

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 969*

Short Title: Air Quality/Motor Vehicle Inspection Fees. (Public)

Sponsors: Representative Hackney.

Referred to: Finance.

April 4, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-183.7 reads as rewritten:

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

(a) (Effective until July 1, 2001) 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, 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 .15
Emissions and Safety With After-Factory Tinted Window	27.00	2.40 .15.

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

1 performed with a light meter after a safety inspection mechanic determined that the
2 window had after-factory tint.

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

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

9 (c) Fee Distribution. – Fees collected for inspection stickers are payable to the
10 Division of Motor Vehicles. The amount of each fee listed in the table below shall be
11 credited to the Highway Fund, the Emissions Program Account established in
12 subsection (d) of this section, the Volunteer Rescue/EMS Fund established in G.S.
13 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the
14 Division of Air Quality of the Department of Environment and Natural Resources:

<u>Recipient</u>	<u>Safety Only</u> <u>Sticker</u>	<u>Emissions and</u> <u>Safety Sticker</u>
17 Highway Fund	.75	.00
18 Emissions Program Account	.00	1.80
19 <u>Telecommunications Account</u>	<u>.00</u>	<u>1.75</u>
20 Volunteer Rescue/EMS Fund	.15	.15
21 Rescue Squad Workers' Relief 22 Fund	.10	.10
23 Division of Air Quality	.00	.35.

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

28 (d1) Telecommunications Account. – The Telecommunications Account is created
29 as a nonreverting account within the Highway Fund. The Division shall administer the
30 Account. Revenue in the Account may be used only to provide equipment and
31 telecommunications services associated with the vehicle emissions inspection and
32 maintenance program.

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

35 **SECTION 2.** G.S. 20-183.7 reads as rewritten:

36 **"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker**
37 **on a vehicle; use of civil penalties.**

38 (a) (Effective July 1, 2001) Fee Amount. – When a fee applies to an inspection
39 of a vehicle or the issuance of an inspection sticker, the fee must be collected. The
40 following fees apply to an inspection of a vehicle and the issuance of an inspection
41 sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
43 Safety Only	\$ 8.25	13.40
44 Emissions and Safety	1.00	1.05
	47.00	27.70
	3.90	5.75

1 The fee for performing an inspection of a vehicle applies when an inspection is
 2 performed, regardless of whether the vehicle passes the inspection. The fee for an
 3 inspection sticker applies when an inspection sticker is put on a vehicle. The fee for
 4 inspecting after-factory tinted windows shall be ten dollars (\$10.00), and the fee applies
 5 only to an inspection performed with a light meter after a safety inspection mechanic
 6 determined that the window had after-factory tint. A safety inspection mechanic shall
 7 not inspect an after-factory tinted window of a vehicle for which the Division has issued
 8 a medical exception permit pursuant to G.S. 20-127(f).

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

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

15 (c) Fee Distribution. – Fees collected for inspection stickers are payable to the
 16 Division of Motor Vehicles. The amount of each fee listed in the table below shall be
 17 credited to the Highway Fund, the Emissions Program Account established in
 18 subsection (d) of this section, the Volunteer Rescue/EMS Fund established in G.S.
 19 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the
 20 Division of Air Quality of the Department of Environment and Natural Resources:

21 <u>Recipient</u>	22 <u>Safety Only</u> <u>Sticker</u>	23 <u>Emissions and</u> <u>Safety Sticker</u>
24 Highway Fund	.75	.00
25 Emissions Program Account	.00	1.80 3.05
26 Telecommunications Account	.00	1.75
27 Volunteer Rescue/EMS Fund	.15 .18	.15 .18
28 Rescue Squad Workers' Relief Fund	.10 .12	.10 .12
29 Division of Air Quality	.00	.35 .65.

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

34 (d1) Telecommunications Account. – The Telecommunications Account is created
 35 as a nonreverting account within the Highway Fund. The Division shall administer the
 36 Account. Revenue in the Account may be used only to provide equipment and
 37 telecommunications services associated with the vehicle emissions inspection and
 38 maintenance program.

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

41 **SECTION 3.** G.S. 20-183.7 reads as rewritten:

42 **"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker**
 43 **on a vehicle; use of civil penalties.**

(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	\$ 13.40	\$ 1.05 2.60
Emissions and Safety	27.70	5.45 6.30

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 30 days of the failed inspection without paying another inspection fee.

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

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

<u>Recipient</u>	<u>Safety Only Sticker</u>	<u>Emissions and Safety Sticker</u>
Highway Fund	.75 .55	.00 .55
Emissions Program Account	.00	3.05
Telecommunications Account	.00 1.75	1.75
Volunteer Rescue/EMS Fund	.18	.18
Rescue Squad Workers' Relief Fund	.12	.12
Division of Air Quality	.00	.65.

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

(d1) Telecommunications Account. – The Telecommunications Account is created as a nonreverting account within the Highway Fund. The Division shall administer the Account. Revenue in the Account may be used only to provide equipment and telecommunications services associated with the vehicle emissions inspection and maintenance program.

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

3 **SECTION 4.** G.S. 20-183.2(b) is amended by adding a new subdivision to
4 read:

5 "(8) It is not a privately owned, nonfleet motor home or house car, as
6 defined in G.S. 20-4.01(27)d2., that is built on a single chassis, has a
7 gross vehicle weight of more than 10,000 pounds, and is designed
8 primarily for recreational use."

9 **SECTION 5.** G.S. 20-183.4C(a) is amended by adding a new subdivision to
10 read:

11 "(5a) If the registration of a vehicle is transferred from a county that is not
12 an emissions county to an emissions county, the vehicle must be
13 inspected in accordance with this Part within 60 days of the transfer of
14 registration."

15 **SECTION 6.** Part 1 of Article 3A of Chapter 20 of the General Statutes is
16 amended by adding two new sections to read:

17 "**§ 20-183.7A. Penalties applicable to license holders and suspension or revocation**
18 **of license for safety violations.**

19 (a) Kinds of Violations. – The civil penalty schedule established in this section
20 applies to safety self-inspectors, safety inspection stations, and safety inspection
21 mechanics. The schedule categorizes safety violations into serious (Type I), minor
22 (Type II), and technical (Type III) violations. A serious violation is a violation of this
23 Part or a rule adopted to implement this Part that directly affects the emission reduction
24 benefits of the safety inspection program. A minor violation is a violation of this Part or
25 a rule adopted to implement this Part that reflects negligence or carelessness in
26 conducting a safety inspection or complying with the safety inspection requirements but
27 does not directly affect the emission reduction benefits of the safety inspection program.
28 A technical violation is a violation that is not a serious violation, a minor violation, or
29 another type of offense under this Part.

30 (b) Penalty Schedule. – The Division must take the following action for a
31 violation:

32 (1) Type I. – For a first or second Type I violation within three years by a
33 safety self-inspector or a safety inspection station, assess a civil
34 penalty of two hundred fifty dollars (\$250.00) and suspend the license
35 of the business for six months. For a third or subsequent Type I
36 violation within three years by a safety self-inspector or a safety
37 inspection station, assess a civil penalty of one thousand dollars
38 (\$1,000) and revoke the license of the business for two years. For a
39 first or second Type I violation within seven years by a safety
40 inspection mechanic, assess a civil penalty of one hundred dollars
41 (\$100.00) and suspend the mechanic's license for six months. For a
42 third or subsequent Type I violation within seven years by a safety
43 inspection mechanic, assess a civil penalty of two hundred fifty dollars
44 (\$250.00) and revoke the mechanic's license for two years.

1 (2) Type II. – For a first or second Type II violation within three years by
2 a safety self-inspector or a safety inspection station, assess a civil
3 penalty of one hundred dollars (\$100.00). For a third or subsequent
4 Type II violation within three years by a safety self-inspector or a
5 safety inspection station, assess a civil penalty of two hundred fifty
6 dollars (\$250.00) and suspend the license of the business for 90 days.
7 For a first or second Type II violation within seven years by a safety
8 inspection mechanic, assess a civil penalty of fifty dollars (\$50.00).
9 For a third or subsequent Type II violation within seven years by a
10 safety inspection mechanic, assess a civil penalty of one hundred
11 dollars (\$100.00) and suspend the mechanic's license for 90 days.

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

17 (c) Station or Self-Inspector Responsibility. – It is the responsibility of a safety
18 inspection station and a safety self-inspector to supervise the safety inspection
19 mechanics it employs. A violation by a safety inspection mechanic is considered a
20 violation by the station or self-inspector for whom the mechanic is employed.

21 (d) Mechanic Training. – A safety inspection mechanic whose license has been
22 suspended or revoked must retake the course required under G.S. 20-183.4A and
23 successfully complete the course before the mechanic's license can be reinstated. Failure
24 to successfully complete this course continues the period of suspension or revocation
25 until the course is completed successfully.

26 **"§ 20-183.7B. Acts that are Type I, II, or III safety violations.**

27 (a) Type I. – It is a Type I violation for a safety self-inspector, a safety inspection
28 station, or a safety inspection mechanic to do any of the following:

29 (1) Put a safety inspection sticker on a vehicle without performing a safety
30 inspection of the vehicle.

31 (2) Put a safety inspection sticker on a vehicle after performing a safety
32 inspection of the vehicle and determining that the vehicle did not pass
33 the inspection.

34 (3) Allow a person who is not licensed as a safety inspection mechanic to
35 perform a safety inspection for a self-inspector or at a safety station.

36 (4) Sell or otherwise give an inspection sticker to another, other than as
37 the result of a vehicle inspection in which the vehicle passed the
38 inspection.

39 (5) Be unable to account for five or more inspection stickers at any one
40 time upon the request of an officer of the Division.

41 (6) Perform a safety-only inspection on a vehicle that is subject to both a
42 safety and an emissions inspection.

43 (7) Transfer an inspection sticker from one vehicle to another.

44 (8) Conduct a safety inspection of a vehicle without driving the vehicle.

- 1 (9) Conduct a safety inspection of a vehicle without raising the vehicle.
2 (10) Conduct a safety inspection of a vehicle without opening the hood of
3 the vehicle to check equipment located therein.
4 (11) Conduct a safety inspection of a vehicle outside the designated
5 inspection area.
6 (12) Solicit or accept anything of value to pass a vehicle other than as
7 provided in this Part.
8 (b) Type II. – It is a Type II violation for a safety self-inspector, a safety
9 inspection station, or a safety inspection mechanic to do any of the following:
10 (1) Put a safety inspection sticker on a vehicle without driving the vehicle
11 and checking the vehicle's braking reaction, foot brake pedal reserve,
12 and steering free play.
13 (2) Put a safety inspection sticker on a vehicle without raising the vehicle
14 to free each wheel and checking the vehicle's tires, brake lines, parking
15 brake cables, wheel drums, exhaust system, and the emissions
16 equipment.
17 (3) Put a safety inspection sticker on a vehicle without raising the hood
18 and checking the master cylinder, horn mounting, power steering, and
19 emissions equipment.
20 (4) Put a safety inspection sticker on a vehicle with improper equipment.
21 (5) Put a safety inspection sticker on a vehicle without performing a visual
22 inspection of the vehicle's exhaust system.
23 (6) Put a safety inspection sticker on a vehicle without checking the
24 exhaust system for leaks.
25 (7) Put a safety inspection sticker on a vehicle that is required to have one
26 of the following safety control devices but does not have it:
27 a. Catalytic converter.
28 b. PCV valve.
29 c. Thermostatic air control.
30 d. Oxygen sensor.
31 e. Unleaded gas restrictor.
32 f. Gasoline tank cap.
33 g. Air injection system.
34 h. Evaporative emissions system.
35 i. Exhaust gas recirculation (EGR) valve.
36 (8) Put a safety inspection sticker on a vehicle after failing to inspect four
37 or more of the following:
38 a. Emergency brake.
39 b. Horn.
40 c. Headlight high beam indicator.
41 d. Inside rearview mirror.
42 e. Outside rearview mirror.
43 f. Turn signals.
44 g. Parking lights.

- 1 h. Headlights – operation and lens.
2 i. Headlights – aim.
3 j. Stoplights.
4 k. Taillights.
5 l. License plate lights.
6 m. Windshield wiper.
7 n. Windshield wiper blades.
8 o. Window tint.
9 (9) Impose no fee for a safety inspection of a vehicle or the issuance of a
10 safety inspection sticker or impose a fee for one of these actions in an
11 amount that differs from the amount set in G.S. 20-183.7.
12 (c) Type III. – It is a Type III violation for a safety self-inspector, a safety
13 inspection station, or a safety inspection mechanic to do any of the following:
14 (1) Fail to post a safety inspection station license issued by the Division.
15 (2) Fail to send information on safety inspections to the Division at the
16 time or in the form required by the Division.
17 (3) Fail to post all safety information required by federal law and by the
18 Division.
19 (4) Fail to put the required information on an inspection sticker or
20 inspection receipt in a legible manner using ink.
21 (5) Issue a receipt that is signed by a person other than the safety
22 inspection mechanic.
23 (6) Place an incorrect expiration date on an inspection sticker.
24 (7) Fail to maintain a safety analyzer maintenance log.
25 (8) Put a safety inspection sticker on a vehicle after having failed to
26 inspect three or fewer of the following:
27 a. Emergency brake.
28 b. Horn.
29 c. Headlight high beam indicator.
30 d. Inside rearview mirror.
31 e. Outside rearview mirror.
32 f. Turn signals.
33 g. Parking lights.
34 h. Headlights – operation and lens.
35 i. Headlights – aim.
36 j. Stoplights.
37 k. Taillights.
38 l. License plate lights.
39 m. Windshield wiper.
40 n. Windshield wiper blades.
41 o. Window tint.
42 (d) Other Acts. – The lists in this section of the acts that are Type I, Type II, or
43 Type III violations are not the only acts that are one of these types of violations. The
44 Division may designate other acts that are a Type I, Type II, or Type III violation."

1 **SECTION 7.** G.S. 20-183.8 reads as rewritten:

2 "**§ 20-183.8. Infractions and criminal offenses for violations of inspection**
3 **requirements.**

4 (a) Infractions. – A person who does any of the following commits an infraction
5 and, if found responsible, is liable for a penalty of up to fifty dollars (\$50.00):

6 (1) Operates a motor vehicle that is subject to inspection under this Part on
7 a highway or public vehicular area in the State when the vehicle has
8 not been inspected in accordance with this Part, as evidenced by the
9 vehicle's lack of a current inspection sticker or otherwise.

10 (2) Allows an inspection sticker to be put on a vehicle owned or operated
11 by that person, knowing that the vehicle was not inspected before the
12 sticker was attached or was not inspected properly.

13 (3) Puts an inspection sticker on a vehicle, knowing or having reasonable
14 grounds to know an inspection of the vehicle was not performed or
15 was performed improperly. A person who is cited for a civil penalty
16 under G.S. 20 183.8B for an emissions violation involving the
17 inspection of a vehicle may not be charged with an infraction under
18 this subdivision based on that same vehicle.

19 (4) Alters the original certified configuration or data link connectors of a
20 vehicle in such a way as to make an emissions inspection by analysis
21 of data provided by an on-board diagnostic (OBD) equipment testing
22 inaccurate or impossible.

23 (b) Defenses to Infractions. – Any of the following is a defense to a violation
24 under subsection (a) of this section:

25 (1) The vehicle was continuously out of State for at least the 30 days
26 preceding the date the inspection sticker expired and a current
27 inspection sticker was obtained within 10 days after the vehicle came
28 back to the State.

29 (2) The vehicle displays a dealer license plate or a transporter plate, the
30 dealer repossessed the vehicle or otherwise acquired the vehicle within
31 the last 10 days, and the vehicle is being driven from its place of
32 acquisition to the dealer's place of business or to an inspection station.

33 (3) Repealed by Session Laws 1997-29, s. 5.

34 (4) The charged infraction is described in subdivision (a)(1) of this
35 section, the vehicle is subject to a safety inspection or an emissions
36 inspection and the vehicle owner establishes in court that the vehicle
37 was inspected after the citation was issued and within 30 days of the
38 expiration date of the inspection sticker that was on the vehicle when
39 the citation was issued.

40 (c) Felony. – A person who does any of the following commits a Class I felony:

41 (1) Forges an inspection sticker.

42 (2) Buys, sells, or possesses a forged inspection sticker.

43 (3) Buys, sells, or possesses an inspection sticker other than as the result
44 of either of the following:

- 1 a. Having a license as an inspection station, a self-inspector, or an
2 inspection mechanic and obtaining the inspection sticker from
3 the Division in the course of business.
4 b. A vehicle inspection in which the vehicle passed the inspection
5 or for which the vehicle received a waiver.

6 (4) Solicits or accepts anything of value in order to pass a vehicle that fails
7 a safety or emissions inspection.

8 (5) Fails a vehicle for any reason other than those set out in G.S. 20-
9 183.3."

10 **SECTION 8.** G.S. 20-183.8B(d) reads as rewritten:

11 "(d) Missing Stickers. – The Division must assess a civil penalty against an
12 emissions inspection station station, a windshield replacement station, or an emissions
13 self-inspector that cannot account for an emissions inspection sticker issued to it. A
14 station or a self-inspector cannot account for a sticker when the sticker is missing and
15 the station or self-inspector cannot establish reasonable grounds for believing the sticker
16 was stolen or destroyed by fire or another accident.

17 (d1) Penalty for Missing Stickers. – The amount of the penalty is twenty-five
18 dollars (\$25.00) for each missing sticker. If a penalty is imposed under subsection (b) of
19 this section as the result of missing stickers, the monetary penalty that applies is the
20 higher of the penalties required under this subsection and subsection (b); the Division
21 may not assess a monetary penalty as a result of missing stickers under both this
22 subsection and subsection ~~(b)~~. (b) of this section. Imposition of a monetary penalty
23 under this subsection does not affect suspension or revocation of a license required
24 under subsection ~~(b)~~. (b) of this section."

25 **SECTION 9.** G.S. 20-183.8C(a) reads as rewritten:

26 "(a) Type I. – It is a Type I violation for an emissions self-inspector, an emissions
27 inspection station, or an emissions inspection mechanic to do any of the following:

- 28 (1) Put an emissions inspection sticker on a vehicle without performing an
29 emissions inspection of the vehicle.
30 (1a) Put an emissions inspection sticker on a vehicle after performing an
31 emissions inspection of the vehicle and determining that the vehicle
32 did not pass the inspection.
33 (2) Use a test-defeating strategy when conducting an emissions inspection,
34 such as holding the accelerator pedal down slightly during an idle test,
35 disconnecting or crimping a vacuum hose to effect a passing result, ~~or~~
36 changing the emission standards for a vehicle by incorrectly entering
37 the vehicle type or model ~~year~~ year, or using data provided by the on-
38 board diagnostic (OBD) equipment of another vehicle to achieve a
39 passing result.
40 (3) Allow a person who is not licensed as an emissions inspection
41 mechanic to perform an emissions inspection for a self-inspector or at
42 an emissions station.

- 1 (4) Sell or otherwise give an inspection sticker to another other than as the
- 2 result of a vehicle inspection in which the vehicle passed the
- 3 inspection or for which the vehicle received a waiver.
- 4 (5) Be unable to account for five or more inspection stickers at any one
- 5 time upon the request of an auditor of the Division.
- 6 (6) Perform a safety-only inspection on a vehicle that is subject to both a
- 7 safety and an emissions inspection.
- 8 (7) Transfer an inspection sticker from one vehicle to another."

9 **SECTION 10.** G.S. 20-183.8C(b) reads as rewritten:

10 "(b) Type II. – It is a Type II violation for an emissions self-inspector, an

11 emissions inspection station, or an emissions inspection mechanic to do any of the

12 following:

- 13 (1) Use the identification code of another to gain access to an emissions
- 14 analyzer or to equipment to analyze data provided by on-board
- 15 diagnostic (OBD) equipment.
- 16 (2) Keep inspection stickers and other compliance documents in a manner
- 17 that makes them easily accessible to individuals who are not inspection
- 18 mechanics.
- 19 (3) Put a safety inspection sticker or an emissions inspection sticker on a
- 20 vehicle that is required to have one of the following emissions control
- 21 devices but does not have it:
 - 22 a. Catalytic converter.
 - 23 b. PCV valve.
 - 24 c. Thermostatic air control.
 - 25 d. Oxygen sensor.
 - 26 e. Unleaded gas restrictor.
 - 27 f. Gasoline tank cap.
 - 28 g. Air injection system.
 - 29 h. Evaporative emissions system.
 - 30 i. Exhaust gas recirculation (EGR) valve.
- 31 (4) Put a safety inspection sticker or an emissions inspection sticker on a
- 32 vehicle without performing a visual inspection of the vehicle's exhaust
- 33 system and checking the exhaust system for leaks.
- 34 (5) Impose no fee for an emissions inspection of a vehicle or the issuance
- 35 of an emissions inspection sticker or impose a fee for one of these
- 36 actions in an amount that differs from the amount set in G.S.
- 37 20-183.7."

38 **SECTION 11.** G.S. 20-183.8F reads as rewritten:

39 **"§ 20-183.8F. Requirements for giving license holders notice of violations and for**

40 **taking summary action.**

41 (a) Finding of Violation. – When an auditor of the Division finds that a violation

42 has occurred that could result in the suspension or revocation of an inspection station

43 license, a self-inspector license, ~~or a mechanic license,~~ a mechanic license, or the

44 registration of a person engaged in the business of replacing windshields, the auditor

1 must give the affected license holder written notice of the finding. The notice must be
2 given within five business days after the violation occurred. The notice must state the
3 period of suspension or revocation that could apply to the violation and any monetary
4 penalty that could apply to the violation. The notice must also inform the license holder
5 of the right to a hearing if the Division charges the license holder with the violation.

6 (b) Notice of Charges. – When the Division decides to charge an inspection
7 station, a self-inspector, ~~or a mechanic~~ a mechanic, or a person who is engaged in the
8 business of replacing windshields with a violation that could result in the suspension or
9 revocation of the person's license, an auditor of the Division must deliver a written
10 statement of the charges to the affected license holder. The statement of charges must
11 inform the license holder of this right, instruct the person on how to obtain a hearing,
12 and inform the license holder of the effect of not requesting a hearing. The license
13 holder has the right to a hearing before the license is suspended or revoked. G.S.
14 20-183.8E sets out the procedure for obtaining a hearing.

15 (c) Exception for Summary Action. – The right granted by subsection (b) of this
16 section to have a hearing before a license is suspended or revoked does not apply if the
17 Division summarily suspends or revokes the license after a judge has reviewed and
18 authorized the proposed action. A license issued to an inspection station, a
19 self-inspector, or a mechanic is a substantial property interest that cannot be summarily
20 suspended or revoked without judicial review.

21 (d) A notice or statement prepared pursuant to this section or an order of the
22 Division that is directed to a mechanic may be served on the mechanic by delivering a
23 copy of the notice, statement, or order to the station or to the place of business of the
24 self-inspector where the mechanic is employed."

25 **SECTION 12.** In order to detect and remedy any deficiency in the
26 equipment, computer software, or procedures used to analyze the data provided by
27 on-board diagnostic (OBD) equipment in connection with an emissions inspection, the
28 Division of Motor Vehicles of the Department of Transportation and the Division of Air
29 Quality of the Department of Environment and Natural Resources may conduct field
30 trials of the equipment, computer software, and procedures to be used during the
31 six-month period immediately prior to the implementation of OBD-based emissions
32 testing in any county. Field trials shall be conducted in accordance with Part 2 of
33 Article 3A of Chapter 20 of the General Statutes, as amended to provide for the use of
34 OBD equipment, at emissions inspection stations or by emissions self-inspectors that
35 have volunteered to conduct field trials and that have been approved by the Division of
36 Motor Vehicles to conduct the trials. A vehicle that passes a field trial emissions
37 inspection and a safety inspection shall be deemed to have met the requirements of Part
38 2 of Article 3A of Chapter 20 of the General Statutes in effect at the time the vehicle is
39 inspected and shall be issued an inspection sticker unless the vehicle improperly passes
40 the emissions inspection as a result of a defect in equipment, computer software, or
41 procedures, and the emissions inspection mechanic is aware of the defect.

42 **SECTION 13.** This act constitutes a recent act of the General Assembly
43 within the meaning of G.S. 150B-21.1. Notwithstanding G.S. 10B-21.1(a)(2) and 26
44 NCAC 2C.0102(11), the Environmental Management Commission and the Division of

1 Motor Vehicles of the Department of Transportation may adopt temporary rules to
2 implement the provisions of this act. This section shall continue in effect until all rules
3 necessary to implement the provisions of this act have become effective as either
4 temporary rules or permanent rules.

5 **SECTION 14.** Sections 1 and 4 of this act become effective on the first day
6 of the month that follows by more than 15 days the month in which this act becomes
7 law. Sections 2, 5, 6, 8, 10, and 11 of this act become effective 1 October 2001.
8 Sections 7, 9, and 12 of this act become effective 1 January 2002. Section 3 of this act
9 becomes effective 1 January 2003. Sections 13 and 14 of this act are effective when it
10 becomes law.