

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1638*

Short Title: I/M Technology and Fee Amends.

(Public)

Sponsors: Representatives Hackney, Gray, Gibson, and Miner.

Referred to: Finance.

May 18, 2000

A BILL TO BE ENTITLED

1 AN ACT TO IMPROVE AMBIENT AIR QUALITY, TO PROVIDE FOR THE USE OF
2 ON-BOARD DIAGNOSTIC EQUIPMENT IN THE MOTOR VEHICLE
3 EMISSIONS INSPECTION AND MAINTENANCE PROGRAM, AND TO
4 INCREASE THE FEES THAT ARE CHARGED FOR MOTOR VEHICLE SAFETY
5 AND EMISSIONS INSPECTIONS, AS RECOMMENDED BY THE
6 ENVIRONMENTAL REVIEW COMMISSION.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 143-215.107(a)(6) reads as rewritten:

10 "(6) To adopt motor vehicle emissions standards; to adopt, when necessary
11 and practicable, a motor vehicle emissions inspection and maintenance
12 program to improve ambient air quality; ~~to require that motor vehicle~~
13 ~~emissions be monitored while the vehicle is in operation by means of onboard~~
14 ~~diagnostic equipment (OBD) installed by the vehicle manufacturer;~~ to require
15 manufacturers of motor vehicles to furnish to the Equipment and Tool
16 Institute and, upon request and at a reasonable charge, to any person
17 who maintains or repairs a motor vehicle, all information necessary to
18 fully make use of the ~~onboard~~ on-board diagnostic equipment and the
19 data compiled by that equipment; to certify to the Commissioner of
20 Motor Vehicles that ambient air quality will be improved by the

1 implementation of a motor vehicle emissions inspection and
2 maintenance program in a county. The Commission shall implement
3 this subdivision as provided in G.S. 143-215.107A."

4 Section 2. G.S. 143-215.107A(b) is repealed.

5 Section 3. G.S. 143-215.107A(d) reads as rewritten:

6 "(d) Additional Counties. – The Commission may require that motor vehicle
7 emissions inspections be performed in counties in addition to those set out in subsection
8 (c) of this section. In determining whether to require that motor vehicle emissions
9 inspections be performed in a county, the Commission may consider the population of,
10 and distribution of population in, the county; the projected change in population of, and
11 distribution of population in, the county; the number of vehicles registered in the county;
12 the projected change in the number of vehicles registered in the county; vehicle miles
13 traveled in the county; the projected change in vehicle miles traveled in the county;
14 current and projected commuting patterns in the county; and the current and projected
15 impact of these factors on attainment of air quality standards in the county and in areas
16 outside the county. The Commission may not require that motor vehicle emissions ~~testing~~
17 inspections be performed in any county with a population of less than 40,000 based on
18 the most recent population estimates prepared by the State Planning Officer. The
19 Commission may not require that motor vehicle emissions ~~testing-inspections~~ be
20 performed in any county in which the number of vehicle miles traveled per day is less
21 than 900,000, based on the most recent estimates prepared by the Department of
22 Transportation. In order to disapprove a rule that requires that motor vehicle emissions
23 inspections be performed in one or more additional counties, a bill introduced pursuant to
24 G.S. 150B-21.3(b) must amend subsection (c) of this section to add one or more other
25 counties in which the total population and vehicle miles traveled per day equal or exceed
26 the total population and vehicle miles traveled in the county or counties listed in the rule
27 that the bill would disapprove."

28 Section 4. Section 3.2 of S.L. 1999-328 reads as rewritten:

29 "Section 3.2. ~~The Environmental Management Commission shall adopt rules to~~
30 ~~implement G.S. 143-215.107A(b), as enacted by Section 3.1 of this act. These rules shall~~
31 ~~become effective on 1 July 2002.~~ The Environmental Management Commission shall not
32 require that motor vehicle emissions inspections be performed in any county pursuant to
33 G.S. 143-215.107A(d), as enacted by Section 3.1 of this act, prior to 1 July 2006. The
34 Environmental Management Commission shall not require motor vehicle emissions
35 inspections for diesel powered vehicles prior to 1 July 2001."

36 Section 5. Section 3.9 of S.L. 1999-328 is repealed.

37 Section 6. Effective 1 July 2002, G.S. 20-128(c) reads as rewritten:

38 "(c) No motor vehicle registered in this State ~~which~~ that was manufactured after
39 model year 1967 shall be operated in this State unless it is equipped with ~~such emission-~~
40 ~~control emissions control devices to reduce air pollution as that were installed on the~~
41 vehicle at the time of manufacture, provided the foregoing requirement the vehicle was
42 manufactured and these devices are properly connected.

1 (d) The requirements of subsection (c) of this section shall not apply where such if
2 the emissions control devices have been removed for the purpose of converting the motor
3 vehicle to operate on natural or liquefied petroleum gas or other modifications have been
4 made in order to reduce air ~~pollution, further provided that such modifications shall have first~~
5 ~~been~~ pollution and these modifications are approved by the Department of Environment
6 and Natural Resources."

7 Section 7. Effective 1 July 2000, G.S. 20-183.2(b) reads as rewritten:

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

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

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

14 (3) It is a 1975 or later model.

15 (4) Repealed by Session Laws 1999-328, s. 3.11.

16 (5) It meets any of the following descriptions:

17 a. It is required to be registered in an emissions county.

18 b. It is part of a fleet that is operated primarily in an emissions
19 county.

20 c. It is offered for rent in an emissions county.

21 d. It is a used vehicle offered for sale by a dealer in an emissions
22 county.

23 e. It is operated on a federal installation located in an emissions
24 county and it is not a tactical military vehicle. Vehicles operated
25 on a federal installation include those that are owned or leased by
26 employees of the installation and are used to commute to the
27 installation and those owned or operated by the federal agency
28 that conducts business at the installation.

29 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an
30 emissions inspection.

31 (6) It is not licensed at the farmer rate under G.S. 20-88(b)."

32 Section 8. Effective 1 July 2002, G.S. 20-183.3 reads as rewritten:

33 **"§ 20-183.3. Scope of safety inspection and emissions inspection.**

34 (a) Safety. – A safety inspection of a motor vehicle consists of an inspection of the
35 following equipment to determine if the vehicle has the equipment required by Part 9 of
36 Article 3 of this Chapter and if the equipment is in a safe operating condition:

37 (1) Brakes, as required by G.S. 20-124.

38 (2) Lights, as required by G.S. 20-129 or G.S. 20-129.1.

39 (3) Horn, as required by G.S. 20-125(a).

40 (4) Steering mechanism, as required by G.S. 20-123.1.

41 (5) Windows and windshield wipers, as required by G.S. 20-127. To
42 determine if a vehicle window meets the window tinting restrictions, a
43 safety inspection mechanic must first determine, based on use of an

1 automotive film check card or knowledge of window tinting techniques,
2 if after-factory tint has been applied to the window. If after-factory tint
3 has been applied, the mechanic must use a light meter approved by the
4 Commissioner to determine if the window meets the window tinting
5 restrictions.

6 (6) Directional signals, as required by G.S. 20-125.1.

7 (7) Tires, as required by G.S. 20-122.1.

8 (8) Mirrors, as required by G.S. 20-126.

9 (9) Exhaust system, as required by G.S. 20-128. ~~For a vehicle that is~~
10 ~~subject to an emissions inspection in addition to a safety inspection, a~~
11 ~~visual inspection of the vehicle's emission control devices is included in~~
12 ~~the emissions inspection rather than the safety inspection.~~

13 (b) Emissions. – An emissions inspection of a motor vehicle consists of a ~~visual~~
14 ~~inspection of the vehicle's emission control devices to determine if the devices are~~
15 ~~present, are properly connected, and are the correct type for the vehicle and an analysis of~~
16 the exhaust emissions of the vehicle to determine if the exhaust emissions meet the
17 standards for the model year of the vehicle set by the Environmental Management
18 Commission or, if the vehicle is a 1996 or later model, an analysis of data provided by
19 the on-board diagnostic (OBD) equipment installed by the vehicle manufacturer to
20 identify any deterioration or malfunction in the operation of the vehicle that would cause
21 an increase in the emission of pollutants by the vehicle that violates standards for the
22 model year of the vehicle set by the Environmental Management Commission. ~~To pass~~
23 ~~an emissions inspection a vehicle must pass both the visual inspection and the exhaust~~
24 ~~emissions analysis.—~~When an emissions inspection is performed on a vehicle, a safety
25 inspection must be performed on the vehicle as well.

26 (c) Reinspection After Failure. – The scope of a reinspection of a vehicle that has
27 been repaired after failing an inspection is the same as the original inspection unless the
28 vehicle is presented for reinspection within 30 days of failing the original inspection. If
29 the vehicle is presented for reinspection within this time limit and the inspection the
30 vehicle failed was a safety inspection, the reinspection is limited to an inspection of the
31 equipment that failed the original inspection. If the vehicle is presented for reinspection
32 within this time limit and the inspection the vehicle failed was an emissions inspection,
33 the reinspection is limited to the portion of the inspection the vehicle failed and any other
34 portion of the inspection that would be affected by repairs made to correct the failure."

35 Section 9. Effective 1 July 2003, G.S. 20-183.2(b) reads as rewritten:

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

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

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

42 (3) ~~It~~ Except as provided in G.S. 20-183.3(b), it is a 1975–1996 or later
43 model.

1 (4) Repealed by Session Laws 1999-328, s. 3.11.

2 (5) It meets any of the following descriptions:

3 a. It is required to be registered in an emissions county.

4 b. It is part of a fleet that is operated primarily in an emissions
5 county.

6 c. It is offered for rent in an emissions county.

7 d. It is a used vehicle offered for sale by a dealer in an emissions
8 county.

9 e. It is operated on a federal installation located in an emissions
10 county and it is not a tactical military vehicle. Vehicles operated
11 on a federal installation include those that are owned or leased by
12 employees of the installation and are used to commute to the
13 installation and those owned or operated by the federal agency
14 that conducts business at the installation.

15 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an
16 emissions inspection.

17 (6) It is not licensed at the farmer rate under G.S. 20-88(b)."

18 Section 10. Effective 1 July 2003, G.S. 20-183.3 reads as rewritten:

19 "**§ 20-183.3. Scope of safety inspection and emissions inspection.**

20 (a) Safety. – A safety inspection of a motor vehicle consists of an inspection of the
21 following equipment to determine if the vehicle has the equipment required by Part 9 of
22 Article 3 of this Chapter and if the equipment is in a safe operating condition:

23 (1) Brakes, as required by G.S. 20-124.

24 (2) Lights, as required by G.S. 20-129 or G.S. 20-129.1.

25 (3) Horn, as required by G.S. 20-125(a).

26 (4) Steering mechanism, as required by G.S. 20-123.1.

27 (5) Windows and windshield wipers, as required by G.S. 20-127. To
28 determine if a vehicle window meets the window tinting restrictions, a
29 safety inspection mechanic must first determine, based on use of an
30 automotive film check card or knowledge of window tinting techniques,
31 if after-factory tint has been applied to the window. If after-factory tint
32 has been applied, the mechanic must use a light meter approved by the
33 Commissioner to determine if the window meets the window tinting
34 restrictions.

35 (6) Directional signals, as required by G.S. 20-125.1.

36 (7) Tires, as required by G.S. 20-122.1.

37 (8) Mirrors, as required by G.S. 20-126.

38 (9) Exhaust system, as required by G.S. 20-128.

39 (b) ~~Emissions~~ Emissions Inspection Requirements in Certain Counties. – An
40 emissions inspection of a 1975 or later model motor vehicle in the counties of Cabarrus,
41 Durham, Forsyth, Gaston, Guilford, Mecklenburg, Orange, Union, and Wake consists of
42 an analysis of the exhaust emissions of the vehicle to determine if the exhaust emissions
43 meet the standards for the model year of the vehicle set by the Environmental

1 Management Commission or, if the vehicle is a 1996 or later model, an analysis of data
2 provided by the on-board diagnostic (OBD) equipment installed by the vehicle
3 manufacturer to identify any deterioration or malfunction in the operation of the vehicle
4 that would cause an increase in the emission of pollutants by the vehicle that violates
5 standards for the model year of the vehicle set by the Environmental Management
6 Commission. When an emissions inspection is performed on a vehicle, a safety
7 inspection must be performed on the vehicle as well. When an emissions inspection is
8 performed on a vehicle, a safety inspection must be performed on the vehicle as well.

9 (b1) Emissions. – An emissions inspection of a motor vehicle consists of an
10 analysis of data provided by the on-board diagnostic (OBD) equipment installed by the
11 vehicle manufacturer to identify any deterioration or malfunction in the operation of the
12 vehicle that would cause an increase in the emission of pollutants by the vehicle that
13 violates standards for the model year of the vehicle set by the Environmental
14 Management Commission. When an emissions inspection is performed on a vehicle, a
15 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
20 vehicle failed was a safety inspection, the reinspection is limited to an inspection of the
21 equipment that failed the original inspection. If the vehicle is presented for reinspection
22 within this time limit and the inspection the vehicle failed was an emissions inspection,
23 the reinspection is limited to the portion of the inspection the vehicle failed and any other
24 portion of the inspection that would be affected by repairs made to correct the failure."

25 Section 11. Effective 1 January 2006, G.S. 20-182.2(b)(3) reads as rewritten:

26 "~~(3) Except as provided in G.S. 20-183.3(b), it~~ It is a 1996 or later
27 model."

28 Section 12. Effective 1 January 2006, G.S. 20-183.3(b) is repealed.

29 Section 13. Effective 1 July 2002, G.S. 20-183.5(a) reads as rewritten:

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

32 (1) ~~Fails an emissions inspection because it passes the visual inspection part of~~
33 ~~the inspection but fails the exhaust emissions analysis part of the inspection.~~
34 but passes the safety inspection, including the visual inspection of
35 emissions control devices required by G.S. 20-183.3(9).

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

40 (3) ~~Is reinspected and again fails the inspection because it passes the visual~~
41 ~~inspection part of the inspection but fails the exhaust emissions analysis part~~
42 ~~of the inspection.~~ but passes the safety inspection, including the visual
43 inspection of emissions control devices required by G.S. 20-183.3(9).

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

Section 14. Effective 1 July 2000, G.S. 20-183.7(a) reads as rewritten:

"(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an inspection sticker, the fee must be collected. The following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

Type	Inspection	Sticker
Safety Only, Without After-		
Factory Tinted Window	\$ 8.25 <u>9.75</u>	\$ 1.00 <u>1.25</u>
Safety Only, With After-		
Factory Tinted Window	18.25 <u>19.75</u>	1.00 <u>1.25</u>
Emissions and Safety Without		
After-Factory Tinted Window	17.00 <u>20.75</u>	2.40 <u>3.00</u>
Emissions and Safety With		
After-Factory Tinted Window	27.00 <u>30.75</u>	2.40 <u>3.00</u>

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

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

Section 15. Effective 1 July 2002, G.S. 20-183.7(a) reads as rewritten:

"(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an inspection sticker, the fee must be collected. The following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

Type	Inspection	Sticker
Safety Only, Without After-		
Factory Tinted Window	\$ 9.75	\$ 1.25
Safety Only, With After-		
Factory Tinted Window	19.75	1.25
Emissions and Safety Without		
After-Factory Tinted Window	20.75 <u>21.30</u>	3.00 <u>4.60</u>
Emissions and Safety With		
After-Factory Tinted Window	30.75 <u>31.30</u>	3.00 <u>4.60</u>

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

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

4 Section 16. Except as otherwise provided in this act, this act is effective when
5 it becomes law.