

1 19A NCAC 03D .0102 repealed through readoption as published in 35:17 NCR 1943-1946 without changes follows:

2
3 **19A NCAC 03D .0102 FORMS AND PUBLICATIONS**

4
5 *History Note: Authority G.S. 20-1;*

6 *Eff. July 1, 1978;*

7 *Amended Eff. January 1, 1994; February 1, 1982; April 11, ~~1980~~ 1980;*

8 *Repealed Eff. September 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0221

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Throughout this Rule, you have used both "forwarded" and "mailed." Please be consistent where you can. Where you've used "mailed", please ensure that this is still accurate.

In (a)(1), please revise to say "The dealer has passed ownership to the purchaser by:..." in order to be grammatically consistent with the rest of the Subparagraphs.

In (a)(1)(A), please remove the comma in "either assigning the title or, Manufacturer's Certificate..."

In (b)(3), by whom and to whom? The dealer to the buyer?

In (a)(4) and (b)(6), are the substantive requirements of the FS-1 set forth elsewhere in rule or statute? If not, please do so. Please note that it doesn't need to be done in both places.

In (b)(6), please change "cannot" to "shall not" in "cannot be issued."

In (b)(6), what information is to be recorded on the report sheet in the back of the receipt book? What is a report sheet?

In (b)(7), I think that it was correct to have "void" in quotations.

In (b)(8), am I correct in understanding that by "... unless requirements in G.S. 20-79.1(h) are met" you mean "... unless a vehicle has been lease or sold and the dealer is unable to perfect the lien"? If so, I think it's okay as written – I just want to be sure that I understand.

In (b)(9), please confirm that dealers must still mail this information to you all.

In (b)(9), so they are only to complete the report sheet once all receipts in the receipt book are used? I read this to require this step be completed once all receipts are used;

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

however, I read (b)(6) to require this as they go along. Please review and revise as necessary for clarity. Do you need this information in both places?

In the History Note, why was G.S. 20-79.1 removed?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 19A NCAC 03D .0221 is amended as published in 35:17 NCR 1943-1946 with changes as follows:

3 **19A NCAC 03D .0221 CONDITIONS FOR ISSUING TEMPORARY MARKERS BY A DEALER**

5 (a) ~~Before a temporary marker can be issued by a~~ A dealer shall meet the following conditions ~~must be met before~~
6 issuing a temporary marker:

7 (1) Ownership in the vehicle ~~must shall~~ pass from the dealer to the purchaser ~~by: by assigning the title~~
8 ~~or Manufacturer's Certificate of Origin and by delivering the vehicle to the buyer.:~~

9 (A) either assigning the title or, Manufacturer's Certificate of Origin, or pursuant to
10 G.S. 20-52.1 if the title of Manufacturer's Certificate of Origin is unavailable; and

11 (B) delivering the vehicle to the buyer.

12 (2) Dealer has ~~met all obtained from purchaser an~~ application and fee requirements pursuant to G.S. 20-
13 79.1. for registering and titling of the purchased vehicle.

14 ~~(3) Dealer has collected all prescribed fees for titling and registering the vehicle.~~

15 (3) Dealer has proof of certification (Form FR-2) certifying liability insurance pursuant to G.S. 279.21.
16 [20-79.21.] in effect.

17 (4) Exception. Subparagraph~~Subparagraphs~~ ~~(a)(2) and (3)~~ of this Rule ~~do shall~~ not apply when the
18 dealer is selling the vehicle to an out-of-state purchaser and the vehicle is to be removed from the
19 State of North Carolina to the purchaser's ~~home state~~ place of residency prior to the expiration of
20 the 30-day temporary registration marker. Proof of insurance Form FS-1 FR-2 (Insurance
21 Certification) shall be completed and kept by the dealer as part of his or her records.

22 (b) Procedure for issuance of 30-day temporary markers:

23 (1) All 30-day temporary markers shall be issued in numerical order, beginning with the lowest number
24 of the set or sets.

25 (2) The vehicle identification number, the make, the issuance date, and the expiration date shall be
26 entered ~~clearly and indelibly~~ on the face of the temporary marker.

27 (3) A receipt, which corresponds in number with the 30-day temporary marker, shall be issued.

28 (4) The receipt shall be completed in ~~duplicate duplicate, with pen and ink, and must shall~~ be legible.

29 (5) The white copy of the receipt, with the 30-day marker, shall be delivered to the purchaser. The pink
30 copy ~~is to shall~~ be retained ~~in the book~~ by the issuing dealer for ~~at least~~ one year.

31 (6) Pursuant to G.S. 20-52, All all documents necessary to title and register the vehicle shall be presented
32 to a license plate agency or mailed to the North Carolina Division of Motor Vehicles within four
33 working days from date of issuance. When the purchaser is a nonresident, a 30-day temporary
34 marker may be issued to the nonresident for the sole purpose of removing the vehicle to his or her
35 ~~home state, place of residency~~ provided the customer has in effect liability insurance with a company
36 licensed in North Carolina. The dealer is neither required to obtain from such nonresident a written
37 application for North Carolina registration nor to collect the North Carolina registration fees.

- 1 However, Form ~~FR-2~~ FS-1 shall be completed and kept by the dealer as part of his or her records.
- 2 If a plate is to be transferred, a 30-day temporary marker cannot be issued. All ~~required~~ information
- 3 shall be recorded on the report sheet in the back of receipt book.
- 4 (7) All 30-day temporary markers and receipts that are voided shall be marked "~~void~~" void and recorded
- 5 on the report sheet. The white copy of the receipt and the 30-day temporary marker shall be
- 6 forwarded to the North Carolina Division of Motor Vehicles ~~Enforcement Section~~ License and Theft
- 7 Bureau together with the report sheets. Receipts and 30-day temporary markers that do not match
- 8 shall be returned to the Division after recording on report sheet. The receipt ~~is not to~~ shall not be
- 9 altered.
- 10 (8) Only one 30-day temporary marker ~~may~~ shall be issued per vehicle per ~~sale~~ sale unless requirements
- 11 in G.S. 20-79.1(h) are met.
- 12 (9) Upon issuance of all receipts (~~Markers~~) in each receipt book, the report sheet ~~must~~ shall be
- 13 completed in duplicate and the original mailed to the Division. ~~A copy of the report sheet must be~~
- 14 ~~retained by the Dealer for one year.~~
- 15 (10) ~~All 30-day temporary markers are non-transferable between dealers.~~

16

17 *History Note:* Authority G.S. 20-39; 20-52.1; 20-79.1; 20-279.21;

18 *Eff. June 1, 1988;*

19 *Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*

21 *22, ~~2018~~ 2018;*

22 *Amended Eff. September 1, 2021.*

23

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0223

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Are the substantive requirements of VS-405 set forth elsewhere in rule or statute? If not, please provide them here.

Should there be a "the" before "partner" on line 5?

On line 6, are these always corporations?

Would it make sense to break this Rule up into multiple paragraphs? It appears to me that the first sentence addresses how to get a dealer plate initially. Is that correct? If so, would it help to add some additional information? Then, the second and third sentence addresses what to do if it is lost.

Is the application to replace lost tags on line 8 the same as the VS-405? If so, please make that clear. If not, please provide some additional information on the necessary form.

On line 7, please change "such plates" to "lost plates"

On line 8, please add a comma following "signed"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0223 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0223 DEALER PLATES**

4
5 The Application for Dealer Plates Form VS-405 ~~Application~~ for dealer plates ~~must shall~~ be signed by owner, ~~partner~~
6 ~~partner,~~ or officer of the corporation. Lost or stolen dealer plates ~~must shall~~ be reported to the local law enforcement
7 agency and the Division of Motor Vehicles. ~~Vehicles in writing. Application~~ The application to replace such plates
8 ~~must shall~~ be completed on the ~~appropriate~~ form, signed and submitted with the fee required by G.S. ~~20-85(5)-20-~~
9 ~~87(7)~~ to the Division of Motor Vehicles.

10
11 *History Note: Authority G.S. 20-39; ~~20-68; 20-79(a); 20-85(5); 20-87(7);~~*

12 *Eff. June 1, 1988;*

13 *Amended Eff. January 1, 1994; October 1, ~~1994~~ 1991;*

14 *Readopted Eff. September 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0224

DEADLINE FOR RECEIPT: Friday, August 6, 2021

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Is (b) necessary given G.S. 20-79(d)(4)?

Is Paragraph (c) necessary? It appears to be duplicative of G.S. 20-79(d). If you do need it, in (c), consider revising to say "No person, other than those set forth in G.S. 20-79(d)(5)a. through f., shall operate a dealership vehicle." To the extent that you still need to define "immediate family" as used in G.S. 20-79(d)(5)f., I would suggest saying something like "For purposes this Rule, "immediate family" as used in G.S. 20-79(d)(5)f. shall include..." Please note that if you use this language, I don't think that you need to include the information regarding the 96 hour permit since G.S. 20-79(d)(5)a. speaks to the demonstration permit within the context of this Rule. if you need to set forth additional information for dealers as to what the demonstration permit (which is what I assume the 96 hour permit is) should contain, would it make sense to make this a separate paragraph?

Also, I don't see a requirement for 15 hours a week for employees in G.S. 20-79(d). What is your authority to set this additional requirement?

Is (d) necessary given (d)(4)? If so, please change "which" to "that" "which move" and "which tow"

Regarding (e), I note that G.S. 20-79(e)(3) says that the Division may rescind all dealer license plates, is that what you mean or do you mean a suspension pursuant to G.S. 20-294? I note that G.S. 20-294 allows for suspension when a rule is adopted under Article 12 or G.S. 20-52.1, 20-75, 20-79.1, 20-79.2, 20-108, 20-109, or 20-109.3. Where does this suspension fall within that? I see that you have G.S. 20-302 in the History Note, which is in Article 12, but I don't see where it speaks to dealer plates, only dealer licenses so it's unclear to me how it fits here. I do not have concerns regarding your authority for dealer plates generally under G.S. 20-39 and 20-79, just the suspension is unclear to me.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0224 is amended as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0224 ILLEGAL USE OF DEALER PLATES**
4

5 ~~(a) It is illegal to use dealer plates on vehicles operated for any other business that the dealer is engaged in. The sale~~
6 ~~of vehicles not required to be registered, excluding the sale of farm tractors which are part of the inventory of the~~
7 ~~dealer, is considered another business and delivery of such vehicles by motor transport is not permitted with dealer~~
8 ~~plates. A dealer shall only use dealer plates in accordance with the requirements of G.S. 20-79(d).~~

9 (b) Parts trucks used in delivering parts to other sales outlets may use dealer plates only if the sale of parts is incident
10 to the dealer business. ~~A parts business that is separate and apart from the dealership cannot use dealer plates.~~

11 ~~(c) It is illegal to use dealer plates on vehicles that are not owned by the dealer.~~

12 ~~(d)~~(c) It is illegal for persons other than dealers, corporate ~~officers~~ officers, immediate family members of an officer,
13 sales representative, or employees of ~~a~~ an independent or franchised motor vehicle dealer who ~~regularly~~ work for the
14 dealer at least 15 hours a week, to operate a dealership vehicle unless they are in possession of a 96-hour permit. The
15 said permit ~~must~~ shall include license plate number, permittee's name, address, driver's license number, date and hour
16 of issue and ~~must~~ shall be signed by a dealer or sales manager and a person receiving the vehicle. A duplicate copy of
17 the permit ~~must~~ shall be retained by the dealer. The permit is void if erasures are made. For purposes of this Rule,
18 immediate family member is defined as a parent; spouse; sibling; child by blood, adoption, or marriage; grandparent
19 or grandchild.

20 ~~(e)(d) It is illegal to use dealer plates on wreckers used~~ A wrecker shall not use dealer plates for general wrecker
21 service or on wreckers which move vehicles on a rotation basis at the request of state or local law enforcement
22 authorities. ~~It is permissible to~~ A wrecker may use a dealer plate on wreckers which tow vehicles for the dealer's
23 customers only.

24 ~~(f)(e)~~ The civil penalty imposed upon a dealer pursuant to G.S. 20-79(e)(2) is due in full upon assessment by the
25 Division. The license of a dealer who willfully and intentionally fails to pay the civil penalty within 30 days after
26 notice of the assessment is delivered to the dealer or an employee of the dealer shall be ~~cancelled~~ suspended by the
27 Division until the penalty is paid in full.

28
29 *History Note: Authority G.S. 20-39; 20-79; 20-302; 20-294(2);*

30 *Eff. June 1, 1988;*

31 *Amended Eff. December 1, 1993; October 1, 1991; October 1, 1989;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
33 *22, ~~2018~~ 2018;*

34 *Amended Eff. September 1, 2021.*
35

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0225

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please consider changing "said motor vehicle... or wholesaler" to "it" and changing "his or her possession" to "its" It appears to me that this requirement may not be applicable to a person, but instead to a business.

In (b), please add a comma after "20-72(b)" Please consider deleting "whichever is applicable"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0225 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0225 VEHICLES OFFERED FOR SALE OWNED BY DEALERSHIP**

4
5 (a) No vehicle shall be sold or offered for sale or trade by any motor vehicle dealer, manufacturer, factory branch,
6 distributor, distributor ~~branch-branch,~~ or wholesaler until said motor vehicle dealer, manufacturer, factory branch,
7 distributor, distributor ~~branch-branch,~~ or wholesaler has in his or her possession a certificate of title or manufacturers
8 certificate of origin or the same is immediately available prior to conclusion of the sale or trade to complete transfer
9 of ownership to the consumer-purchaser.

10 (b) This Rule does not apply when a manufacturer's certificate of origin or title are unavailable at the time of sale or
11 trade and the dealer acts in accordance with G.S. 20-52.1(d), 20-72(b) or 20-72.1, whichever is applicable.

12
13 *History Note: Authority G.S. 20-39; G.S. 20-79;*
14 *Eff. June 1, 1988;*
15 *Amended Eff. October 1, ~~1991-1991~~;*
16 *Readopted Eff. September 1, 2021.*
17

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0226

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Just so I understand, what is the difference between the applicability of this Rule and .0227? I assume that this Rule applies when there is no lienholder on the vehicle and the dealer is selling on their behalf?

Please begin (b)(1) through (6) with lower-case letters, end (1) through (5) with semi-colons, and add an "and" at the end of (b)(5).

In (b)(6), please add "the" in between "if" and "vehicle"

Please begin (e)(1) and (2) with lower-case letters and end (e)(1) with a semi-colon and "and"

Please add any additional applicable authority to this Rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0226 is amended as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0226 VEHICLES OFFERED FOR SALE ON CONSIGNMENT**
4

5 (a) Any dealer offering a vehicle for sale that is on consignment from a manufacturer, distributor, factory branch,
6 distributor branch, ~~wholesaler,~~ wholesaler, or individual shall have in his possession a consignment contract for each
7 vehicle, executed by both parties.

8 (b) The consignment contract shall consist of the following:

9 (1) The effective dates of the contract.

10 (2) The ~~complete name,~~ first, middle and last name, address, and the telephone number, if available, of
11 the owner.

12 (3) A ~~complete~~ description of the vehicle on consignment, including the make, model, body style, year,
13 and vehicle identification number.

14 (4) The listing charges.

15 (5) The percentage of commission or the amount of the commission the dealer is to get if the vehicle is
16 sold.

17 (6) The right of the dealer to receive the agreed upon commission, if vehicle is sold after the termination
18 of the agreement and as a result of the dealer's effort, which shall not exceed 30 days.

19 (c) Any dealer offering a vehicle for sale on consignment ~~must shall~~ tell the prospective customer that the vehicle is
20 on consignment unless the dealer is going to take ownership of the vehicle by completing a re-assignment on the title
21 documents. Any dealer selling a vehicle on consignment from a wholesaler ~~must shall~~ take ownership of that vehicle
22 prior to its retail sale.

23 (d) Dealer plates ~~cannot shall not~~ be used to demonstrate a vehicle on consignment. However, the consignor's
24 (owner's) plate may be used so long as the vehicle registration is active and if liability insurance is in
25 effect.

26 (e) In addition to a consignment contract, the dealer shall ~~have in his possession~~ keep on file an equipment listing of
27 the vehicle, consisting of, but not limited to, the following:

28 (1) Owners name and address.

29 (2) ~~Complete~~ A description of the vehicle which shall include the year, make, model, body style, color,
30 odometer reading, ~~special or extra~~ additional equipment, and the disclosure of known defects.

31 (f) The ownership documents of any vehicle on consignment ~~must shall~~ be made available by the dealer to any
32 ~~authorized agent of the North Carolina Division of Motor Vehicles~~ employee on request. ~~The ownership documents~~
33 ~~must be readily available from the owner.~~

34 (g) The owner ~~must shall~~ execute the ownership documents and deliver them to the purchaser at the time the vehicle
35 is delivered.

36 ~~(h) The vehicle must display a current safety inspection certificate.~~
37

1 *History Note:* *Authority G.S. 20-302;*
2 *Eff. June 1, 1988;*
3 *Amended Eff. January 1, 1994; October 1, 1991;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
5 *22, ~~2018~~2018;*
6 *Amended Eff. September 1, 2021.*
7

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0227

DEADLINE FOR RECEIPT: Friday, August 6, 2021

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Overall, I'm not sure that I understand what is going on in this Rule. Is this Rule applicable when a dealer is selling on behalf of a person who sells motor vehicles as an incident to their principal business as set forth in G.S. 20-286(11)b.4.? Are these vehicles that a dealer has repossessed on behalf of a lienholder? I just want to be sure that I understand what's going on.

What is your specific authority in 20-39? Is there any other authority available for this Rule?

On line 8, please put "floor plan lien" in quotation marks.

In (b), please add a comma after "title documents"

In (b), line 12, should 20-52 be 20-52.1?

Just to be sure that I understand in (c), the floor plan lienholder does not have to turn over the Certificate of Origin if it is located in North Carolina and the dealer has an invoice and the floor plan form? Do they not have to send these to the Division in accordance with G.S. 20-52.1 and 20-72?

What is the floor plan form? Is this something created by the Division? If so, are the substantive requirements set forth elsewhere in rule or statute?

In (c), line 16, please add a comma after "dated"

In (c), lines 18-19, what are "other provisions" are being referred to? Just Paragraph (b)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0227 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0227 VEHICLES OFFERED FOR SALE ON A FLOOR PLAN LIEN**
4

5 (a) ~~Any dealer offering for sale a vehicle on which a financial interest is held by another party (floor plan lien) shall~~
6 ~~at the time of sale, satisfy the floor plan lien and obtain the title from the floor plan lienholder, execute the title~~
7 ~~documents and deliver them to the purchaser or the lienholder as required by G.S. 20-52.1, G.S. 20-72 and G.S. 20-75~~
8 ~~at the time the vehicle is delivered. A floor plan lien is a revolving line of credit in which a superior financial interest~~
9 ~~in a vehicle is held by a party other than the dealer.~~

10 (b) A dealer offering a vehicle subject to a floor plan lien for sale shall at the time of sale, satisfy the floor plan lien
11 and obtain the title from the floor plan lienholder, execute the title documents and deliver them to the purchaser or the
12 lienholder as required by G.S. 20-52, 20-72, 20-72.1 and 20-75 at the time the vehicle is delivered.

13 ~~(b)(c)~~ Manufacturers Certificate of Origin and titles may be retained by the floor plan lienholder so long as the
14 Manufacturers Certificate of Origin and titles are located within the boundaries of North Carolina; provided the
15 dealer has in possession, available for inspection, an invoice from the manufacturer or distributor and a floor plan
16 disclosure form completed, dated and signed by both parties. ~~Mobile/manufactured~~ Mobile and manufactured home
17 dealers shall be exempt from the requirement that the Manufacturer's Certificate of Origin ~~and title~~ be located within
18 the boundaries of North Carolina. All other provisions of this Rule shall apply to ~~mobile/manufactured~~ mobile and
19 manufactured home dealers.
20

21 *History Note: Authority G.S. ~~20-302~~; 20-39;*

22 *Eff. June 1, 1988;*

23 *Amended Eff. June 1, 1995; January 1, 1994; October 1, ~~1991~~; 1991;*

24 *Readopted Eff. September 1, 2021.*
25

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0229

DEADLINE FOR RECEIPT: Friday, August 6, 2021

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In reviewing this Rule, the staff recommends the following technical changes be made:

On line 5, please delete or define "primary"

On line 7, delete or define "principal"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0229 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0229 CORP. SURETY BONDS: MOBILE MANUFACTURED HOME DEALERS**

4
5 ~~A motor vehicle dealer~~ A person, business or entity who is engaged in the ~~principal primary~~ business of selling mobile
6 or manufactured home, as defined in G.S. 143-143.9, ~~home (as defined in G.S. 143-143.9)~~ and who also sells ~~other~~
7 motor vehicles ~~as an incident in connection~~ to this principal business, shall either:

- 8 (1) furnish to the Division a corporate surety bond, cash bond, or fixed equivalent thereof pursuant to
9 G.S. 20-288(e); or
10 (2) furnish to the Division a copy of the bond that the dealer has furnished to the North Carolina
11 Manufactured Housing Board, pursuant to G.S. ~~143-143.12, 143-143.12, which includes the~~
12 ~~condition that the obligor will faithfully conform to and abide by the provisions of Article 12 of~~
13 ~~North Carolina General Statutes Chapter 20.~~

14
15 *History Note: Authority G.S. ~~20-39, 20-288(e); 20-288(e), 20-302;~~*

16 *Eff. June 1, 1988;*

17 *Amended Eff. January 1, ~~1994-1994;~~*

18 *Readopted Eff. September 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0402

DEADLINE FOR RECEIPT: Friday, August 6, 2021

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (c)(1), should there be a comma in between "business" and "operator"? I'm thinking not since Paragraph (a) and G.S. 20-77 reference "business operator"

In (c)(2), please add a comma after "body style"

In (c)(3), please add a comma after "number"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0402 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0402 UNCLAIMED MOTOR VEHICLE**
4

5 (a) To report an unclaimed vehicle pursuant to G.S. 20-77(d), a business operator or landowner shall submit a
6 Report of Unclaimed Motor Vehicle Form to the License and Theft Bureau.

7 (b) Report of Unclaimed Motor Vehicle Forms are available at [https://www.ncdot.gov/dmv/programs/fraud-](https://www.ncdot.gov/dmv/programs/fraud-theft/Pages/forms.aspx)
8 [theft/Pages/forms.aspx](https://connect.ncdot.gov/business/DMV/Pages/default.aspx) and <https://connect.ncdot.gov/business/DMV/Pages/default.aspx>.

9 (c) A Report of Unclaimed Motor Vehicle Form shall contain the following information:

10 _____ (1) name, address, and phone number of business, operator or landowner;

11 _____ (2) make, body style and year of vehicle;

12 _____ (3) state, number and year of the plate on the vehicle;

13 _____ (4) date vehicle was left;

14 _____ (5) vehicle identification number;

15 _____ (6) approximate value of the vehicle;

16 _____ (7) location of where the vehicle is being stored;

17 _____ (8) reason for vehicle being left;

18 _____ (9) condition of vehicle; and

19 _____ (10) person or firm who authorized the tow of the vehicle.

20 ~~An unclaimed motor vehicle report is to be with the Enforcement Section Division of Motor Vehicles, Raleigh, North~~
21 ~~by the owner of any business where vehicles are garaged, repaired, parked or stored for the public within 5 days after~~
22 ~~the vehicle has been unclaimed for 30 days. When a vehicle has been abandoned on a landowner's property for more~~
23 ~~than 60 days, he must notify this section within 5 days after the 60 day period. Notification shall be made on Form~~
24 ~~LT-126 Report of Unclaimed Motor Vehicle to the Enforcement Section, Division of Motor Vehicles, Raleigh, North~~
25 ~~Carolina.~~

26
27 *History Note: Authority G.S. ~~20-1~~; 20-2; 20-39; 20-77(d);*

28 *Eff. July 1, 1978;*

29 *Amended Eff. October 1, 1991; February 1, ~~1982~~, 1982;*

30 *Readopted Eff. September 1, 2021.*
31

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0403

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Paragraph (a) appears to repeat a lot of .0402 and G.S. 20-77(d). Is it necessary? I understand if you want to put the time requirements in rule, but would it make more sense in (a)? I'm reading .0402 to say what to do if there is an unclaimed vehicle on your property (whether business or landowner), then .0403 is directed at business owners who wish to sell it, making Paragraphs (b), (c), and (d) the relevant portion of this Rule.

If you decide that (a) is unnecessary, please consider revising (b) to say something like "If a person or firm who is in the business of repairing, servicing, towing or storing motor vehicles files an Unclaimed Motor Vehicle Report and wishes to sell the vehicle to satisfy an unpaid lien in accordance with G.S. 44A-2, he or she shall notify..."

In (b), line 23, is the fee in G.S. 44A-4(b)(1)?

Also in (b), just to verify – this form still has to be mailed?

Paragraph (b) references a "Notice of Intent to Sell a Vehicle to Satisfy Storage and/or the Mechanic's Lien Form." Paragraph (d) references the "Notice of Sale Form." Are these two different forms? If so, please provide the substantive requirements of the form referenced in (b). If they are the same, please use consistent language.

In (c), who is responsible for the initial notification referenced on line 26? Is it the Division? Would it be accurate to say something like "Upon receipt of the Form, the Division shall notify all owners and lienholders of the unclaimed vehicle of the proposed sale in accordance with G.S. 44A-4(b)(1). If a request for judicial hearing is not received, the License and Theft Bureau shall notify the person or firm claiming the storage or mechanic's lien." I assume at this point that they can proceed with the sale as provided in G.S. 44A-4? I'm not sure that a change is needed, I just want to be sure that I understand.

When is (d) applicable? Based upon the deleted language, I believe that this occurs after the notification by the DMV that a request for hearing wasn't received, but I don't think that's clear as currently written.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

Since there is no (d)(2), please delete the (1) and change (A) through (F) to (1) through (6). I would suggest just tacking (d)(1) to the end of (d).

In (d)(1)(A), what is "year body style"? Since you have "year" later on in the sentence, do you need it here?

In (d)(1)(A), please add a comma after "VIN"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0403 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0403 SALE OF VEHICLE TO SATISFY GARAGE STORAGE OR MECHANIC LIEN**

4 (a) When a person or firm who is in the business of repairing, servicing, towing, or storing ~~repairs, services, tows or~~
5 ~~stores~~ motor vehicles ~~in the regular course of his business~~ has a vehicle in his or her possession for 30-10 days
6 following the date the storage or mechanic charges became due and the lien remains unpaid, he or she shall file with
7 the License and Theft Bureau Enforcement Section an Unclaimed Motor Vehicle Report Form found at
8 www.ncdot.gov/dmv within five days of the expiration of that period. ~~(Form LT-126)~~. A Report of Unclaimed Motor
9 Vehicle Form shall contain the following information:

- 10 (1) name, address, and phone number of business, operator or landowner;
11 (2) make, body style and year of vehicle;
12 (3) state, number and year of the plate on the vehicle;
13 (4) date vehicle was left;
14 (5) vehicle identification number;
15 (6) approximate value of the vehicle;
16 (7) location of where the vehicle is being stored;
17 (8) reason for vehicle being left;
18 (9) condition of vehicle; and
19 (10) person or firm who authorized the tow of the vehicle.

20 (b) If the person or firm claiming the mechanic's or storage lien desires to sell the vehicle to satisfy such claim, he or
21 she shall notify the ~~Enforcement Section~~ License and Theft Bureau of the intent to sell such vehicle by use of the
22 Notice of Intent to Sell a Vehicle to Satisfy Storage and/or the Mechanic's Lien Form found at www.ncdot.gov/dmv.
23 ~~Form LT-102.~~ This form must be completed in its entirety and mailed with a fee as set out in G.S. 44A-4 of ten dollars
24 (\$10.00) to the License and Theft Bureau. ~~Enforcement Section of the Division of Motor Vehicles, Raleigh, North~~
25 ~~Carolina.~~

26 (c) After all ~~interested parties of owners and lienholders on~~ record have been notified of the proposed sale and a
27 request for judicial hearing is not received, the ~~Enforcement Section~~ License and Theft Bureau ~~will~~ shall notify the
28 person or firm claiming the storage or mechanic's lien.

29 (d) The person or firm claiming the storage or mechanic's lien on a motor vehicle shall use ~~Form LT-103~~ the Notice
30 of Sale found at www.ncdot.gov/dmv to notify the ~~Enforcement Section~~ License and Theft Bureau; 20 days in advance
31 of a public or private sale.

32 (1) A Notice of Sale Form shall contain the following information:

- 33 (A) make, year body style, license plate number, serial or VIN and state and year the vehicle
34 was last registered;
35 (B) location where the vehicle is stored;
36 (C) description of the lien as provided by G.S. 44A-2;
37 (D) date of storage;

1 (E) name and address of person authorizing repairs, services, towing and storage; and

2 (F) name, address and signature of lienor.

3

4 *History Note:* *Authority G.S. ~~20-1~~; 20-2; 20-39; 20-77(d); ~~20-77(d),(e)~~; 20-114(c); 44A-2; 44A-4;*

5 *Eff. July 1, 1978;*

6 *Amended Eff. October 1, 1991; February 1, ~~1982~~ 1982;*

7 *Readopted Eff. September 1, 2021.*

8

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0404

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

This Rule appears to repeat .0403. Is this intended to address sales after a judicial proceeding is requested and .0402 is intended to address sales where one is not? Please review and clarify.

In (d)(1)(A), what is "year body style"? Since you have "year" later on in the sentence, do you need it here?

In (d)(1)(A), please add a comma after "VIN"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0404 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0404 SALE OF MOTOR VEHICLE UNDER JUDICIAL PROCEEDINGS**

4
5 Any person selling a vehicle under judicial proceedings shall give notice to the License and Theft Bureau Enforcement
6 Section by Form LT 101 or LT 103 at least 20 days in advance of a public or private sale. use of the Notice of Sale
7 found at www.ncdot.gov/dmv to notify the License and Theft Bureau. ~~A copy of the court order, judgement or~~
8 ~~execution execution, which shall fully describe the vehicle being sold sold, must and accompany the notice of sale sale~~
9 ~~(Form LT 101).~~

10 (1) A Notice of Sale Form shall contain the following information:

11 (A) make, year body style, license plate number, serial or VIN and state and year the vehicle
12 was last registered;

13 (B) location where the vehicle is stored;

14 (C) description of the lien as provided by G.S. 44A-2;

15 (D) date of storage;

16 (E) name and address of person authorizing repairs, services, towing and storage; and

17 (F) name, address and signature of lienor.

18
19 *History Note: Authority G.S. ~~20-1~~; 20-2; 20-39; 20-114(c);*

20 *Eff. July 1, 1978;*

21 *Amended Eff. October 1, 1991; February 1, ~~1982~~, 1982;*

22 *Readopted Eff. September 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0405

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

What is the overall intent of this Rule? Is it more or less to make sure that the Division is kept up to date on the status of ownership for record keeping purposes? If that's correct, would it make sense to say something like "A city selling an abandoned vehicle in accordance with G.S. 160A-303, shall notify the License and Theft Bureau at..."

I note that G.S. 160A-303 speaks to cities making these sales, not counties or law enforcement, that is the reason that I removed them from the above suggestion. Please feel free to add them back in with any additional cross-reference or authority.

If my understanding of this Rule is not correct, where is the underlying requirement that they file an ordinance with y'all? What happens if it's as a result of a violation of an ordinance not on file with y'all? I don't see that as being a prerequisite in 160A-303. Alternatively, is this the only time you want to know?

Please provide additional information as to how they are to provide this notice? Perhaps a more specific website? Is this to be done through a portal of sorts?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0405 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0405 SALE OF ABANDONED VEHICLE**
4

5 ~~Any city or county~~ A city, county, or law enforcement agency selling an abandoned vehicle as a result of a city or
6 county ordinance on file with the License and Theft Bureau Enforcement Section, Division of Motor Vehicles,
7 ~~Raleigh, North Carolina, must~~ shall give notice to the Bureau ~~this section at least 20 days notice prior to the such sale~~
8 ~~and this notice shall be on Form LT 101—Notice of Sale of a Motor Vehicle, at www.ncdot.gov/dmv, to notify the~~
9 ~~Enforcement Section 20 days in advance of a public or private sale.~~

10
11
12 *History Note: Authority G.S. ~~20-1~~; 20-2; 20-39; 160A-303; ~~153-9~~;*
13 *Eff. July 1, 1978;*
14 *Amended Eff. October 1, 1991; February 1, 1982; April 11, ~~1980~~.1980;*
15 *Readopted Eff. September 1, 2021.*
16

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0517

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

It appears as though you are also defining some statutory terms (which is fine.) If that's correct, please consider updating line 5 to say something like "For purposes of this Section and Part 1 of Article 3A of Chapter 20 of the North Carolina General Statutes, the words and phrases..."

In Item (1)(b), I note that this term as used elsewhere in this rule does not have the periods, it's just "GVWR"

G.S. 20-183.4A speaks specifically to Emissions Inspections Stations, not Safety Inspection Stations. Is Item (3), "Authorized Station" intended to only include Licensed Emission Inspection Stations? If so, please make this clear. Do you need this definition? I only see this term used in Item (11) of this Rule. Would it make sense to delete Item (3) and instead address this in Item (11) and change "authorized station" to "licensed safety inspection or emissions inspection station"?

In Item (4), what is meant by "located"? I note that "if any vehicle is located or operated" is inconsistent with the language on lines 23-24. So, what's the intent of the 30 day window? If a vehicle is based in a non-emissions county, then is moved to a county that requires emissions testing for 30 days, then it is required to get an emissions test? Also, what is the specific authority for this 30 day window?

In Item (5), Is this just a licensed safety inspection mechanic as set forth in G.S. 20-183.4, or is this also intended to capture licensed emission inspectors pursuant to G.S. 20-183.4A? I ask because I see this term used in 0520, and that Rule appears to apply to both licenses.

Is Item (6) necessary? I don't see this used in the Rules of this Section or the statutes.

In Item (10), what is "proper operation"? Is this in accordance with the manufacturer's specifications? Is this in accordance with applicable law?

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

In Item (10), where can DEQ's specifications be found? Is the intent here to incorporate these requirements by reference or are you saying that if they approve it, then it's okay with y'all.

Also in Item (10), I don't understand the reference to .0518. Is that the correct cross-reference? I don't see approval standards there.

In Item (11), should G.S. 120-83.4 be 20-183.4? Also, by "with sufficient space defined by G.S. 120-83.4" do you mean "A permanent structure operated by a licensee that meets the requirements set forth in G.S. 20-183.4(b)?"

In Item (11), should there be an "and" before "accommodates"? Could you delete "accommodates offices of an authorized station to provide" and just say and "provides a locked place for maintaining records..."

In Item (11), should "their" be "its"?

In Item (11), is the "required equipment" that set forth in .0518 and 20-183.4(b)?

In Items (14) and (15), I don't see Part 2, only Part 1. Am I missing it?

In Item (15), are the Rules referenced those set forth in Section .0500?

In Item (17), is the 12 months from initial registration? Is this intended to address G.S. 20-183.4C(4) and (5)?

What is the intent of Item (18)? I don't understand "notwithstanding G.S. 20-4.01(17)", which I note addresses driver's licenses. Is this definition intended to address the licenses set forth in G.S. 20-183.4 and 20-183.4A?

In Item (20), please change this to "Light Transmittance Measuring Device or Light Meter, Unit, or Device" As written, there appear to be too many "ors"

In Item (24), is there a reason why you did not want to cross-reference the definition for "motor vehicle" as provided in G.S. 20-4.01(32b) as you've done elsewhere in this Rule? If you chose to keep the definition, as opposed to providing the cross reference, please delete or define primarily, and delete "temporary or permanent"

Do you need Item (25)? I don't see it used elsewhere in these Rules or the statutes. If you do, in the context of these Rules, I'm not sure that I understand "in whose name the license has been issued." Is this something different than the registration? Could you delete "in whose name the license has been issued and" so that it reads "... or any other legal entity whose name appears on the registration..."

In Item (26), I don't understand "Notwithstanding G.S. 20-4.01(36)." Is definition intended to address revocations in accordance with G.S. 20-183.7A?

In Item (27) what are the certification requirements of the Bureau? Are these provided elsewhere in rule or statute? If not, are they exempted from the rule-making process?

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

In Item (27), where can DEQ's specifications be found? Is the intent to incorporate these by reference?

Just as a note, I see that in (28), you have defined "Section", but throughout these Rules you have used "License and Theft Bureau." I note this only because there are times that I have used "Section", as the defined term, in my technical change request.

In Item (29), I assume that this is pursuant to G.S. 20-183.4 and 20-183.4A? Given these statutes, do you need this definition?

In Item (29), please add a comma after "firm"

Do you need Item (30)? I don't see where this term is used in these rules or statutes where it isn't clearly referring to something else (such as DEQ or EPA.) If you do need it, please don't define a term with that same term. What specific standards of performance are you referring?

In Item (32), is this in accordance with Rule .0522 of this Section and G.S. 20-183.7A?

In Item (32), what is a "safety equipment emission inspection station"? You'll see that I have asked this question throughout these Rules. Is it intended to encompass both stations licensed as safety inspection stations and emissions inspections stations?

Is Item (33) necessary? Is it to address G.S. 20-183.8A(a)(2)?

In Item (34), are the factors that the Commission will use for this waiver set forth elsewhere in rule or statute? Also, please provide the authority for the waiver in the History Note (I know you have it – I am not concerned about your actual authority for this, but please provide it in the History Note.)

Please add G.S. 20-183.4 and 20-183.4A to the History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 19A NCAC 03D .0517 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0517 DEFINITIONS**
4

5 For purposes of this Section, these words and phrases shall have the following meanings, except in those instances
6 where the context ~~clearly~~ indicates a different meaning:

- 7 (1) ~~Abbreviations:~~ Abbreviations used in these Rules shall have the following meanings:
- 8 (a) CO - Carbon ~~Monoxide~~, monoxide;
- 9 (b) G.V.W.R. - Gross Vehicle Weight ~~Rating~~, Rating;
- 10 (c) ~~HC - Hydrocarbons~~, HC-Hydrocarbons;
- 11 (d) PSI - Pounds Per Square ~~Inch~~, Inch;
- 12 (e) NOx - Nitrogen ~~Oxides~~, Oxides; and
- 13 (f) PPM - Parts Per ~~Million~~, Million.
- 14 (2) Ambient ~~Light~~; Air: That portion of the atmosphere surrounding human, ~~animal~~ animal, and plant
15 life.
- 16 (3) Authorized Station: An established place of business licensed by the North Carolina Division of
17 Motor Vehicles License and Theft Bureau to conduct inspection of safety equipment, emissions,
18 and air pollution control devices as required by ~~the inspection laws~~, G.S. 20-183.4A.
- 19 (4) Base: The place where a vehicle is ~~most frequently~~ dispatched from, garaged, serviced, maintained,
20 ~~operated~~ operated, or otherwise controlled. If any vehicle is located in or operated from a county
21 participating in the safety emission program ~~continuously~~ for a period of 30 days, said vehicle shall
22 be considered based within ~~said~~ that county.
- 23 (5) Certified Inspection Mechanic: A person who has completed the ~~course(s)~~ courses required by G.S.
24 183.4(c) and 183.4A(c), ~~who has~~ passed a written examination approved by the ~~North Carolina~~
25 ~~Division of Motor Vehicles, License and Theft Bureau~~, and ~~who has~~ been issued an inspection
26 mechanic license by the ~~Division of Motor Vehicles~~, Bureau.
- 27 (6) Crankcase Emissions: Air ~~contaminants~~ pollutants emitted into the atmosphere from any portion of
28 the engine crankcase ventilation or lubrication system.
- 29 (7) Current Year Model: The production period of new motor vehicles as designated by the
30 manufacturer in the calendar year in which the period ends. If the manufacturer does not designate
31 a production period, the model year shall mean the 12-month period beginning January of the year
32 in which production began.
- 33 (8) Diagnostic Equipment: Tools or machines used to diagnose engine performance.
- 34 (9) Emission: The act of a motor vehicle emitting into the atmosphere any air pollutants including
35 ~~contaminants which may include~~ carbon monoxide, hydrocarbons, or nitrogen oxides.
- 36 (10) Emissions Analyzer: ~~An approved~~ A device used to ~~fully~~ evaluate the vehicle emission control
37 system for proper operation and electronically record and transmit emissions and safety inspection

- data to the ~~State, state.~~—An approved device is considered a device that meets the certification requirements as defined by the ~~Department of Environmental Quality Management Commission~~ Specifications for the North Carolina Analyzer System, ~~and in Rule .0518 of this Section.~~
- (11) Established Place of Business for ~~Safety and Emissions~~ Safety/Emissions Inspection: A permanent structure ~~owned either in fee or leased~~ operated by a licensee, ~~which has with sufficient~~ space defined by G.S. 120-83.4 to test and inspect ~~one or more~~ motor vehicles for which an inspection is ~~being sought and to accommodate~~ accommodates the ~~office or~~ offices of an authorized station to provide a safe locked place for maintaining ~~the record~~ records of such authorized station, ~~and at which location the~~ The business shall be open during ~~their~~ normal business hours to conduct safety inspections and emissions tests and make available to ~~authorized agents of the Division of Motor Vehicles License and Theft Bureau~~ staff all records and required equipment for examination and testing.
- (12) Exhaust Emissions: Air ~~contaminants~~ pollutants emitted into the atmosphere from any opening downstream from the exhaust parts of a motor vehicle engine.
- (13) Heavy Duty Motor Vehicle: A motor vehicle which is designed primarily for:
- (a) ~~The the~~ transportation of property and which is rated at more than 8,500 ~~GVWR~~ GVWR;
- (b) ~~The the~~ transportation of persons and which has a capacity of more than 12 ~~persons~~ persons;
- (c) Use ~~use~~ as a recreational motor vehicle which is rated at more than 8,500 ~~GVWR~~ GVWR;
- or
- (d) Use ~~use~~ as an off-road utility vehicle.
- (14) Inspection: The safety equipment or emissions inspection of motor vehicles required by G.S. 20, ~~Part 2, Article 3A~~ Article 3A, Part 2.
- (15) Inspection Laws: G.S. 20, ~~Part 2, Article 3A~~ Article 3A, Part 2 and rules adopted by the Commissioner of Motor Vehicles.
- (16) Inspection/Maintenance (I/M): A strategy to reduce emissions from in-use motor vehicles by identifying vehicles that need emission related maintenance and requiring that such maintenance be performed.
- (17) Inspection Period: The period of time a motor vehicle is required to be inspected. To be a current inspection, a motor vehicle may be inspected up to ninety days prior to the last day of the month in which the registration on the vehicle expires pursuant to G.S. 20-183.4C. ~~For motor~~ Motor vehicles not previously registered in this ~~State~~ State, the inspection period shall be exempt for a period of 12 months. ~~months prior to the application for registration pursuant to G.S. 20, Part 3, Article 3 and G.S. 20-183.4C.~~
- (18) License: Notwithstanding G.S. 20-4.01(17), the license issued by the Commissioner of Motor Vehicles which is required for a person to operate a safety equipment emission inspection station.
- (19) Light Duty Motor Vehicle: A motor vehicle which is designed primarily for:

- (a) ~~transportation~~ Transportation of property and which is rated at or less than 8,500 GVWR by the manufacturer; or
- (b) ~~use~~ Use in the transportation of persons and which has a capacity of 12 persons or fewer.
- (20) Light Transmittance Measuring Device or Light Meter or Unit or Device: A photometer capable of measuring the net transmittance of a window or windshield for light at 560 nm with a variance of no more than 20 nm.
- (21) Motorcycle: A motor vehicle as defined under G.S. 20-4.01(22).
- (22) Multipiece Photometer: A photometer in which the light source and light detector are mechanically separate units that can be positioned on opposite sides of a fixed window or windshield.
- (23) Net Transmittance: The luminous transmittance over the 560 nm with a variance of 20 nm wavelength range, including the effects of Fresnel (surface) reflections.
- (24) Recreational Motor Vehicle: A vehicle which is designed primarily to provide temporary or permanent living quarters for travel, camping, or other recreational use.
- (25) Registered Owner of a Vehicle: The individual, group of individuals, partnership, firm, company, corporation, association, trust, estate, political subdivision, administrative agency, public or quasi-public corporation, or any other legal entity in whose name the license has been issued and whose name appears on the registration for such vehicle.
- (26) Revocation: Notwithstanding G.S. 20-4.01(36), the termination of a license issued by the ~~Division of Motor Vehicles~~ License and Theft Bureau to a safety equipment emission inspection station.
- (27) Safety Inspection Analyzer: ~~An approved~~ A device used to evaluate and electronically record and transmit safety inspection data to the ~~State.~~ state. ~~An approved device is considered a device that meets the certification requirements as defined by the~~ License and Theft Bureau or the Department of Environmental Quality Management Commission Specifications for the North Carolina Analyzer System.
- (28) Section: The License and Theft Bureau of the Division of Motor Vehicles.
- (29) Self-Inspector: A person, firm or corporation ~~so designated by the Commissioner~~ licensed by the License and Theft Bureau for the purpose of inspecting only those vehicles owned or operated by such person, firm or corporation.
- (30) Standard: A standard of performance adopted in these Rules.
- (31) Station: A place of business licensed by the Commissioner of Motor Vehicles to conduct inspections of motor vehicles as required by the inspection laws.
- (32) Suspension of Safety/Emission License: The temporary withdrawal of a license issued by the Division of Motor Vehicles to a safety equipment emission inspection station for a definite period of time.
- (33) Tampering: Rendering inoperative, or the intentional maladjustment of any device installed on a motor vehicle designed or intended to control the amount of emissions from a vehicle.

(34) Waiver: A document issued by the Commissioner of Motor Vehicles or his designated agent exempting a particular motor vehicle from the requirements of the emission inspection.

*History Note: Authority G.S. 20-2; 20-39; ~~20-127~~; 20-183.2; ~~20-183.6(a)~~; ~~20-183.7(a)~~;
Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. October 1, 1994;
Amended Eff. July 1, 2010; February 1, ~~1996~~1996;
Readopted Eff. September 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0518

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), are the substantive requirements of the application set forth elsewhere in rule or statute?

In (a), what are "Safety Equipment" and "Safety Equipment Emissions Inspection" stations? Are these Emissions Inspection Stations and Safety Inspection Stations as referenced in G.S. 20-183.4 and 20-183.4A?

Please begin (b)(5) and (c)(3) with lower-case letters.

Please add G.S. 20-183.4A to the History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0518 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0518 LICENSING OF SAFETY OR EMISSIONS INSPECTION STATIONS**
4

5 (a) An application for licensing as a Safety Equipment or Safety Equipment Emissions Inspection Station shall be
6 made on forms furnished by the Division of Motor Vehicles and filed with the License and Theft Bureau ~~available at~~
7 <https://connect.ncdot.gov/business/DMV/Pages/Inspection-Stations.aspx>.

8 (b) An applicant for licensing for a Safety Equipment or Safety Equipment Emissions Inspection Station shall have:

9 (1) ~~A specified an area used primarily for repair of motor vehicles.~~ vehicles;

10 (2) ~~At least a minimum of 45 lineal feet of approximately-level floor surface at least 10 feet wide when~~
11 ~~using a light chart for testing lights, or at least a minimum of 25 lineal feet of approximately-level~~
12 ~~floor surface at least a minimum of 10 feet wide when using a light testing machine. Dirt floors are~~
13 ~~not acceptable.~~ An inspection station shall not have dirt floors;

14 (3) ~~Sufficient an~~ area enclosed to permit an inspection at all times regardless of weather conditions.
15 Trailers may be inspected outside of the enclosed area as long as attached to ~~the prime mover.~~ mover;

16 (4) ~~If if a light chart is used to check lights, there shall be parallel lines at least 3-three feet long painted~~
17 ~~on the floor surface 25 feet from the chart.~~ chart; and

18 (5) Licensed Inspection Stations are not required to conduct inspections on equipment as required in
19 03D .0519 of this Section.

20 (c) An applicant for licensing for a Safety Equipment Inspection Station inspecting only motorcycles shall have:

21 (1) ~~A specified an area used primarily for repair of motorcycles.~~ motorcycles;

22 (2) ~~Sufficient an~~ area enclosed to permit an inspection at all times regardless of weather conditions. An
23 inspection station shall not have dirt floors; and ~~Dirt floors are not acceptable.~~

24 (3) If a light chart is used to check lights, there shall be parallel lines at least 3 feet long painted on the
25 floor surface 25 feet from the chart.

26
27 *History Note: Authority G.S. 20-2; 20-39; 20-183.4;*

28 *Eff. October 1, 1994;*

29 *Amended Eff. July 1, ~~2010~~ 2010;*

30 *Readopted Eff. September 1, 2021.*
31
32

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0519

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Is this Rule applicable to both safety inspection stations and emissions inspection stations? Please make that clear within the body of the text of the Rule. If it is applicable to emissions, please also add G.S. 20-183.4A to the History Note.

In (a), please add a comma after "inspection of vehicles" on line 7.

In (c), which headlights? Those that are manufactured to be used with mechanical aimers or those that are not?

In (d), please change "However, they are permitted..." to "Stations may"

In (d), what an "original safety equipment inspection"?

In (d), please verify that the contingency provided in G.S. 20-183.2(b) has not yet been met, making the 1996 date still applicable.

In (e)(1), please remove the errant "o" at the end of "tons;"

In (e)(5) and (f)(5), please consider removing the parenthesis around "calibrated in 32nds of an inch"

In (e)(7) and (f)(5), what is the approval process for the Analyzer? Is this provided elsewhere in rule or statute?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0519 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

3 **19A NCAC 03D .0519 STATIONS**

5 (a) Licensed stations shall keep the area where vehicles are inspected and the area where inspection records are ~~kept~~
6 kept, as required by G.S. ~~20-183.6A(b)~~20-183.6A(b), free of spills, debris, ~~hazardous materials~~ that may present a
7 hazard to the inspector mechanic or the vehicle, obstructions that inhibit ~~proper~~ inspection of vehicles or present a
8 safety ~~hazard concerns~~ for ~~auditors or inspectors of the License and Theft Bureau Division~~. All vehicles shall remain
9 in the inspection area during the entire inspection.

10 (b) Stations with only a ~~25-foot~~25-foot lineal inspection lane shall not inspect trucks or other vehicles exceeding that
11 length.

12 (c) Stations with mechanical aimers shall not inspect vehicles with headlamps that were not manufactured to be aimed
13 with this device. These headlamps ~~were manufactured to~~ shall be aimed with photoelectric eyes, wall charts,
14 computerized headlight test equipment, or on-board headlight aiming devices.

15 (d) Stations not equipped with an emission analyzer shall not inspect ~~vehicles which are~~ 1996 or newer gasoline
16 powered motor vehicles registered or based in counties designated as non-attainment for air quality standards by either
17 the North Carolina Department of ~~Environment & Natural Resources~~ Environmental Quality or U.S. Environmental
18 Protection Agency. However, they are permitted to perform the original safety equipment inspections on vehicles
19 1995 model year or older, diesel powered vehicles, motorcycles, trailers, and ~~new vehicles~~vehicles not previously
20 titled.

21 (e) Each station shall have equipment and tools for carrying out inspections, which include ~~but are not limited to~~ the
22 following:

- 23 (1) ~~1-one~~ jack or lift with minimum capacity of ~~2 tons~~two tons;
- 24 (2) ~~1-one~~ headlight tester, wall chart, or aiming kit adapters to fit all ~~headlights~~headlights;
- 25 (3) ~~1-one~~ ~~workbench~~workbench;
- 26 (4) ~~1-one~~ ~~creeper~~creeper;
- 27 (5) ~~1-one~~ tire tread depth gauge (~~calibrated in 32nds of an inch~~);(calibrated in 32nds of an inch);
- 28 (6) Emission Control System Application Manual (~~current edition~~);in written or electronic format;
- 29 (7) ~~1-one~~ Department of Environmental Quality Emission Analyzer Analyzer, with approved Division
30 of Motor Vehicles software or an electronic device with the ability to connect to the Internet and
31 access the web-based inspection system; and
- 32 (8) ~~1-Active~~ one active telephone line with jack or Internet access for Web Based stations.

33 (f) Each station inspecting only motorcycles shall have equipment and tools for carrying out inspections, which
34 include ~~but are not limited to~~ the following:

- 35 (1) ~~1-one~~ motorcycle jack or ~~lift~~lift with minimum capacity of 2 tons,
- 36 (2) ~~1-one~~ headlight tester or aiming kit adapters to fit all ~~headlights~~headlights;
- 37 (3) ~~1-workbench~~one workbench;

- 1 (4) ~~1-one~~ tire tread depth gauge (~~calibrated in 32nds of an inch~~);(calibrated in 32nds of an inch);
- 2 (5) ~~1-one~~ Safety Inspection Analyzer with approved ~~software~~;software by the North Carolina
- 3 Department of Environmental Quality at [https://deq.nc.gov/about/divisions/air-quality/motor-](https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-air-quality/inspection-maintenance-program/station-owner-inspector-information/software-versions)
- 4 vehicles-air-quality/inspection-maintenance-program/station-owner-inspector-
- 5 information/software-versions.
- 6 (6) ~~Active~~an active telephone line with ~~jack~~;jack or Internet access for Web Based stations.

7

8 *History Note: Authority G.S. 20-2; 20-39; 20-183.4;*

9 *Eff. October 1, 1994;*

10 *Amended Eff. July 1, ~~2010~~.2010;*

11 *Readopted Eff. September 1, 2021.*

12

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0520

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what is a "safety and emissions license"? G.S. 20-183.4(c) speaks to an "a license as an emissions inspection mechanic" Are these the same? If so, please use language that is consistent with the statute. I see that G.S. 20-183.4(c)(1) requires a mechanic to first be licensed as a "safety inspection mechanic", but it appears to me that these are two different licenses and that the mechanic can't be a licensed emissions inspection mechanic if he or she isn't already a safety inspection mechanic.

In (a), shall sign their name on what? The application? If so, are the substantive requirements set forth elsewhere?

In (b), during business hours of what? The station?

In (b), by "may" do you mean "shall"? If you mean "may", how will this be determined? Is the intent here to say something like "Upon request by a law enforcement officer of the License and Theft Bureau, a licensed emissions inspection mechanic shall demonstrate his or her knowledge, skills, and abilities of the equipment used to perform an inspection, vehicle components, procedures, and statutes and rules pertaining to a safety and emission inspection.

In (b), line 7, what is a "certified inspection mechanic"? Is this a licensed emissions inspection mechanic"? or is this intended to apply to both safety inspectors and emissions inspectors. I note that .0517 defines this as someone who has been issued an inspection mechanic license, so this may be addressed by the response to this question in .0517.

In (b), what are "authorized law enforcement officers"? Do you need "authorized"?

In (b), line 9, please add a comma after "rules"

In (b), line 10, I'm not sure that I understand the use of "programs" before "pertaining..." Do you need it there? If not, please move the comma requested after "rules" to after "statutes"

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

In (b), line 10, should it read “pertaining to the Safety or Emission programs...” Perhaps it should since the emissions inspection mechanic must also be a safety inspection mechanic.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

1 19A NCAC 03D .0520 is readoption as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0520 ~~SAFETY INSPECTION~~MECHANIC REQUIREMENTS**

4
5 (a) An applicant for a safety and emissions license and the owner of the inspection station licensee shall sign their
6 name demonstrating ~~certify that each mechanic they meet~~ meets the requirements as set out in G.S. 20-183.4(c).

7 (b) ~~At reasonable times, During business hours,~~ a certified inspection mechanic may be required by authorized law
8 enforcement officers of the ~~Division License and Theft Bureau~~ to demonstrate ~~proficiency~~ their knowledge, skills and
9 abilities of the equipment used to perform an inspection, vehicle components, procedures, statutes and rules
10 programs ~~knowledge~~ pertaining to the Safety Equipment or Safety Equipment Exhaust-Emission programs by
11 performing inspection requirements which include completion of an actual or simulated Safety Equipment or Safety
12 Equipment Exhaust and Emission Inspection. ~~Inspection in the presence of any such authorized officer.~~

13
14 *History Note: Authority G.S. 20-2; 20-39; 20-183.4; 20-183.6A;*

15 *Eff. October 1, ~~1994~~ 1994;*

16 *Readopted Eff. September 1, 2021.*

+

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0521

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), is a "safety inspector" the same as a "safety inspection mechanic"? I assume that Paragraph (a) is intended to address G.S. 20-183.4(c)(1) and provide what the approved eight hour courses are?

In (a), do you mean something like "In order to be licensed as a North Carolina Safety Inspector, an applicant shall meet the requirements set forth in G.S. 20-183.4(c). For purposes, of G.S. 20-183.4(c)(1), the following shall apply:..."

Should (b) be a part of (a)(2)? It doesn't seem to make sense as a stand-alone paragraph given the rest of the Rule.

In (c), what is an "inspection station or inspection mechanic license"? I assume that these are "safety inspection stations" and "safety inspection mechanics"?

Paragraph (c) appears to be missing some information. Are the applications only being reviewed for criminal history in accordance with G.S. 93B-9.1? Are there not any other standards, such as those required by G.S. 20-183.4 and 20-183.4A? Also, how does this apply to stations? Whose criminal history is going to be attached to a station?

Please consider breaking Paragraph (c) into separate Paragraphs. It appears as though a lot of information is contained in this paragraph. Would it make sense to break out the information regarding the stations from the mechanics? Also, it appears as though the notification requirements in lines 28 could be a separate paragraph.

In (c), line 22, what are the substantive requirements of the form? Just the name and license number of each mechanic? If that's all that is required (along with the signature), I think that this is fine as written. Also, are these both safety and emissions mechanics?

In (c), line 26, how is the termination notification to occur? I see that you've removed "in writing", so can they just call a Section representative?

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

In (d), how is a vehicle owner to make the exemption request? I see that you have removed "in writing on forms furnished by the Division", so can I call the Section to make the request?

In (d), line 37, please add "that" after "confirmation"

In (d), since "based" is a defined term, please consider changing "but is permanently based and operated exclusively outside of the county in which it is registered" to "based"

Also in (d), what is meant by "exclusively operated outside of the county..." What if I drive through that county?

On line 4, please change "used to show the owner or operator's claim the vehicle is permanently..." to "that shows the vehicle is permanently..."

Lines 6-7, I assume that this is upon approval by the Section?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 19A NCAC 03D .0521 is readopted as published in 35:17 NCR without changes as follows:

2
3 **19A NCAC 03D .0521 LICENSING REQUIREMENTS**
4

5 ~~(a) No application for appointment as a safety equipment or safety equipment exhaust emissions inspection station or~~
6 ~~self inspector shall be approved unless the requirements are met as set out in this Section.~~

7 ~~(b)(a) To become a North Carolina Safety Inspector, an individual must shall: attend and pass an eight hour Safety~~
8 ~~Inspection Course offered by a North Carolina Community College. An individual must pass a written examination~~
9 ~~with a score of no less than 80% correct answers. An additional eight hour Emissions Inspection course is required~~
10 ~~if the individual desires to be licensed as an Emissions Inspector. This certification process requires that a person~~
11 ~~have the ability to read and write. No oral exams shall be given as allowed in CFR 51 Part 40.~~

12 (1) attend and pass an eight-hour Safety Inspection Course offered by a North Carolina Community
13 College; and

14 (2) pass a written examination with a score of no less than 80 percent correct answers.

15 (b) No oral exams shall be allowed.

16 ~~(c) Based upon the An application for an inspection station or inspection mechanic license and the results of~~
17 ~~investigations made, each applicant shall be approved or disapproved in accordance with G.S. 93-B-8.1, for licensing.~~
18 ~~Each applicant approved shall be notified by mail and furnished without charge with the appropriate station license or~~
19 ~~inspection mechanic license. Inspection station licenses shall be valid only for the place of business set forth in the~~
20 ~~application. Each inspection station shall notify the Division License and Theft Bureau of the name and inspection~~
21 ~~license number of each inspection mechanic the station employs prior to allowing the inspection mechanic to perform~~
22 ~~any inspections at that station. The notice shall be on a form supplied by the Division License and Theft Bureau and~~
23 ~~shall be signed endorsed by the station owner and the inspection mechanic. The notice shall be submitted to the~~
24 ~~Division by personal delivery to the local Division inspector or by registered or certified mail addressed to the~~
25 ~~Division's district office for the district in which the station is located. If any licensed inspection mechanic leaves the~~
26 ~~employment of a safety equipment station, station the inspection station shall notify the local Division License and~~
27 ~~Theft Bureau inspector of that fact in writing within three days after the inspection mechanic's employment is~~
28 ~~terminated. An inspection mechanic license shall be valid only for the person in whose name it is issued. Upon~~
29 ~~request, the inspection mechanic shall present his license to any Division inspector who is conducting an audit of the~~
30 ~~mechanic or the station at which the mechanic is employed.~~

31 ~~(d) Pursuant to G.S. 143-215.107A, no No-Safety Inspection Station shall inspect any gasoline powered vehicle,~~
32 ~~vehicle of a 1975 model year or newer excluding the initial year model the three most recent model years with less~~
33 ~~than 70,000 miles, if the vehicle is registered or based in a county participating in the exhaust-emission inspection~~
34 ~~program unless the station has an exhaust emission analyzer to conduct exhaust-emissions inspections. Owners of~~
35 ~~vehicles registered in a county participating in the exhaust-emission program but based and operated outside the county~~
36 ~~may submit a request in writing on forms furnished by to the division License and Theft Bureau an exemption from~~
37 ~~the exhaust-emission inspection. The forms requesting request for an exemption shall contain confirmation a~~

1 ~~certification to the effect that~~ the vehicle for which the exemption is requested is registered in an emission inspection
2 ~~county~~ county, but is permanently based and operated exclusively outside of the county in which it is registered. The
3 ~~Division License and Theft Bureau~~ shall approve and issue a written exemption for the vehicle upon receipt of
4 supporting documentation by the vehicle owner used to show the owner or operator's claim the vehicle is permanently
5 and exclusively based outside the registered county. ~~an exemption request form that is signed by the vehicle owner.~~
6 A new exemption shall be requested and approved in accordance with this Rule for each inspection period. Safety
7 Inspections stations may conduct the safety equipment inspection in lieu of a safety and emission inspection. ~~the regular~~
8 ~~manner.~~ Vehicles exempted from ~~exhaust~~ emission inspection because they are based outside of the county
9 participating in the ~~exhaust~~ emission program ~~shall must~~ have a copy of the approved exemption form in the vehicle
10 at all times.

11
12 *History Note: Authority G.S. 20-2; 20-39; ~~20-183.3~~; 20-183.4; 20-183.4A;*
13 *Eff. October 1, ~~1994~~.1994;*
14 *Readopted Eff. September 1, 2021.*
15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0522

DEADLINE FOR RECEIPT: Friday, August 6, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a) and (b)(2), what are "safety equipment or safety equipment emissions inspection Station" licenses? The statutes speak to 1) emissions inspection license; 2) emissions inspection mechanic license; 3) inspection station license; 4) safety inspection mechanic license; 5) a safety self-inspector; and 6) an emissions self-inspector. What are "safety equipment or safety equipment emissions inspection stations"? Is this the grouping of all of these?

In (a), how are they to be notified? In writing by the Division?

In (a), lines 8 and 9, what's the difference between a disapproval as used in "disapproved for licensing" and a denial as used in "denied a license"

In (a), line 11, there is an extra "s" in between "and" and "stations"

*G.S. 93B-11 says that "no applicant shall be restricted from reapplying for more than two years from **the most recent application**." Lines 11-12 say that applicants can't reapply for "12 calendar months from **the initial denial**."*

In (b)(1), please delete "violating" on line 15.

In (b)(1), please consider providing the cross-references for the civil penalties and warning letters. Is it G.S. 20-183.7A and 20-183.8B?

In (b)(2), how are the applicants to demonstrate that its employees have the requisite knowledge? What is required?

Given G.S.20-183.7A(e), is (b)(3) necessary? It appears to repeat statute. If you need it so that you can track the requirements of the emissions inspectors in (b)(2), please consider saying something like "Prior to the reinstatement of a Safety Inspection Mechanic License, he or she shall mee the requirements set forth in G.S. 20-183.7A(e).

Amber May
Commission Counsel
Date submitted to agency: July 23, 2021

In (b)(3), the statute says "Safety Inspection Mechanic" license. Please be consistent where you can.

In (b)(3), who is a "License and Theft representative"? Elsewhere you've said "License and Theft Bureau staff." Please be consistent where you can.

In (b)(3), lines 33-34, please revise to say who shall do what. A suggestion is something like "The Safety Inspection Mechanic Licensee shall submit proof of course attendance

In (b)(3), like 33, who determines the pass rate? Is this done by you or is this done by the course sponsor? If it's you, please say what the required percentage is to pass the written test.

In (b)(4), please confirm that this written hearing request still must be mailed to you all. Also, are there any specific requirements of the written hearing request? Is there anything that must be included in it?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 19A NCAC 03D .0522 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2
3 **19A NCAC 03D .0522 DENIAL, SUSPENSION OR REVOCATION OF LICENSES**
4

5 (a) Denial of License: The Commissioner of Motor Vehicles shall deny the application of any applicant for a ~~safety~~
6 ~~inspection license or an emissions inspection license~~ Safety Equipment or Safety Equipment Emissions Inspection
7 Station License who fails to meet the qualifications set out in G.S. 20, Article 3A, Part 2 or the ~~rules~~ Rules in this
8 Section. Applicants disapproved for licensing shall be notified ~~notified by mail~~. An applicant who submits
9 fraudulent or fictitious information with the application shall be denied a license. Persons who are denied a license
10 shall be allowed a hearing in accordance with G.S. 20-183.8G. For applications denied pursuant to G.S. 93B-8.1,
11 technicians and Stations who have been denied a license shall not re-apply for 12 calendar months from initial
12 denial.

13 (b) Suspension or Revocation of License:

14 (1) The license of any inspection station shall be subject to suspension or revocation when it or any of
15 its personnel conducting inspections violates violating the rules in this Section or G.S. 20, Article 3A, Part

16 2. 2 shall be subject to suspension or revocation. The license of any inspection station shall be
17 subject to suspension or revocation at any time when any of its personnel conducting inspections
18 do not meet the rules in this Section. Any person, firm, or corporation whose license is suspended
19 or revoked shall not inspect vehicles while its license is suspended or revoked. Every licensee
20 whose license is suspended or revoked or who is assessed a civil penalty or who receives a
21 warning letter from the ~~Division~~ License and Theft Bureau shall be allowed a hearing in
22 accordance with G.S. 20-183.8G.

23 (2) Prior to the reinstatement of ~~an inspection station~~ a license of any Safety Equipment or Safety
24 Equipment Emissions Inspection Station License, which has, by order of the Commissioner of
25 Motor Vehicles, that has been revoked or suspended, the reinstatement applicant shall demonstrate
26 to the Commissioner or ~~his or her duly authorized agent~~ License and Theft Bureau staff that its
27 employees have knowledge of the safety equipment or safety equipment ~~exhaust~~ emission
28 inspection procedures and requirements described in the ~~rules~~ Rules in this Section and that the
29 location is mechanically equipped to carry out inspections.

30 (3) Prior to the reinstatement of any ~~inspection mechanic license~~ Inspection Mechanic License, that
31 which has has, by order of the Commissioner of Motor Vehicles, been revoked or suspended, the
32 reinstatement applicant shall ~~complete~~ attend a training ~~course(s)~~ session in Safety Equipment or
33 Safety Equipment Emission Inspection. Proof of course attendance and passing a written test shall
34 be presented to a License and Theft representative. that complies with G.S. 20-
35 183.4(e)(1) and G.S. 20-183.4A(e)(2a). The applicant shall present proof of both course
36 attendance and of passing a written test to the License & Theft Bureau Inspections Unit.

37 (4) ~~Motorists~~ Motor vehicle owners assessed civil penalties or fines shall be allowed a hearing in

1 accordance with G.S. 20-183.8G. ~~Motorists~~ Motor vehicle owners requesting a hearing shall mail
2 a written hearing request to the Commissioner of Motor Vehicles, 3101 Mail Service Center,
3 Raleigh, NC 27699-3101.

4
5 *History Note: Authority G.S. 20-2; 20-39; 20-183.8D; ~~20-183.8A~~; 20-183.8G; 93B-8.1;*
6 *Eff. October 1, 1994;*
7 *Amended Eff. November 1, ~~2016~~ 2016;*
8 *Readopted Eff. September 1, 2021.*