

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1298*

Short Title: Emissions Inspection Penalties.

(Public)

Sponsors: Senators Odom; Conder, Plyler, Hobbs, Jordan, Blackmon, Horton, Winner, Dannelly, Plexico, and Hartsell.

Referred to: Transportation.

May 23, 1996

A BILL TO BE ENTITLED

1
2 AN ACT TO CHANGE THE CIVIL PENALTIES THAT MAY BE ASSESSED
3 AGAINST CERTAIN LICENSE HOLDERS FOR EMISSIONS INSPECTIONS
4 BASED ON WHETHER THE VEHICLE WAS INTENTIONALLY IMPROPERLY
5 PASSED INSPECTION AND TO CHANGE THE PROVISIONS REGARDING
6 THE SUSPENSION OR REVOCATION OF LICENSES TO PROVIDE FOR
7 NOTICE AND HEARING, AS RECOMMENDED BY THE ENVIRONMENTAL
8 REVIEW COMMISSION.

9 The General Assembly of North Carolina enacts:

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

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

13 (1) Type I. – For a first or second Type I violation within three years that
14 results in a vehicle being intentionally improperly passed by an
15 emissions self-inspector or an emissions inspection station, assess a civil
16 penalty of two hundred fifty dollars (\$250.00) and ~~suspend~~ suspend,
17 after notice and hearing within 14 days, the license of the business for
18 six months. For a third or subsequent Type I violation within ~~seven~~ three
19 years that results in a vehicle being intentionally improperly passed by

1 an emissions self-inspector or an emissions inspection station, assess a
2 civil penalty of one thousand dollars (\$1,000) and ~~revoke~~ revoke, after
3 notice and hearing within 14 days, the license of the business for two
4 years.

5 For a first Type I violation that results in a vehicle being not
6 intentionally improperly passed by an emissions self-inspector or an
7 emissions inspection station, assess the emissions self-inspector a civil
8 penalty of one hundred dollars (\$100.00) and send a warning letter and
9 assess the business a civil penalty of two hundred dollars (\$200.00) and
10 send a warning letter. For a second Type I violation within three years
11 that results in a vehicle being not intentionally improperly passed by an
12 emissions self-inspector or an emissions inspection station, assess the
13 emissions self-inspector a civil penalty of one hundred fifty dollars
14 (\$150.00) and suspend, after notice and hearing within 14 days, the
15 license of the emissions self-inspector for 30 days and assess the
16 business a civil penalty of three hundred dollars (\$300.00) and send a
17 warning letter. For a third Type I violation within three years that
18 results in a vehicle being not intentionally improperly passed by an
19 emissions self-inspector or an emissions inspection station, assess the
20 emissions self-inspector a civil penalty of two hundred dollars
21 (\$200.00), suspend, after notice and hearing within 14 days, the license
22 of the emissions self-inspector for six months, and require the emissions
23 self-inspector to attend the school for emissions inspectors designated
24 by the Division and assess the business a civil penalty of four hundred
25 dollars (\$400.00) and suspend, after notice and hearing within 14 days,
26 the license of the business for 30 days. For a fourth and subsequent
27 Type I violation within three years that results in a vehicle being not
28 intentionally improperly passed by an emissions self-inspector or an
29 emissions inspection station, assess the emissions self-inspector a civil
30 penalty of two hundred fifty dollars (\$250.00) and suspend, after notice
31 and hearing within 14 days, the license of the emissions self-inspector
32 for one year and assess the business a civil penalty of five hundred
33 dollars (\$500.00) and suspend, after notice and hearing within 14 days,
34 the license of the business for six months.

35 For a first or second Type I violation within three years by an
36 emissions inspection mechanic, assess a civil penalty of one hundred
37 dollars (\$100.00) and ~~suspend~~ suspend, after notice and hearing within
38 14 days, the mechanic's license for six months. For a third or subsequent
39 Type I violation within ~~seven~~ three years by an emissions inspection
40 mechanic, assess a civil penalty of two hundred fifty dollars (\$250.00)
41 and ~~revoke~~ revoke, after notice and hearing within 14 days, the
42 mechanic's license for two years.

1 (2) Type II. – For a first or second Type II violation within three years by
2 an emissions self-inspector or an emissions inspection station, assess a
3 civil penalty of one hundred dollars (\$100.00). For a third or subsequent
4 Type II violation within ~~seven~~three years by an emissions self-inspector
5 or an emissions inspection station, assess a civil penalty of two hundred
6 fifty dollars (\$250.00) and ~~suspend~~suspend, after notice and hearing
7 within 14 days, the license of the business for 90 days.

8 For a first or second Type II violation within three years by an
9 emissions inspection mechanic, assess a civil penalty of fifty dollars
10 (\$50.00). For a third or subsequent Type II violation within ~~seven~~three
11 years by an emissions inspection mechanic, assess a civil penalty of one
12 hundred dollars (\$100.00) and ~~suspend~~suspend, after notice and hearing
13 within 14 days, the mechanic's license for 90 days.

14 (3) Type III. – For a first or second Type III violation within three years by
15 an emissions self-inspector, an emissions inspection station, or an
16 emissions inspection mechanic, send a warning letter. For a third or
17 subsequent Type III violation within ~~seven~~three years by the same
18 emissions license holder, assess a civil penalty of twenty-five dollars
19 (\$25.00)."

20 Sec. 2. Any emissions self-inspector, emissions inspection station, or
21 emissions inspection mechanic whose license currently is suspended or revoked pursuant
22 to G.S. 20-183.8B prior to the effective date of this act may have the current suspension
23 or revocation period changed by the Division of Motor Vehicles, Department of
24 Transportation, to a period of suspension or revocation that is consistent with the
25 provisions of G.S. 20-183.8B, as amended by Section 1 of this act.

26 Sec. 3. This act becomes effective October 1, 1996, and, except as provided in
27 Section 2 of this act, applies to all violations that occur on or after that date.