

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**HOUSE BILL 749  
RATIFIED BILL**

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN HIGHWAY FINANCING AGREEMENTS, TO REQUIRE AGREEMENTS INVOLVING DEPARTMENT FUNDS TO BE APPROVED BY THE BOARD OF TRANSPORTATION, AND TO PROVIDE THAT REPLACEMENT INSPECTION STICKERS FOR USE ON A REPLACED WINDSHIELD ARE NOT SUBJECT TO THE INSPECTION STICKER FEE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 136-18 reads as rewritten:

**"§ 136-18. Powers of Department of Transportation.**

The said Department of Transportation ~~shall be~~ is vested with the following powers:

(39) To enter into partnership agreements with the North Carolina Turnpike Authority, private entities, and authorized political subdivisions to finance, by tolls and other financing methods authorized by law, the cost of acquiring, constructing, equipping, maintaining, and operating highways, roads, streets, and bridges in this State. An agreement entered into under this subdivision requires the concurrence of the Board of Transportation."

**SECTION 1.(b)** G.S. 136-89.183(a)(17) reads as rewritten:

"(17) To enter into partnership ~~agreements,~~ agreements with the Department of Transportation, agreements with political subdivisions of the State, and agreements with private entities, and to expend such funds as it deems necessary, pursuant to such agreements, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project. An agreement entered under this subdivision requires the concurrence of the Board of Transportation if the Department of Transportation is a party to the agreement."

**SECTION 1.(c)** G.S. 143B-350(f) reads as rewritten:

"(f) Duties of the Board. – The Board of Transportation ~~shall have~~ has the following duties and powers:

- (1) To formulate policies and priorities for all modes of transportation under the Department of ~~Transportation;~~ Transportation.
- (2) To advise the Secretary on matters to achieve the maximum public benefit in the performance of the functions assigned to the ~~Department;~~ Department.
- (3) To ascertain the transportation needs and the alternative means to provide for these needs through an integrated system of transportation taking into consideration the social, economic and environmental impacts of the various ~~alternatives;~~ alternatives.
- (4) To approve a schedule of all major transportation improvement projects and their anticipated cost for a period of seven years into the future. This schedule is designated the Transportation Improvement Program; it must be published and copies must be available for distribution. The document that contains the Transportation

Improvement Program, or a separate document that is published at the same time as the Transportation Improvement Program, must include the anticipated funding sources for the improvement projects included in the Program, a list of any changes made from the previous year's Program, and the reasons for the ~~changes;~~changes.

- (5) To consider and advise the Secretary of Transportation upon any other transportation matter that the Secretary may refer to ~~it;~~it.
- (6) To assist the Secretary of Transportation in the performance of his duties in the development of programs and approve priorities for programs within the ~~Department;~~Department.
- (7) To allocate all highway construction and maintenance funds appropriated by the General Assembly as well as federal-aid funds which may be ~~available;~~available.
- (8) To approve all highway construction ~~programs;~~programs.
- (9) To approve all highway construction projects and construction plans for the construction of ~~projects;~~projects.
- (10) To review all statewide maintenance ~~functions;~~functions.
- (11) To award all highway construction ~~contracts;~~contracts.
- (12) To authorize the acquisition of rights-of-way for highway improvement projects, including the authorization for acquisition of property by eminent ~~domain;~~domain.
- (12a) To approve partnership agreements with the North Carolina Turnpike Authority, private entities, and authorized political subdivisions to finance, by tolls and other financing methods authorized by law, the cost of acquiring, constructing, equipping, maintaining, and operating highways, roads, streets, and bridges in this State.
- (13) To promulgate rules, regulations, and ordinances concerning all transportation functions assigned to the Department."

**SECTION 2.** 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:

| <u>Type</u>          | <u>Inspection</u> | <u>Sticker</u> |
|----------------------|-------------------|----------------|
| Safety Only          | \$ 8.25           | \$0.85         |
| Emissions and Safety | 23.50             | 6.50.          |

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 an inspection sticker does not apply to a replacement inspection sticker for use on a windshield replaced by a business registered with the Division pursuant to G.S. 20-183.6. The fee for inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies only to an inspection performed with a light meter after a safety inspection mechanic determined that the window had after-factory tint. A safety inspection mechanic shall not inspect an after-factory tinted window of a vehicle for which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).

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.

The inspection fee for an emissions and safety inspection set out in this subsection is the maximum amount that an inspection station or an inspection mechanic may charge for an emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic may charge the maximum amount or any lesser amount for an emissions and safety inspection of a vehicle. The inspection fee for a safety only

inspection set out in this subsection may not be increased or decreased. The sticker fees set out in this subsection may not be increased or decreased."

**SECTION 3.** Section 1 of this act becomes effective August 1, 2006. Section 2 of this act becomes effective July 1, 2007. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27<sup>th</sup> day of July, 2006.

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Beverly E. Perdue  
President of the Senate

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James B. Black  
Speaker of the House of Representatives

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Michael F. Easley  
Governor

Approved \_\_\_\_\_ .m. this \_\_\_\_\_ day of \_\_\_\_\_, 2006