

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 884\*  
PROPOSED COMMITTEE SUBSTITUTE H884-PCS80412-RU-6

Short Title: Clarify Inspection Station Responsibilities.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY SAFETY INSPECTION STATION AND SAFETY  
SELF-INSPECTOR RESPONSIBILITIES AND NOTICE REQUIREMENTS.

The General Assembly of North Carolina enacts:

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

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

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

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

(1) **Type I.** – For a first or second Type I violation within three years by a safety self-inspector or a safety inspection station, assess a civil penalty of two hundred fifty dollars (\$250.00) and suspend the license of the business for six months. For a third or subsequent Type I violation within three years by a safety self-inspector or a safety inspection station, assess a civil penalty of one thousand dollars (\$1,000) and revoke the license of the business for two years. For a first or second Type I violation within seven years by a safety inspection mechanic, assess a civil penalty of one hundred dollars (\$100.00) and suspend the mechanic's license for six months. For a third or subsequent Type I violation within seven years by a safety inspection mechanic, assess a civil penalty of two hundred fifty dollars (\$250.00) and revoke the mechanic's license for two years.

(2) **Type II.** – For a first or second Type II violation within three years by a safety self-inspector or a safety inspection station, assess a civil penalty of one hundred dollars (\$100.00). For a third or subsequent Type II violation



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

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

13 (c) Station or Self-Inspector Responsibility. – It is the responsibility of a safety  
14 inspection station and a safety self-inspector to supervise the safety inspection mechanics it  
15 employs. A violation by a safety inspection mechanic is considered a violation by the station or  
16 self-inspector for whom the mechanic is employed. A safety inspection station or safety  
17 self-inspector charged with a violation resulting from the actions of a safety inspection  
18 mechanic shall not result in a suspension or revocation of the license of the safety inspection  
19 station or safety self-inspector if the safety inspection station or safety self-inspector establishes  
20 that the safety inspection station or safety self-inspector has implemented and maintained  
21 reasonable procedures to ensure compliance with this Article, and the violation was committed  
22 by a safety inspection mechanic without prior actual knowledge of the safety inspection station  
23 or safety self-inspector license holder.

24 (d) Multiple Violations. – If a safety self-inspector, a safety inspection station, or a  
25 safety inspection mechanic commits two or more violations in the course of a single safety  
26 inspection, the Division shall take only the action specified for the most significant violation. In  
27 any case where a safety inspection station or safety self-inspector is charged with a violation  
28 due to the actions of a safety inspection mechanic, and the Division believes multiple violations  
29 by the safety inspection mechanic occurred, the Division shall only charge a safety inspection  
30 station or safety self-inspector with one violation.

31 (e) Mechanic Training. – A safety inspection mechanic whose license has been  
32 suspended or revoked must retake the course required under G.S. 20-183.4 and successfully  
33 complete the course before the mechanic's license can be reinstated. Failure to successfully  
34 complete this course continues the period of suspension or revocation until the course is  
35 completed successfully."

36 **SECTION 2.** G.S. 20-183.8B reads as rewritten:

37 "**§ 20-183.8B. Civil penalties against license holders and suspension or revocation of**  
38 **license for emissions violations.**

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

43 A serious violation is a violation of this Part or a rule adopted to implement this Part that  
44 directly affects the emission reduction benefits of the emissions inspection program. A minor  
45 violation is a violation of this Part or a rule adopted to implement this Part that reflects  
46 negligence or carelessness in conducting an emissions inspection or complying with the  
47 emissions inspection requirements but does not directly affect the emission reduction benefits  
48 of the emissions inspection program. A technical violation is a violation that is not a serious  
49 violation, a minor violation, or another type of offense under this Part.

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

1 (1) Type I. – For a first or second Type I violation by an emissions  
2 self-inspector or an emissions inspection station, assess a civil penalty of two  
3 hundred fifty dollars (\$250.00) and suspend the license of the business for  
4 six months. For a third or subsequent Type I violation within three years by  
5 an emissions self-inspector or an emissions inspection station, assess a civil  
6 penalty of one thousand dollars (\$1,000) and revoke the license of the  
7 business for two years.

8 For a first or second Type I violation by an emissions inspection  
9 mechanic, assess a civil penalty of one hundred dollars (\$100.00) and  
10 suspend the mechanic's license for six months. For a third or subsequent  
11 Type I violation within seven years by an emissions inspection mechanic,  
12 assess a civil penalty of two hundred fifty dollars (\$250.00) and revoke the  
13 mechanic's license for two years.

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

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

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

30 (c) Station or Self-Inspector Responsibility. – It is the responsibility of an emissions  
31 inspection station and an emissions self-inspector to supervise the emissions inspection  
32 mechanics it employs. A violation by an emissions inspector mechanic is considered a violation  
33 by the station or self-inspector for whom the mechanic is employed. An emissions inspection  
34 station or emissions self-inspector charged with a violation resulting from the actions of an  
35 emissions inspection mechanic shall not result in a suspension or revocation of the emissions  
36 inspection station or emissions self-inspector license if the emissions inspection station or  
37 emissions self-inspector establishes that the emissions inspection station or emissions  
38 self-inspector has implemented and maintained reasonable procedures to ensure compliance  
39 with this Article, and the violation was committed by an emissions inspection mechanic  
40 without prior actual knowledge of the emissions inspection station or emissions self-inspector  
41 license holder.

42 (c1) Multiple Violations. – If an emissions self-inspector, an emissions inspection  
43 station, or an emissions inspection mechanic commits two or more violations in the course of a  
44 single emissions inspection, the Division shall take only the action specified for the most  
45 significant violation. In any case where an emissions inspection station or emissions  
46 self-inspector is charged with a violation due to the actions of an emissions inspection  
47 mechanic, and the Division believes multiple violations by the emissions inspection mechanic  
48 occurred, the Division shall only charge an emissions inspection station or emissions  
49 self-inspector with one violation.

50 (d) Missing Stickers. – The Division must assess a civil penalty against an emissions  
51 inspection station, a windshield replacement station, or an emissions self-inspector that cannot

1 account for an emissions inspection sticker issued to it. A station or a self-inspector cannot  
2 account for a sticker when the sticker is missing and the station or self-inspector cannot  
3 establish reasonable grounds for believing the sticker was stolen or destroyed by fire or another  
4 accident.

5 (d1) Penalty for Missing Stickers. – The amount of the penalty is twenty-five dollars  
6 (\$25.00) for each missing sticker. If a penalty is imposed under subsection (b) of this section as  
7 the result of missing stickers, the monetary penalty that applies is the higher of the penalties  
8 required under this subsection and subsection (b); the Division may not assess a monetary  
9 penalty as a result of missing stickers under both this subsection and subsection (b) of this  
10 section. Imposition of a monetary penalty under this subsection does not affect suspension or  
11 revocation of a license required under subsection (b) of this section.

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

17 **SECTION 3.** G.S. 20-183.8F(a) reads as rewritten:

18 "(a) Finding of Violation. – When an auditor of the Division finds that a violation has  
19 occurred that could result in the suspension or revocation of an inspection station license, a  
20 self-inspector license, a mechanic license, or the registration of a person engaged in the  
21 business of replacing windshields, the auditor must give the affected license holder written  
22 notice of the finding. The notice must be given within five business days after the completion  
23 of the investigation that resulted in the discovery of the violation. The notice must state the  
24 period of suspension or revocation that could apply to the violation and any monetary penalty  
25 that could apply to the violation. The notice must also inform the license holder of the right to a  
26 hearing if the Division charges the license holder with the violation. Failure to comply with the  
27 notice requirements of this section shall result in the dismissal of the charge of the violation  
28 against the license holder."

29 **SECTION 4.** G.S. 20-183.8G(f) reads as rewritten:

30 "(f) Decision. – Except as otherwise provided in this Article, a decision made after a  
31 hearing on the imposition of a monetary penalty against a motorist for an emissions violation or  
32 on a Type I, II, or III emissions violation by an emissions license holder must uphold any  
33 monetary penalty, license suspension, license revocation, or warning required  
34 by ~~G.S. 20-183.8A~~ G.S. 20-183.7A, 20-183.8A, or G.S. 20-183.8B, respectively, if the decision  
35 contains a finding that the motorist or license holder committed the act for which the monetary  
36 penalty, license suspension, license revocation, or warning was imposed. A decision made after  
37 a hearing on any other action may uphold or modify the action."

38 **SECTION 5.** G.S. 20-183.8G is amended by adding a new subsection to read:

39 "(f1) Offers in Compromise. – In any case where a safety inspection station or safety  
40 self-inspector is charged with an administrative violation due to the actions of a safety  
41 inspection mechanic and the Division imposes a suspension or revocation of the license, the  
42 Commissioner may accept from the license holder an offer in compromise to pay a penalty of  
43 not more than two thousand dollars (\$2,000) to the Division in lieu of the suspension or  
44 revocation of the license. The Commissioner may accept an offer in compromise, or suspend or  
45 revoke the license, but may not take both actions."

46 **SECTION 6.** This act becomes effective December 1, 2009, and applies to  
47 offenses committed on or after that date.