

1 19A NCAC 03D .0545 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 03D .0545 INVESTIGATION/AUDIT/SAFETY OR EXHAUST-EMISSIONS INSPECTION**
4 **STATIONS**

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6 ~~(a) Gas Audit Inspection: A DMV Inspector shall make a check of each station's calibration gas four times a year. This check is accomplished by measuring the concentration of the certified audit gas on the station's analyzer after calibration with the station's gas. If an analyzer fails it shall be placed in a lockout position until brought into compliance by the manufacturer and certified by retesting.~~

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10 ~~(b)~~(a) Complaints To Be Investigated: All ~~bona fide~~ complaints received by the Commissioner about any inspection station shall be investigated for the purpose of determining whether there has been a violation of the inspection laws.

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12 ~~(c)~~(b) Appropriate Action To Be Taken: When it appears from any investigation that the inspection ~~law, law~~ has been violated by an inspection station or its agents or employees, or by a ~~Self inspector, self-inspector,~~ the Commissioner shall take the appropriate ~~action~~ action, which may include but is not limited to suspension or revocation of the station's license and inspector certifications. ~~When any such license is suspended or revoked, the owner of the station shall return the license, all unused inspection stickers, required records and reports and forms and supplies on hand to the Commissioner.~~

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18 ~~(d)~~(c) Report of Undercover Investigation: Periodic checks shall be made by undercover officers of the Division of Motor Vehicles routinely and upon receipt of complaints to determine compliance with inspection laws. If violations are detected, administrative action shall be taken by the Division of Motor Vehicles against the licensed station and the inspection mechanic.

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22 ~~(e)~~(d) Revocation, Suspension or Denial: Any safety equipment or safety equipment ~~exhaust~~ emission inspection station whose license has been revoked or suspended may, prior to such revocation or suspension order being served, request a hearing before the Commissioner and in such cases the hearing shall be held as soon as practicable. To ensure such an opportunity to the licensee, an agent of the Commissioner shall offer in writing said hearing prior to serving a suspension or revocation order. If the licensee requests a hearing prior to the revocation or suspension order being served, the licensee shall be allowed to continue conducting inspections. The Commissioner, following such hearing, may rescind, amend or affirm the revocation or suspension order.

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29 ~~(f)~~(e) When an authorized agent of the Division of Motor Vehicles Enforcement Section detects a violation, he shall immediately advise the owner/operator to discontinue all inspections/operations until he or she is in compliance and approved by the Division of Motor Vehicles Enforcement Section Inspector.

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33 *History Note: Authority G.S. 20-2; 20-39; 20-183.6A; 20-183.8D; ~~20-183.8E;~~ 20-183.8F;*
34 *Eff. October 1, 1994.*