

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 509
Finance Committee Substitute Adopted 5/10/07
Finance Committee Substitute #2 Adopted 5/23/07
House Committee Substitute Favorable 7/25/07

Short Title: Motor Vehicle Inspection Changes.

(Public)

Sponsors:

Referred to:

March 6, 2007

A BILL TO BE ENTITLED

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

6 The General Assembly of North Carolina enacts:

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

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

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

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

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only	\$ 8.25	\$0.85
Emissions and Safety	23.75	6.25.

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~~60 days of the failed
11 inspection without paying another inspection fee.

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

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

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

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

- 28 (1) ~~Fails~~ Twenty-five dollars (\$25.00) for failure to have the vehicle
29 inspected within four months after it is required to be inspected under
30 this Part.
- 31 (2) ~~Instructs or allows~~ Two hundred fifty dollars (\$250.00) for instructing
32 or allowing a person to tamper with an emission control device of the
33 vehicle so as to make the device inoperative or fail to work properly.
- 34 (3) ~~Incorrectly states~~ Two hundred fifty dollars (\$250.00) for incorrectly
35 stating the vehicle's county of registration of the vehicle to avoid
36 having an emissions inspection of the vehicle.

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

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

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

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