

1 19A NCAC 03D .0550 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 03D .0550 WAIVERS FROM EXHAUST-EMISSIONS TEST REQUIREMENTS**

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5 (a) ~~The Commissioner, Commissioner of Motor Vehicles, or Enforcement Section License and Theft Bureau~~
6 employees who are designated by the Commissioner, may issue a written waiver from the applicable ~~exhaust~~
7 emissions test standards for any vehicle, except vehicles listed in Paragraph (g) of this Rule, if the waiver issuance
8 criteria have been met.

9 (b) A written waiver shall be issued in accordance with this ~~rule~~ Rule upon request when all of the following criteria
10 have been ~~met~~ met to the satisfaction of the Commissioner or the designated Enforcement Section employee:

11 (1) ~~The the~~ vehicle passed the safety portion of the inspection as shown by the vehicle inspection
12 receipt completed by the licensed ~~self-inspector~~ or inspection station that performed the
13 ~~inspection.~~ inspection;

14 (2) ~~The the~~ vehicle failed the ~~exhaust~~ emissions portion of the inspection as shown by the vehicle
15 inspection receipt completed by the licensed ~~self-inspector~~ or inspection station that performed the
16 ~~inspection.~~ inspection;

17 (3) ~~The the~~ vehicle is equipped with each ~~exhaust~~ emissions control device listed in Rule .0543 of this
18 Section, if such device was equipped on the vehicle by the manufacturer. If the unleaded gas
19 restrictor has been removed or rendered inoperable, the catalytic converter must be
20 ~~replaced.~~ replaced; and

21 (4) ~~Qualifying~~ qualifying repairs have been completed on the vehicle within ~~45~~ 60 days following the
22 initial failed ~~exhaust~~ emissions inspection. Proof of repairs must be shown by itemized and dated
23 receipts from the person or business that provided the repair service or parts. Receipts for parts
24 shall name the part and not just the stock number. Qualifying repairs means repairs performed on a
25 vehicle for the purpose of repairing the cause of the ~~exhaust~~ emissions inspection failure. The
26 repairs must be appropriate to the cause of the test failure. A visual inspection of the vehicle shall
27 be made by the designated ~~Enforcement Section License and Theft Bureau~~ employee to determine
28 if repairs were actually performed if, given the nature of the repair, this can be visually confirmed.

29 (A) ~~For pre 1981 model year vehicles, qualifying repairs may be performed by any person,~~
30 ~~including the vehicle owner.~~

31 (B)(A) For 1981-1996 and later model year vehicles, qualifying repairs must be performed by a
32 person who is professionally engaged in vehicle repairs or who is employed by a business
33 whose purpose is vehicle repair or who possesses a certification from the National
34 Institute For Automotive Service Excellence for emission-related diagnosis and repair.

35 (5) ~~The the~~ minimum repair expenditure applicable to the vehicle has been met by having qualifying
36 repairs performed on the vehicle.

37 (A) ~~For 1975-1980 model year vehicles, the minimum repair expenditure is seventy five~~

1 ~~dollars (\$75.00).~~ Only the costs of parts are applied toward the minimum repair
2 expenditure on these vehicles if the repairs are performed by the vehicle owner or by a
3 person who is not professionally engaged in vehicle repairs or who is not employed by a
4 business whose purpose is vehicle repair or who does not possess a certification from the
5 National Institute For Automotive Service Excellence for emission-related diagnosis and
6 repair.

7 (B) For ~~1981-1996~~ and later model year vehicles, the minimum repair expenditure is two
8 hundred dollars (\$200.00), including parts and labor costs.

9 (C) The cost of repairs to correct or replace emissions control devices that have been
10 removed, disconnected or rendered inoperable shall not be applied toward the minimum
11 repair expenditure for any vehicle, regardless of model year.

12 (D) The cost of diagnostic testing to determine whether the vehicle meets ~~exhaust~~ emissions
13 standards shall not be applied toward the minimum repair ~~expenditure.~~ unless associated
14 with actual repairs to the vehicle.

15 (E) Any available warranty coverage on the vehicle must be used to obtain the needed repairs
16 before expenditures may be applied to the minimum repair expenditure.

17 (6) The vehicle owner has received a written denial of warranty coverage from the vehicle
18 manufacturer or authorized dealer if the vehicle is within the statutory age and mileage
19 coverage under section 207(b) of the Federal Clean Air Act [42 U.S.C. 754l(b)].

20 (7) After qualifying repairs have been completed and within ~~45-60~~ days after failing the initial ~~exhaust~~
21 emissions inspection, the vehicle failed another ~~exhaust~~ emissions inspection as shown by the
22 vehicle inspection receipt completed by the licensed ~~self-inspector or~~ inspection station that
23 performed the inspection.

24 (c) The vehicle owner or person authorized by the owner must request the waiver and present the vehicle and
25 current registration ~~sticker~~ at the ~~Division Enforcement Section-License and Theft Bureau office.~~ office that serves
26 the county in which the vehicle is registered. The receipts and other documents required by Paragraph (b) of this
27 Rule must be submitted to the designated ~~Enforcement Section-License and Theft Bureau~~ employee at the time of
28 the request for a waiver.

29 (d) The designated ~~Enforcement Section-License and Theft Bureau~~ employee shall review the receipts and
30 documents submitted in connection with the waiver request and shall make a visual inspection of the vehicle to
31 verify that the criteria listed in Paragraph (b) of this Rule have been met. If the ~~Enforcement Section-License and~~
32 Theft Bureau employee is satisfied that the waiver criteria have been met, the Division must issue a written waiver
33 for the vehicle on a form provided by the Division.

34 (e) The vehicle owner or person authorized by the owner must present the waiver to the licensed self-inspector or
35 inspection station that performed the initial safety and ~~exhaust~~ emissions inspection. The ~~self-inspector or~~ inspection
36 station shall reinspect the vehicle in accordance with the rules under this Section, except for the ~~exhaust~~ emissions
37 portion of the inspection. The waiver authorization number shown on the written waiver must be entered into the

1 ~~exhaust~~ emissions analyzer. If the vehicle meets all other requirements of the inspection, the ~~self-inspector or~~
2 inspection station shall pass the vehicle inspection. ~~affix a valid inspection sticker to the vehicle which shall expire at~~
3 ~~the same time it would if the vehicle had passed the exhaust emissions inspection.~~

4 (f) Each ~~self-inspector and~~ inspection station must maintain a copy of the written waivers for vehicles inspected and
5 approved by the station for at least 18 months in the same manner and under the same conditions as other inspection
6 records which are required to be maintained pursuant to G.S. 20-183.6A(b).

7 (g) Waivers shall not be issued for any of the following vehicles:

- 8 (1) ~~Vehicles~~ vehicles that are owned, operated or leased by a licensed self-inspector; or
- 9 (2) Vehicles that are owned or being held for retail sale by a motor vehicle dealer, as defined in G.S.
10 20-286(11).

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12 *History Note: Authority G.S. 20-39; 20-183.5;*

13 *Eff. October 1, 1994.*