

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE BILL 509**  
**Finance Committee Substitute Adopted 5/10/07**

Short Title: Motor Vehicle Inspection Changes.

(Public)

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Sponsors:

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Referred to:

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March 6, 2007

A BILL TO BE ENTITLED

1  
2 AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION  
3 AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL  
4 PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION  
5 REQUIREMENT WHILE SERVING ON ACTIVE MILITARY DUTY OUTSIDE  
6 THE STATE, AND TO CHANGE THE PENALTY FOR CLEAN SCANNING  
7 AND OTHER TYPE I EMISSIONS VIOLATIONS.

8 The General Assembly of North Carolina enacts:

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

10 "(c) Reinspection After Failure. – The scope of a reinspection of a vehicle that has  
11 been repaired after failing an inspection is the same as the original inspection unless the  
12 vehicle is presented for reinspection within ~~30~~60 days of failing the original inspection.  
13 If the vehicle is presented for reinspection within this time limit and the inspection the  
14 vehicle failed was a safety inspection, the reinspection is limited to an inspection of the  
15 equipment that failed the original inspection. If the vehicle is presented for reinspection  
16 within this time limit and the inspection the vehicle failed was an emissions inspection,  
17 the reinspection is limited to the portion of the inspection the vehicle failed and any  
18 other portion of the inspection that would be affected by repairs made to correct the  
19 failure."

20 **SECTION 2.** G.S. 20-183.7(a) reads as rewritten:

21 "(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the  
22 issuance of an inspection sticker, the fee must be collected. The following fees apply to  
23 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.

24  
25  
26  
27  
28 The fee for performing an inspection of a vehicle applies when an inspection is  
29 performed, regardless of whether the vehicle passes the inspection. The fee for an

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

7 A vehicle that is inspected at an inspection station and fails the inspection is entitled  
8 to be reinspected at the same station at any time within ~~30~~60 days of the failed  
9 inspection without paying another inspection fee.

10 The inspection fee for an emissions and safety inspection set out in this subsection is  
11 the maximum amount that an inspection station or an inspection mechanic may charge  
12 for an emissions and safety inspection of a vehicle. An inspection station or an  
13 inspection mechanic may charge the maximum amount or any lesser amount for an  
14 emissions and safety inspection of a vehicle. The inspection fee for a safety only  
15 inspection set out in this subsection may not be increased or decreased. The sticker fees  
16 set out in this subsection may not be increased or decreased."

17 **SECTION 3.** G.S. 20-183.8A reads as rewritten:

18 "**§ 20-183.8A. Civil penalties against motorists for emissions ~~violations~~violations**  
19 **exemption.**

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

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

30 The amount of penalty is ~~one hundred dollars (\$100.00) if the vehicle is a pre-1981~~  
31 ~~vehicle and~~ two hundred fifty dollars (\$250.00) if the vehicle is a ~~1981~~1996 or newer  
32 model vehicle. As provided in G.S. 20-54, the registration of a vehicle may not be  
33 renewed until a penalty imposed under this section has been paid.

34 (b) Exemption. – The civil penalty assessed under subdivision (a)(1) of this  
35 section does not apply to a person who demonstrates to the Division proof of all of the  
36 following:

- 37 (1) The person is active duty military personnel.
- 38 (2) The person was deployed outside of the United States or stationed at a  
39 duty station outside of this State on or after the date the vehicle was  
40 required to be inspected and until the expiration of the four-month  
41 grace period.
- 42 (3) No person operated the vehicle after the date it was required to be  
43 inspected.

1           (4) That the vehicle has passed inspection prior to the request for an  
2           exemption under this subsection."

3           **SECTION 4.** G.S. 20-183.8B reads as rewritten:

4           **"§ 20-183.8B. Civil penalties against license holders and suspension or revocation**  
5           **of license for emissions violations.**

6           (a) Kinds of Violations. – The civil penalty schedule established in this section  
7           applies to emissions self-inspectors, emissions inspection stations, and emissions  
8           inspection mechanics. The schedule categorizes emissions violations into serious (Type  
9           I), minor (Type II), and technical (Type III) violations.

10          A serious violation is a violation of this Part or a rule adopted to implement this Part  
11          that directly affects the emission reduction benefits of the emissions inspection program.  
12          A minor violation is a violation of this Part or a rule adopted to implement this Part that  
13          reflects negligence or carelessness in conducting an emissions inspection or complying  
14          with the emissions inspection requirements but does not directly affect the emission  
15          reduction benefits of the emissions inspection program. A technical violation is a  
16          violation that is not a serious violation, a minor violation, or another type of offense  
17          under this Part.

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

20           (1) Type I. – For a first or second Type I violation by an emissions  
21           self-inspector or an emissions inspection station, assess a civil penalty  
22           of ~~two hundred fifty dollars (\$250.00)~~ five hundred dollars (\$500.00)  
23           and suspend the license of the business for six months. For a third or  
24           subsequent Type I violation within three years by an emissions  
25           self-inspector or an emissions inspection station, assess a civil penalty  
26           of one thousand dollars (\$1,000) and revoke the license of the business  
27           for two years.

28           For a first ~~or second~~ Type I violation by an emissions inspection  
29           mechanic, assess a civil penalty of ~~one hundred dollars (\$100.00)~~ two  
30           hundred fifty dollars (\$250.00) and suspend the mechanic's license for  
31           six months. For a second Type I violation within two years by an  
32           emissions inspection mechanic, assess a civil penalty of five hundred  
33           dollars (\$500.00) and suspend the mechanic's license for six months.  
34           For a third or subsequent Type I violation within ~~seven~~ four years by  
35           an emissions inspection mechanic, assess a civil penalty of ~~two~~  
36           ~~hundred fifty dollars (\$250.00)~~ one thousand dollars (\$1,000) and  
37           revoke the mechanic's license for two years.

38           (2) Type II. – For a first or second Type II violation by an emissions  
39           self-inspector or an emissions inspection station, assess a civil penalty  
40           of one hundred dollars (\$100.00). For a third or subsequent Type II  
41           violation within three years by an emissions self-inspector or an  
42           emissions inspection station, assess a civil penalty of two hundred fifty  
43           dollars (\$250.00) and suspend the license of the business for 90 days.

1 For a first or second Type II violation by an emissions inspection  
2 mechanic, assess a civil penalty of fifty dollars (\$50.00). For a third or  
3 subsequent Type II violation within seven years by an emissions  
4 inspection mechanic, assess a civil penalty of one hundred dollars  
5 (\$100.00) and suspend the mechanic's license for 90 days.

6 (3) Type III. – For a first or second Type III violation by an emissions  
7 self-inspector, an emissions inspection station, or an emissions  
8 inspection mechanic, send a warning letter. For a third or subsequent  
9 Type III violation within three years by the same emissions license  
10 holder, assess a civil penalty of twenty-five dollars (\$25.00).

11 (c) Station or Self-Inspector Responsibility. – It is the responsibility of an  
12 emissions inspection station and an emissions self-inspector to supervise the emissions  
13 mechanics it employs. A violation by an emissions inspector mechanic is considered a  
14 violation by the station or self-inspector for whom the mechanic is employed.

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

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

29 (e) Penalty for Clean Scanning. – For a first or second clean scan violation by an  
30 emissions self-inspector or an emissions inspection station, assess a civil penalty of five  
31 hundred dollars (\$500.00). For a third or subsequent clean scan violation, occurring  
32 within one year after the second clean scan violation was identified to the emissions  
33 self-inspector or an emissions inspection station, assess a civil penalty of one thousand  
34 dollars (\$1,000) and revoke the license of the business for one year. The Commissioner  
35 may waive the penalty for a first violation.

36 (f) Mechanic Training. – An emissions inspection mechanic whose license has  
37 been suspended or revoked must retake the course required under G.S. 20-183.4A and  
38 successfully complete the course before the mechanic's license can be reinstated. Failure  
39 to successfully complete this course continues the period of suspension or revocation  
40 until the course is completed successfully."

41 **SECTION 5.** Sections 1 and 2 of this act become effective January 1, 2009.  
42 The remainder of this act is effective when it becomes law.