~~ shall be inspected before it is offered for sale
36 unless it has an inspection sticker that was put on the vehicle under this
37 Part and does not expire until at least nine months after the date the
38 vehicle is offered for sale at auction.
39 (4) A used vehicle acquired by a resident of this State from a person outside
40 the State ~~must~~ shall be inspected within 10 days after the vehicle is
41 registered with the Division.
42 (5) A vehicle owned by a new resident of this State who transfers the
43 registration of the vehicle from the resident's former home state to this

1 State ~~must~~shall be inspected within 10 days after the vehicle is
2 registered with the Division.

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

7 Sec. 5. G.S. 20-183.4D reads as rewritten:

8 **"§ 20-183.4D. Procedure when a vehicle is inspected.**

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

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

25 (c) Content of Sticker. —~~An inspection sticker issued for a vehicle that is subject~~
26 ~~to a safety inspection only must be a different color from an inspection sticker issued for~~
27 ~~a vehicle that is subject to both a safety and an emissions inspection.~~—An inspection
28 sticker ~~must~~shall:

29 (1) ~~indicate~~Indicate when it ~~expires, must~~expires;

30 (2) ~~be~~Be printed with a unique serial number and an official program seal,
31 seal; and

32 (3) ~~must be~~Be counterfeit resistant.

33 The side of an inspection sticker that is readable from the interior of a vehicle ~~must~~shall
34 contain the following information:

35 (1) The date the inspection was performed.

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

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

39 (d) When Sticker Expires. — An inspection sticker put on a vehicle that did not
40 have an inspection sticker issued under this Part when it was brought in for inspection
41 expires at midnight on the last day of the twelfth month after the month the inspection
42 sticker is put on the vehicle. An inspection sticker put on a vehicle that had an inspection

1 sticker that was put on under this Part when it was brought in for inspection expires as
 2 follows:

- 3 (1) If the expiration date of the inspection sticker the vehicle had when it
 4 was brought in for inspection is less than 12 full months from the date
 5 of the inspection, the inspection sticker expires at midnight on the last
 6 day of the twelfth month after the month the inspection sticker is put on
 7 the vehicle.
- 8 (2) If the expiration date of the inspection sticker the vehicle had when it
 9 was brought in for inspection is 12 or more months from the date of the
 10 inspection, the inspection sticker expires one year after the expiration
 11 date of the inspection sticker the vehicle had when it was brought in for
 12 inspection, regardless of whether there are 12 months in this period."

13 Sec. 6. G.S. 20-183.7 reads as rewritten:

14 **"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker on**
 15 **a vehicle; use of civil penalties.**

16 (a) Fee Amount. – The following fees apply to an inspection of a vehicle and the
 17 issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only, Without After-	Factory Tinted Window	\$ 8.25 \$ 1.00
Safety Only, With After Factory	Tinted Window	18.25 1.00
Emissions and Safety, Without	After Factory Tinted Window	17.00 2.40 2.40.
Emissions and Safety, With	After Factory Tinted Window	27.00 2.40.

27 The fee for performing an inspection of a vehicle applies when an inspection is
 28 performed, regardless of whether the vehicle passes the inspection. The fee for an
 29 inspection sticker applies when an inspection sticker is put on a vehicle. ~~The fee for~~
 30 ~~performing an inspection of a vehicle with a tinted window applies only to an inspection~~
 31 ~~performed with a light meter after a safety inspection mechanic determined that the window had~~
 32 ~~after factory tint.~~

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

36 (b) Self-Inspector. – The fee for an inspection does not apply to an inspection
 37 performed by a self-inspector. The fee for putting an inspection sticker on a vehicle
 38 applies to an inspection performed by a self-inspector.

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

1 Environmental Management of the Department of Environment, Health, and Natural
2 Resources:

<u>Recipient</u>	<u>Highway Fund</u>	
3 Emissions Program Account	.75	.00
4 Volunteer Rescue/EMS Fund	.00	1.80
5 Rescue Squad Workers' Relief	.15	.15
6 Fund	.10	.10
7 Division of Environmental		
8 Management	.00	.35

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

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

16 Sec. 7. G.S. 20-183.8D is repealed.

17 Sec. 8. This act is effective upon ratification.