

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-364
SENATE BILL 509**

AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO AMEND PENALTY PROVISIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-183.3(c) reads as rewritten:

"(c) Reinspection After Failure. – The scope of a reinspection of a vehicle that has been repaired after failing an inspection is the same as the original inspection unless the vehicle is presented for reinspection within 3060 days of failing the original inspection. If the vehicle is presented for reinspection within this time limit and the inspection the vehicle failed was a safety inspection, the reinspection is limited to an inspection of the equipment that failed the original inspection. If the vehicle is presented for reinspection within this time limit and the inspection the vehicle failed was an emissions inspection, the reinspection is limited to the portion of the inspection the vehicle failed and any other portion of the inspection that would be affected by repairs made to correct the failure."

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 | 23.75 | 6.25. |

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 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 3060 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. G.S. 20-183.8A reads as rewritten:

"§ 20-183.8A. Civil penalties against motorists for emissions ~~violations~~violations; waiver.

(a) Civil Penalties. – The Division shall assess a civil penalty against a person who owns or leases a vehicle that is subject to an emissions inspection and who does any of the following:

- (1) Fails to have the vehicle inspected within four months after it is required to be inspected under this Part.
- (2) Instructs or allows a person to tamper with an emission control device of the vehicle so as to make the device inoperative or fail to work properly.
- (3) Incorrectly states the county of registration of the vehicle to avoid having an emissions inspection of the vehicle.

The amount of penalty is one hundred dollars (\$100.00) if the vehicle is a pre-1981 vehicle and two hundred fifty dollars (\$250.00) if the vehicle is a 1981 or newer model vehicle. As provided in G.S. 20-54, the registration of a vehicle may not be renewed until a penalty imposed under this section has been paid.

(b) Waiver. – The Division must waive the civil penalty assessed under subdivision (a)(1) of this section against a person who establishes the following:

- (1) The person was continuously out of the State on active military duty from the date the inspection sticker expired to the date the four-month grace period expired.
- (2) No person operated the vehicle from the date the inspection sticker expired to the date the four-month grace period expired.
- (3) The person obtained a current inspection sticker within 30 days after returning to the State."

SECTION 4. G.S. 20-183.8A(a), as enacted by Section 3 of this act, reads as rewritten:

"(a) Civil Penalties. – The Division ~~shall~~must assess a civil penalty against a person who owns or leases a vehicle that is subject to an emissions inspection and who ~~does any of the following~~engages in any of the emissions violations set out in this subsection. As provided in G.S. 20-54, the registration of a vehicle may not be renewed until a penalty imposed under this subsection has been paid. The civil penalties and violations are as follows:

- (1) ~~Fails~~Fifty dollars (\$50.00) for failure to have the vehicle inspected within four months after it is required to be inspected under this Part.
- (2) ~~Instructs or allows~~Two hundred fifty dollars (\$250.00) for instructing or allowing a person to tamper with an emission control device of the vehicle so as to make the device inoperative or fail to work properly.
- (3) ~~Incorrectly states~~Two hundred fifty dollars (\$250.00) for incorrectly stating the vehicle's county of registration of the vehicle to avoid having an emissions inspection of the vehicle.

~~The amount of penalty is one hundred dollars (\$100.00) if the vehicle is a pre-1981 vehicle and two hundred fifty dollars (\$250.00) if the vehicle is a 1981 or newer model vehicle. As provided in G.S. 20-54, the registration of a vehicle may not be renewed until a penalty imposed under this section has been paid."~~

SECTION 5. Sections 1 and 2 of this act become effective January 1, 2009. Section 4 of this act becomes effective July 1, 2008, and applies to civil penalties assessed for violations committed on or after that date. The remainder of this act is effective when it becomes law, and applies to civil penalties assessed for violations committed on or after that date.

In the General Assembly read three times and ratified this the 2nd day of August, 2007.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:46 p.m. this 17th day of August, 2007