

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0523

**DEADLINE FOR RECEIPT: Thursday, September 9, 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 revise (a) to say who shall do what. A suggestion is as follows:* [The following information concerns posting requirements for] Safety or Emissions Inspections Stations shall post information as follows:

*In (a)(1), delete or define "conspicuous"*

*In (a)(1)(A), what is the official poster? Is this something that comes from DMV?*

*In (a)(1)(D), what is meant by "immediately adjacent"?*

*In (a)(2), please provide some additional information as to what is sufficient for protective coverings. Station licenses shall be posted under a protective material, such as... [material-]*

*In (b), delete or define "periodic" and "periodically"*

*What is the intent of the last sentence of (d)? Am I correct in understanding the equipment required for a motorcycle or heavy duty vehicle is different than other vehicles?*

*In Paragraph (d), delete or define "proper." I think here, you mean something like "equipment required pursuant to Rule xxx of this Section..."*

*On line 26, change "is not" to "are not"*

*What are "heavy duty vehicles"?*

*In (e), is "requiring unnecessary repairs is prohibited" necessary given the rest of the Paragraph? If so, please consider revising to say who shall do what.*

*In (f), what is your authority to set the required hours of the business?*

*In (f), delete or define "conspicuous"*

Amber May  
Commission Counsel  
Date submitted to agency: August 26, 2021

*In (f), what is meant by “closures on official State holidays are accepted”? Is the intent here to say that if one of the days that they are open falls on a State holiday, then they can be closed and only be open for 4 days that week?*

*In (f), what are the “official State holidays”? Please delete “official” and provide the appropriate cross-reference.*

*In (f), what are the “hours specified”? Those that the station is open?*

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: August 26, 2021

1 19A NCAC 03D .0523 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0523 OPERATION OF SAFETY OR ~~EXHAUST~~-EMISSIONS INSPECTIONS STATIONS**

4  
5 (a) The following information concerns posting requirements for Safety or Emissions Inspections Stations:~~Posting~~  
6 ~~information:~~

7 (1) Each station shall display in a conspicuous place the following:

8 (A) Official Safety Equipment or Safety Equipment ~~Exhaust~~-Emissions Inspection Procedure  
9 Poster;

10 (B) Safety Equipment or Safety Equipment ~~Exhaust~~-Emissions Inspection Station License;

11 (C) ~~All inspection mechanic~~-Mechanic licenses report issued by the North Carolina Division  
12 of Motor Vehicles; and

13 (D) On the outside of its building or immediately adjacent ~~thereto~~-thereto, a sign in block  
14 letters at least four inches in height bearing the words: OFFICIAL INSPECTION  
15 STATION.

16 (2) Station licenses shall be posted under a protective material in a frame under glass.

17 (b) Periodic Requirements for Licensed Inspection Mechanic. ~~At reasonable times, licensed~~-Licensed inspection  
18 mechanics may be periodically required by authorized law enforcement officers of the Division to demonstrate  
19 knowledge pertaining to the Safety Equipment or Safety Equipment ~~Exhaust~~-Emissions inspections in the presence  
20 of any such authorized officer.

21 (c) Location. Inspections shall be conducted only at the location shown on the inspection station's license and only  
22 in the designated inspection area. Trailers may be inspected outside of inspection area as long as they are attached to  
23 the engine unit.

24 (d) Vehicle presented to be inspected. Each station shall inspect any vehicle presented for inspection according to  
25 the year model, and type of engine except as provided in this section or when exempted from the emissions  
26 inspection by a waiver issued by the Commissioner of Motor Vehicles ~~or his designated agent~~-Office. Stations  
27 without the proper equipment to inspect a motorcycle or a heavy duty vehicle is not required to conduct the  
28 inspection.

29 (e) Repairs. Inspection stations shall not in any manner attempt to require owners or operators of disapproved  
30 vehicles to have the vehicles repaired at the inspection station. The repairs necessary for approval may be made at  
31 any place chosen by the owner or operator of the vehicle. Permission must be obtained before making any repairs or  
32 adjustments. Requiring unnecessary repairs is prohibited.

33 (f) Hours of operation. Each licensed public station must be open for at least eight ~~normal~~-business hours, five days  
34 per week. Hours of operation must be posted in a conspicuous place outside of the business. Closures on official  
35 Official-State holidays are ~~excepted~~-accepted. A licensed inspection mechanic shall be on duty to conduct  
36 inspections during the hours specified.

- 1     *History Note:*     *Authority G.S. 20-2; 20-39; 20-183.4; 20-183.5;*
- 2                             *Eff. October 1, ~~1994~~.1994;*
- 3                             *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0525

**DEADLINE FOR RECEIPT: Thursday, September 9, 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 only applicable to safety inspections or is it also applicable to safety and emissions inspections?*

*Items (3) and (4) both require the mechanic to enter information into the system. It appears to be duplicative.*

*In Item (4), line 24, please change "rule" to "this Item"*

*On line 25, please change "it may be manually entered by entering" to something like "the mechanic shall manually enter the VIN..."*

*On line 26, delete "correctly"*

*On line 26, what is a "match rate"?*

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: August 26, 2021

1 19A NCAC 03D .0525 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0525 PRE-INSPECTION REQUIREMENTS**  
4

5 Prior to performing an inspection, the inspection mechanic shall:

- 6 (1) Have all occupants leave the ~~vehicle-vehicle~~;
- 7 (2) ~~Request that~~Require the operator ~~to produce the current registration card to for the vehicle-vehicle~~;
- 8 (3) ~~Print or write legibly, use a ball point pen, and indicate list~~ List the license plate number, serial  
9 number, mileage, number of cylinders, make, year and all data fields prompted by the system  
10 ~~other required information for the vehicle on the approved analyzer or computer program. Receipt~~  
11 ~~and Statement (Form No. SI-15) if the inspection is performed by the safety equipment inspection~~  
12 ~~mechanic. If the vehicle does not have a license plate, "none"none shall be indicated. If inspected~~  
13 ~~for a dealership, the dealer sticker number shall be indicated-indicated, followed by a D; and~~
- 14 (4) Enter all information ~~if the inspection is performed by the safety equipment exhaust emission~~  
15 ~~inspection mechanic as prompted requested~~ by the analyzer. All vehicle identification numbers  
16 entered into the ~~NCAS-90~~ analyzer shall be entered through a one-dimensional ID "one-  
17 dimensional" (ID)-bar-code scanner capable of reading vehicle identification numbers and  
18 information printed on vehicle registration cards. ~~A station's failure to maintain an operating bar-~~  
19 ~~code scanner shall result in DMV suspending a station's inspection operations until the station has~~  
20 ~~a properly functioning bar code scanner. In the event the vehicle identification number is not~~  
21 ~~readable by the bar-code scanner or is not printed on the registration card, the station shall enter~~  
22 ~~the information by scanning the public vehicle identification number through the vehicle~~  
23 ~~windshield or off of the driver side door or door post. If the vehicle identification number cannot~~  
24 ~~be scanned through any of the methods listed in this rule,-Rule, or if the station is not equipped~~  
25 ~~with a bar code scanner, it may be manually entered by entering the vehicle identification number~~  
26 ~~correctly twice through manual keyboard entry. Stations must achieve a match rate to the~~  
27 ~~registration data base of 95 percent 95%-or greater. Failure to maintain a 95 percent 95%-match~~  
28 ~~rate for more than three months of a calendar year shall result in a Type II penalty.~~

29  
30 *History Note: Authority G.S. 20-2; 20-39; 20-183.2; 20-183.6A;*  
31 *Eff. October 1, 1994;*  
32 *Codifier determined that agency did not meet criteria for temporary rule Eff. September 24, 1997;*  
33 *Temporary Amendment Eff. November 1, 1997;*  
34 *Amended Eff. August 1, 1998-1998;*  
35 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0526

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*What is the difference between .0526, .0527, and .0528? Please keep in mind that Rules are read without the titles because they can be changed without going through the rulemaking process. As such, please make it clear within the body of the text of the Rule when each would apply.*

*On line 4, who is "the authorized safety equipment inspection mechanic? Is this a licensed safety inspection mechanic and a licensed emissions inspection mechanic? Please use language consistent with the statute where you can.*

*How are they to determine whether the item will be approved? Are they to use your Rules/statutes?*

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: August 26, 2021

1 19A NCAC 03D .0526 is amended as published in 35:17 NCR without changes as follows:

2  
3 **19A NCAC 03D .0526 SAFETY EQUIPMENT GRADING ITEMS**

4 The authorized safety equipment inspection mechanic shall approve or disapprove each inspected item. The following  
5 requirements shall apply:

- 6 (1) If the item inspected is approved, a P shall be placed in the appropriate block as indicated ~~on~~  
7 ~~the SI-15 form by the inspection analyzer.~~
- 8 (2) If the item inspected is not approved, an ~~“X”~~ F shall be placed in the appropriate block as indicated ~~on~~  
9 ~~the SI-15 form by the inspection analyzer.~~
- 10 (3) If the disapproved item is corrected during inspection, C shall be placed in the appropriate block as  
11 indicated by the inspection analyzer. ~~the appropriate block in “corrected during inspection” shall be~~  
12 ~~checked as indicated on the SI-15 form.~~

13  
14 *History Note: Authority G.S. 20-2; 20-39; 20-183.2; 20-183.4D; 20-183.6A;*

15 *Eff. Oct. 1, 1994;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22,*  
17 *2018-2018:*

18 *Amended Eff. October 1, 2021.*  
19

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0527

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*What is the difference between .0526, .0527, and .0528? Please keep in mind that Rules are read without the titles because they can be changed without going through the rulemaking process. As such, please make it clear within the body of the text of the Rule when each would apply.*

*On line 4, who is "the authorized safety equipment inspection mechanic? Is this a licensed safety inspection mechanic and a licensed emissions inspection mechanic? Please use language consistent with the statute where you can.*

*How are they to determine whether the item will be approved? Are they to use your Rules/statutes?*

*In Item (2), what is considered "operable"? Must it meet the manufacturer's specifications? Must it meet the standards set forth in rule or statute?*

*In order to be consistent with Item (3), please either change "disconnected or inoperable" to "failed" or add "removed" (assuming that the removed item can be replaced) in Item (4).*

*In Item (4), please change "which" to "that"*

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: August 26, 2021

1 19A NCAC 03D .0527 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0527 EXHAUST-EMISSION CONTROLS TAMPERING CHECK**  
4

5 The authorized safety equipment ~~exhaust~~-emission inspection mechanic must approve or disapprove each inspected  
6 item. The following requirements ~~as listed on the SI-15, which is the receipt and statement form,~~ shall apply:

- 7 (1) Not applicable - ~~This block shall be checked~~ indicated if the vehicle inspected was not originally  
8 equipped with the emission control devices as listed.
- 9 (2) ~~Passed Connected-- This block shall be checked~~ indicated if the vehicle is equipped with the item  
10 and it is connected and in an operable condition.
- 11 (3) ~~Failed Disconnected-- This block shall be checked~~ indicated if the required emission equipment  
12 has been disconnected, ~~removed-removed,~~ or made inoperable.
- 13 (4) Corrected - ~~This block shall be checked~~ indicated if the emission equipment which was  
14 disconnected or inoperable is repaired or replaced.  
15

16 *History Note: Authority G.S. 20-2; 20-39; 20-183.4D; ~~20-183.5;~~*  
17 *Eff. October 1, ~~1994.~~1994;*  
18 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0528

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

*What is the difference between .0526, .0527, and .0528? Please keep in mind that Rules are read without the titles because they can be changed without going through the rulemaking process. As such, please make it clear within the body of the text of the Rule when each would apply.*

*On line 4, who is "the authorized safety equipment inspection mechanic? Is this a licensed safety inspection mechanic and a licensed emissions inspection mechanic? Please use language consistent with the statute where you can.*

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: August 26, 2021

1 19A NCAC 03D .0528 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0528 SAFETY EQUIPMENT ~~EXHAUST~~-EMISSION INSPECTIONS**

4  
5 The ~~Safety~~-equipment ~~exhaust~~-emission inspection mechanic shall enter the following information into the analyzer:

- 6 (1) For those items which are inspected and approved, the letter "P" for passed shall be entered.  
7 (2) For those items which are inspected and disapproved, the letter "F" for failed shall be entered.  
8 (3) For those items which were disapproved and corrected, the letter "C" for corrected shall be  
9 entered.  
10 (4) For those items which do not apply to the vehicle inspected, the letter "N" for not applicable shall  
11 be entered.

12  
13 *History Note: Authority G.S. 20-2; 20-39; 20-183.2; 20-183.4D; 20-183.6A;*

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

15 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0529

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*On line 5, please say who shall do what. Was the language changed because the mechanic may not be responsible for the requirements in Items 2 and 3?*

*When will a vehicle be approved? Perhaps this is addressed in one of the previous rules, but I assume that it meets the requirements set forth elsewhere in rule or statute?*

*In Item (3), am I correct in understanding that the Receipt and Statement form must include the requirements set forth in G.S. 20-183.4D(a)?*

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: August 26, 2021

1 19A NCAC 03D .0529 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0529 CERTIFICATION**  
4

5 When the vehicle has been approved, the ~~Inspection mechanic shall~~ following shall occur:

- 6 (1) ~~Prepare the appropriate sticker (safety equipment or safety equipment/exhaust emission) for~~  
7 ~~affixing to the vehicle.~~  
8 (2) ~~Remove the old inspection sticker from the windshield.~~  
9 (3) ~~Follow the instructions on the "Inspection Sticker."~~  
10 (4) ~~Place the "Inspection Sticker" on the inside of windshield at the bottom of the left side so that the~~  
11 ~~edge of the sticker is no more than one inch from the left side of the windshield. Platforms are~~  
12 ~~required for glass plastic windshields.~~  
13 (5) ~~For vehicles without windshields, issue motorcycle/trailer stickers or non windshield~~  
14 ~~safety/emission stickers. The sticker shall be placed on the left side of vehicle as near the front as~~  
15 ~~possible.~~  
16 (6)(1) ~~List the total inspection repair charges made, if any, on the "Receipt and Statement" form along~~  
17 ~~with the serial number of the inspection sticker which was attached to the inspected vehicle. A~~  
18 ~~Safety Equipment On Board Diagnostic (OBD)Exhaust-Emission inspection mechanic-Inspection~~  
19 ~~Mechanic must enter all required information into the analyzer.~~  
20 (7)(2) ~~Collect fees as described in G.S. 20-183.7.~~  
21 (8)(3) ~~Sign and give the original of the "Receipt and Statement"~~ Receipt and Statement ~~form to the~~  
22 ~~operator or owner.~~

23  
24 *History Note:* *Authority G.S. 20-2; 20-39; 20-183.4D; 20-183.7;*

25 *Eff. October 1, 1994.*

26 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0530

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*On line 6, should "may" be "shall" in "may only be made..."*

*On line 7 and in Item (3), please change "owner/operator" to "owner or operator"*

*On line 7-8, what certification process? I assume that there's a cross-reference in the Rules, but it's unclear to me which would be appropriate.*

*On line 8, what if the owner outright refused the repairs? Is the mechanic to do these things in Items (1) to (3) in that case as well?*

*Please end (1) and (2) with semi-colons and add "and" at the end of Item (2) after the semi-colon.*

*G.S. 20-183.7 allows reinspection at the same station within 60 days. Item (3) says 30. Please revise this Item to be consistent with the statute.*

*On line 15, change "he" to "he or she"*

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: August 26, 2021

1 19A NCAC 03D .0530 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0530 DISAPPROVAL**  
4

5 If a vehicle inspected is disapproved, the inspection mechanic at the end of the total inspection shall advise the  
6 owner or operator of the defect or defects found during the inspection. Repairs may only be made at the request of  
7 the owner/operator. Upon completion of authorized repairs, the inspection mechanic shall follow the certification  
8 process. If the owner or operator requests the repairs to be made at some other location, then the inspection  
9 mechanic conducting the inspection shall:

- 10 (1) Provide Complete the customer with the Vehicle Inspection report signed by the inspection  
11 mechanic "Receipt and Statement" showing the vehicle was "disapproved" Failed and signed by  
12 the inspection mechanic.  
13 (2) Collect fees as prescribed in G.S. 20-183.7.  
14 (3) After giving the owner or operator the original copy of the Vehicle Inspection receipt/Statement  
15 "Receipt and Statement" explain to the owner/operator he has 30 days to bring the vehicle back to  
16 the inspection station for reinspection at no charge when the vehicle was disapproved for either  
17 safety or emissions defects.  
18

19 *History Note: Authority G.S. 20-2; 20-39; 20-183.4D; 20-183.5;*  
20 *Eff. October 1, 1994.1994;*  
21 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0531

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*Please revise Paragraph (a) to say who shall do what.*

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: August 26, 2021

1 19A NCAC 03D .0531 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

2  
3 **19A NCAC 03D .0531 REINSPECTION**  
4

5 (a) Payment of the inspection fee at the time of the original inspection by the owner or operator of a failed  
6 ~~"disapproved"~~ vehicle entitles the vehicle to reinspection, free of charge, by the initial inspection station.

7 (b) If the vehicle is approved following reinspection, the inspection mechanic shall check the appropriate block on  
8 ~~the analyzer in the "Reinspected and Approved" column on the SI-15 (Receipt and Statement form), and indicate the~~  
9 ~~date of reinspection.~~ The inspection mechanic shall issue the correct "Inspection Sticker" and collect the sticker  
10 authorization fee as set forth prescribed in G.S. 20-183.7.  
11

12 *History Note: Authority G.S. 20-2; 20-39; 20-183.3(c); 20-183.7;*

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

14 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0532

**DEADLINE FOR RECEIPT: Thursday, September 9, 2021**

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

*Please remove the parenthesis in (1)(a), (1)(b), (1)(d)*

*In (1)(b), when what occurs? There is a metal-on-metal sound and the brake lining is not serviceable?*

*Please review (1)(e) for clarity.*

*Should the end of (1)(f) be "and" or "or"?*

*In (1)(g), what is considered to be "slowly"?*

*Please revise Item (2) for clarity. Should it read "Except as provided in Sub-Item (1)(b) of this Rule, inspection mechanics shall raise vehicles in order to check the underside of a vehicle, including brakes."*

*In Item (3), please remove the parenthesis. Should it read Auxiliary, parking, or holding handbrakes shall not be approved if..."*

*Please revise (3)(b) as follows: "cables are visibly frayed or frozen; there are missing or defective cotter pins; there are broken or missing retracting springs; or there are worn rods or couplings."*

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: August 26, 2021

1 19A NCAC 03D .0532 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0532 BRAKES**  
4

5 No vehicle brakes shall be approved for an inspection ~~sticker~~ unless the items indicated in this Rule are inspected  
6 and found to meet the minimum requirements established in G.S. 20-124 and this Rule.

7 (1) Footbrakes shall not be approved if:

- 8 (a) ~~When when~~ applying brakes to the moving vehicle, the braking force is not distributed  
9 evenly to all wheels originally equipped with brakes by the manufacturer.  
10 ~~manufacturer~~; (The inspection mechanic must drive the vehicle to make this test. The  
11 inspector may check the brakes while driving vehicle forward into the inspection area.)  
12 (b) ~~There there~~ is audible indication (metal on metal) that the brake lining is worn to the  
13 extent that it is no longer ~~serviceable~~. serviceable; (The wheel must be pulled and the  
14 brake lining examined when this occurs.)  
15 (c) ~~Pedal pedal~~ reserve is less than ~~1/3~~ one third of the total possible travel when the brakes  
16 are fully applied, or does not meet the manufacturer's specification for power brakes or  
17 air ~~brakes~~. brakes;  
18 (d) ~~The the~~ reservoir of the master cylinder is not ~~full~~. full; (Only brake fluid meeting SAE  
19 specifications for heavy duty hydraulic brake fluid shall be used when adding or  
20 changing brake fluid.)  
21 (e) ~~There there~~ is a visible leakage or audible seepage in hydraulic, vacuum or air lines and  
22 cylinders, or visible cracked, chafed, worn, or weakened ~~hoses~~. brake lines and hoses,  
23 then there must be of a type approved for a motor vehicle use;  
24 (f) ~~The the~~ vehicle has any part of the brake system removed or ~~disconnected~~. disconnected;  
25 and  
26 (g) ~~The the~~ brake pedal moves slowly toward the ~~toeboard~~ (indicating fluid leakage)  
27 toeboard, indicating fluid leakage, while pedal pressure is maintained for one minute.

28 (2) Inspection mechanics are not expected to remove wheels in order to inspect the brakes. (~~Except~~  
29 Except as provided in Sub-item (1)(b) of this Rule ~~Rule~~.) Inspection mechanic must raise vehicle  
30 to get beneath to check underside.

31 (3) Handbrakes (auxiliary, parking or holding) shall not be approved if:

- 32 (a) ~~There there~~ is no lever reserve when the brake is fully ~~applied~~. applied;  
33 (b) ~~Cables cables~~ are visibly frayed or frozen, or there are missing or defective cotter pins or  
34 broken or missing retracting springs or worn rods or ~~couplings~~. couplings;  
35 (c) ~~The the~~ operating mechanism, when fully applied, fails to hold the brakes in the applied  
36 position without manual ~~effort~~. effort; and  
37 (d) ~~When when~~ emergency or handbrakes are ~~applied~~. applied, without depressing the

1                            accelerator, they fail to hold vehicle.

2

3    *History Note:*    *Authority G.S. 20-2; 20-39; ~~20-183.3(1)~~; 20-183.3(a)(1);*

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

5                            *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0533

**DEADLINE FOR RECEIPT: Thursday, September 9, 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 review (a)(1) for clarity. I don't understand the language that was previously in the parenthesis in this context.*

*In (a)(3), delete or define "proper" in "proper position", "clean" and "bright"*

*In (a)(4), delete or define "properly" in "operate properly"*

*In (a)(5), delete or define "easily"*

*In (a)(5), what is a "good ground"?*

*In (a)(6), add "as" after "such"*

*In (a)(7), please delete or define "improperly." Perhaps move the language in the parenthesis to provide additional information (lights are not aimed based upon a light testing machine or light testing chart)?*

*In (a)(8), what are "a dazzling or glaring light"*

*Begin (a)(9) with a lower case letter.*

*In (a)(9), please format the Subs correctly.*

*In (a)(9), add a semi-colon in between "headlamps" and "and"*

*Is the intent to incorporate the standard by reference? If so, please do so in accordance with 150B-21.6.*

*In (b)(2), add a comma after "foreign material"*

*In (b)(2) and (c)(2), delete or define "minor"*

Amber May  
Commission Counsel  
Date submitted to agency: August 26, 2021

*In (b)(3), delete or define “properly”*

*In (b)(4), delete or define “securely”*

*In (c)(1), please uncapitalize “amber”*

*In (c)(2), change the errant parenthesis to a comma after “material*

*In (c)(2), remove the comma after “shields” and add “or”*

*In (c)(3), delete or define “securely”*

*In (e), did you intend to add back in working?*

*In (e), add a comma after material.*

*Please review Paragraph (f) for clarity. Are not all vehicles required to have back up lamps?*

*In (f), delete “Back-up lamps.” since you don’t have this type of language elsewhere in this Rule.*

*In (f), delete or define “properly” Do you need this given G.S. 20-129(h)?*

*In (f), please add a comma before “either” Also, on line 4, please begin a new sentence with “but any such” and delete “but” and “such” so that it reads “Any back-up lamp shall...”*

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 .0533 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0533 LIGHTS**  
4

5 (a) Headlights shall conform to the requirements of G.S. 20-129(b) and (c). Headlights shall not be approved if:

- 6 (1) ~~There~~ there are not at least two ~~headlamps~~, ~~headlamps~~ (at least four on dual headlamp systems  
7 which require four ~~units, units)~~ on all self-propelled vehicles except that motorcycles and motor  
8 driven cycles need only ~~one~~ one;  
9 (2) ~~The the~~ headlamp lens or light produces other than a white or yellow ~~light~~ light;  
10 (3) ~~Any~~ any lens is cracked, broken, discolored, missing, or rotated away from the proper position, or  
11 any reflector is not clean and ~~bright~~ bright;  
12 (4) ~~The the~~ high beam-low beam dimmer switch does not operate properly or the high beam indicator  
13 light does not burn on vehicles manufactured after January 1, ~~1956~~ 1956;  
14 (5) ~~Lights~~ lights can be moved easily by hand, due to a broken fender or loose support, or if a good  
15 ground is not made by the ~~mounting~~ mounting;  
16 (6) ~~Foreign~~ foreign materials, ~~such materials~~ (such as shields, half of lens shields or painted lenses,  
17 are placed on the headlamp lens that interferes with light beam of ~~lamp~~ lamp;  
18 (7) ~~Lights~~ lights are improperly ~~aimed~~ aimed; and (A light testing machine or light testing chart shall  
19 be used to determine this.)  
20 (8) ~~Lights~~ lights project a dazzling or glaring light when on low ~~beam~~ beam.  
21 (9) Vehicle is equipped with headlamps that (i) change the original design or performance of the  
22 headlamps and (ii) do not comply with Federal Motor Vehicle Safety Standard No. 108, as  
23 adopted by the National Highway Traffic Safety Administration.

24 (b) Rear Lights shall conform to the requirements of G.S. 20-129(d). Taillights shall not be approved if:

- 25 (1) ~~All~~ all original equipped rear lamps or the equivalent are not in working ~~order~~ order;  
26 (2) ~~The the~~ lens is cracked, discolored, the lens or light project ~~or of a color other than red~~ red, or is  
27 covered by a foreign material such as shields or painted lenses. Minor cracks on lenses  
28 shall not lead to disapproval unless water is likely to short out the bulb;  
29 (3) ~~They they~~ do not operate properly and project white light on the license ~~plate~~ plate; and  
30 (4) ~~They they~~ are not securely mounted.

31 (c) Stoplights shall conform to the requirements of G.S. 20-129(g). A stoplight shall not be approved if:

- 32 (1) ~~The the~~ lens is cracked, discolored ~~discolored, or the lens or light project~~ of a color other than red  
33 or ~~amber~~ Amber, is covered by a foreign material (such as shields, painted lenses. Minor cracks  
34 on lenses shall not lead to disapproval unless water is likely to short out the ~~bulb~~ bulb;  
35 (2) ~~It it~~ does not come on when pressure is applied to foot ~~brake~~ brake; and  
36 (3) ~~It it~~ is not securely mounted so as to project a light to the rear.

37 (d) Vehicles shall have the lights as required by G.S. 20-129.1.

1 (e) Parking lights shall conform to the requirements of G.S. 20-134. A vehicle shall not be approved if parking  
2 lights are not ~~working or covered by a foreign material such as shields or painted lenses.~~

3 (f) Back-Up Lamps. ~~Any~~ A motor vehicle ~~may be equipped with not more than two back-up lamps either separately~~  
4 or in combination with other ~~lamps~~ lamps, must properly function, but any such back-up lamp shall not be lighted  
5 when the motor vehicle is in a forward motion nor shall the back-up lamp emit any color other than white. ~~A back-~~  
6 ~~up lamp is not a mandatory requirement.~~

7  
8 *History Note:* Authority G.S. 20-2; 20-39; 20-183.3;

9 *Eff. October 1, ~~1994~~ 1994*

10 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0534

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*Given G.S. 20-125, do you need this Rule? (a)(1) and (b) are duplicative. If you need this rule for (a)(2) and (3), please consider revising this Rule to say something like "in addition to the requirements set forth in G.S. 20-125, horns shall meet the following requirements:..." (then make any necessary corresponding changes.)*

*In (a)(1), what is meant by "or it emits a loud sound"? I'm assuming that a horn that emits a sound audible for 200 feet would be "loud", so I'm not sure what the intent is here. I realize that you all deleted "unusually" because that is something that could cause a clarity concern, but I don't think that it is any clearer as written. Do you need this language?*

*In (a)(1), line 7, what is meant by "working order"? I assume that it still has to be audible for 200 feet? If so, do you need this language?*

*In (a)(2), please delete or define "securely" on lines 10 and 11 and "easily" on line 10.*

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: August 26, 2021

1 19A NCAC 03D .0534 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0534 HORN**  
4

5 (a) The horn shall not be approved if:

6 (1) ~~It~~ will not emit a sound audible for a distance of at least 200 feet, or it emits ~~an unusually a~~ loud  
7 ~~or harsh~~ sound. Original equipment in working order will meet these requirements. Air horns  
8 cannot be substituted for original equipment.

9 (2) ~~It~~ has frayed, broken, or missing wiring; if wiring harnesses are broken or missing; if horn button  
10 is not mounted securely and in a position which is easily accessible to the driver; or if the horn is  
11 not securely mounted to the motor ~~vehicle-vehicle; and~~

12 (3) ~~Operation~~ operation of the horn interferes with the operation of any other mechanism.

13 (b) Vehicles equipped with sirens shall not be approved unless they are within the class listed in G.S. 20-125(b) as  
14 being authorized to carry a siren.  
15

16 *History Note: Authority G.S. 20-2; 20-39; 20-183.3;*

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

18 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0535

**DEADLINE FOR RECEIPT: Thursday, September 9, 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 (b)(1), add "the" before "vehicle is..."*

*In (b)(2), delete "noticeably"*

*In (b)(3), add a comma after "bent" and "nuts" and a semi-colon after "twisted"*

*In (b)(6), change "which" to "that"*

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: August 26, 2021

1 19A NCAC 03D .0535 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

3 **19A NCAC 03D .0535 STEERING MECHANISM**

5 (a) The inspection mechanic must raise the vehicle to ~~get beneath to~~ check the steering mechanism.

6 (b) The steering mechanism shall not be approved if:

- 7 (1) ~~With with~~ front wheels in straight ahead position there is more than three inches of free play in  
8 steering wheels up to 18 inches in diameter or more than four inches of free play in steering  
9 wheels over 18 inches in diameter. If vehicle is equipped with power steering, the engine must be  
10 ~~operating-operating~~;
- 11 (2) ~~Either either~~ front or rear springs are noticeably sagging or ~~broken-broken~~;
- 12 (3) ~~The the~~ front wheels or front end assembly is loose, bent or twisted or bolts, nuts or rivets are  
13 loose or ~~missing-missing~~;
- 14 (4) ~~Power-power~~ steering system shows visible leaks or the power steering belt is loose or ~~worn-worn~~;
- 15 (5) vehicle frame or component of the steering mechanism is rusted to the point of mechanical  
16 failure; or
- 17 (6) shock or strut is leaking to the point of failure which will inhibit the steering of the vehicle.

18  
19 *History Note: Authority G.S. 20-2; 20-39; ~~20-183.3(4); 20-183.3(a)(4)~~;*  
20 *Eff. October 1, ~~1994~~.1994;*  
21 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0536

**DEADLINE FOR RECEIPT: Thursday, September 9, 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 Item (3), please remove the strike through in "them;"*

*In Item (4), add a comma after "snow"*

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: August 26, 2021

1 19A NCAC 03D .0536 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

2  
3 **19A NCAC 03D .0536 WINDSHIELD WIPER**

4  
5 Windshield wipers shall not be approved if:

- 6 (1) ~~The the~~ vehicle is not equipped with a windshield wiper or wipers, provided the vehicle has a  
7 ~~windshield; windshield;~~  
8 (2) ~~The the~~ wiper or wipers do not operate ~~freely-freely;~~  
9 (3) ~~The the~~ wiper controls are not so constructed and located that the driver may operate ~~them-them;~~  
10 (4) ~~The the~~ wiper or wipers are not adequate to clean rain, snow and other matter from the  
11 ~~windshield; windshield; and~~  
12 (5) ~~Parts-parts~~ of blades or arms are missing or show evidence of damage.

13  
14 *History Note: Authority G.S. 20-2; 20-39; ~~20-183.3(5); 20-183.3(a)(5);~~*  
15 *Eff. October 1, ~~1994.~~1994;*  
16 *Readopted Eff. October 1, 2021.*  
17

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0537

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*Given 20-125.1, Paragraph (a) appears to be unnecessary. Instead, please consider revising Paragraph (b) to say something like "Vehicles required to have signals pursuant to G.S. 20-125.1, shall be disapproved if:"*

*please review (b)(1) for clarity. I assume that lines 9-12 are intended to say what is required and what are "approved by the Commissioner." Please consider deleting "or of a type approved by the Commissioner as specified in G.S. 20-125.1, and simply say what is required.*

*On line 10, change "which" to "that"*

*On line 11, delete "clearly"*

*In (b)(2), delete or define "properly"*

*In (b)(3), please take the language out the parenthesis and instead add a comma after "foreign material"*

*In (b)(4), delete or define "securely" and "good condition"*

*In (b)(6), designed by the manufacturer?*

*In (b)(6), how is it determined whether it is convenient for the driver?*

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: August 26, 2021

1 19A NCAC 03D .0537 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0537 DIRECTIONAL SIGNALS**  
4

5 (a) G.S. 20-125.1 requires all vehicles except motorcycles beginning with the 1954 models to be equipped with turn  
6 signals.

7 (b) Vehicles required to have signals shall be inspected and disapproved if:

- 8 (1) ~~Signals~~ signals are not present ~~and or~~ of a type approved by the Commissioner as specified in G.S.  
9 20-125.1. Original directional signals on vehicles manufactured after July 1, 1953, are considered  
10 to be of a type approved by the Commissioner. Such signals shall be those which will allow the  
11 operator of the vehicle to clearly show another operator approaching from a distance of 200 feet  
12 from the front or rear his intention to turn the ~~vehicle~~ vehicle;
- 13 (2) ~~All~~ all lights do not operate properly, or if any lenses are broken, missing, or do not ~~fit~~  
14 properly fit;
- 15 (3) ~~Signal~~ signal lens or light color is other than red or amber on the rear and other than white or  
16 amber on the ~~front~~ front, is covered by a foreign material (such as shields and painted lenses);
- 17 (4) ~~Lamps~~ lamps are not securely mounted or wiring and connections are not in good  
18 condition ~~condition~~;
- 19 (5) ~~Signals~~ signals are not visible from front or back due to faulty or damaged mounting or due to the  
20 manner in which mounted ~~mounted~~; or
- 21 (6) ~~Switch~~ switch does not operate as designed or is not ~~so~~ located in a position as to be convenient  
22 for the driver to operate and so that ~~its operation~~ it does not interfere with the operation of other  
23 mechanisms.

24  
25 *History Note: Authority G.S. 20-2; 20-39; ~~20-183.3(6)~~; 20-183.3(a)(6);*  
26 *Eff. October 1, ~~1994~~ 1994;*  
27 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0538

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*Given G.S. 20-122.1, is this Rule necessary? It appears to repeat a lot of information.*

*In (a)(2), what is meant by "apparently related"? Can you delete "apparently"?*

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: August 26, 2021

1 19A NCAC 03D .0538 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0538 TIRES**  
4

5 (a) A vehicle shall be disapproved if:

6 (1) ~~Any any~~ tire has cuts or snags that expose the ~~cords~~cords;

7 (2) ~~Any any~~ tire has a visible bump, bulge, or knot apparently related to tread or sidewall separation  
8 or partial failure of the tire structure including bead ~~area~~area; or

9 (3) there is less than 2/32-inch tread at two or more locations around the circumference of the tire in  
10 two adjacent major tread grooves or if the tread wear indicators are in contact with the roadway at  
11 two or more locations around the circumference of the tire in two adjacent major tread grooves.

12 (b) Tire depth shall be measured by a tread depth gauge which shall be of a type calibrated in thirty-seconds of an  
13 inch. ~~Readings shall be taken in two adjacent tread grooves of the tire around the circumference of the tire.~~ Readings  
14 for a tire with a tread design that does not have two adjacent grooves near the center shall be taken at the center of  
15 the tire around the circumference of the tire. Each tire must be completely lifted from the ground for an inspection to  
16 be performed.

17  
18 *History Note: Authority G.S. 20-2; 20-39; ~~20-183.3(7)~~; 20-183.3(a)(7);*

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

20 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0539

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*On line 5, please change "meaning:" to "meanings:"*

*In items (1) through (7), please put the term being defined in quotations ("rim", "bead", "sidewall", "cord", "ply", "rib", and "groove." Please also alphabetize these terms.*

*In Item (2), change "which" to "that" in "which is shaped"*

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: August 26, 2021

1 19A NCAC 03D .0539 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0539 TIRES - DEFINITIONS**  
4

5 As used in this and Rule .0538 of this Section, ~~the preceding Rule~~, these terms have the following meaning:

- 6 (1) Rim is a metal support for the tire or tire and tube assembly on the wheel. Tire beads are seated on  
7 the rim.
- 8 (2) Bead is that part of the tire which is shaped to fit the rim. The bead is made of high tensile steel  
9 wires wrapped and reinforced by the plies.
- 10 (3) Sidewall is that portion of the tire between tread and bead.
- 11 (4) Cord is made from textile, steel wire strands forming the plies or other structure of the tires.
- 12 (5) Ply is layers of rubber coated parallel cords forming the tire body.
- 13 (6) Rib is the tread section running circumferentially around the tire.
- 14 (7) Groove is the space between two tread ribs. ~~A tire shall not be approved if there is less than 2/32~~  
15 ~~inch tread at two or more locations around the circumference of the tire in two adjacent major~~  
16 ~~tread grooves or if the tread wear indicators are in contact with the roadway at two or more~~  
17 ~~locations around the circumference of the tire in two adjacent major tread grooves.~~

18  
19 *History Note: Authority G.S. 20-2; 20-39; ~~20-183.3(7); 20-183.(a)(7)~~;*  
20 *Eff. October 1, ~~1994~~.1994;*  
21 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0540

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*Because some of these items are not in complete sentences, please end (1) through (6) with semi-colons and add an "or at the end of (6). Please also be consistent in this regard.*

*In Item (1), define "loosely"*

*In Item (3), delete or define "clear"*

*In Item (5), what is considered to be "very difficult to adjust"? Do you need this language?*

*In Item (6), please add a comma after "truck"*

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: August 26, 2021

1 19A NCAC 03D .0540 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0540 REAR VIEW MIRRORS**  
4

5 Rear view mirrors shall not be approved if:

- 6 (1) Loosely mounted.  
7 (2) Forward vision of the device is obstructed by mirror assembly.  
8 (3) They do not provide a clear view of the highway to the rear.  
9 (4) Cracked, broken, have sharp edges or ~~can not~~ cannot be cleaned such that rear vision is not  
10 obscured.  
11 (5) Very difficult to adjust or they will not maintain a set adjustment.  
12 (6) Bus, truck or truck-tractor with a GVWR of 10,001 pounds or more is not equipped with a rear  
13 vision mirror on each side. If a vehicle is configured in such a way that the inside mirror is  
14 obstructed, a passenger side outside mirror is required.  
15 (7) Vehicles manufactured, assembled, or first sold after January 1, 1966 are not equipped with  
16 outside rear view mirrors on the driver's side. The passenger's outside rear view mirror is not  
17 required equipment on passenger vehicles if an inside rear view mirror is present.  
18

19 *History Note: Authority G.S. 20-2; 20-39; ~~20-183.3(8); 20-183.3(a)(8)~~;*  
20 *Eff. October 1, ~~1994~~.1994;*  
21 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0541

**DEADLINE FOR RECEIPT: Thursday, September 9, 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), add a comma after "inoperative"*

*In (a) is there a cross-reference for the approval for DEQ?*

*In (b), line 10, should "passes" be "shall pass"?*

*In (c)(1), what is considered to be "excessive noise, smoke and smokescreens"?*

*In (c)(1), add a comma after "smoke"*

*Add a comma after "exhaust" in (c)(2).*

*Add a comma after "leaking seams" in (c)(3)*

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: August 26, 2021

1 19A NCAC 03D .0541 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0541 EXHAUST EMISSION CONTROLS**  
4

5 (a) An exhaust emission shall not be approved if the vehicle is a ~~1968-year~~ 1968-year model or newer and any of  
6 the visible emission control devices placed thereon by the manufacturer are missing, disconnected, made inoperative  
7 or have been altered without approval of the Department of ~~Environment, Health, and Natural~~  
8 ~~Resources~~ Environmental Quality.

9 (b) If the unleaded gas restrictor on a vehicle manufactured after model year 1967 has been altered or removed a  
10 new or reconditioned catalytic converter and unleaded gas restrictor must be replaced before the vehicle passes  
11 inspection.

12 (c) An exhaust system shall not be approved if:

- 13 (1) ~~The the~~ vehicle has no muffler or other exhaust system of the type installed at the time of  
14 manufacture and when in constant operation to prevent excessive noise, smoke and smoke screens;  
15 (2) ~~The the~~ muffler, exhaust or tail pipes have leaking ~~joints~~ joints;  
16 (3) ~~The the~~ exhaust or tail pipes have holes, leaking seams or leaking patches on ~~muffler~~ muffler;  
17 (4) ~~The the~~ tail pipe end is ~~pinched~~ pinched;  
18 (5) ~~The the~~ exhaust system is equipped with muffler cut-out or muffler ~~by-pass~~ by-pass; or  
19 (6) ~~Any any~~ part of the system passes through the passenger compartment.  
20

21 *History Note:* Authority G.S. 20-2; 20-39; 20-128; ~~20-183.3(9)~~; 20-183.3(a)(9);  
22 Eff. October 1, ~~1994~~ 1994;  
23 Readopted Eff. October 1, 2021.

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0542

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*On line 4, I don't see 20-183.3A – please double check the cross-reference. I think you mean 20-183.8A.*

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: August 26, 2021

1 19A NCAC 03D .0542 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0542 EMISSIONS CONTROL DEVICE**  
4

5 Pursuant to G.S. ~~20-183.8A(2)~~, 20-183.3A(a)(2), a civil penalty shall be assessed against individuals who instruct or  
6 allow a person to remove, disconnect, tamper with, or render inoperable any emissions control device equipped by  
7 the manufacturer of any motor vehicle as described in G.S. 20-183.3. These devices include:

- 8 (1) Catalytic ~~converter, converter;~~  
9 (2) Unleaded gas ~~restrictor, restrictor;~~  
10 (3) Air pump ~~system, system;~~  
11 (4) EGR ~~valve, valve;~~  
12 (5) PCV ~~valve, valve;~~  
13 (6) Thermostatic air ~~cleaner, cleaner;~~  
14 (7) Evaporative emission ~~system, system; and~~  
15 (8) Oxygen sensor.

16  
17 *History Note: Authority G.S. 20-2; 20-39; 20-183.8A;*

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

19 *Readopted Eff. October 1, 2021.*  
20

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0543

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*Given 20-183.2, is (a) necessary?*

*In (a), line 5, please change "which" to "that" in "which are registered..."*

*Please review (a), line 7, did you intend on deleting "test"? Should this be emissions inspection?*

*Also in (a), line 8, is the safety inspection required by your rules, by statute, or both? I don't think it's just your rules.*

*In (a), what is meant by "and shall be administered as a part of the regular annual inspection only"?*

*In (b), please change "which" to "that" in "which are purchased"*

*Is (b) only applicable to used vehicles? Is this necessary given 20-183.2(b)7.?*

*In (b), what are the "Safety Equipment Emission requirements"? These rules and statutes?*

*In (c)(1), change "which" to "that" in "which has been"*

*In (c)(2)(B), what is meant by "Subsection"? Is the suspension language only applicable to the printer requirement? If so, what is your authority for this?*

*(d)(1) appears to be missing some language – please review and revise for clarity.*

*In (d)(2), are the approval standards of the Commission set forth elsewhere in rule or statute? Based upon other rules, it is my understanding the DEQ certifies the analyzer.*

*(d)(3) references "the following prompts"; however they've been deleted. Please review and revise for clarity. Also, what are the necessary steps indicated by the analyzer?*

Amber May

Commission Counsel

Date submitted to agency: August 26, 2021

*Is the last Paragraph supposed to be (e)?*

*What is a challenge waiver and how is the Commissioner to determine whether to grant one? Do you need this first sentence give the rest of the Paragraph?*

*On line 15 of page 4, please change "owner/operator" to "owner or operator"*

*How is he or she to petition the DMV?*

*Delete or define "immediately"*

*What kind of corrective action?*

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 .0543 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0543 INSPECTION PROCEDURE FOR EMISSIONS EQUIPMENT**  
4

5 (a) In addition to the required safety inspection, all gasoline-powered motor vehicles which are registered or based  
6 in an ~~exhaust~~-emission county and which are ~~1975-1966~~ model year or newer shall have an ~~exhaust~~-emission  
7 ~~test, excluding vehicles within the three most current model years and less than 70,000 miles.~~ This ~~exhaust~~-emission  
8 test is in addition to the safety inspection required in the rules in this Section and shall be administered as a part of  
9 the regular annual inspection only. ~~The exhaust emission readings resulting from the test must be at or below the~~  
10 ~~standards as set forth in Paragraph (c) of this Rule or a waiver must be issued by the Commissioner of Motor~~  
11 ~~Vehicles or his designated agent as specified in 19A NCAC 3D .0551. The current year model vehicle shall be~~  
12 ~~subject to the exhaust emissions inspection if presented for reinspection at anytime after the original inspection.~~

13 (b) Vehicles which are purchased in a ~~non-exhaust~~-emission county and which are to be based in an ~~exhaust~~  
14 emission county, shall, within ~~10 days~~ 12 months of purchase, be reinspected in compliance with the Safety  
15 Equipment ~~Exhaust~~-Emission requirements.

16 (c) The following requirements shall be adhered to by the license inspection ~~station; station for calibration of the~~  
17 ~~exhaust emission analyzer(s) used for state inspections. The requirements are:~~

- 18 (1) ~~Inspections~~ inspections shall be performed only with an analyzer and software which has been  
19 certified by ~~N.C. DEHNR, the North Carolina Department of Environmental Quality (NCDEQ).~~
- 20 (2) ~~All certified analyzers shall automatically require the inspection mechanic to perform a self-~~  
21 ~~calibration and leak test every three days. If the analyzer does not require a gas calibration/leak~~  
22 ~~test every three days, no additional inspections shall be performed and the DMV Inspector shall be~~  
23 ~~notified.~~
- 24 (3) ~~All analyzers must be equipped with two tanks of span gases in the following concentrations:~~  
25 (A) ~~1.0% carbon monoxide, 6.0% carbon dioxide and 300 PPM Propane;~~  
26 (B) ~~4.0% carbon monoxide, 12.0% carbon dioxide and 1200 PPM Propane.~~
- 27 (4) ~~All analyzer maintenance shall be performed according to the manufacturer's specifications and~~  
28 ~~reported on a maintenance log which shall be maintained at each station. Items to be recorded~~  
29 ~~include:~~  
30 (A) ~~all filter replacements;~~  
31 (B) ~~water trap service; and~~  
32 (C) ~~any replacement or repair of the probe or sample line.~~
- 33 (5) ~~Multi Point Calibration Requirements.~~  
34 (A) ~~In high volume stations (those performing 5000 or more tests per year), analyzers shall~~  
35 ~~undergo two point calibrations each operating day and shall continually~~  
36 ~~compensate for changes in barometric pressure. Calibration shall be checked at least~~  
37 ~~every four hours and the analyzer adjusted if the reading is more than 2% different from~~

the span gas value.

Each time the analyzer electronic or optical systems are repaired or replaced, a gas calibration shall be performed prior to returning the unit to service.

~~(B)~~ In high volume stations, monthly multi point calibrations shall be performed. Low volume stations shall perform multi point calibrations every six months. The calibration curve shall be checked at 20%, 40%, 60%, and 80% of full scale and adjusted or repaired to meet specifications listed in 40 CFR Part 51, Appendix D(I)(b)(1) which is hereby incorporated by reference, including all subsequent editions. This publication is available upon request at no cost from DMV Enforcement, 1100 New Bern Avenue, Raleigh, NC 27697, telephone (919) 733-7872. The necessary additional calibration gas bottles need not be a permanent part of the analyzer, but the analyzer software must require the periodic multi point calibration and the analyzer hardware must accept the calibration gas from an external source.

~~(C)~~ Gas calibration shall be accomplished by introducing National Bureau of Standards traceable gases into the analyzer either through the calibration port or through the probe. Span gases utilized for calibration shall be within two percent of the required span points.

~~(6)(2)~~ Requirements for keeping and submitting records are as follows:

(A) Copies of the ~~"Receipt and Statement"~~ Vehicle Inspection Receipt/Statement shall be removed from the analyzer at the time of download and filed with other business records and kept in sequence for review by the DMV Inspector during his or her audit. These copies of the ~~"Receipt and Statement"~~ Vehicle Inspection Receipt/Statement must be retained for 18 ~~months~~ months; and

~~(B)~~ A monthly report shall be submitted electronically by the analyzer on the date and time specified by the Division. It is the station's responsibility to connect the analyzer to the proper telephone line and leave the machine properly powered for the telephone transmittal of records on the specified date and time each and every month. Failure to comply with this requirement may result in the suspension of the station license.

~~(C)~~(B) Station owners ~~owner(s)~~ shall maintain the printer in a condition so that all copies of the Vehicle Inspection Receipt/Statement are clear and legible. Failure to comply with this subsection shall result in an immediate suspension until corrected.

(d) The procedures for inspection shall be as follows:

~~(1)~~ The vehicle's engine must be at normal operating temperature, and all accessories must be off.

~~(2)(1)~~ The exhaust system from the engine manifold to the rear most portion of the tailpipe shall be examined to determine that the exhaust system is free from cracks, holes or dents which would restrict, reduce, allow leakage or any way prohibit the free flow of exhaust from the engine to the rear most portion of the tailpipe. The Exhaust Emissions Test requires one analyzer probe to be inserted 10" to 16" in the end of tailpipe. If the exhaust system is defective (leaking joints, holes,

leaking seams, or leaking patches) this could interfere with an accurate exhaust emissions reading.

A defective exhaust system is a failure item under the safety inspection requirements.

(3)(2) The inspection mechanic shall conduct the emission test with the use of an exhaust-emission analyzer which has met N.C. DEHNR-NCDEQ certification and has been approved by the North Carolina Commissioner of Motor Vehicles or his designated agent. Office. Standards for inspection are found in the publication, "Specification for the North Carolina Analyzer System" which is hereby incorporated by reference, including all subsequent amendments and editions. This publication is available at no cost from the North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Management Air Quality Section, Mobile Sources, 15 North West Street, Raleigh, NC 27626, telephone 919 733 1481.

(4)(3) The emission's test shall be conducted using the following prompts displayed on the emissions analyzer. All procedures: (All instructions provided by the analyzer must be followed. followed):

(A) ~~Idle Mode Emission Test:~~

(i) ~~Analyzer must be warmed up.~~

(ii) ~~The analyzer shall prompt the inspector to test the vehicle in as received condition with the transmission in neutral or park. All accessories shall be turned off and the engine running at normal operating temperature.~~

(iii) ~~The inspector shall deploy a tachometer, insert the sample probe into the tailpipe, then the test sequence shall begin.~~

(iv) ~~Pre condition mode shall initiate when engine speed is between 2200 and 2800 RPM and continue for 30 seconds.~~

(v) ~~Idle mode test shall start when the vehicle engine speed is between 350 and 1100 RPM. The mode shall last a minimum of 30 seconds and a maximum of 90 seconds.~~

(vi) ~~If the vehicle passes, the reported scores shall be the passing readings. If the vehicle fails, the inspector shall proceed to the second chance test.~~

(vii) ~~Second chance pre condition mode shall initiate when engine speed is between 2200 and 2800 RPM and continue for 180 seconds.~~

(viii) ~~Second chance idle test shall start when the vehicle engine speed is between 350 and 1100 RPM. The mode shall last for a maximum of 90 seconds.~~

~~NOTE: The engine shall be shut off and restarted for 1981-1986 Ford Motor Company products and 1984-1985 Honda Preludes, as instructed by the analyzer.~~

(ix) ~~The pass/fail analysis shall begin after an initial time delay of 10 seconds.~~

(x) ~~The pass/fail determination is made based on a comparison of the HC and CO readings against the idle emission standards for that particular vehicle.~~

(B) ~~The analyzer shall test and disapprove a vehicle when the Carbon Monoxide (CO) or Hydrocarbon (HC) reading of the inspected vehicle is higher than the standards set forth in Paragraph (e) of this Rule.~~

(e) ~~The following chart indicates the maximum allowed Emission Standards which became effective April 1, 1991:~~

		CARBON MONOXIDE	HYDROCARBON
		CO STANDARD	HC STANDARD
VEHICLE CLASS	MODEL YEAR	AT IDLE (0%)	AT IDLE (PPM)
Light duty vehicles	1975-1977	4.5	450
	1978-1979	3.5	350
	1980	2.0	250
	1981 & later	1.2	220
Heavy duty vehicles	1975-78	5.0	500
	1979 & later	4.0	400

(f) ~~A challenge waiver may be issued by the Commissioner of Motor Vehicles or his designated agent.~~ Office. If the owner/operator of the vehicle suspects the analyzer is incorrect, he or she may petition the Division of Motor Vehicles to test the vehicle in question to determine the analyzer's accuracy. If the test determines the vehicle to be in compliance with the Emission Standards, a challenge waiver shall be issued and the Division shall immediately require an examination of the station analyzer in question and take corrective action.

*History Note: Authority G.S. 20-2; 20-39; 20-183.3;*  
*Eff. October 1, ~~1994~~.1994;*  
*Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0544

**DEADLINE FOR RECEIPT: Thursday, September 9, 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)(3), how is it determined whether it is no longer serviceable? Is this based upon the mechanic's experience?*

*In (c)(5), (d)(5), (f)(3), and (h)(2), delete or define "securely"*

*In (d)(3), please add a comma after "cracked" and "broken" and delete the "or" in between the "cracked or broken" I note that the language in (c)(3) is slightly different – please verify the intent for both.*

*In (f)(4), delete or define "easily"*

*In (g)(3), please add a comma after "damaged"*

*In (g)(3), delete or define "severely"*

*In (i)(2), please add a comma after "exhaust"*

*In (j)(2), add a comma after "bent"*

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: August 26, 2021

1 19A NCAC 03D .0544 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

3 **19A NCAC 03D .0544 SAFETY INSPECTION OF MOTORCYCLES**

4 (a) Motorcycle brakes shall fail safety inspection if:

- 5 (1) ~~When~~when applying brakes to moving vehicle, there is insufficient force to stop the  
6 ~~vehicle.~~vehicle;
- 7 (2) ~~Brakes~~brakes are worn in such a manner that there is an uneven braking ~~force.~~force;
- 8 (3) ~~There~~there is an audible or visual indication that the brake lining is worn to the extent it is no  
9 longer ~~serviceable.~~serviceable;
- 10 (4) ~~There~~there is less than one-third reserve in either footbrake or handbrake total possible travel  
11 when the brakes are fully ~~applied.~~applied;
- 12 (5) ~~Reservoirs~~reservoirs of braking cylinders are not ~~full.~~full;
- 13 (6) ~~There~~there is a visible leakage of fluid from any brake line or brake ~~component.~~component; or
- 14 (7) ~~Handbrake~~handbrake cables are frayed, broken, or frozen or linkage is defective.

15 (b) Motorcycle headlamps shall fail safety inspection if:

- 16 (1) ~~Headlamp~~headlamp does not ~~operate properly.~~operate or is a color other than white;
- 17 (2) ~~There~~there are more than two headlamps connected on a single ~~switch.~~switch;
- 18 (3) ~~Headlamp~~headlamp is cracked or has holes which allow entry of ~~water.~~water;
- 19 (4) ~~There~~there is standing water in the ~~headlamp.~~headlamp; or
- 20 (5) ~~Headlamp~~headlamp is out of ~~proper~~aim.

21 (c) Motorcycle rear lamps shall fail safety inspection if:

- 22 (1) ~~They~~they do not ~~operate.~~operate;
- 23 (2) ~~Light~~light is a color other than ~~red.~~red;
- 24 (3) ~~Light~~lens is cracked or broken and allows entry of ~~water.~~water;
- 25 (4) ~~There~~there is standing water in the ~~lens.~~lens;
- 26 (5) ~~Lamp~~lamp is not securely ~~mounted.~~mounted; or
- 27 (6) ~~Wiring~~wiring is broken or frayed.

28 (d) A motorcycle stop lamp shall fail safety inspection if:

- 29 (1) ~~Lamp~~lamp does not operate when brakes are ~~applied.~~applied;
- 30 (2) ~~Light~~light -is a color other than red or ~~amber.~~amber;
- 31 (3) ~~Light~~lens is cracked or broken or allows entry of ~~water.~~water;
- 32 (4) ~~There~~there is standing water in the ~~lens.~~lens;
- 33 (5) ~~Lamp~~lamp is not securely ~~mounted.~~mounted; or
- 34 (6) ~~Wiring~~wiring is broken or frayed.

35 (e) A motorcycle license plate light shall fail safety inspection if:

- 36 (1) ~~Light~~light does not ~~operate.~~operate;
- 37 (2) ~~Light~~light does not illuminate the license ~~plate.~~plate; or

- 1           (3)     ~~Light~~ light is a color other than white.
- 2   (f) A motorcycle horn shall fail safety inspection if:
- 3           (1)     ~~The the~~ horn does not ~~operate~~ operate;
- 4           (2)     ~~The the~~ sound emitted is not audible at 200 ~~feet~~ feet;
- 5           (3)     ~~The the~~ horn is not securely ~~mounted~~ mounted; or
- 6           (4)     ~~The the~~ button is mounted so that it ~~can not~~ cannot be easily operated by the driver.
- 7   (g) Motorcycle tires shall fail safety inspection if:
- 8           (1)     ~~There there~~ is less than two thirty-seconds-of an inch of tread at two or more locations around the
- 9                    circumference of the tire in two adjacent major tread grooves, or if the tread wear indicators are in
- 10                  contact with the roadway at two or more locations around the circumference of the ~~tire~~ tire;
- 11           (2)     ~~Cords cords~~ are exposed at any location on the ~~tire~~ tire; or
- 12           (3)     ~~Sidewall sidewall~~ is cut, bulging, damaged or is severely cracked due to dry rotting.
- 13   (h) Motorcycle rear view mirrors shall fail safety inspection if:
- 14           (1)     ~~The the~~ mirrors are missing, broken, or ~~cracked~~ cracked;
- 15           (2)     ~~The the~~ mirrors are not securely ~~mounted~~ mounted; or
- 16           (3)     ~~The the~~ mirrors will not hold a setting while vehicle is in operation.
- 17   (i) A motorcycle exhaust system shall fail safety inspection if:
- 18           (1)     ~~The the~~ motorcycle has no ~~muffler~~ muffler;
- 19           (2)     ~~The the~~ muffler, exhaust or tailpipe have holes, leaking joints, seams, or ~~patches~~ patches;
- 20           (3)     ~~The the~~ tailpipe end is ~~pinched~~ pinched;
- 21           (4)     ~~The the~~ exhaust system is equipped with a muffler cut out or ~~bypass~~ bypass; or
- 22           (5)     ~~The the~~ muffler baffles have been removed or damaged to create a straight pipe.
- 23   (j) A motorcycle steering mechanism shall fail safety inspection if:
- 24           (1)     ~~Front front~~ shocks are sagging or ~~broken~~ broken;
- 25           (2)     ~~Front front~~ end assembly is loose, bent or there are damaged or twisted ~~bolts~~ bolts; or
- 26           (3)     ~~Front front~~ end nuts, bolts, or rivets are loose or missing.

27

28   History Note:     Authority G.S. 20-2; 20-39; 20-183.3;

29                    Eff. October 1, 1994.

30                    Readopted Eff. October 1, 2021.

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0545

**DEADLINE FOR RECEIPT: Thursday, September 9, 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 are the inspection laws?*

*In (b), other than suspension, what else could be "an appropriate action"? Is there a cross-reference available? Would this be an administrative action as referenced in (c) and (d)?*

*In (b), please delete "but is not limited to"*

*Given G.S. 20-183.8F and G, some of this Rule appears to be unnecessary, in particular Paragraph (d). I note that these statutes were amended after this Rule was last touched.*

*In (d), what is as soon as practicable?*

*In (e), line 29, change "he" to "he or she"*

*On line 30, delete or define "immediately"*

*On line 30, change "owner/operator" to "owner or operator"*

*On line 30, change "inspections/operations" to "inspections and operations"*

*In (e), how is the inspector to make the approval determination?*

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: August 26, 2021

1 19A NCAC 03D .0545 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0545 INVESTIGATION/AUDIT/SAFETY OR EXHAUST-EMISSIONS INSPECTION**  
4 **STATIONS**  
5

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

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

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

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

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

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

33 *History Note: Authority G.S. 20-2; 20-39; 20-183.6A; 20-183.8D; ~~20-183.8E~~; 20-183.8F;*

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

35 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0550

**DEADLINE FOR RECEIPT: Thursday, September 9, 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), line 6, will you always grant the waiver if the requirements are met? If so, should "may" be "shall"? Based upon Paragraph (b), I think this language should be "shall"*

*Based on my reading of the Rule, (b)(5) through (7) are also requirements to get the waiver. So why is there an "and" at the end of (b)(3)? Assuming this is correct, please move the "and" (or "or" to the end of (b)(6). Begin (b)(6) and (7) with lower case letters and end (b)(4), (5), and (6) with semi-colons.*

*In (b)(4), delete "not just" in "and not just the stock number"*

*In (b)(4), line 24, please say "For purposes of this Rule, "qualifying repairs" means repairs performed..."*

*In (b)(4), what is meant by "must be appropriate to the cause of the test failure"?*

*In (b)(4), since there is no (b)(4)(B), there cannot be a (b)(4)(A). Please reformat accordingly.*

*In (b)(5), what are the minimum repair expenditures? Those set forth in (b)(5)(A) through (E)? If so, please make that clear.*

*In (b)(5)(A), what are "these vehicles"? The descriptive information has been deleted.*

*There are a lot of "ors" in (b)(5)(A). Please review and revise.*

*In (b)(5)(C), please add a comma after "disconnected"*

*In (e), please change "the rules under this Section" to "the Rules of this Section"*

*In (g)(1), please add a comma after "operated"*

Amber May  
Commission Counsel  
Date submitted to agency: August 26, 2021

*In (g)(2), what is your authority to prevent the vehicles of a self-inspector from the exemption? G.S. 20-183.5(a) only speaks to vehicles being held for retail sale.*

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: August 26, 2021

1 19A NCAC 03D .0550 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0550 WAIVERS FROM EXHAUST-EMISSIONS TEST REQUIREMENTS**  
4

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~~

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

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

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

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

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

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

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

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

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

(e) The vehicle owner or person authorized by the owner must present the waiver to the licensed self-inspector or inspection station that performed the initial safety and ~~exhaust~~ emissions inspection. The ~~self-inspector or~~ inspection station shall reinspect the vehicle in accordance with the rules under this Section, except for the ~~exhaust~~ emissions 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).

11  
12 *History Note: Authority G.S. 20-39; 20-183.5;*

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

14 *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0551

**DEADLINE FOR RECEIPT: Thursday, September 9, 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:

*Some of this Rule appears to be duplicative of itself and of Rule .0552. Please review and revise as necessary. Given .0552, do you need Paragraphs (a) through d)?*

*In (a), delete or define "properly" in properly tested*

*In (a), how is it determined whether it will be approved? I assume that it has to comply with Rule .0552? If so, can you simply say something like "each station shall have a light meter or photometer which complies with Rule .0552"?*

*On line 6, change "which" to "that" in "which do not"*

*Please provided some introductory language to (a)(1) and (2) at the end of (a).*

*In (a)(2), line 15, should "may" be "shall"?*

*Do you need the new language in (b)? Paragraph (f) provides the exemptions in G.S. 20-127(c), which includes the exemption in 20-127(f).*

*In (b), what is an "approved photometer"? What are the standards and process for the approval?*

*In (b), change "which" to "that" on line 17.*

*In (b), delete or define "properly" I assume that it has to meet the requirements of Paragraph (c)?*

*In (c), delete or define "properly"*

*In (c)(3), by "may", do you mean "shall"?*

*End (e)(1) through 3 with semi-colons and add an "and" at the end of (e)(3).*

Amber May  
Commission Counsel  
Date submitted to agency: August 26, 2021

*Please review the first two sentences in Paragraph (i) for clarity.*

*What is meant by Paragraph (j)?*

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: August 26, 2021

1 19A NCAC 03D .0551 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0551 WINDOW TINTING**  
4

5 (a) All stations performing window tinting inspections shall have a light meter or photometer which has been  
6 properly tested and approved by the Commissioner of Motor Vehicles. Stations which do not have an approved light  
7 meter shall not inspect vehicles with applications of after-factory window tinting. Stations are not required to  
8 maintain a light meter in order to perform safety inspections on vehicles without after-factory window tinting.

9 (1) The inspection mechanic shall determine if the vehicle has after-factory window tinting prior to  
10 beginning the inspection. The mechanic may use an automotive film check card or knowledge of  
11 window tinting techniques to determine if a vehicle has after-factory tint applied to any window of  
12 the vehicle.

13 (2) If a station determines a vehicle has after-factory window tinting but does not have an approved  
14 light meter, the mechanic must inform the customer he is unable to perform the inspection. The  
15 station may not charge for any portion of the inspection.

16 (b) All windows with applications of after-factory window tinting shall be inspected with an approved photometer  
17 which is properly calibrated and functioning. An inspection mechanic shall not inspect an after-factory tinted  
18 window of a vehicle for which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).

19 (c) Prior to performing a test on a vehicle, the mechanic shall test the photometer for accuracy by checking the  
20 calibration against a reference sample of glass provided by the manufacturer. If the photometer indicates the device  
21 exceeds the net light transmission by ~~+~~plus or ~~-~~minus three percentage points, the unit shall be considered out of  
22 calibration and may not be used until properly calibrated. The unit's digital display must also be checked to ensure  
23 all digital display segments are lit and ~~properly~~ functioning.

24 (1) The reference glass sample must be clean and free of dirt prior to performing the calibration  
25 check.

26 (2) If a reference glass sample has been broken or is missing, the test shall not be performed and the  
27 mechanic shall inform the customer he is unable to perform the inspection.

28 (3) If a digital display segment is not functioning, the test shall not be performed and the mechanic  
29 shall inform the customer he is unable to perform the inspection. The unit may not be used until it  
30 is repaired.

31 (4) The windows to be tested shall be clean and free of dirt or moisture.

32 (d) The test shall be performed according to the photometer manufacturer's recommendations.

33 (e) Window tint shall fail safety inspection if:

34 (1) Any window on the vehicle with after-factory tint has a light transmittance of less than 32%.

35 (2) The tint on any window is red, yellow, or amber.

36 (3) The tint on the windshield extends more than five inches below the top of the windshield or is  
37 below the AS1 line of the windshield, whichever measurement is longer.

- 1           (4)       The light reflectance of a tinted window is not 20% or less.
- 2       (f) Window tinting on vehicles with after-factory window tint shall not be inspected if the vehicle is exempt from
- 3       the window tinting restrictions under G.S. 20-127(c).
- 4       (g) The mechanic shall collect the fee as specified in G.S. 20-183.7(a) for performing the inspection.
- 5       (h) The fee for inspecting window tinting may only be charged for vehicles with after-factory tint applied. If the
- 6       light transmission exceeds 65%, the vehicle shall not be considered to have after-factory tint and the mechanic shall
- 7       not charge the fee as specified in G.S. 20-183.7(a).
- 8       (i) Standards for devices used to measure light transmittance through vehicle windshields and windows are as
- 9       provided in this section. These standards include but are not limited to portable devices used within the State of
- 10      North Carolina to measure light transmittance through vehicle windshields and windows pursuant to G.S. 20-127.
- 11      These devices shall be provided with a standard reference sample and procedure for taking readings utilizing the
- 12      reference sample. The device light source shall be mid-range in the visible spectrum (560nm +/- 20nm) and shall not
- 13      emit in the ultraviolet and infrared portions of the electromagnetic spectrum.
- 14      (j) The standardization of glass reference samples shall be traceable to the National Institute of Standards and
- 15      Technology (NIST).

16

17   *History Note:     Filed as a Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the*

18                   *permanent rule becomes effective, whichever is sooner;*

19                   *Authority G.S. 20-2; 20-39; 20-127; ~~20-183.6(a);~~ 20-183.7(a);*

20                   *Eff. February 1, ~~1996~~ 1996;*

21                   *Readopted Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03D .0552

**DEADLINE FOR RECEIPT: Thursday, September 9, 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 (b), delete or define "proper" and "properly"*

*In (b), change "which" to "that" in "which prevents"*

*In (b), what is considered to be a "stable and accurate reading"?*

*In (e), what is the "usable operating range"?*

*In (f), please revise line 23 to say "... light barriers, such as felt covers and rubber gaskets, the photometer..."*

*In (f), what is meant by "shall not be acceptable"? Do you mean something like "Unit readings shall not be affected by outside stray or ambient light sources"?*

*In (j), what is meant by "shall be accurate enough to position the detector unit well within the uniform beam..."*

*In (k), delete or define "permanently"*

*In (m), change "which" to "that"*

*In (m), delete or define "commonly"*

*In (m), delete or define "directly"*

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: August 26, 2021

1 19A NCAC 03D .0552 is readopted as published in 35:17 NCR 1943-1946 without changes as follows:

2  
3 **19A NCAC 03D .0552 PHOTOMETER DESIGN AND PERFORMANCE REQUIREMENTS**  
4

5 (a) Multi-piece photometers shall be designed to be operated by one person on front windows, roll-down and non-  
6 roll-down side windows, and rear windows with up to 1/4-inch glass thickness. The multi-piece photometer shall  
7 have a three-digit digital readout capable of displaying from 00.0% to 99.9% transmittance with a resolution to the  
8 nearest 1/10 of 1%.

9 (b) The multi-piece photometer shall incorporate an automatic alignment feature or positive alignment indication  
10 such that the alignment of the transmitter and receiver are accomplished either automatically by respective devices  
11 or through an electronic noise indicating proper alignment, a light indicating proper alignment, or a feature which  
12 prevents readings being taken without the device being properly aligned. The automatic field of view of the  
13 transmitter and receiver shall be large enough to provide a stable and accurate reading of the true net transmittance  
14 of the measured window.

15 (c) All photometric devices shall maintain unit accuracy within  $\pm$  plus or  $-$  minus three percentage points of  
16 reference samples between ten and seventy percent net light transmission.

17 (d) All photometric devices shall have a repeatability of  $\pm$  plus or  $-$  minus one percentage point from reading to  
18 reading.

19 (e) If the unit's supply voltage falls below the usable operating range, the device shall produce a low battery  
20 indication or fail to perform testing. Accurate readings must not be affected by the unit's supply voltage. The unit's  
21 power supply shall be capable of producing a minimum of 200 readings before replacement or recharge.

22 (f) Photometric devices shall not be affected by light sources other than the unit's source light. In addition to  
23 physical light barriers such as felt covers, rubber gaskets, the photometer shall include some form of electronic  
24 filtration or cancellation of any stray or ambient light sources. Units with readings affected by outside stray or  
25 ambient light sources shall not be acceptable.

26 (g) Photometric devices shall not be affected by interference generated by electric equipment, tools, or lighting  
27 devices. Readings shall not fluctuate when close to operating electric motors or lighting sources.

28 (h) Operating humidity range shall be 0-100% non-condensing. Operating temperature range shall be zero to 110  
29 degrees F.

30 (i) Photometric devices shall incorporate a means of compensating for temperature and humidity changes within the  
31 stated ranges of this Rule. Acceptable units shall be capable of demonstrating both accuracy and repeatability of  
32 transmittance readings throughout the operating temperature and humidity ranges under Paragraph (h) of this Rule.

33 (j) The multi-piece photometer's transmitter shall have a light source capable of providing a uniform intensity beam  
34 that can accommodate the alignment capabilities of the receiver. Multi-piece photometers shall incorporate a means  
35 of self-alignment or positive alignment indication that shall be accomplished when the source and detector units are  
36 placed on their respective surfaces of the glazing to be measured as described in Paragraph (a) of this Rule. The

1 alignment shall be accurate enough to position the detector unit well within the uniform beam of the source. The  
2 result of this alignment feature shall be data that meets the accuracy and repeatability requirements of this Rule.  
3 (k) Reference samples shall be glass with a warranted transmittance stability of at least one year. Reference samples  
4 shall provide a uniform surface reading at four points with a variation not to exceed one percentage point as  
5 measured by a calibrated spectrophotometer over an indicated range within 560nm with a variance of no more than  
6 20nm. Reference samples shall be permanently labeled or inscribed with the manufacturer's name, address, and date  
7 of calibration. Manufacturers shall ensure replacement reference samples are available to the consumer within two  
8 working days in the event of damage or breakage.  
9 (l) Photometric devices shall include an all segments display option for testing the unit's LCD display segments.  
10 This test may be performed prior to each reading or through a separate test button.  
11 (m) Photometric units shall incorporate devices which shall protect the light source and detector from direct contact  
12 with environmental elements, dust, grease, and other products commonly associated with automotive repair shops.  
13 These devices shall also prevent the user from directly touching either the light source or detector.  
14

15 *History Note: Filed as a Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the*  
16 *permanent rule becomes effective, whichever is sooner;*  
17 *Authority G.S. 20-2; 20-39; 20-127; ~~20-183.6(a);~~ 20-183.7(a);*  
18 *Eff. February 1, ~~1996~~ 1996;*  
19 *Readopted Eff. October 1, 2021.*