

March 24, 2009

S 783. CLARIFY INSPECTION STATION RESPONSIBILITIES. Filed 3/24/09. *TO CLARIFY INSPECTION STATION AND SELF-INSPECTOR RESPONSIBILITIES AND NOTICE REQUIREMENTS.*

Amends GS 20-183.7A to provide that a safety inspection violation resulting from the actions of an inspection mechanic does not result in the suspension or revocation of the station or self-inspector license if the station or self-inspector establishes that reasonable measures were implemented and maintained to ensure compliance with this Article and that the violation was committed without prior actual knowledge of the inspection station or self-inspector license holder. Clarifies that if a station or self-inspector is charged with a violation due to the actions of a mechanic, and the Division of Motor Vehicle (Division) believes multiple violations by the mechanic occurred, the Division may only charge an inspection station or self-inspector with one violation.

Amends GS 20-183.8B to provide that an emissions inspection violation resulting from the actions of an inspection mechanic does not result in the suspension or revocation of the station or self-inspector license if the station or self-inspector establishes that reasonable measures were implemented and maintained to ensure compliance with this Article and that the violation was committed without prior actual knowledge of the inspection station or self-inspector license holder. Requires that the Division take action specified for the most significant violation if an emissions self-inspector, an emissions inspection station, or an emissions inspection mechanic commits two or more violations in the course of a single emissions inspection. Clarifies that if a station or self-inspector is charged with a violation due to the actions of a mechanic, and the Division believes multiple violations by the mechanic occurred, the Division may only charge an inspection station or self-inspector with one violation.

Amends GS 20-183.8F to require that the failure of a Division auditor to comply with notice requirements under this statute, regarding findings that could result in suspension or revocation of an inspection station license, a self-inspector license, a mechanic license, or registration of a person engaged in the installation of windshields, results in the dismissal of the violation against the licensee.

Amends GS 20-183.8G to allow the Commissioner to accept from a license holder, subject to suspension or revocation due to the actions of an inspection mechanic, an offer in compromise to pay a maximum \$2,000 penalty to the Division in lieu of suspension or revocation. Prohibits the Commissioner from imposing both the penalty and a revocation or suspension. Makes technical changes.

Effective for offenses committed on or after December 1, 2009.

Intro. by Hoyle.

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