

1 19A NCAC 03D .0102 repealed through readoption as published in 35:17 NCR 1943-1946 without changes follows:

2

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

4

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

6 *Eff. July 1, 1978;*

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

8 *Repealed Eff. September 1, 2021.*

9

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

2
3 **19A NCAC 03D .0221 CONDITIONS FOR ISSUING TEMPORARY MARKERS BY A DEALER**

4
5 (a) ~~Before a temporary marker can be issued by a A dealer shall meet~~ the following conditions ~~must be met: before~~
6 issuing a temporary marker:

7 (1) ~~Ownership in the vehicle must [shall]pass from the The dealer~~ has passed ownership to the
8 purchaser ~~by: by assigning the title~~
9 ~~or Manufacturer's Certificate of Origin and by delivering the vehicle to the buyer:~~

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

12 (B) delivering the vehicle to the buyer.

13 (2) Dealer has ~~met all~~ obtained from purchaser an application and fee requirements pursuant to G.S. 20-
14 79.1. for registering and titling of the purchased vehicle.

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

16 (3) Dealer has proof of certification (Form FR-2) certifying liability insurance pursuant to G.S. 279.21.
17 [20-79.21.]in effect.

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

25 (A) vehicle year, make and identification number;

26 (B) insurance company name and company code;

27 (C) insurance policy number;

28 (D) registered owner's name and effective date of insurance;

29 (E) owner's driver license number and date of birth;

30 (F) owner's address;

31 (G) preparation date and authorized signature of insurance company representative.

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

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

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

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

1 dealer to the buyer.

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

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

5 (6) Pursuant to G.S. 20-52, ~~All~~ all documents necessary to title and register the vehicle shall be presented
6 to a license plate agency or mailed to the North Carolina Division of Motor Vehicles within four
7 working days from date of issuance. When the purchaser is a nonresident, a 30-day temporary
8 marker may be issued to the nonresident for the sole purpose of removing the vehicle to his or her
9 ~~home state, place of residency~~ provided the customer has in effect liability insurance with a company
10 licensed in North Carolina. The dealer is neither required to obtain from such nonresident a written
11 application for North Carolina registration nor to collect the North Carolina registration fees.
12 However, Form ~~FR-2~~ FS-1 shall be completed and kept by the dealer as part of his or her records.
13 If a plate is to be transferred, a 30-day temporary marker shall not ~~cannot~~ be issued. All ~~required~~
14 information shall be recorded on the report sheet in the back of receipt book.

15 (7) All 30-day temporary markers and receipts that are voided shall be marked "void" ~~void~~ and recorded
16 on the report sheet. The white copy of the receipt and the 30-day temporary marker shall be
17 forwarded-mailed to the North Carolina Division of Motor Vehicles ~~Enforcement Section License~~
18 and Theft Bureau together with the report sheets. Receipts and 30-day temporary markers that do
19 not match shall be returned to the Division after recording on report sheet. The receipt ~~is not to~~ shall
20 not be altered.

21 (8) Only one 30-day temporary marker ~~may~~ shall be issued per vehicle per ~~sale~~ sale unless requirements
22 in G.S. 20-79.1(h) are met.

23 (9) Upon issuance of all receipts (~~Markers~~) in each receipt book, the report sheet ~~must~~ shall be
24 completed in duplicate and the original mailed to the Division. ~~A copy of the report sheet must be~~
25 ~~retained by the Dealer for one year.~~

26 ~~(10) All 30-day temporary markers are non-transferable between dealers.~~

27
28 *History Note: Authority G.S. 20-39; 20-52.1; 20-79.1; 20-279.21;*
29 *Eff. June 1, 1988;*
30 *Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;*
31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
32 *22, 2018-2018;*
33 *Amended Eff. September 1, 2021.*
34

1 19A NCAC 03D .0223 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

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

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

10 **(b)** Form VS-405 shall include:

11 (1) license number and expiration date;

12 (2) number of dealer plates noted on VS-419 (if applicable) for renewal;

13 (3) additional or new dealer plates requested including the type of plate for independent dealer,

14 franchise dealer, motorcycle plate, exempt trailer, manufacturer plate or motorcycle manufacturer

15 and quantity needed;

16 (4) number of dealer transporter plates noted on VS-419 for renewal;

17 (5) additional or new dealer transporter plates requested;

18 (6) total number of dealer transporter plates;

19 (7) number of loaner dealer plates noted on VS-419 for renewal;

20 (8) additional or new loaner dealer plates requested;

21 (9) quantity of loaner plates;

22 (10) late fee as set forth in G.S. 20-88.03 per plate within one month of expiration; and

23 (11) total of all requested.

24 **(c)** ~~[Lost]Any dealer seeking to replace lost or stolen dealer plates shall [be reported to the local law enforcement~~
25 ~~agency and the Division of Motor Vehicles. The application to replace lost plates on] complete and submit Form VS-~~
26 ~~405 [shall be completed, signed, and submitted] with the fee required by G.S. 20-87(7) to the Division of Motor~~
27 ~~Vehicles. The dealer shall be reported to the local law enforcement agency and the Division of Motor Vehicles.~~

28
29 *History Note: Authority G.S. 20-39; 20-68;20-79(a); 20-85(5); 20-87(7); 20-88.03;*

30 *Eff. June 1, 1988;*

31 *Amended Eff. January 1, 1994; October 1, 1994,1991;*

32 *Readopted Eff. September 1, 2021.*

1 19A NCAC 03D .0224 is amended as published in 35:17 NCR 1943-1946 with changes as follows:

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

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

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

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

12 (d)(c) ~~It is illegal for persons other than dealers, corporate officers [officers, immediate family members of an officer,~~
13 ~~sales representative,] or employees of a [an independent or franchised motor vehicle]dealer who regularly work for~~
14 ~~the dealer at least 15 hours a week. No person, other than those set forth in G.S. 20-79(d)(5)a. through f. shall to~~
15 operate a dealership vehicle unless they are in possession of a 96-hour permit. The said permit ~~must shall~~ include
16 license plate number, permittee's name, address, driver's license number, date and hour of issue and ~~must shall~~ be
17 signed by a dealer or sales manager and a person receiving the vehicle. A duplicate copy of the permit ~~must shall~~ be
18 retained by the dealer. The permit is void if erasures are made. For purposes of this Rule, "immediate family" as used
19 in G.S. 20-79(d)(5)f. shall include ~~[immediate family member is defined as]~~ a parent; spouse; sibling; child by blood,
20 adoption, or marriage; ~~[grandparent]grandparent,~~ or grandchild.

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

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

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

31 *Eff. June 1, 1988;*

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

33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
34 *22, 2018, 2018;*

35 *Amended Eff. September 1, 2021.*
36

1 19A NCAC 03D .0225 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

2

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

4

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

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

12

13 *History Note: Authority G.S. 20-39; G.S. 20-79;*

14 *Eff. June 1, 1988;*

15 *Amended Eff. October 1, ~~1991-1991~~;*

16 *Readopted Eff. September 1, 2021.*

17

1 19A NCAC 03D .0226 is amended as published in 35:17 NCR 1943-1946 with changes as follows:

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

4
5 (a) Any dealer offering a vehicle for sale that is on consignment from a manufacturer, distributor, factory branch,
6 distributor branch, ~~wholesaler,~~ wholesaler, or individual shall have in his possession a consignment contract for each
7 vehicle, executed by both parties.

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

9 (1) The the effective dates of the contract.contract:

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

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

14 (4) The the listing charges.charges:

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

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

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

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

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

28 (1) Owners owners name and address.address; and

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

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

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

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

37

1 *History Note:* Authority G.S. 20-79(d); G.S. 20-302;
2 *Eff. June 1, 1988;*
3 *Amended Eff. January 1, 1994; October 1, 1991;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
5 *22, ~~2018~~2018;*
6 *Amended Eff. September 1, 2021.*
7

1 19A NCAC 03D .0227 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

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

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

10 (b) ~~A dealer offering a vehicle subject to a floor plan lien for sale shall at the time of sale, satisfy the floor plan lien~~
11 ~~and obtain the title from the floor plan lienholder, execute the title [documents]documents, and deliver them to the~~
12 ~~purchaser or the lienholder as required by G.S. [20-52,]20-52.1, 20-72, 20-72.1 and 20-75 at the time the vehicle is~~
13 ~~delivered.~~

14 ~~(b)(c)~~ Manufacturers Certificate of Origin and titles may be retained by the floor plan lienholder so long as the
15 Manufacturers Certificate of Origin and titles are is located within the boundaries of North Carolina; provided the
16 dealer has in possession, available for inspection, an invoice from the manufacturer or distributor and a Floor Plan
17 Lien Disclosure Statement floor plan disclosure form completed, dated dated, and signed by both parties.
18 Mobile/manufactured [Mobile and manufactured]home dealers shall be exempt from the requirement that the
19 Manufacturer's Certificate of Origin and title be located within the boundaries of North Carolina. All other provisions
20 of this Rule shall apply to mobile/manufactured [mobile and manufactured]home dealers.The Floor Plan Lien
21 Disclosue Statement (LT-411) includes the following:

- 22 (1) name of lien holder;
23 (2) vehicle make, model, and style;
24 (3) vehicle identification number;
25 (4) address of lien holder;
26 (5) name of dealership;
27 (6) signature of lien holder and dealer; and
28 (7) date of agreement.

29 (d) Mobile and manufactured home dealers shall be exempt from the requirement that the Manufacturer's Certificate
30 of Origin be located within the boundaries of North Carolina. All other provisions of this Rule shall apply to mobile
31 and manufactured home dealers.

32
33 *History Note:* Authority ~~G.S. 20-302; 20-39;~~ 20-52.1; 20-72; 20-72.1; 20-75;
34 Eff. June 1, 1988;
35 Amended Eff. June 1, 1995; January 1, 1994; October 1, 1991; 1991;
36 Readopted Eff. September 1, 2021.
37

1 19A NCAC 03D .0229 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

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

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

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

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

16 *Eff. June 1, 1988;*

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

18 *Readopted Eff. September 1, 2021.*

1 19A NCAC 03D .0402 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

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

4
5 (a) To report an unclaimed vehicle pursuant to G.S. 20-77(d), a business operator or landowner shall submit a
6 Report of Unclaimed Motor Vehicle Form to the License and Theft Bureau.

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

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

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

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

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

13 _____ (4) date vehicle was left;

14 _____ (5) vehicle identification number;

15 _____ (6) approximate value of the vehicle;

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

17 _____ (8) reason for vehicle being left;

18 _____ (9) condition of vehicle; and

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

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

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

28 *Eff. July 1, 1978;*

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

30 *Readopted Eff. September 1, 2021.*

1 19A NCAC 03D .0403 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

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

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

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

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

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

13 ~~(4) date vehicle was left;~~

14 ~~(5) vehicle identification number;~~

15 ~~(6) approximate value of the vehicle;~~

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

17 ~~(8) reason for vehicle being left;~~

18 ~~(9) condition of vehicle; and~~

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

20 ~~(b) If a vehicle remains unclaimed following the submission of an Unclaimed Vehicle report as set forth in Rule .0402~~
21 ~~of this Section and the expiration of time set forth in G.S. 44A-4(a), a the person or firm claiming the mechanic's or~~
22 ~~storage lien desires wishing to sell the unclaimed vehicle to satisfy a lien under Article 1 of Chapter 44A of the North~~
23 ~~Carolina General Statutes, such claim, he or she shall notify the Enforcement Section License and Theft Bureau by~~
24 ~~completing a of [the] intent to sell such vehicle by use of [the] Notice of Intent to Sell a Vehicle to Satisfy Storage~~
25 ~~and/or the Mechanic's Lien Form LT-262. The form can be found at www.ncdot.gov/dmv and shall contain the~~
26 ~~following:[www.ncdot.gov/dmv.] Form LT 102. This form must be completed in its entirety and mailed with a fee~~
27 ~~[as set out in G.S. 44A 4]of ten dollars (\$10.00) to the [License] [and Theft Bureau.] Enforcement Section of the~~
28 ~~Division of Motor Vehicles, Raleigh, North Carolina.~~

29 ~~((1) vehicle make, year, body style, license plate number, serial or VIN number, and year the~~
30 ~~vehicle was last registered;~~

31 ~~(2) location where the vehicle is stored;~~

32 ~~(3) description of the lien as provided by G.S. 44A-2;~~

33 ~~(4) date of storage;~~

34 ~~(5) name and address of person authorizing repairs, services, towing and storage;~~

35 ~~(6) name, address and signature of lienor; and~~

36 ~~(7) payment of the fee set forth in G.S. 44A-4(b)(1).~~

37

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

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

7 ~~[(1) A Notice of Sale Form shall contain the following information:~~

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

10 ~~(B) location where the vehicle is stored;~~

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

12 ~~(D) date of storage;~~

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

14 ~~(F) name, address and signature of lienor.]~~

15
16 *History Note:* Authority ~~G.S. 20-1; 20-2; 20-39; 20-77(d); 20-77(d),(e); 20-114(c); 44A-2; 44A-4;~~

17 *Eff. July 1, 1978;*

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

19 *Readopted Eff. September 1, 2021.*

20

1 19A NCAC 03D .0404 is readopted as published in 35:17 NCR 1943-1946 and is now being repealed as follows:

2

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

4

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

6 *Eff. July 1, 1978;*

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

8 *Repealed Eff. September 1, 2021.*

9

1 19A NCAC 03D .0405 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

2

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

4

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

11

12

13 *History Note: Authority G.S. ~~20-1; 20-2; 20-39; 20-77; 160A-303; 153-9;~~*

14 *Eff. July 1, 1978;*

15 *Amended Eff. October 1, 1991; February 1, 1982; April 11, ~~1980; 1980;~~*

16 *Readopted Eff. September 1, 2021.*

17

1 19A NCAC 03D .0517 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

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

4
5 For purposes of this Section and Article 3A of Chapter 20 of the North Carolina General Statutes, Section, these words
6 and phrases shall have the following meanings, except in those instances where the context clearly indicates a different
7 meaning:

- 8 (1) ~~Abbreviations:~~ Abbreviations used in these Rules shall have the following meanings:
- 9 (a) CO - Carbon ~~Monoxide, monoxide;~~
 - 10 (b) G.V.W.R.,GVWR - Gross Vehicle Weight ~~Rating, Rating;~~
 - 11 (c) ~~HC—Hydrocarbons, HC-Hydrocarbons;~~
 - 12 (d) PSI - Pounds Per Square ~~Inch, Inch;~~
 - 13 (e) NOx - Nitrogen ~~Oxides, Oxides;~~ and
 - 14 (f) PPM - Parts Per ~~Million, Million.~~
- 15 (2) Ambient ~~Light; Air:~~ That portion of the atmosphere surrounding human, ~~animal~~ animal, and plant
16 life.
- 17 ~~(3) — Authorized Station: An established place of business licensed by the North Carolina Division of~~
18 ~~Motor Vehicles [License and Theft Bureau]to conduct inspection of safety equipment, emissions,~~
19 ~~and air pollution control devices as required by the inspection laws. [G.S. 20-183.4A.]~~
- 20 (3)(4) Base: The place where a vehicle is ~~most frequently~~ dispatched from, garaged, serviced, maintained,
21 ~~operated~~ operated, or otherwise controlled. If any vehicle is located in or operated from a county
22 participating in the safety emission program ~~continuously~~ for a period of 30 days, said vehicle shall
23 be considered based within ~~said~~ that county.
- 24 (4)(5) Certified Inspection Mechanic: A person who has completed the ~~course(s)~~ courses required by G.S.
25 20-183.4(c) and 20-183.4A183.4(c) [20-183.4A,] 20-183.4(c), and 183.4A(c), who has passed a
26 written examination approved by the ~~North Carolina Division of Motor Vehicles, License and Theft~~
27 Bureau, and who has been issued an a safety inspection mechanic license or a safety and emission
28 inspection mechanic license by the ~~Division of Motor Vehicles, Bureau.~~
- 29 (5)(6) Crankcase Emissions: Air ~~contaminants~~ pollutants emitted into the atmosphere from any portion of
30 the engine crankcase ventilation or lubrication system.
- 31 (6)(7) Current Year Model: The production period of new motor vehicles as designated by the
32 manufacturer in the calendar year in which the period ends. If the manufacturer does not designate
33 a production period, the model year shall mean the 12-month period beginning January of the year
34 in which production began.
- 35 (7)(8) Diagnostic Equipment: Tools or machines used to diagnose engine performance.
- 36 (8)(9) Emission: The act of a motor vehicle emitting into the atmosphere any air pollutants including
37 contaminants which may include carbon monoxide, hydrocarbons, or nitrogen oxides.

1 (9)(10) Emissions Analyzer: An approved [A] device used to fully evaluate the vehicle emission control
2 system [in accordance with the manufacturer's specifications] for proper to ensure operation in
3 accordance with the manufacturer's specifications that and electronically records record and
4 transmittransmit emissions and safety and emissions inspection data to the State. state. An
5 approved device is considered a device that meets the certification requirements as defined by the
6 Department of Environmental Quality Management Commission Specifications for the North
7 Carolina Analyzer found at [https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-air-](https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-air-quality/inspection-maintenance-program/analyzer-vendor-information)
8 [quality/inspection-maintenance-program/analyzer-vendor-information](https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-air-quality/inspection-maintenance-program/analyzer-vendor-information). Analyzer System. [and in
9 Rule .0518 of this Section.]

10 (10)(11) Established Place of Business for Safety and EmissionsSafety/Emissions Inspection: A permanent
11 structure owned either in fee or leased operated by a licenseelicensee, which has [with] sufficient
12 space [defined by] that meets the requirements set forth in G.S. 120-183.4[120-83.4] to test and
13 inspect one or more motor vehicles for which an inspection is being sought and to accommodate
14 [accommodates] the office or offices of an licensed safety inspection or emissions inspection
15 stationauthorized station to provide a safe that provides a locked place for maintaining the record
16 records of such authorized station, and at which location the The business shall be open during
17 [their]its normal business hours to conduct safety inspections and emissions tests and make available
18 to authorized agents of the Division of Motor Vehicles License and Theft Bureau staff all records
19 and required equipment for examination and testing.

20 (11)(12) Exhaust Emissions: Air contaminants pollutants emitted into the atmosphere from any opening
21 downstream from the exhaust parts of a motor vehicle engine.

22 (12)(13) Heavy Duty Motor Vehicle: A motor vehicle which is designed primarily for:

- 23 (a) The the transportation of property and which is rated at more than 8,500 GVWR.GVWR;
24 (b) The the transportation of persons and which has a capacity of more than 12
25 persons.persons;
26 (c) Use use as a recreational motor vehicle which is rated at more than 8,500 GVWR.GVWR;
27 or
28 (d) Use use as an off-road utility vehicle.

29 (13)(14) Inspection: The safety inspectionequipment or emissions inspection of motor vehicles required by
30 G.S. 20, Part 2, Article 3A.Article 3A, Part 1 and Part 2.

31 (14)(15) Inspection Laws: G.S. 20, Part 2, Article 3A-3A, Part 1 and Part 2 and rules adopted by the
32 Commissioner of Motor Vehicles.

33 (15)(16) Inspection/Maintenance (I/M): A strategy to reduce emissions from in-use motor vehicles by
34 identifying vehicles that need emission related maintenance and requiring that such maintenance be
35 performed.

36 (16)(17) Inspection Period: The period of time a motor vehicle is required to be inspected. To be a current
37 inspection, a motor vehicle may be inspected up to ninety days prior to the last day of the month in

1 which the registration on the vehicle expires pursuant to G.S. 20-183.4C. ~~For motor~~ Motor vehicles
2 not previously registered in this ~~State~~ State, the ~~inspection period~~ shall be exempt for a period of 12
3 months. ~~months prior to the application for registration pursuant to G.S. 20, Part 3, Article 3 and~~
4 ~~G.S. 20-183.4C.~~

5 ~~(17)~~(18) License: In accordance with G.S. 20-183.4 and 20-183.4A, Notwithstanding G.S. 20-4.01(17), the
6 license issued by the Commissioner of Motor Vehicles which is required for a person to operate a
7 safety inspection ~~equipment~~ emission inspection station.

8 ~~(18)~~(19) Light Duty Motor Vehicle: A motor vehicle which is designed primarily for:

9 (a) transportation ~~Transportation~~ of property and which is rated at or less than 8,500 GVWR
10 by the manufacturer; or

11 (b) use ~~Use~~ in the transportation of persons and which has a capacity of 12 persons or fewer.

12 ~~(19)~~(20) Light Transmittance Measuring Device or Light ~~Meter or Unit~~ Meter, Unit, or Device: A photometer
13 capable of measuring the net transmittance of a window or windshield for light at 560 nm with a
14 variance of no more than 20 nm.

15 ~~(20)~~(21) Motorcycle: A motor vehicle as defined under G.S. 20-4.01(22).

16 ~~(21)~~(22) Multipiece Photometer: A photometer in which the light source and light detector are mechanically
17 separate units that can be positioned on opposite sides of a fixed window or windshield.

18 ~~(22)~~(23) Net Transmittance: The luminous transmittance over the 560 nm with a variance of 20 nm
19 wavelength range, including the effects of Fresnel (surface) reflections.

20 ~~(23)~~(24) Recreational Motor Vehicle: As set forth in G.S. 20-4.01(32b), A vehicle which is designed
21 primarily to provide temporary or permanent living quarters for travel, camping, or other
22 recreational use.

23 ~~(25)~~ Registered Owner of a Vehicle: The individual, group of individuals, partnership, firm, company,
24 corporation, association, trust, estate, political subdivision, administrative agency, public or quasi-
25 public corporation, or any other legal entity in whose name the license has been issued and whose
26 name appears on the registration for such vehicle.

27 ~~(24)~~(26) Revocation: In accordance with G.S. 20-183.7A, Notwithstanding G.S. 20-4.01(36), the
28 termination of a license issued by the ~~Division of Motor Vehicles~~ License and Theft Bureau to a
29 safety ~~equipment~~ inspection and emission inspection station.

30 ~~(25)~~(27) Safety Inspection Analyzer: An approved A device used to evaluate, evaluate and electronically
31 record and transmit safety inspection data to the State. ~~state.~~ An approved device is considered a
32 device that meets the certification requirements as defined by the License and Theft Bureau or the
33 Department of Environmental Quality Management Commission Specifications for the North
34 Carolina Analyzer System. Certification requirements can be found on the Department of
35 Environmental Quality's website at [https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-](https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-air-quality/inspection-maintenance-program/analyzer-vendor-information)
36 air-quality/inspection-maintenance-program/analyzer-vendor-information).

37 ~~(26)~~(28) Section: The License and Theft Bureau of the Division of Motor Vehicles.

1 ~~(27)(29)~~ Self-Inspector: A person, firm or corporation so designated by the Commissioner licensed by the
2 License and Theft Bureau for the purpose of inspecting only those vehicles owned or operated by
3 such person, ~~firm, firm~~ or corporation.

4 ~~(30)~~ Standard: A standard of performance adopted in these Rules.

5 ~~(28)(31)~~ Station: A place of business licensed by the Commissioner of Motor Vehicles to conduct inspections
6 of motor vehicles as required by the inspection laws.

7 ~~(29)(32)~~ Suspension of Safety/Emission License: ~~The~~ In accordance with G.S. 20-183.7A and Rule .0522
8 of this Section, the temporary withdrawal of a license issued by the Division of Motor Vehicles to
9 a safety ~~equipment inspection and~~ emission inspection station for a definite period of time.

10 ~~(30)(33)~~ Tampering: Rendering inoperative, or the intentional maladjustment of any device installed on a
11 motor vehicle designed or intended to control the amount of emissions from a vehicle.

12 ~~(31)(34)~~ Waiver: A document issued by the Commissioner of Motor Vehicles or his designated agent
13 exempting a particular motor vehicle from the requirements of the emission inspection.

14
15 *History Note:* Authority G.S. 20-2; ~~20-4.01(32b); 20-39; 20-127; 20-183.2; 20-183.6(a); 20-183.7(a);~~ G.S. 20-
16 ~~183.4; G.S. 20-183.4A; 20-183.5; 20-183.5A; 20-183.7A; 20-183.8A;~~

17 *Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the permanent rule*
18 *becomes effective, whichever is sooner;*

19 *Eff. October 1, 1994;*

20 *Amended Eff. July 1, 2010; February 1, ~~1996-1996;~~*

21 *Readopted Eff. September 1, 2021.*
22

1 19A NCAC 03D .0518 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

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

4
5 (a) An application for licensing as a Safety Equipment or Safety Equipment Emissions Inspection Station shall be
6 made on forms furnished by the Division of Motor Vehicles and filed with the License and Theft Bureau, available at
7 <https://connect.ncdot.gov/business/DMV/Pages/Inspection-Stations.aspx>. Form LT-300 requires the following:

8 (1) inspection station name, address, county, and telephone number;

9 (2) type of license required including public or self-inspection station and the number of vehicles
10 operated by the business;

11 (3) type of station;

12 (4) type of business;

13 (5) if individually owned business or partnership, applicants shall list name and residence address of
14 owner or partners;

15 (6) name of owner, corporation or partner;

16 (7) owner, corporation or partner driver license number and address;

17 (8) listing of certifiable or certified technicians with a valid driver license applying;

18 (9) notification if any member of the partnership or officer of the corporation has ever had a license
19 under this law refused, suspended, or revoked; [revoked?]

20 (10) notification if any member of the partnership or officer of the corporation has ever been licensed as
21 an inspection station;

22 (11) signature of applicant;

23 (12) designate an individual who is responsible for the day-to-day operation of the station; and

24 (13) acknowledgement and signature of notary public.

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

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

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

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

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

35 ~~[Licensed Inspection Stations]~~ licensed inspection stations are not required to conduct inspections
36 on equipment as required in 03D .0519 of this Section.

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

- 1 (1) ~~A specified~~ an area used primarily for repair of ~~motorcycles~~ motorcycles;
- 2 (2) ~~Sufficient~~ an area enclosed to permit an inspection at all times regardless of weather conditions. An
- 3 inspection station shall not have dirt floors; and ~~Dirt floors are not acceptable.~~
- 4 (3) ~~If~~ if a light chart is used to check lights, there shall be parallel lines at least 3 feet long painted on
- 5 the floor surface 25 feet from the chart.
- 6

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

8 *Eff. October 1, 1994;*

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

10 *Readopted Eff. September 1, 2021.*

11

12

1 19A NCAC 03D .0519 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

2
3 **19A NCAC 03D .0519 STATIONS**

4
5 (a) Licensed safety inspection and emissions inspection stations shall keep the area where vehicles are inspected and
6 the area where inspection records are ~~kept~~kept, as required by G.S. ~~20-183.6A(b)~~20-183.6A(b), free of spills, debris,
7 ~~hazardous materials that may present a hazard to the inspector mechanic or the vehicle,~~ obstructions that inhibit ~~proper~~
8 inspection of vehicles, vehicles or present a safety ~~hazard~~concerns for ~~auditors or inspectors of the License and Theft~~
9 Bureau, Division. All vehicles shall remain in the inspection area during the entire inspection.

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

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

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

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

- 23 (1) ~~1~~one jack or lift with minimum capacity of ~~2 tons, two tons;~~2
- 24 (2) ~~1~~one headlight tester, wall chart, or aiming kit adapters to fit all ~~headlights,~~headlights;
- 25 (3) ~~1~~one ~~workbench,~~workbench;
- 26 (4) ~~1~~one ~~creeper,~~creeper;
- 27 (5) ~~1~~one tire tread depth gauge (~~calibrated in 32nds of an inch,~~calibrated in 32nds of an
28 inch);1inch;
- 29 (6) Emission Control System Application Manual (~~current edition~~),in written or electronic format;
- 30 (7) ~~1~~one Department of Environmental Quality Emission ~~Analyzer~~Analyzer, with approved Division
31 of Motor Vehicles software or an electronic device with the ability to connect to the Internet and
32 access the web-based inspection system; and
- 33 (8) ~~1~~Activeone active telephone line with jack or Internet access for Web Based stations.

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

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

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

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13

*History Note: Authority G.S. 20-2; 20-39; 20-183.4; 20-183.4A;
Eff. October 1, 1994;
Amended Eff. July 1, ~~2010~~2010;
Readopted Eff. September 1, 2021.*

1 19A NCAC 03D .0520 is readoption as published in 35:17 NCR 1943-1946 with changes as follows:

2
3 **19A NCAC 03D .0520 SAFETY INSPECTIONMECHANIC REQUIREMENTS**

4
5 (a) An applicant for a safety and emissions an inspection mechanic license and the owner of the inspection station
6 licensee shall sign their name names on Action Form for Inspector/Mechanical Certification (LT-310) demonstrating
7 certify that each mechanic they meet meets the requirements as set out in G.S. 20-183.4(c) and 20-183.4A(c), G.S. 20-
8 183.4(e). Form LT-310 requires the following:

9 (1) mechanic's information including new, change, duplicate, add employer, action requested to
10 indicate~~[Indicate]~~ new or renewal, adding an employer name, or changing an employer name; and
11 employment at station number;

12 (2) mechanic's name, driver license number, home phone number, and address;

13 (3) mechanic's race, sex, and date of birth;

14 (4) mechanic's signature; and

15 (5) employer information including station number, telephone number, county, name of station,
16 address, and signature of owner partner or officer.

17 (b) At reasonable times, During business hours, Upon request by a law enforcement officer of the License and Theft
18 Bureau, a licensed emissions ~~a certified~~ inspection mechanic may be required by authorized law enforcement officers
19 of the Division License and Theft Bureau to shall demonstrate proficiency their ~~his or her~~ knowledge, skills and
20 abilities of the equipment used to perform an inspection, vehicle components, procedures, statutes and rules ~~rules,~~
21 programs ~~knowledge~~ pertaining to a safety and emissions ~~emissions inspection, the Safety Equipment or Safety~~
22 Equipment Exhaust Emission ~~programs by performing~~ inspection requirements which include completion of an
23 actual or simulated Safety Equipment or Safety Equipment Exhaust ~~and Emission~~ Inspection ~~Inspection~~ in the
24 presence of any such authorized officer.

25
26 *History Note: Authority G.S. 20-2; 20-39; 20-183.4; 20-183.4A(c); 20-183.6A;*

27 *Eff. October 1, 1994.1994;*

28 *Readopted Eff. September 1, 2021.*

1 19A NCAC 03D .0521 is readopted as published in 35:17 NCR with changes as follows:

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

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

7 (b)(a) To become In order to be licensed as a North Carolina Safety Inspection Mechanic,Inspector, an individual
8 applicant shall meet the requirements set forth in G.S. 20-183.4(c). For purposes of G.S. 20-183.4(c)(1), the applicant
9 shall complete the following:[following shall apply:] must [shall:]attend and pass an eight hour Safety Inspection
10 Course offered by a North Carolina Community College. ~~An individual must pass a written examination with a score~~
11 ~~of no less than 80% correct answers. An additional eight hour Emissions Inspection course is required if the individual~~
12 ~~desires to be licensed as an Emissions Inspector. This certification process requires that a person have the ability to~~
13 ~~read and write. No oral exams shall be given as allowed in CFR 51 Part 40.~~

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

16 (2) pass a written examination with a score of no less than 80 percent correct answers. No oral exams
17 shall be allowed.

18 ~~[(b) No oral exams shall be allowed.]~~

19 (b)(e) ~~Based upon the An application for [an]a safety inspection station or safety inspection mechanic license and the~~
20 ~~results of investigations made, each applicant shall be approved or disapproved in accordance with G.S. 20-183.4, 20-~~
21 ~~183.4A, and 93-B-8.1 for licensing. Each applicant approved shall be notified by mail and furnished without charge~~
22 ~~with the appropriate station license or inspection mechanic license. Inspection station licenses shall be valid only for~~
23 ~~the place of business set forth in the application. Each inspection station shall notify the Division [License and Theft~~
24 ~~Bureau]of the name and inspection license number of each inspection mechanic the station employs prior to allowing~~
25 ~~the inspection mechanic to perform any inspections at that station. The notice shall be on a form supplied by the~~
26 ~~Division [License and Theft Bureau]and shall be [signed]endorsed by the station owner and the inspection mechanic.~~
27 ~~The notice shall be submitted to the Division by personal delivery to the local Division inspector or by registered or~~
28 ~~certified mail addressed to the Division's district office for the district in which the station is located. If any licensed~~
29 ~~inspection mechanic leaves the employment of a safety equipment [station,] station the inspection station shall notify~~
30 ~~the local Division [License and Theft Bureau]inspector of that fact in writing within three days after the inspection~~
31 ~~mechanic's employment is terminated. An inspection mechanic license shall be valid only for the person in whose~~
32 ~~name it is issued. Upon request, the inspection mechanic shall present his license to any Division inspector who is~~
33 ~~conducting an audit of the mechanic or the station at which the mechanic is employed.~~

34 (c) Each inspection station shall notify the License and Theft Bureau of the name and inspection license number of
35 each inspection mechanic the station employs prior to allowing the inspection mechanic to perform any inspections at
36 that station.

1 (d) The notice shall be on a form as outlined in Rule .0520 of this Section, supplied by the License and Theft Bureau,
2 and shall be signed by the station owner and the inspection mechanic. If any licensed inspection mechanic leaves the
3 employment of a safety equipment station, the inspection station shall notify the local License and Theft Bureau
4 inspector within three days after the inspection mechanic's employment is terminated. An inspection mechanic license
5 shall be valid only for the person in whose name it is issued.

6 (c)(e)(d) Pursuant to G.S. 143-215.107A, no No-Safety Inspection Station shall inspect any gasoline powered vehicle,
7 vehicle of a 1975 model year or newer excluding the initial year model the three most recent model years with less
8 than 70,000 miles, if the vehicle is registered or based in a county participating in the exhaust-emission inspection
9 program unless the station has an exhaust emission analyzer to conduct exhaust-emissions inspections. Owners of
10 vehicles registered in a county participating in the exhaust-emission program but is [permanently] based and operated
11 outside the county may submit a request in writing on forms furnished by to the division License and Theft Bureau
12 for an exemption from the exhaust-emission inspection. The forms requesting request for an exemption shall contain
13 confirmation that a certification to the effect that the vehicle for which the exemption is requested is registered in an
14 emission inspection county county, but is permanently based and operated exclusively outside of the county in which
15 it is registered. The Division License and Theft Bureau shall approve and issue a written exemption for the vehicle
16 upon receipt of supporting documentation by the vehicle owner [used to show the owner or operator's claim] that
17 shows the vehicle is [permanently] [and exclusively] based outside the registered county. an exemption request form
18 that is signed by the vehicle owner. A new exemption shall be requested and approved in accordance with this Rule
19 for each inspection period. Safety Inspections stations may conduct the safety equipment inspection in lieu of a safety
20 and emission inspection the regular manner. Vehicles exempted from exhaust-emission inspection because they are
21 based outside of the county participating in the exhaust emission program shall must have a copy of the approved
22 exemption form in the vehicle at all times.

23
24 *History Note: Authority G.S. 20-2; 20-39; ~~20-183.3~~; 20-183.4; 20-183.4A; 93-B-8.1;*
25 *Eff. October 1, ~~1994~~.1994;*
26 *Readopted Eff. September 1, 2021.*
27

1 19A NCAC 03D .0522 is readopted as published in 35:17 NCR 1943-1946 with changes as follows:

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

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

13 (b) Suspension or Revocation of License:

14 (1) The license of any inspection station shall be subject to suspension or revocation when it or any of
15 its personnel conducting inspections violates ~~violating~~ the rules in this Section or G.S. 20, Article
16 3A, Part ~~2~~ 2 shall be subject to suspension or revocation. ~~The license of any inspection station~~
17 ~~shall be subject to suspension or revocation at any time when any of its personnel conducting~~
18 ~~inspections do not meet the rules in this Section.~~ Any person, firm, or corporation whose license is
19 suspended or revoked shall not inspect vehicles while its license is suspended or revoked. Every
20 licensee whose license is suspended or revoked or who is assessed a civil penalty pursuant to G.S.
21 20-183.7A and G.S. 20-183.8B or who receives a warning letter from the ~~Division~~ License and
22 Theft Bureau shall be allowed a hearing in accordance with G.S. 20-183.8G.

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

30 (3) Prior to the reinstatement of ~~any inspection mechanic license~~ a Safety and Emission Inspection
31 Mechanic License, he or she shall meet the requirements set forth in G.S. 20-183.7A(e) and G.S.
32 20-183.8B(e), [183.8B(e)] that [which] has [has, by order of the Commissioner of Motor Vehicles,
33]been revoked or suspended, the reinstatement applicant shall complete [attend] a training
34 course(s) [session in Safety Equipment or Safety Equipment Emission Inspection.] Proof of course
35 attendance and passing a written test as set forth in Rule .0521 of this Section shall be presented to
36 [a] License and Theft Bureau staff [representative.] that complies with G.S. 20-183.4(e)(1) and
37 G.S. 20-183.4A(e)(2a). The applicant shall present proof of both course attendance and of passing

1 a written test to the License & Theft Bureau Inspections Unit.

- 2 (4) ~~Motorists~~ Motor vehicle owners assessed civil penalties or fines shall be allowed a hearing in
3 accordance with G.S. 20-183.8G. ~~Motorists~~ Motor vehicle owners requesting a hearing shall mail
4 a written hearing request to the Commissioner of Motor Vehicles, 3101 Mail Service Center,
5 Raleigh, NC 27699-3101.

6
7 *History Note:* Authority G.S. 20-2; 20-39; 20-183.7A(e); 20-183.8B(e); 20-183.8D; ~~20-183.8A; 20-183.8G;~~

8 93B-8.1;

9 *Eff. October 1, 1994;*

10 *Amended Eff. November 1, ~~2016~~ 2016;*

11 *Readopted Eff. September 1, 2021.*