

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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**SENATE BILL 717
PROPOSED COMMITTEE SUBSTITUTE S717-PCS35345-RW-51**

Short Title: Motor Vehicle Safety Inspector Law Change.

(Public)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES DISCRETION IN
ASSESSING PENALTIES AND SUSPENSIONS ON SAFETY INSPECTION LICENSE
HOLDERS FOR SAFETY INSPECTION LAW VIOLATIONS.

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~~may 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.

17 (d) Multiple Violations. – If a safety self-inspector, a safety inspection station, or a
18 safety inspection mechanic commits two or more violations in the course of a single safety
19 inspection, the Division shall take only the action specified for the most significant violation.

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

25 **SECTION 2.** This act becomes effective October 1, 2013.