

SUBCHAPTER 03D - ENFORCEMENT SECTION

SECTION .0100 - GENERAL INFORMATION

19A NCAC 03D .0101 PURPOSE

This Subchapter establishes rules for and provides information on the following:

- (1) motor vehicle dealer sales, distributor and factory representative license;
- (2) motor vehicle thefts;
- (3) mechanics and storage lien;
- (4) notice of sale;
- (5) safety inspection of motor vehicles;
- (6) licensing of safety inspection stations;
- (7) enforcement of weight regulations; and
- (8) approval of motor vehicle safety equipment.

History Note: Authority G.S. 20-1; 20-39; 20-45; 20-49 through 20-50; 20-52.1; 20-57; 20-64(a); 20-68; 20-72 through 20-79.1; 20-82 through 20-83; 20-84.2; 20-85 through 20-86; 20-86.1; 20-87 through 20-88; 20-88.1; 20-91.1; 20-96; 20-99; 20-103 through 20-104; 20-114; 20-116; 20-117.1; 20-118; 20-118.1; 20-122 through 20-135.3; 20-183.2 through 20-183.12; 20-308; 20-347; 44A-1 through 44A-4; 54-4; 55-131; 66-68; 105-449.52; 153-9; 160A-303;
Eff. July 1, 1978;
Amended Eff. January 1, 1994; October 1, 1991; February 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0102 FORMS AND PUBLICATIONS

History Note: Authority G.S. 20-1;
Eff. July 1, 1978;
Amended Eff. January 1, 1994; February 1, 1982; April 11, 1980;
Repealed Eff. September 1, 2021.

- 19A NCAC 03D .0103 LICENSE FEES
- 19A NCAC 03D .0104 DESCRIPTION OF LICENSE
- 19A NCAC 03D .0105 CHANGE OF EMPLOYMENT
- 19A NCAC 03D .0106 RECORDS
- 19A NCAC 03D .0107 HEARINGS PURSUANT TO ARTICLE 12
- 19A NCAC 03D .0108 RULES AND REGULATIONS
- 19A NCAC 03D .0109 FORMS

History Note: Authority G.S. 20-1; 20-52.1; 20-75; 20-79(a),(b); 20-82; 20-286(6),(15); 20-289; 20-290(a); 20-291; 20-302; 20-303; 20-347; 143-350(g);
Eff. July 1, 1978;
Amended Eff. April 11, 1980;
Repealed Eff. February 1, 1982.

SECTION .0200 - MOTOR VEHICLE DEALER, SALES, DISTRIBUTOR AND FACTORY REPRESENTATIVE LICENSE

19A NCAC 03D .0201 REQUIREMENT FOR LICENSE

History Note: Authority G.S. 20-1; 20-52.1; 20-75; 20-79; 20-82; 20-286(6) and (15); 20-287; 20-288; 20-290(a); 20-291; 20-294 through 20-296; 20-301 through 20-305; 20-305.1 through 20-305.3; 54-4; 55-131; 66-68; 143B-350(g);
Eff. July 1, 1978;
Amended Eff. March 1, 1982; April 11, 1980;

Repealed Eff. June 1, 1988.

19A NCAC 03D .0202 DEALER AND MANUFACTURERS' PLATES AND TEMPORARY MARKERS

*History Note: Authority G.S. 20-1; 20-39; 20-57; 20-68; 20-79; 20-79.1;
Eff. July 1, 1978;
Amended Eff. April 11, 1980;
Repealed Eff. March 1, 1982.*

- 19A NCAC 03D .0203 LICENSE FEES**
- 19A NCAC 03D .0204 DESCRIPTION OF LICENSE**
- 19A NCAC 03D .0205 CHANGE OF EMPLOYMENT**
- 19A NCAC 03D .0206 RECORDS**
- 19A NCAC 03D .0207 HEARINGS PURSUANT TO ARTICLE 12**
- 19A NCAC 03D .0208 ILLEGAL USE OF DEALER PLATES**
- 19A NCAC 03D .0209 DEALER PLATES LOST OR STOLEN**
- 19A NCAC 03D .0210 CONDITIONS FOR ISSUING TEMPORARY MARKERS BY A DEALER**
- 19A NCAC 03D .0211 ISSUANCE OF TEMPORARY MARKER RECEIPTS**
- 19A NCAC 03D .0212 DEALER'S DELIVERY OF PURCHASER'S APPLICATION REGISTRATION**

*History Note: Authority G.S. 20-1; 20-39; 20-52.1; 20-68; 20-68(a); 20-75; 20-79; 20-79(a)(b); 20-79.1; 20-82;
20-85(5); 20-87(7); 20-286(6)(15); 20-289; 20-290(a); 20-291; 20-294 through 20-296; 20-297;
20-301 through 20-305; 20-305.1 through 20-305.3; 20-347;
Eff. March 1, 1982;
Amended Eff. August 1, 1984;
Repealed Eff. June 1, 1988.*

19A NCAC 03D .0213 RENEWAL OF DEALER PLATES

*History Note: Authority G.S. 20-39; 20-66; 20-79;
Eff. August 1, 1982;
Repealed Eff. June 1, 1988.*

19A NCAC 03D .0214 CORP. SURETY BONDS: MOBILE/MANUFACTURED HOME DEALERS

*History Note: Authority G.S. 20-39; 20-288(e);
Eff. December 1, 1982;
Repealed Eff. June 1, 1988.*

19A NCAC 03D .0215 ELIGIBILITY FOR LICENSING

Any person, firm or corporation who upon proper application meets the qualifications and requirements set out in Article 12 of Chapter 20 of the North Carolina General Statutes, G.S. 20-79 and rules contained in Title 19A, Subchapter 03D, Section .0200 shall be eligible for issuance of a dealer license.

*History Note: Authority G.S. 20-1; 20-302;
Eff. June 1, 1988;
Amended Eff. January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03D .0216 DEFINITIONS

- (a) Statutory Definitions: Definitions for words and phrases used in this Section and not defined in subsection (b) shall be the same as the definitions appearing in G.S. 20-286 and G.S. 20-4.01.
- (b) Administrative Definitions: The following words and phrases shall have the meanings listed below when used in this Section:

- (1) "Established Salesroom" - A salesroom containing at least 96 square feet of floor space in a permanently enclosed building or structure which is separate and apart from any living quarters, residence or other business and having a separate entrance; where any vehicles displayed are separate and apart from vehicles of any other dealer; having displayed thereon or immediately adjacent thereto a sign, in block letters of not less than 3 inches in height on a contrasting background, clearly and distinctly designating the trade name of the business at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and at which place of business shall be kept and maintained the books, records, and files the Division requires as necessary to conduct the business at such location. A building is not considered permanent if it has wheels. In order for a manufactured home to be considered a permanent enclosed building, it must be underpinned and wheels removed. Provided, however, the minimum area requirement provided for in this Paragraph is not applicable to any established place of business lawfully in existence and duly licensed on or before January 1, 1978.
- (2) "Established Office" (Wholesaler) - An office containing at least 96 square feet of floor space in a permanently enclosed building or structure which is accessible to Division personnel and is where required books, records and files are kept.
- (3) "Suspension" - The temporary withdrawal of a license issued by the Division of Motor Vehicles to a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, wholesaler or their sales representative for a definite period.
- (4) "Revocation" - The termination of a license issued by the Division of Motor Vehicles to a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, wholesaler or their sales representative.
- (5) "Automobile" - Any passenger car or station wagon.

*History Note: Authority G.S. 20-1; 20-302;
 Eff. June 1, 1988;
 Temporary Amendment Eff. February 9, 1989 for a Period of 180 Days to Expire on August 8, 1989;
 Temporary Amendment Expired Eff. August 8, 1989;
 Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03D .0217 APPLICATION FOR LICENSE

- (a) Applications for all licenses required by the Motor Vehicle Dealers and Manufacturers Licensing Law shall be made on forms furnished by the Division and signed by the Owner, partner or proper officer of a corporation and filed with the Enforcement Section, N. C. Division of Motor Vehicles; Raleigh, North Carolina 27697, accompanied by the necessary fees; provided, the Division shall not issue a motor vehicle dealer license to a new motor vehicle dealer unless or until the applicant has satisfied the Division that a distributor or manufacturer has awarded the applicant a franchise to sell new motor vehicles in the relevant market area for which a license is sought.
- (b) The application and annual renewal of license to do business as a manufacturer, factory branch, distributor, distributor branch, wholesaler or dealer, must be signed by the owner, partner or an officer of the corporation. The application for license as a motor vehicle sales representative, distributor or factory representative must be certified by the owner, partner, or an officer of the corporation.
- (c) Application for all licenses required by the Motor Vehicle Dealers and Manufacturers Licensing Law must accurately describe the physical location of the business such as: street number, street name, city, state and zip code. If a post office box or rural route is used, the above information must also be included. It is not permissible to have a mailing address different from the actual location of the business. Wholesale applicants must supply the Division with a telephone number at which such business may be contacted by a representative of the Division concerning records and sales transactions.
- (d) Each applicant prior to being approved for license as a motor vehicle dealer, manufacturer, distributor, distributor branch, wholesaler or factory branch shall furnish a corporate surety bond, cash bond or fixed value equivalent thereof as required by G.S. 20-288(e). This bond shall remain in force and effect so long as the licensee remains in business. When a cash bond or equivalent thereof is filed with the Division, same shall remain in effect for a period of four years after termination of business. The name and address appearing on the bond must be exactly as shown on the application.

(e) The Division must have evidence of an assumed name being filed with the Register of Deeds in the county in North Carolina where the business is maintained when such business is operated under any designation, name or style other than the real name of the owner or owners thereof or under its corporate name. After this filing when there is a change of name or ownership, evidence of this change being filed with the Register of Deeds shall be furnished to the Division of Motor Vehicles.

(f) A foreign corporation must procure a certificate of authority from the North Carolina Secretary of State before being licensed to operate in this State under the Motor Vehicle Dealers and Manufacturers Licensing Law and provide written proof of same to the Division.

(g) Before a North Carolina corporation can be licensed under the Motor Vehicle Dealer and Manufacturers Licensing Law, articles of incorporation must have been filed with the North Carolina Secretary of State, and written proof of same provided to the Division.

(h) Before the Division shall issue licenses required by the Motor Vehicle Dealers and Manufacturers Licensing Law, the established salesroom or established office shall be in compliance with all state, county and municipal zoning ordinances or regulations, and written proof of same provided to the Division.

(i) Prior to issuance of licenses required by the Motor Vehicle Dealers and Manufacturers Licensing Law, the applicant must purchase all required state and local "Traders" licenses and provide written proof of same to the Division.

(j) License fees for each fiscal year, or part thereof, shall be as provided under G.S. 20-289; provided no license shall be issued until the fees for license required by G.S. 20-87(7) have been paid to the Division.

(k) Upon receipt of application for any license required by the Motor Vehicle Dealers and Manufacturers Licensing Law, the Commissioner shall cause an investigation to be made to determine whether the applicant meets the requirements of law for licensing as a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, wholesaler, motor vehicle sales representative, factory representative or distributor branch representative, and this shall include the inspection of the proposed location, applications and other required documents by an agent of the Enforcement Section.

(l) When an applicant for a license under this Section is approved, based upon the application and the results of investigation made, the applicant will be issued license subject to the following limitations:

- (1) A license issued under the Motor Vehicle Dealers and Manufacturers Licensing Law shall be valid until suspended, revoked or expired. The license must be at all times conspicuously displayed at the place designated by the Division.
- (2) Any motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler who moves his place of business from the location for which license was issued shall immediately notify the Enforcement Section, North Carolina Division of Motor Vehicles, of such change of location and shall not engage in the business of buying, selling, trading or manufacturing motor vehicles until the new location has been inspected and approved by an agent of the Division and the necessary form and additional fees, if any, have been submitted to the Division.
- (3) A license issued pursuant to Article 12 of Chapter 20 of the General Statutes shall not be assignable and shall be valid only for the owner, or owners in whose name or names it is issued and for transaction of business only at place designated therein. If an individual, partnership or proprietorship should incorporate, new fees are due.
- (4) The Division shall be notified when there is a change of name and the licensee shall produce evidence that a bond as required by G.S. 20-288(e) is in effect.

(m) The Commissioner shall deny the application for any license under the Motor Vehicle Dealers and Manufacturers Licensing Law of any applicant who fails to meet the qualifications set out in Article 12 of Chapter 20 of the North Carolina General Statutes. Upon denial, applicant:

- (1) Shall be notified by certified mail within 30 days from denial of license, directed to the address shown by applicant on application form.
- (2) Upon request, shall be afforded a hearing by the Commissioner of Motor Vehicles as required under provisions of G.S. 20-295.

(n) Every motor vehicle sales representative who engages in business in this State as such must obtain a license. Applicants for a motor vehicle sales representative's license shall be subject to the following provisions:

- (1) A sales representative, factory representative, or distributor representative, must be employed by a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler.

- (2) All applications for sales representative, factory representative, and distributor representative licenses must be made on forms furnished by the Division. Each application must be signed by the applicant and endorsed by the employer or employers.
- (3) All sales representative, factory representative, and distributor representative licenses shall be valid until suspended, revoked, or expiration, or until employment as a sales representative, factory representative for which it is issued is terminated.
- (4) All sales representatives, factory representatives, and distributor representatives shall at the time of changing employment return his license and make application to the Division on forms furnished by the Division designating the name and address of the new employer and must be signed by the applicant and endorsed by the employer or employers.

History Note: Authority G.S. 20-1; 20-52.1; 20-75; 20-79; 20-82; 20-286(6) and (15); 20-287; 20-288; 20-290(a); 20-291; 20-294 through 20-296; 20-301 through 20-305; 20-305.1 through 20-305.3; 66-68;
 Eff. June 1, 1988;
 Amended Eff. January 1, 1994; October 1, 1991; September 1, 1991;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0218 DESCRIPTION OF LICENSE

- (a) Every license issued to a dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler must show the name of the business, location, license number and expiration of license.
- (b) Every license issued to a sales, factory or distributor representative must show his name and address, name of his employer and expiration date.
- (c) Every motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler shall, on or before the 30th day of June in any calendar year, apply for and obtain, upon payment of proper fees, the license and number plates required by G.S. 20-79.

History Note: Authority G.S. 20-1; 20-79; 20-290(a); 20-291; 20-302;
 Eff. June 1, 1988;
 Amended Eff. January 1, 1994; October 1, 1991;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0219 BUSINESS RECORDS

- (a) All motor vehicle dealers, manufacturers, factory branches, distributors, distributor branches and wholesalers shall keep a record for at least four years of all vehicles manufactured, received, sold, traded or junked. In addition, a copy of any disclosure required by G.S. 20-71.4 received or given by the dealer must be retained for four years. An odometer disclosure form shall be retained for a period of five years as required by G.S. 20-347.1.
- (b) All motor vehicle dealers, manufacturers, factory branches, distributor branches and wholesalers shall keep for a period of four years the following additional records for each vehicle and mobile/modular home manufactured, received, sold, traded or junked:
 - (1) Make, body style, vehicle identification number, and year model.
 - (2) Name of person, firm or corporation from whom acquired.
 - (3) Date vehicle purchased or manufactured.
 - (4) Name of person, firm or corporation to whom sold or traded. If vehicle junked, date, name and address of person, firm or corporation to whom frame, motor and body sold.
 - (5) Date vehicle sold or traded.
 - (6) Copy of bill of sale (written statement).
 - (7) The North Carolina oversize single trip or annual permit number authorizing movement of the mobile/modular unit, serial number or vehicle identification number of the mobile/modular unit, the date of move, transporter, and name and address of purchaser.
- (c) All records required to be maintained in Paragraphs (a) and (b) shall be kept and maintained for every vehicle purchased or sold and shall be kept so as to be readily available for inspection upon demand from an authorized agent of the North Carolina Division of Motor Vehicles in order that the ownership of any vehicle purchased or sold can be traced.

(d) Manufacturer's Certificates of Origin and title for all vehicles owned by a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch or wholesaler must be immediately available to assign to the purchaser.

(e) Retail installment sales must be made in accordance with G.S. 20-303. Cash sales may be made by proper endorsement and delivery of the title to the purchaser and any other receipt that the purchaser and seller agree upon.

(f) Pursuant to 16 CFR 455.2 a dealer shall not willfully remove the "Monroney Label" or sticker from a new automobile that is displayed for sale. The "Monroney Label" must be affixed to the new automobile at the time of sale to the ultimate purchaser. "Ultimate Purchaser" means the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases a new automobile for purposes other than a resale.

(g) Pursuant to 15 USC Sec. 1231 every dealer offering used cars for sale shall post buyers guides with warranty information as required by the Federal Trade Commission and same shall be displayed at the time of sale.

History Note: Authority G.S. 20-1; 20-52; 20-71.4; 20-75; 20-79(a) and (b); 20-82; 20-286(6) and (15); 20-297; 20-302; 20-303; 20-347;
Eff. June 1, 1988;
Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;
Filed as a Temporary Rule Eff. October 1, 2000;
Amended Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0220 INSPECTION AND INVESTIGATION

(a) The Division may make periodic inspections of premises and records of licensee.

(b) All bona fide complaints received in writing by the Commissioner about any person, firm or corporation licensed under Article 12 of Chapter 20 shall be investigated for the purpose of determining whether there has been a violation of that Article, Article 15 or these rules.

(c) The Division shall also conduct an investigation when it has reasonable grounds to believe there has been a violation of Chapter 20 or these rules.

History Note: Authority G.S. 20-1; 20-49; 20-297; 20-302;
Eff. June 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

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

(a) A dealer shall meet the following conditions before issuing a temporary marker:

- (1) The dealer has passed ownership to the purchaser by:
 - (A) either assigning the title or Manufacturer's Certificate of Origin, or pursuant to G.S. 20-52.1 if the title of Manufacturer's Certificate of Origin is unavailable; and
 - (B) delivering the vehicle to the buyer.
- (2) Dealer has met all application and fee requirements pursuant to G.S. 20-79.1.
- (3) Dealer has proof of liability insurance pursuant to G.S. 279.21.
- (4) Exception. Subparagraph (a)(2) of this Rule shall not apply when the dealer is selling the vehicle to an out-of-state purchaser and the vehicle is to be removed from the State of North Carolina to the purchaser's place of residency prior to the expiration of the 30-day temporary registration marker. Proof of insurance Form FS-1 shall be completed and kept by the dealer as part of his or her records. For purposes of the Rules of this Section, Form FS-1 is provided by insurance companies in the State and requires the following:
 - (A) vehicle year, make and identification number;
 - (B) insurance company name and company code;
 - (C) insurance policy number;
 - (D) registered owner's name and effective date of insurance;
 - (E) owner's driver license number and date of birth;
 - (F) owner's address;
 - (G) preparation date and authorized signature of insurance company representative.

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

- (1) All 30-day temporary markers shall be issued in numerical order, beginning with the lowest number of the set or sets.
- (2) The vehicle identification number, the make, the issuance date, and the expiration date shall be entered on the face of the temporary marker.
- (3) A receipt, which corresponds in number with the 30-day temporary marker, shall be issued by the dealer to the buyer.
- (4) The receipt shall be completed in duplicate and shall be legible.
- (5) The white copy of the receipt, with the 30-day marker, shall be delivered to the purchaser. The pink copy shall be retained by the issuing dealer for one year.
- (6) Pursuant to G.S. 20-52, all documents necessary to title and register the vehicle shall be presented to a license plate agency or mailed to the North Carolina Division of Motor Vehicles within four working days from date of issuance. When the purchaser is a nonresident, a 30-day temporary marker may be issued to the nonresident for the sole purpose of removing the vehicle to his or her place of residency provided the customer has in effect liability insurance with a company licensed in North Carolina. The dealer is neither required to obtain from such nonresident a written application for North Carolina registration nor to collect the North Carolina registration fees. However, Form FS-1 shall be completed and kept by the dealer as part of his or her records. If a plate is to be transferred, a 30-day temporary marker shall not be issued. All information shall be recorded on the report sheet in the back of receipt book.
- (7) All 30-day temporary markers and receipts that are voided shall be marked void and recorded on the report sheet. The white copy of the receipt and the 30-day temporary marker shall be mailed to the North Carolina Division of Motor Vehicles License and Theft Bureau together with the report sheets. Receipts and 30-day temporary markers that do not match shall be returned to the Division after recording on report sheet. The receipt shall not be altered.
- (8) Only one 30-day temporary marker shall be issued per vehicle per sale unless requirements in G.S. 20-79.1(h) are met.
- (9) Upon issuance of all receipts in each receipt book, the report sheet shall be completed in duplicate and the original mailed to the Division.

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

19A NCAC 03D .0222 DEALER'S DELIVERY/PURCHASER'S APPL: REGISTRATION

History Note: Authority G.S. 20-39; 20-79.1;
 Eff. June 1, 1988;
 Repealed Eff. October 1, 1989.

19A NCAC 03D .0223 DEALER PLATES

- (a) The Application for Dealer Plates Form VS-405 for dealer plates shall be signed by the owner, partner, or officer of the corporation.
- (b) Form VS-405 shall include:
 - (1) license number and expiration date;
 - (2) number of dealer plates noted on VS-419 (if applicable) for renewal;
 - (3) additional or new dealer plates requested including the type of plate for independent dealer, franchise dealer, motorcycle plate, exempt trailer, manufacturer plate or motorcycle manufacturer and quantity needed;
 - (4) number of dealer transporter plates noted on VS-419 for renewal;
 - (5) additional or new dealer transporter plates requested;
 - (6) total number of dealer transporter plates;
 - (7) number of loaner dealer plates noted on VS-419 for renewal;
 - (8) additional or new loaner dealer plates requested;

- (9) quantity of loaner plates;
- (10) late fee as set forth in G.S. 20-88.03 per plate within one month of expiration; and
- (11) total of all requested.

(c) Any dealer seeking to replace lost or stolen dealer plates shall complete and submit Form VS-405 with the fee required by G.S. 20-87(7) to the Division of Motor Vehicles. The dealer shall be reported to the local law enforcement agency and the Division of Motor Vehicles.

*History Note: Authority G.S. 20-39; 20-79(a); 20-87(7); 20-88.03;
Eff. June 1, 1988;
Amended Eff. January 1, 1994; October 1, 1991;
Readopted Eff. September 1, 2021.*

19A NCAC 03D .0224 ILLEGAL USE OF DEALER PLATES

- (a) A dealer shall only use dealer plates in accordance with the requirements of G.S. 20-79(d).
- (b) Parts trucks used in delivering parts to other sales outlets may use dealer plates only if the sale of parts is incident to the dealer business.
- (c) No person, other than those set forth in G.S. 20-79(d)(5)a. through f. shall operate a dealership vehicle unless they are in possession of a 96-hour permit. The said permit shall include license plate number, permittee's name, address, driver's license number, date and hour of issue and shall be signed by a dealer or sales manager and a person receiving the vehicle. A duplicate copy of the permit shall be retained by the dealer. The permit is void if erasures are made. For purposes of this Rule, "immediate family" as used in G.S. 20-79(d)(5)f. shall include a parent; spouse; sibling; child by blood, adoption, or marriage; grandparent, or grandchild.
- (d) A wrecker shall not use dealer plates for wrecker service or on wreckers that move vehicles on a rotation basis at the request of state or local law enforcement authorities. A wrecker may use a dealer plate on wreckers that tow vehicles for the dealer's customers only.
- (e) The civil penalty imposed upon a dealer pursuant to G.S. 20-79(e)(2) is due in full upon assessment by the Division. The license of a dealer who willfully and intentionally fails to pay the civil penalty within 30 days after notice of the assessment is delivered to the dealer or an employee of the dealer shall be suspended by the Division until the penalty is paid in full.

*History Note: Authority G.S. 20-39; 20-79; 20-302; 20-294(2);
Eff. June 1, 1988;
Amended Eff. December 1, 1993; October 1, 1991; October 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018;
Amended Eff. September 1, 2021.*

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

- (a) No vehicle shall be sold or offered for sale or trade by any motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler until it has in its possession a certificate of title or manufacturers certificate of origin or the same is available prior to conclusion of the sale or trade to complete transfer of ownership to the consumer-purchaser.
- (b) This Rule does not apply when a manufacturer's certificate of origin or title are unavailable at the time of sale or trade and the dealer acts in accordance with G.S. 20-52.1(d), 20-72(b), or 20-72.1, whichever is applicable.

*History Note: Authority G.S. 20-39; 20-79;
Eff. June 1, 1988;
Amended Eff. October 1, 1991;
Readopted Eff. September 1, 2021.*

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

- (a) Any dealer offering a vehicle for sale that is on consignment from a manufacturer, distributor, factory branch, distributor branch, wholesaler, or individual shall have in his possession a consignment contract for each vehicle, executed by both parties.
- (b) The consignment contract shall consist of the following:
 - (1) the effective dates of the contract;

- (2) the first, middle and last name, address, and the telephone number, if available, of the owner;
 - (3) the description of the vehicle on consignment, including the make, model, body style, year, and vehicle identification number;
 - (4) the listing charges;
 - (5) the percentage of commission or the amount of the commission the dealer is to get if the vehicle is sold; and
 - (6) the right of the dealer to receive the agreed upon commission, if the vehicle is sold after the termination of the agreement and as a result of the dealer's effort, which shall not exceed 30 days.
- (c) Any dealer offering a vehicle for sale on consignment shall tell the prospective customer that the vehicle is on consignment unless the dealer is going to take ownership of the vehicle by completing a re-assignment on the title documents. Any dealer selling a vehicle on consignment from a wholesaler shall take ownership of that vehicle prior to its retail sale.
- (d) Dealer plates shall not be used to demonstrate a vehicle on consignment. However, the consignor's (owner's) plate may be used so long as the vehicle registration is active and liability insurance is in effect.
- (e) In addition to a consignment contract, the dealer shall keep on file an equipment listing of the vehicle, consisting of, but not limited to, the following:
- (1) owners name and address; and
 - (2) a description of the vehicle which shall include the year, make, model, body style, color, odometer reading, additional equipment, and the disclosure of known defects.
- (f) The ownership documents of any vehicle on consignment shall be made available by the dealer to any North Carolina Division of Motor Vehicles employee on request.
- (g) The owner shall execute the ownership documents and deliver them to the purchaser at the time the vehicle is delivered.

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

19A NCAC 03D .0227 VEHICLES OFFERED FOR SALE ON A FLOOR PLAN LIEN

- (a) A "floor plan "lien" is a revolving line of credit in which a superior financial interest in a vehicle is held by a party other than the dealer.
- (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 and obtain the title from the floor plan lienholder, execute the title documents, and deliver them to the purchaser or the lienholder as required by G.S. 20-52.1, 20-72, 20-72.1 and 20-75 at the time the vehicle is delivered.
- (c) Manufacturers Certificate of Origin may be retained by the floor plan lienholder so long as the Manufacturers Certificate of Origin is located within the boundaries of North Carolina; provided the dealer has in possession, available for inspection, an invoice from the manufacturer or distributor and a Floor Plan Lien Disclosure Statement completed, dated, and signed by both parties. The Floor Plan Lien Disclosure Statement (LT-411) includes the following:
- (1) name of lien holder;
 - (2) vehicle make, model, and style;
 - (3) vehicle identification number;
 - (4) address of lien holder;
 - (5) name of dealership;
 - (6) signature of lien holder and dealer; and
 - (7) date of agreement.
- (d) Mobile and manufactured home dealers shall be exempt from the requirement that the Manufacturer's Certificate of Origin be located within the boundaries of North Carolina. All other provisions of this Rule shall apply to mobile and manufactured home dealers.

History Note: Authority G.S. 20-39; 20-52.1; 20-72; 20-72.1; 20-75; Eff. June 1, 1988; Amended Eff. June 1, 1995; January 1, 1994; October 1, 1991;

Readopted Eff. September 1, 2021.

19A NCAC 03D .0228 BILL OF SALE, ODOMETER STATEMENT - WRITTEN DOCUMENTATION

(a) Bill of Sale - Every motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch or wholesaler at the time of sale or trade shall provide to the buyer in writing the applicable information listed below which may be on a bill of sale, buyer's order, financial statement or combination thereof. Each form must be completed in duplicate, signed by the buyer and seller, and the original or copy provided to the buyer and a copy of original retained by the dealer for four years. Such information shall include:

- (1) Name and address of person, firm or corporation to whom vehicle sold or traded.
- (2) Date of sale or trade.
- (3) Name and address of motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch or wholesaler selling or trading vehicle.
- (4) Make, body style, vehicle identification number and year model.
- (5) Sale price of vehicle.
- (6) Amount of cash down payment made by the buyer.
- (7) Description of any vehicle used as a trade-in and the amount credited the buyer for sale trade-in. [Description of trade-in shall be the same as outlined in Subparagraph (a)(4) of this Rule.]
- (8) Amount of finance charge, if any, and interest.
- (9) The cost of insurance to the buyer, if any, and an explanation of the type and amount of coverage.
- (10) Any investigation charges, service charges or any other charge or charges not included in previous items. The purpose of each charge must be specified.
- (11) Net balance due from the buyer.
- (12) The amount of each payment and the time and schedule of deferred payment and to whom payments are to be made.

(b) Odometer Statement - Odometer disclosure statements must comply with Article 15 of Chapter 20 of the North Carolina General Statutes and copies retained for a period of five years.

*History Note: Authority G.S. 20-39;
Eff. June 1, 1988;
Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

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

A person, business or entity who is engaged in the business of selling mobile or manufactured home, as defined in G.S. 143-143.9, and who also sells motor vehicles in connection to this business, shall either:

- (1) furnish to the Division a corporate surety bond, cash bond, or fixed equivalent thereof pursuant to G.S. 20-288(e); or
- (2) furnish to the Division a copy of the bond that the dealer has furnished to the North Carolina Manufactured Housing Board, pursuant to G.S. 143-143.12.

*History Note: Authority G.S. 20-288(e); 20-302;
Eff. June 1, 1988;
Amended Eff. January 1, 1994;
Readopted Eff. September 1, 2021.*

19A NCAC 03D .0230 SUSPENSION: REVOCATION AND RENEWAL REFUSED

(a) Suspension: Any person, firm or corporation whose license is suspended shall:

- (1) Surrender all licenses and license plates (dealer, manufacturer or temporary marker) to the Division and not engage in the business of buying, selling, trading or manufacturing motor vehicles while license is suspended.
- (2) Reinstatement: At the termination of period of suspension, license, license plates and temporary markers will be returned to licensee upon payment of necessary fees, if any. If no fees are due, license, license plates and temporary markers will be returned to licensee upon request; if fees are due, licensee shall be notified prior to date of termination of suspension.

(b) Revocation:

- (1) Any person, firm or corporation whose license has been revoked shall surrender all licenses, license plates (dealer, manufacturer and temporary marker) to the Division and not engage in the business of buying, selling, trading, or manufacturing motor vehicles until new license and license plates have been obtained.
- (2) New license required:
 - (A) Where a license has been revoked, a new license must be obtained before carrying on any activity covered by Article 12 of Chapter 20.
 - (B) The procedure for obtaining a new license after revocation shall be the same as that for obtaining an original license except that application shall have noted on the face thereof by applicant the fact that prior license has been revoked and the date of such revocation.
 - (C) Where dealer or manufacturer's license plates have been revoked, the procedure for obtaining new plates shall be the same as that for obtaining original license plates.
- (c) Renewal refused: Any person, firm or corporation whose renewal application for license has been refused must surrender all license plates to the Division for cancellation.

History Note: Authority G.S. 20-1; 20-302; Eff. June 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0231 HEARINGS PURSUANT TO ARTICLES 12 AND 15 OF CHAPTER 20

- (a) The following shall be applicable to hearings requested under G.S. 20-296:
 - (1) No license issued under this Article shall be suspended, revoked or renewal refused until a hearing has been held before the Commissioner or a person designated by him and licensee shall have been notified in writing ten days prior to such hearing by certified mail to his last known address as shown by records of the Division. Provided, however, if a licensee fails to maintain a bond as required by G.S. 20-288(e) or fails to purchase dealer license plates as required by G.S. 20-79, the Division shall cancel the dealer's license subject to the provision that the licensee shall be granted a hearing if requested in writing within ten days after the date of cancellation of such license.
 - (2) Hearing shall be held at a place designated by the Commissioner.
 - (3) The licensee shall be advised of the decision of the Commissioner in writing by certified mail within 30 days of the decision to his last known address as shown by records of the Division.
 - (4) The decision of the Commissioner or his duly authorized representative, after hearing, shall be final and appeal therefrom shall be as provided in Chapter 150B of the North Carolina General Statutes (G.S. 20-300).
- (b) Except as otherwise provided, the North Carolina Rules of Civil Procedure will be applicable to hearings requested under N.C.G.S. 20-304 through 20-305.4.
 - (1) Action shall be initiated by the filing of a petition with the Commissioner of Motor Vehicles, North Carolina Division of Motor Vehicles, Raleigh, N. C. 27697, who shall serve a copy thereof on the affected manufacturer by certified mail (return receipt requested) with notice that such manufacturer shall reply to the subject petition of the dealer within 30 days.
 - (2) Petitioner and replies:
 - (A) The form of the petition shall be the same as that required for filing of petitions in the superior court and there shall be attached thereto a copy of the franchise agreement between the dealer and manufacturer.
 - (B) The form of the reply to the petition shall be the same as required for the filing of a reply to a petition in the superior court and there shall be attached thereto a copy of the franchise agreement between the manufacturer and dealer.
 - (C) Exhibits and supporting documents shall be attached to the petition or reply at the time of filing.
 - (3) The hearing shall be held at a place designated by the Commissioner upon 20 days written notice to both the petitioner and respondent.
 - (A) It shall be the obligation of the parties involved to have present at any hearing all witnesses which the parties desire to be heard.
 - (B) The parties shall be advised of the decision of the Commissioner in writing by certified mail to the addresses as shown in the pleadings filed in the action.

- (4) The decision of the Commissioner or his duly authorized representative after hearing shall be final and appeal therefrom shall be as provided in Chapter 150B of the North Carolina General Statutes (G.S. 20-300).

*History Note: Authority G.S. 20-1; 20-294 through 20-296; 20-301 through 20-305; 20-305.1 through 20-305.3; Eff. June 1, 1988;
Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03D .0232 CIVIL PENALTY SCHEDULE FOR NON-LICENSED MOTOR VEHICLE DEALERS

The civil penalty schedule established in this Rule shall apply to a person acting as a dealer who has not obtained a license pursuant to Article 12 of the Motor Vehicle dealers and Manufacturers Licensing Law. The Division of Motor Vehicles shall apply the penalty schedule in the following manner:

- (1) For a first offense of selling motor vehicles without a license against any person who is required to obtain a license under G.S. 20-287 and has not obtained the license, the DMV shall levy and collect a civil penalty of one thousand dollars (\$1000) in addition to any other punishment required under the law.
- (2) For a second offense of selling motor vehicles without a license against any person who is required to obtain a license under G.S. 20-287 and has not obtained the license, the DMV shall levy and collect a civil penalty of three thousand dollars (\$3,000) in addition to any other punishment under the law.
- (3) For a third or subsequent offense of selling motor vehicles without a license against any person who is required to obtain a license under G.S. 287 and has not obtained the license, the Division shall levy and collect a civil penalty of five thousand dollars (\$5,000) in addition to any other punishment under the law.

*History Note: Authority G.S. 20-39; 20-287;
Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03D .0233 CIVIL PENALTY SCHEDULE FOR LICENSED MOTOR VEHICLE DEALERS

The civil penalty schedule established in this Rule applies to motor vehicle dealers, motor vehicle sales representatives, manufacturers, factory branches, factory representatives, distributors, representatives, distributor branches, distributor representatives, and wholesalers. The schedule categorizes violations as Type I (serious) Violations, Type II (moderate/less serious) Violations, and Type III (minor) Violations. The DMV shall apply the Civil Penalty Schedule as follows:

- (1) Type I Violation: For a first Type I violation within three years by a licensee, the Division shall assess a civil penalty of two hundred fifty dollars (\$250.00) in addition to any other punishment or remedy under the law. For a second Type I violation within three years by a licensee, the Division shall assess a civil penalty of five hundred dollars (\$500.00) in addition to any other punishment or remedy under the law. For a third or subsequent Type I violation within three years by a licensee, the Division shall assess a civil penalty of one thousand dollars (\$1,000) in addition to any other punishment or remedy under the law.
- (2) Type II Violation: For a first Type II violation within three years by a licensee, the Division shall assess a civil penalty of one hundred dollars (\$100.00) in addition to any other punishment or remedy under the law. For a second Type II violation within three years by a licensee, the Division shall assess a civil penalty of two hundred fifty dollars (\$250.00) in addition to any other punishment or remedy under the law. For a third or subsequent Type II violation within three years by a licensee, the Division shall assess a civil penalty of five hundred dollars (\$500.00) in addition to any other punishment or remedy under the law.
- (3) Type III Violation: For any Type III violation by a licensee, the Division shall assess a civil penalty of fifty dollars (\$50.00) in addition to any other punishment or remedy under the law.

- (4) Multiple Violations: If a licensee commits two or more violations in the course of a single transaction or occurrence, the division shall assess a civil penalty specified for the most serious violation only, based upon the schedule set out in this Rule.

*History Note: Authority G.S. 20-39; 20-287;
Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03D .0234 TYPE I OR SERIOUS VIOLATIONS

The Division of Motor Vehicles shall apply the Civil Penalty Schedule for Type I Violations against a licensed automobile dealer for any of the following:

- (1) Failing to deliver manufacturer's certificate at time of transfer as required in G.S. 20-52.1;
- (2) Failing to deliver certificate of title at time of transfer as required in G.S. 20-75;
- (3) Altering or forging certificate of title, registration card, or application as addressed in G.S. 20-71;
- (4) Reproducing or possessing blank certificate of title;
- (5) Failing to disclose damage to a vehicle as addressed in G.S. 20-71.4;
- (6) Knowingly making false statements about the date a vehicle was sold or acquired as addressed in G.S. 20-74;
- (7) Receiving or transferring stolen vehicles as addressed in G.S. 20-106;
- (8) Injuring or tampering with vehicle as addressed in G.S. 20-107;
- (9) Buying, receiving, disposing of, selling, offering for sale, concealing, or possessing vehicles or component parts with manufacturer's numbers as addressed in G.S. 20-108;
- (10) Altering or changing engine or other numbers as addressed in G.S. 20-109;
- (11) Making material misstatement in application for a license as addressed in G.S. 20-294(1);
- (12) Making material misstatement in application for dealer license plate as addressed in G.S. 20-294(12);
- (13) Failing to maintain established salesroom or established office as required in G.S. 20-294(3);
- (14) Defrauding retail buyer or any other person with whom business is conducted in a manner which damages the buyer as addressed in G.S. 20-294(4);
- (15) Employing fraudulent devices, methods or practices in connection with the laws of this State regarding the retaking or repossessing motor vehicles under retail installment contracts and resale of such vehicles as addressed in G.S. 20-294(5);
- (16) Using unfair methods of competition or unfair deceptive acts or practices as addressed in G.S. 20-294(6);
- (17) Knowingly advertising by any means, any untrue assertion or representation or statement of fact which is misleading or deceptive in any particular relating to the conduct of business licensed or for which a license is sought as addressed in G.S. 20-294(7);
- (18) Knowingly advertising a used motor vehicle for sale as a new motor vehicle as addressed in G.S. 20-294(8);
- (19) Being convicted of an offense set forth under G.S. 201-106, G.S. 20-106.1, G.S. 20-107, or G.S. 20-112 while holding such a license or within five years prior to the date of filing the application as addressed in G.S. 20-294(9);
- (20) Being convicted of a felony involving moral turpitude under the laws of this state, another state, or the United States as addressed in G.S. 20-294(9);
- (21) Submitting a bad check to the Division of Motor Vehicles in payment of highway use taxes collected as addressed in G.S. 20-294(10);
- (22) Knowingly giving an incorrect certificate of title, or failing to give a certificate of title to a purchaser, a lienholder, or the Division after a vehicle is sold as required in G.S. 20-294(11);
- (23) Coercing or offering anything of value to any purchaser of a motor vehicle to provide any type of insurance coverage on said motor vehicle or accepting any policy as collateral on any vehicle sold to secure an interest in such vehicle in any company not qualified under the insurance laws of this state as addressed in G.S. 20-298;
- (24) Failing to provide and deliver to buyer a written installment statement describing clearly the motor vehicle sold, the cash sale price thereof, the cash paid down by the buyer, the amount credited the buyer for any trade-in and a description of the motor vehicle traded, the amount of the finance

charge, the amount of any other charge specifying its purpose, the net balance due from the buyer, the terms of the payment of such net balance and a summary of any insurance protected to be effected as addressed in G.S. 20-303; and

- (25) Violating any statute included in or related to Article 15 of the Vehicle Mileage Act as addressed in G.S. 20-340 through G.S. 20-350.

History Note: Authority G.S. 20-39; 20-287;
Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0235 TYPE II MODERATE OR LESS SERIOUS VIOLATIONS

The Division of Motor Vehicles shall apply the Civil Penalty Schedule for Type II Violations against a licensed automobile dealer for any of the following:

- (1) Failing to maintain in full force and effect a corporate surety bond as required by G.S. 20-288(c);
- (2) Displaying motor vehicles for sale at retail at a location other than an established salesroom as required in G.S. 20-292;
- (3) Failing to inspect new vehicles prior to retail sale and failing to inspect used vehicles before they are offered for sale as required in G.S. 20-183.4C;
- (4) Failing to maintain and retain a record of all vehicles received and sold by the dealer to include all Division of Motor Vehicles' requirements for the period of time required by the Division as addressed in G.S. 20-297;
- (5) Improperly issuing or using 30-day temporary markers as addressed in G.S. 20-79.1;
- (6) Violating any rules in connection with the selling of vehicles on consignment as addressed in 19A NCAC 03D .0226; and
- (7) Violating any laws concerning conspicuous disclosure of dealer administrative fees or finance yield charges as addressed in G.S. 20-101.1 and G.S. 20-101.2.

History Note: Authority G.S. 20-39; 20-287;
Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0236 TYPE III MINOR VIOLATIONS

The Division of Motor Vehicles shall apply the Civil Penalty Schedule for Type III Violations against a licensed automobile dealer for any of the following:

- (1) Failure of licensed dealer to keep a current list of licensed salespeople posted in a conspicuous manner as required in G.S. 20-290(b);
- (2) Failure of licensed dealer to include license type and serial number of license in any advertisement publication as required in G.S. 20-290(c);
- (3) Failure of any sales representative, factory representative, or distributive representative to carry licenses when engaged in business and display the same upon request as required in G.S. 20-291;
- (4) Failure of sales representative, factory representative, or distributive representative to report change of employment, make new application, and submit appropriate change of employment fee to the Division; and
- (5) Failure to post "Buyers Guide" on every used motor vehicle offered for sale with warranty information as required by the Federal Trade Commission.

History Note: Authority G.S. 20-39; 20-287;
Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

SECTION .0300 - MOTOR VEHICLE THEFTS

19A NCAC 03D .0301 STOLEN MOTOR VEHICLES

When a vehicle is reported stolen, the Division takes the necessary action to stop the title for the vehicle from being transferred except to the insurance company when the theft claim has been settled.

History Note: Authority G.S. 20-1; 20-2; 20-39; 20-103; 20-104;
Eff. July 1, 1978;
Amended Eff. August 1, 1984; February 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0302 RECOVERED MOTOR VEHICLES

- (a) The Division's files are marked to indicate a recovered vehicle as soon as the report is received.
- (b) The owner and lien holder (if any) are notified when a report of a recovered vehicle is received, except when the Division learns that the owner already knows the vehicle's location.

History Note: Authority G.S. 20-1; 20-2; 20-39; 20-103; 20-104;
Eff. July 1, 1978;
Amended Eff. February 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

- 19A NCAC 03D .0303 SALE OF VEHICLE TO SATISFY STORAGE OR MECHANIC'S LIEN**
- 19A NCAC 03D .0304 SALE OF MOTOR VEHICLE UNDER JUDICIAL PROCEEDINGS**
- 19A NCAC 03D .0305 SALE OF ABANDONED VEHICLE**
- 19A NCAC 03D .0306 FORMS**

History Note: Authority G.S. 20-1; 20-77(d)(e); 20-114(c); 44A-2; 44A-4; 153-9; 160A-303:
Eff. July 1, 1978;
Repealed Eff. February 1, 1982.

SECTION .0400 - NOTICE OF SALE AND STORED VEHICLES

19A NCAC 03D .0401 STORED VEHICLE

A written or a computer-generated report must be filed with the Enforcement Section by law enforcement officers of all vehicles reported to them as abandoned and of all vehicles stored for illegal use.

History Note: Authority G.S. 20-1; 20-2; 20-39; 20-114(c);
Eff. July 1, 1978;
Amended Eff. January 1, 1994; October 1, 1991; February 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0402 UNCLAIMED MOTOR VEHICLE

- (a) To report an unclaimed vehicle pursuant to G.S. 20-77(d), a business operator or landowner shall submit a Report of Unclaimed Motor Vehicle Form to the License and Theft Bureau.
- (b) Report of Unclaimed Motor Vehicle Forms are available at <https://www.ncdot.gov/dmv/programs/fraud-theft/Pages/forms.aspx> and <https://connect.ncdot.gov/business/DMV/Pages/default.aspx>.
- (c) A Report of Unclaimed Motor Vehicle Form shall contain the following information:
 - (1) name, address, and phone number of business operator or landowner;
 - (2) make, body style, and year of vehicle;
 - (3) state, number, and year of the plate on the vehicle;
 - (4) date vehicle was left;
 - (5) vehicle identification number;
 - (6) approximate value of the vehicle;
 - (7) location of where the vehicle is being stored;
 - (8) reason for vehicle being left;
 - (9) condition of vehicle; and

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

History Note: Authority G.S. 20-2; 20-39; 20-77(d);
Eff. July 1, 1978;
Amended Eff. October 1, 1991; February 1, 1982;
Readopted Eff. September 1, 2021.

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

If a vehicle remains unclaimed following the submission of an Unclaimed Vehicle report as set forth in Rule .0402 of this Section and the expiration of time set forth in G.S. 44A-4(a), a person wishing to sell the unclaimed vehicle to satisfy a lien under Article 1 of Chapter 44A of the North Carolina General Statutes, he or she shall notify the License and Theft Bureau by completing a Notice of Intent to Sell a Vehicle to Satisfy Storage and/or the Mechanic's Lien Form LT-262. The form can be found at www.ncdot.gov/dmv and shall contain the following:

- (1) vehicle make, year, body style, license plate number, serial or VIN number, and year the vehicle was last registered;
- (2) location where the vehicle is stored;
- (3) description of the lien as provided by G.S. 44A-2;
- (4) date of storage;
- (5) name and address of person authorizing repairs, services, towing and storage;
- (6) name, address and signature of lienor; and
- (7) payment of the fee set forth in G.S. 44A-4(b)(1).

History Note: Authority G.S. 20-2; 20-39; 20-77(d); 20-114(c); 44A-2; 44A-4;
Eff. July 1, 1978;
Amended Eff. October 1, 1991; February 1, 1982;
Readopted Eff. September 1, 2021.

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

History Note: Authority G.S. 20-2; 20-39; 20-114(c);
Eff. July 1, 1978;
Amended Eff. October 1, 1991; February 1, 1982;
Repealed Eff. September 1, 2021.

19A NCAC 03D .0405 SALE OF ABANDONED VEHICLE

A city, county, or law enforcement agency selling an abandoned vehicle as a result of a city or county ordinance on file with the License and Theft Bureau shall give notice to the Bureau at <https://connect.ncdot.gov/business/DMV/Pages/Report-Unclaimed-Motor-Vehicles.aspx>.

History Note: Authority G.S. 20-2; 20-39; 20-77; 160A-303;
Eff. July 1, 1978;
Amended Eff. October 1, 1991; February 1, 1982; April 11, 1980;
Readopted Eff. September 1, 2021.

19A NCAC 03D .0406 INSPECTION PROCEDURES

19A NCAC 03D .0407 INSPECTION OF MOTORCYCLES: MOTOR SCOOTERS AND MOTOR BIKES

19A NCAC 03D .0408 PROCEDURE FOLLOWING VEHICLE INSPECTION

19A NCAC 03D .0409 REINSPECTION

19A NCAC 03D .0410 INSPECTION CERTIFICATES ISSUED BY OTHER JURISDICTIONS

19A NCAC 03D .0411 FORMS

History Note: Authority G.S. 20-1; 20-122 through 20-133; 20-183.3 through 20-183.8;
Eff. July 1, 1978;
Repealed Eff. February 1, 1982.

**SECTION .0500 - GENERAL INFORMATION REGARDING SAFETY INSPECTION OF MOTOR
VEHICLES**

19A NCAC 03D .0501 GENERAL INFORMATION

History Note: Authority G. S. 20-1; 20-117.1(a); 20-122; 20-122.1; 20-123.1; 20-124; 20-125; 20-125.1; 20-126; 20-127; 20-128; 20-128.1; 20-129; 20-129.1; 20-130; 20-130.1; 20-130.2; 20-130.3; 20-131 through 20-134; 20-183.2; 20-183.3; 20-183.4; 20-183.5; 20-183.6; 20-183.7; 20-183.8; Eff. July 1, 1978;
Amended Eff. March 1, 1982;
Repealed Eff. January 1, 1983.

- 19A NCAC 03D .0502 COLLECTION OF ASSESSMENTS**
- 19A NCAC 03D .0503 WEIGHING VEHICLES WITH PORTABLE SCALES**
- 19A NCAC 03D .0504 RECIPROCITY AGREEMENTS**
- 19A NCAC 03D .0505 FORMS**

History Note: Authority G.S. 20-1; 20-4.1 through 20-4.12; 20-49; 20-84.2; 20-91.1; 20-99; 20-118.1; Eff. July 1, 1978;
Amended Eff. April 11, 1980;
Repealed Eff. February 1, 1982.

- 19A NCAC 03D .0506 REQUIREMENTS FOR LICENSE**
- 19A NCAC 03D .0507 LICENSES ISSUED**
- 19A NCAC 03D .0508 DENIAL: SUSPENSION OR REVOCATION OF LICENSE**
- 19A NCAC 03D .0509 OPERATION OF SAFETY EQUIPMENT INSPECTION STATIONS**
- 19A NCAC 03D .0510 INSPECTION PROCEDURES**
- 19A NCAC 03D .0511 INSPECTION OF MOTORCYCLES: MOTOR SCOOTERS AND MOTOR BIKES**
- 19A NCAC 03D .0512 PROCEDURE FOLLOWING VEHICLE INSPECTION**
- 19A NCAC 03D .0513 INSPECTION CERTIFICATES ISSUED BY OTHER JURISDICTIONS**
- 19A NCAC 03D .0514 FORMS**

History Note: Authority G.S. 20-1; 20-103.8; 20-117.1(a); 20-122; 20-122.1; 20-123.1; 20-124; 20-125; 20-125.1; 20-126; 20-127; 20-128; 20-128.1; 20-129; 20-129.1; 20-130; 20-130.1; 20-130.2; 20-130.3; 20-131 through 20-134; 20-183.2; 20-183.3; 20-183.4; 20-183.5; 20-183.6; 20-183.6(b); 20-183.7; 20-183.8; 20-183.8(a); 20-183.8(b); 200-83.8(b); Eff. March 1, 1982;
Repealed Eff. January 1, 1983.

19A NCAC 03D .0515 SAFETY INSPECTION LICENSING AND PROCEDURES

History Note: Authority G.S. 20-1; 20-117.1(a); 20-122; 20-122.1; 20-123.1; 20-124; 20-125; 20-125.1; 20-126; 20-127; 20-128; 20-128.1; 20-129; 20-129.1; 20-130; 20-130.1; 20-130.2; 20-130.3; 20-131 through 20-134; 20-183.2; 20-183.3; 20-183.4; 20-183.5; 20-183.6; 20-183.7; 20-183.8; Eff. January 1, 1983;
Amended Eff. July 1, 1992; October 1, 1991; October 1, 1989; November 1, 1988;
Repealed Eff. January 1, 1994 pursuant to 1991 S.L., c. 477, s. 3.

19A NCAC 03D .0516 SAFETY INSPECTION LICENSING AND PROCEDURES

History Note: Filed as a Temporary Adoption Eff. April 25, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 20-2; 20-39; 20-183.8;
Codifier of Rules Objected to the Findings of Need for the Temporary Rule

Eff. April 25, 1994;
Temporary Adoption Expired October 22, 1994.

19A NCAC 03D .0517 DEFINITIONS

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

- (1) Abbreviations used in these Rules shall have the following meanings:
 - (a) CO - Carbon monoxide;
 - (b) GVWR - Gross Vehicle Weight Rating;
 - (c) HC-Hydrocarbons;
 - (d) PSI - Pounds Per Square Inch;
 - (e) NOx - Nitrogen Oxides; and
 - (f) PPM - Parts Per Million.
- (2) Ambient Light: That portion of the atmosphere surrounding human, animal, and plant life.
- (3) Base: The place where a vehicle is dispatched from, garaged, serviced, maintained, operated, or otherwise controlled. If any vehicle is located in or operated from a county participating in the safety emission program for a period of 30 days, said vehicle shall be considered based within that county.
- (4) Certified Inspection Mechanic: A person who has completed the courses required by G.S. 20-183.4(c) and 20-183.4A, passed a written examination approved by the License and Theft Bureau, and been issued a safety inspection mechanic license or a safety and emission inspection mechanic license by the Bureau.
- (5) Crankcase Emissions: Air pollutants emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication system.
- (6) Current Year Model: The production period of new motor vehicles as designated by the manufacturer in the calendar year in which the period ends. If the manufacturer does not designate a production period, the model year shall mean the 12-month period beginning January of the year in which production began.
- (7) Diagnostic Equipment: Tools or machines used to diagnose engine performance.
- (8) Emission: The act of a motor vehicle emitting into the atmosphere any air pollutants including carbon monoxide, hydrocarbons, or nitrogen oxides.
- (9) Emissions Analyzer: An approved device used to evaluate the vehicle emission control system to ensure operation in accordance with the manufacturer's specifications that electronically records and transmits safety and emissions inspection data to the State. An approved device is considered a device that meets the certification requirements as defined by the Department of Environmental Quality Specifications for the North Carolina Analyzer found at <https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-air-quality/inspection-maintenance-program/analyzer-vendor-information>.
- (10) Established Place of Business for Safety and Emissions Inspection: A permanent structure operated by a licensee that meets the requirements set forth in G.S. 120-183.4 to test and inspect motor vehicles and the offices of a licensed safety inspection or emissions inspection station that provides a locked place for maintaining records. The business shall be open during its business hours to conduct safety inspections and emissions tests and make available to License and Theft Bureau staff all records and required equipment for examination and testing.
- (11) Exhaust Emissions: Air pollutants emitted into the atmosphere from any opening downstream from the exhaust parts of a motor vehicle engine.
- (12) Heavy Duty Motor Vehicle: A motor vehicle which is designed primarily for:
 - (a) the transportation of property and which is rated at more than 8,500 GVWR;
 - (b) the transportation of persons and which has a capacity of more than 12 persons;
 - (c) use as a recreational motor vehicle which is rated at more than 8,500 GVWR; or
 - (d) use as an off-road utility vehicle.
- (13) Inspection: The safety inspection or emissions inspection of motor vehicles required by G.S. 20, Article 3A, Part 1 and Part 2.
- (14) Inspection Laws: G.S. 20, Article 3A, Part 1 and Part 2 and rules adopted by the Commissioner of Motor Vehicles.

- (15) Inspection/Maintenance (I/M): A strategy to reduce emissions from in-use motor vehicles by identifying vehicles that need emission related maintenance and requiring that such maintenance be performed.
- (16) Inspection Period: The period of time a motor vehicle is required to be inspected. To be a current inspection, a motor vehicle may be inspected up to ninety days prior to the last day of the month in which the registration on the vehicle expires pursuant to G.S. 20-183.4C. Motor vehicles not previously registered in this State shall be exempt for a period of 12 months.
- (17) License: In accordance with G.S. 20-183.4 and 20-183.4A, the license issued by the Commissioner of Motor Vehicles which is required for a person to operate a safety inspection or emission inspection station.
- (18) Light Duty Motor Vehicle: A motor vehicle which is designed primarily for:
 - (a) transportation of property and which is rated at or less than 8,500 GVWR by the manufacturer; or
 - (b) use in the transportation of persons and which has a capacity of 12 persons or fewer.
- (19) Light Transmittance Measuring Device or Light Meter, Unit, or Device: A photometer capable of measuring the net transmittance of a window or windshield for light at 560 nm with a variance of no more than 20 nm.
- (20) Motorcycle: A motor vehicle as defined under G.S. 20-4.01(22).
- (21) Multipiece Photometer: A photometer in which the light source and light detector are mechanically separate units that can be positioned on opposite sides of a fixed window or windshield.
- (22) Net Transmittance: The luminous transmittance over the 560 nm with a variance of 20 nm wavelength range, including the effects of Fresnel (surface) reflections.
- (23) Recreational Motor Vehicle: As set forth in G.S. 20-4.01(32b), A vehicle which is designed primarily to provide temporary or permanent living quarters for travel, camping, or other recreational use.
- (24) Revocation: In accordance with G.S. 20-183.7A, the termination of a license issued by the License and Theft Bureau to a safety inspection and emission inspection station.
- (25) Inspection Analyzer: A device used to evaluate, electronically record and transmit inspection data to the State. An approved device is considered a device that meets the certification requirements as defined by the License and Theft Bureau or the Department of Environmental Quality Specifications for the North Carolina Analyzer System. Certification requirements can be found on the Department of Environmental Quality's website at <https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-air-quality/inspection-maintenance-program/analyzer-vendor-information>.
- (26) Section: The License and Theft Bureau of the Division of Motor Vehicles.
- (27) Self-Inspector: A person, firm or corporation licensed by the License and Theft Bureau for the purpose of inspecting only those vehicles owned or operated by such person, firm, or corporation.
- (28) Station: A place of business licensed by the Commissioner of Motor Vehicles to conduct inspections of motor vehicles as required by the inspection laws.
- (29) Suspension of Safety/Emission License: In accordance with G.S. 20-183.7A and Rule .0522 of this Section, the temporary withdrawal of a license issued by the Division of Motor Vehicles to a safety inspection and emission inspection station for a definite period of time.
- (30) Tampering: Rendering inoperative, or the intentional maladjustment of any device installed on a motor vehicle designed or intended to control the amount of emissions from a vehicle.
- (31) Waiver: A document issued by the Commissioner of Motor Vehicles or his designated agent exempting a particular motor vehicle from the requirements of the emission inspection.

History Note: Authority G.S. 20-2; 20-4.01(32b); 20-39; 20-183.2; 20-183.4; 20-183.4A; 20-183.5; 20-183.5A; 20-183.7A; 20-183.8A;
 Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. October 1, 1994;
 Amended Eff. July 1, 2010; February 1, 1996;
 Readopted Eff. September 1, 2021.

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

- (1) inspection station name, address, county, and telephone number;
- (2) type of license required including public or self-inspection station and the number of vehicles operated by the business;
- (3) type of station;
- (4) type of business;
- (5) if individually owned business or partnership, applicants shall list name and residence address of owner or partners;
- (6) name of owner, corporation or partner;
- (7) owner, corporation or partner driver license number and address;
- (8) listing of certifiable or certified technicians with a valid driver license applying;
- (9) notification if any member of the partnership or officer of the corporation has ever had a license under this law refused, suspended, or revoked;
- (10) notification if any member of the partnership or officer of the corporation has ever been licensed as an inspection station;
- (11) signature of applicant;
- (12) designate an individual who is responsible for the day-to-day operation of the station; and
- (13) acknowledgement and signature of notary public.

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

- (1) an area used primarily for repair of motor vehicles;
- (2) a minimum of 45 lineal feet of level floor surface at least 10 feet wide when using a light chart for testing lights, or a minimum of 25 lineal feet of level floor surface a minimum of 10 feet wide when using a light testing machine. An inspection station shall not have dirt floors;
- (3) an area enclosed to permit an inspection at all times regardless of weather conditions. Trailers may be inspected outside of the enclosed area as long as attached to the prime mover;
- (4) if a light chart is used to check lights, there shall be parallel lines at least three feet long painted on the floor surface 25 feet from the chart; and
- (5) licensed inspection stations are not required to conduct inspections on equipment as required in Rule .0519 of this Section.

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

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

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

Eff. October 1, 1994;

Amended Eff. July 1, 2010;

Readopted Eff. September 1, 2021.

19A NCAC 03D .0519 STATIONS

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

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

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

(d) Stations not equipped with an emission analyzer shall not inspect 1996 or newer gasoline powered motor vehicles registered or based in counties designated as non-attainment for air quality standards by either the North

Carolina Department of Environmental Quality or U.S. Environmental Protection Agency. Stations may perform the safety equipment inspections on vehicles 1995 model year or older, diesel powered vehicles, motorcycles, trailers, and vehicles not previously titled.

(e) Each station shall have equipment and tools for carrying out inspections, which include the following:

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

(f) Each station inspecting only motorcycles shall have equipment and tools for carrying out inspections, which include the following:

- (1) one motorcycle jack or lift;
- (2) one headlight tester or aiming kit adapters to fit all headlights;
- (3) one workbench;
- (4) one tire tread depth gauge (calibrated in 32nds of an inch);
- (5) one Safety Inspection Analyzer with approved software by the North Carolina Department of Environmental Quality at <https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-air-quality/inspection-maintenance-program/station-owner-inspector-information/software-versions>.
- (6) an active telephone line with jack or Internet access for Web Based stations.

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

19A NCAC 03D .0520 MECHANIC REQUIREMENTS

(a) An applicant for an inspection mechanic license and the owner of the inspection station shall sign their names on Action Form for Inspector/Mechanical Certification (LT-310) demonstrating they meet the requirements as set out in G.S. 20-183.4(c) and 20-183.4A(c). Form LT-310 requires the following:

- (1) action requested to indicate new or renewal, adding an employer name, or changing an employer name;
- (2) mechanic's name, driver license number, home phone number, and address;
- (3) mechanic's race, sex, and date of birth;
- (4) mechanic's signature; and
- (5) employer information including station number, telephone number, county, name of station, address, and signature of owner partner or officer.

(b) Upon request by a law enforcement officer of the License and Theft Bureau, a licensed inspection mechanic shall demonstrate his or her knowledge, skills and abilities of the equipment used to perform an inspection, vehicle components, procedures, statutes and rules, pertaining to a safety and emissions inspection.

History Note: Authority G.S. 20-2; 20-39; 20-183.4; 20-183.4A(c); 20-183.6A;
Eff. October 1, 1994;
Readopted Eff. September 1, 2021.

19A NCAC 03D .0521 LICENSING REQUIREMENTS

(a) In order to be licensed as a North Carolina Safety Inspection Mechanic, an applicant shall meet the requirements set forth in G.S. 20-183.4(c). For purposes of G.S. 20-183.4(c)(1), the applicant shall complete the following:

- (1) attend and pass an eight-hour Safety Inspection Course offered by a North Carolina Community College; and
- (2) pass a written examination with a score of no less than 80 percent correct answers. No oral exams shall be allowed.

(b) An application for a safety inspection station or safety inspection mechanic license shall be approved or disapproved in accordance with G.S. 20-183.4, 20-183.4A, and 93-B-8.1. Each applicant approved shall be notified and furnished with the appropriate station license or inspection mechanic license. Inspection station licenses shall be valid only for the place of business set forth in the application.

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

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

(e) Pursuant to G.S. 143-215.107A, no Safety Inspection Station shall inspect any gasoline powered vehicle, excluding the three most recent model years with less than 70,000 miles, if the vehicle is registered or based in a county participating in the emission inspection program unless the station has an exhaust emission analyzer to conduct emissions inspections. Owners of vehicles registered in a county participating in the emission program but is based and operated outside the county may submit a request to the License and Theft Bureau for an exemption from the emission inspection. The request for an exemption shall contain confirmation that the vehicle for which the exemption is requested is registered in an emission inspection county, but is based and operated outside of the county in which it is registered. The License and Theft Bureau shall approve and issue a written exemption for the vehicle upon receipt of supporting documentation by the vehicle owner that shows the vehicle is based outside the registered county. A new exemption shall be requested and approved in accordance with this Rule for each inspection period. Safety Inspections stations may conduct the safety equipment inspection in lieu of a safety and emission inspection. Vehicles exempted from emission inspection because they are based outside of the county participating in the emission program shall have a copy of the approved exemption form in the vehicle at all times.

*History Note: Authority G.S. 20-2; 20-39; 20-183.4; 20-183.4A; 93-B-8.1;
Eff. October 1, 1994;
Readopted Eff. September 1, 2021.*

19A NCAC 03D .0522 DENIAL, SUSPENSION OR REVOCATION OF LICENSES

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

(b) Suspension or Revocation of License:

- (1) The license of any inspection station shall be subject to suspension or revocation when it or any of its personnel conducting inspections violates the rules in this Section or G.S. 20, Article 3A, Part 2. Any person, firm, or corporation whose license is suspended or revoked shall not inspect vehicles while its license is suspended or revoked. Every licensee whose license is suspended or revoked or who is assessed a civil penalty pursuant to G.S. 20-183.7A and G.S. 20-183.8B or who receives a warning letter from the License and Theft Bureau shall be allowed a hearing in accordance with G.S. 20-183.8G.
- (2) Prior to the reinstatement of a license of any Safety Equipment or Safety Equipment Emissions Inspection Station License, which has, by order of the Commissioner of Motor Vehicles, been revoked or suspended, the applicant shall demonstrate to the Commissioner or License and Theft Bureau staff that its employees have knowledge of the safety equipment or safety equipment emission inspection procedures and requirements described in the Rules in this Section and that the location is mechanically equipped to carry out inspections.
- (3) Prior to the reinstatement of a Safety and Emission Inspection Mechanic License, he or she shall meet the requirements set forth in G.S. 20-183.7A(e) and G.S. 20-183.8B(e). Proof of course attendance and passing a written test as set forth in Rule .0521 of this Section shall be presented to License and Theft Bureau staff.

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

History Note: Authority G.S. 20-2; 20-39; 20-183.7A(e); 20-183.8B(e); 20-183.8D; 20-183.8G; 93B-8.1; Eff. October 1, 1994; Amended Eff. November 1, 2016; Readopted Eff. September 1, 2021.

19A NCAC 03D .0523 OPERATION OF SAFETY OR EMISSIONS INSPECTIONS STATIONS

- (a) Safety or Emissions Inspection Stations shall post the following information:
 - (1) Official Safety Equipment or Safety Equipment Emissions Inspection Procedure Poster;
 - (2) Safety Equipment or Safety Equipment Emissions Inspection Station License, which shall be posted under a material that protects the information contained on the license from dirt and facing;
 - (3) Mechanic licenses report issued by the North Carolina Division of Motor Vehicles; and
 - (4) On the outside of its building or adjacent thereto, a sign in block letters at least four inches in height bearing the words: OFFICIAL INSPECTION STATION.
- (b) Requirements for Licensed Inspection Mechanic. Licensed inspection mechanics may be required by authorized law enforcement officers of the Division to demonstrate knowledge pertaining to the Safety Equipment or Safety Equipment Emissions inspections in the presence of any such authorized officer.
- (c) Location. Inspections shall be conducted only at the location shown on the inspection station's license and only in the designated inspection area. Trailers may be inspected outside of inspection area as long as they are attached to the engine unit.
- (d) Vehicle presented to be inspected. Each station shall inspect any vehicle presented for inspection according to the year model, and type of engine except as provided in this section or when exempted from the emissions inspection by a waiver issued by the Commissioner of Motor Vehicles. Stations without the equipment required to inspect a motorcycle or a heavy duty vehicle are not required to conduct the inspection.
- (e) Repairs. The owner or operator of a vehicle that has failed inspection, may obtain the necessary repairs to pass an inspection at any place he or she chooses. Inspection stations shall not require unnecessary repairs or in any manner attempt to require owners or operators of disapproved vehicles to have a vehicle repaired at the inspection station. Permission must be obtained before making any repairs or adjustments.
- (f) Hours of operation. Except for State holidays, as set forth in 25 NCAC 01E .0901, each public station must be open for at least eight business hours, five days per week. Hours of operation must be posted outside of the business. A licensed inspection mechanic shall be on duty to conduct inspections during hours of operation.

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

19A NCAC 03D .0524 INSPECTION STICKERS

- (a) Acquisition:
 - (1) Licensed safety equipment or safety equipment exhaust emission inspection stations and self-inspectors shall procure stickers from the Division of Motor Vehicles and from no other source.
 - (2) Orders for stickers shall be placed with a local agent of the Enforcement Section. Requests for stickers shall be accompanied by proper remittance. For safety equipment inspection stickers, the amount of one dollar (\$1.00) per sticker shall be required. For safety equipment exhaust emission stickers, two dollars and forty cents (\$2.40) per sticker shall be required. Orders for windshield stickers shall be placed in units of 50. Orders for motorcycles/trailers and non-windshield safety equipment exhaust emission inspection stickers shall be placed in units of ten. Safety Equipment or Safety Equipment Exhaust Emission Windshield Inspection Stickers shall be issued in books of 50.
 - (3) Orders placed in person at the local office of the Enforcement Section shall be accompanied by written authorization from the station to which the stickers are to be issued, upon forms furnished by the Division, if the order is placed by other than the person in whose name the station is licensed.

- (4) All licensed stations shall keep inspection stickers and numeral inserts on hand at all times.
- (5) Licensed inspection stations and self-inspectors shall, upon request, be furnished forms required to be used by the rules in this Section. DMV Enforcement shall furnish forms to licensed inspection stations and self-inspectors.

(b) Application:

- (1) The inspection sticker shall be affixed only to vehicles inspected and approved in accordance with these Rules and G.S. 20, Article 3A, Part 2. Stickers must be affixed to approved vehicles within the inspection area of the inspection station by the person conducting the inspection. The number of the sticker shall be recorded on the receipt and statement. No person shall furnish, give, lend, or sell to any owner or operator of a motor vehicle or to any other person, or place in or on any vehicle an inspection sticker unless such vehicle has been inspected and approved in accordance with these Rules and G.S. 20, Article 3A, Part 2.
- (2) When any motor vehicle to be inspected under the Safety Equipment Act bears a prior inspection sticker, such prior inspection sticker may not be removed from the vehicle until such vehicle has passed inspection, is approved, and is ready to have the new sticker affixed. If the vehicle being inspected is rejected, the old sticker is to remain affixed until the defects causing rejection have been corrected and the vehicle has been reinspected and approved. Every licensed inspection mechanic upon approving any motor vehicle shall remove the prior inspection sticker before affixing the new inspection sticker.
- (3) An inspection sticker shall be placed upon the approved vehicle on the inside of the windshield at the bottom of the left side so that the left edge of the sticker is no more than one inch from the left edge of the windshield. For vehicles without windshields the motorcycle/trailer or non-windshield safety equipment or safety equipment exhaust emission sticker shall be used. The sticker shall be placed on the left side of the vehicle as near as possible to the front. Prior to affixing the windshield type sticker the inspection mechanic shall attach to the sticker the appropriate numeral inserts indicating the month and year of expiration. The inspection mechanic shall enter on the sticker in the appropriate spaces the date of inspection, the odometer mileage as taken from the vehicle at the time inspection is performed, the inspection mechanic's name, and the inspection station's license number. This information shall be entered on the windshield type inspection sticker with a ball point pen or a laundry marking pen. Glass/plastic windshields require a platform to prevent damage to the windshield. The inspection sticker shall be affixed to the platform; when the sticker is removed from the windshield it shall no longer be valid. Prior to affixing the motorcycle/trailer or non-windshield safety/emission sticker the inspection mechanic must punch the inspection sticker with a 1/4 inch punch indicating the month inspection performed and year of expiration.
- (4) All safety equipment or safety equipment exhaust emission inspection stations shall be issued two types of stickers. The stickers shall be of different color and shall be affixed to the proper vehicle according to the type of inspection required.
- (5) The following tables indicate month and year of inspection:

Month Number Inserts:	Year Number Inserts:
1 vehicle inspected in January	95 vehicle inspected in 1994
2 vehicle inspected in February	96 vehicle inspected in 1995
3 vehicle inspected in March	97 vehicle inspected in 1996
4 vehicle inspected in April	98 vehicle inspected in 1997
5 vehicle inspected in May	99 vehicle inspected in 1998
6 vehicle inspected in June	00 vehicle inspected in 1999
7 vehicle inspected in July	01 vehicle inspected in 2000
8 vehicle inspected in August	02 vehicle inspected in 2001
9 vehicle inspected in September	03 vehicle inspected in 2002
10 vehicle inspected in October	04 vehicle inspected in 2003
11 vehicle inspected in November	05 vehicle inspected in 2004
12 vehicle inspected in December	06 vehicle inspected in 2005

(c) Control:

- (1) Licensed inspection stations and self-inspectors are strictly accountable for inspection stickers in their possession. Any licensed inspection station losing or not accounting for any inspection

sticker shall be subject to revocation or suspension of inspection station license as provided by these Rules. Stickers shall be locked in a safe place to guard against loss or theft.

- (2) Upon discovery of a loss or theft of any inspection stickers, station owners and self-inspectors must as soon as practicable report such loss or theft to the Enforcement Section, Motor Vehicles Building, 1100 New Bern Avenue, Raleigh, North Carolina, 27697. Oral reports shall be made upon discovery of loss or theft by the quickest means available to the local Enforcement Section Inspector.
 - (3) Inspection stations and self-inspectors shall not furnish, give, loan or sell inspection stickers to any other licensed inspection station or self-inspector.
 - (4) Inspection stickers shall not be transferred or reissued. They shall only be affixed to the vehicle as designated on the receipt and statement, and only when a complete inspection of the vehicle confirms it meets requirements for approval.
 - (5) Each inspection station and self-inspector shall protect stickers from larceny or damage. No refund shall be allowed for stolen, soiled, lost, or torn stickers and the count of the Division for returned stickers shall be accepted as final. All unused stickers must be accounted for. A refund shall be made for expired motorcycle/trailer stickers. A request for refund along with unused stickers must be mailed to the Enforcement Section, Division of Motor Vehicles, 1100 New Bern Avenue, Raleigh, North Carolina, 27697, between January 1st and January 31st of the following year. Refunds shall not be permitted for expired stickers postmarked after January 31st. Unused stickers for which a refund is not requested must be retained in a safe place until audited and destroyed by an agent of the Enforcement Section.
 - (6) All inspection supplies, unused stickers, copies of receipts and statements pertaining to the issuance of stickers, all bulletins and all forms issued by the Division of Motor Vehicles pursuant to the carrying out of the Motor Vehicle Inspection Program are the property of the Division of Motor Vehicles and shall be treated as such by any inspection station. Upon suspension or revocation of any safety equipment or safety equipment exhaust emission inspection station license or whenever any licensee voluntarily surrenders such license or ceases to do business, all items held by such licensee in carrying out the inspection shall be surrendered to the Division of Motor Vehicles. Such items shall be inventoried by the designated agent of the Division of Motor Vehicles and shall be receipted upon surrender. Refunds for unused stickers shall be made by check from the Division of Motor Vehicles in Raleigh.
- (d) Requirement of records:
- (1) Monthly report forms. Each licensed safety equipment inspection station and each licensed safety equipment self-inspector shall maintain at the station a monthly inspection report sheet listing the beginning and ending numbers for each series of stickers issued for vehicles inspected upon forms furnished by the Division. A total of all defects and repairs and charges listed on the receipt and statements shall be recorded in the appropriate column of the monthly inspection report. This report shall be completed in duplicate and the original forwarded to the Enforcement Section, North Carolina Division of Motor Vehicles, monthly on or before the 10th of the month following the month for which it was completed. The second copy shall be retained by the station for a period of at least 18 months.
 - (2) Receipt and statement. Licensed Safety Equipment or Safety Equipment Exhaust Emission inspection stations shall furnish the operator of each vehicle inspected the original copy of the "Receipt and Statement" indicating that the vehicle has been inspected and indicating thereon the items approved or disapproved. The second copy shall be retained by the inspection station for at least 18 months following the inspection.
 - (3) Records available. Each safety equipment or safety equipment exhaust emission inspection station shall maintain records required and such records shall be made available for inspection by any law enforcement officer, upon demand, during normal business hours.

*History Note: Authority G.S. 20-2; 20-39; 20-183.6A;
Eff. October 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

Prior to performing an inspection, the inspection mechanic shall:

- (1) Have all occupants leave the vehicle;
- (2) Request that the operator produce the current registration card for the vehicle;
- (3) Enter applicable information in all data fields prompted by the analyzer or inspection program and as needed to conduct the classification of inspection, safety, or safety and emissions. The use of a one-dimensional bar-code scanner capable of reading vehicle identification numbers and information printed on vehicle registration shall be used for data entries to reduce errors. In the event the barcode on the registration card is not readable or the vehicle owner is unable to produce a registration card, the inspector mechanic shall enter the information by scanning the public vehicle identification number through the vehicle windshield or on the Federal Certification Label. If the vehicle identification number cannot be scanned through any of the methods listed in this Item, or if the station is not equipped with a bar code scanner, the inspector mechanic shall manually enter the VIN through keyboard entry. In instances where the vehicle does not have a license plate, "none" shall be entered in the field. If the inspected vehicle is owned by a dealership and part of the dealer's inventory, the dealer number, followed by a "D" shall be entered in the license plate field.

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

19A NCAC 03D .0526 SAFETY EQUIPMENT, EMISSIONS INSPECTION, AND EMISSION CONTROLS TAMPERING EVALUATION

During the safety or safety and emissions inspection of a vehicle, the inspection mechanic shall enter the information set forth in this Rule into the analyzer or inspection program when evaluating the condition of each inspected item:

- (1) Safety and emission inspection grading:
 - (a) For those items that are inspected, approved, and in operational condition, the letter "P" for "passed" shall be placed in the appropriate block as indicated by the inspection analyzer.
 - (b) For those items that are inspected and not approved, the letter "F" for "failed" shall be placed in the appropriate block as indicated by the inspection analyzer.
 - (c) For those items that were not approved and corrected, the letter "C" for "corrected" shall be placed in the appropriate block as indicated by the inspection analyzer.
 - (d) For those items that do not apply to the vehicle inspected, the letter "N" for "not applicable" shall be placed in the appropriate block as indicated by the inspection analyzer.
- (2) Emission controls tamper check:
 - (a) For those vehicles inspected and not originally equipped with the emission control devices as listed, "Not Applicable" shall be indicated.
 - (b) For those vehicles equipped with the item, it is connected, and in operable condition, "Passed" shall be indicated.
 - (c) For those vehicles that the required emission control equipment has been disconnected, removed, made inoperable, or if emission component simulators are installed, "Failed" shall be indicated.
 - (d) For those vehicles that the emission equipment that was disconnected, removed, or inoperable is repaired or replaced, "Corrected" shall be indicated.

History Note: Authority G.S. 20-2; 20-39; 20-183.2; 20-183.4D; 20-183.6A; Eff. October 1, 1994; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018; Amended Eff. October 1, 2021.

19A NCAC 03D .0527 EXHAUST EMISSION CONTROLS TAMPERING CHECK
19A NCAC 03D .0528 SAFETY EQUIPMENT EXHAUST EMISSION INSPECTIONS

History Note: Authority G.S. 20-2; 20-39; 20-183.2; 20-183.4D; 20-183.6A;
Eff. October 1, 1994;
Repealed Eff. October 1, 2021.

19A NCAC 03D .0529 CERTIFICATION

When the vehicle receives a passing inspection result, the inspection mechanic shall:

- (1) finalize the inspection process in the analyzer or inspection program by entering all required data, then following the steps necessary to transmit the data to the State vehicle inspection database;
- (2) collect fees as described in G.S. 20-183.7; and
- (3) sign and give the original Receipt and Statement form to the operator or owner.

History Note: Authority G.S. 20-2; 20-39; 20-183.4D; 20-183.7;
Eff. October 1, 1994;
Readopted Eff. October 1, 2021.

19A NCAC 03D .0530 DISAPPROVAL

If a vehicle inspected is disapproved, the inspection mechanic at the end of the total inspection shall advise the owner or operator of the defect or defects found during the inspection. Repairs shall only be made at the request of the owner or operator. Upon completion of authorized repairs, the inspection mechanic shall require the owner or operator of the vehicle that gave approval for the repairs to sign the inspection receipt. If the owner or operator requests the repairs to be made at some other location, then the inspection mechanic conducting the inspection shall:

- (1) Provide the customer with the Vehicle Inspection Receipt and Statement signed by the inspection mechanic; showing the vehicle Failed.
- (2) Collect fees as prescribed in G.S. 20-183.7; and
- (3) After giving the owner or operator the original copy of the Vehicle Inspection Receipt and Statement explain to the owner or operator he or she has 60 days to bring the vehicle back to the inspection station for reinspection at no charge when the vehicle was disapproved for either safety or emissions defects.

History Note: Authority G.S. 20-2; 20-39; 20-183.4D; 20-183.5; 20-183.7;
Eff. October 1, 1994;
Readopted Eff. October 1, 2021.

19A NCAC 03D .0531 REINSPECTION

(a) A vehicle that is inspected at an inspection station and fails is entitled to be reinspected at the same station any time within 60 days of the failed inspection without paying another inspection fee.

(b) If the vehicle is approved following reinspection, the inspection mechanic shall check the appropriate block on the analyzer. The inspection mechanic shall collect the authorization fee as set forth in G.S. 20-183.7.

History Note: Authority G.S. 20-2; 20-39; 20-183.3(c); 20-183.7;
Eff. October 1, 1994;
Readopted Eff. October 1, 2021.

19A NCAC 03D .0532 BRAKES

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

- (1) Footbrakes shall not be approved if:
 - (a) when applying brakes to the moving vehicle, the braking force is not distributed evenly to all wheels originally equipped with brakes by the manufacturer. The inspection mechanic must drive the vehicle to make this test. The inspector may check the brakes while driving vehicle forward into the inspection area.

- (b) there is audible indication (metal on metal) that the brake lining is worn to the extent that it is no longer serviceable; The wheel must be pulled and the brake lining examined when this occurs.
 - (c) pedal reserve is less than one third of the total possible travel when the brakes are fully applied, or does not meet the manufacturer's specification for power brakes or air brakes;
 - (d) the reservoir of the master cylinder is not full; Only brake fluid meeting SAE specifications for heavy duty hydraulic brake fluid shall be used when adding or changing brake fluid.)
 - (e) there is a visible leakage or audible seepage in hydraulic, vacuum or air lines and cylinders, or visible cracked, chafed, worn, or weakened hoses;
 - (f) the vehicle has any part of the brake system removed or disconnected, the brake lines and hoses do not meet the manufacturer's specifications, or are made of a material not approved for motor vehicles; or
 - (g) once applied, and while holding pedal pressure for one minute, the brake pedal gradually moves toward the toeboard, indicating fluid leakage.
- (2) Except as provided in Sub-item (1)(b) of this Rule, inspection mechanics are not required to remove the wheels of a vehicle to examine the condition of the brakes. An inspection mechanic shall raise vehicles to check the underside of a vehicle, including the applicable brake components list in this Rule.
- (3) Auxiliary, parking, or holding handbrakes shall not be approved if:
- (a) there is no lever reserve when the brake is fully applied;
 - (b) 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;
 - (c) the operating mechanism, when fully applied, fails to hold the brakes in the applied position without manual effort; and
 - (d) when emergency or handbrakes are applied, without depressing the accelerator, they fail to hold vehicle.

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

19A NCAC 03D .0533 LIGHTS

- (a) Headlights shall conform to the requirements of G.S. 20-129(b) and (c). Headlights shall not be approved if:
- (1) there are not at least two headlamps, or at least four on dual headlamp systems. Motorcycles and motor driven cycles need only one headlamp;
 - (2) the headlamp lens or light produces other than a white or yellow light;
 - (3) any lens or reflector is cracked, broken, discolored, or missing;
 - (4) the high beam-low beam dimmer switch does not operate or the high beam indicator light does not burn on vehicles manufactured after January 1, 1956;
 - (5) lights can be moved by hand, due to a broken fender or loose support, or if a good ground is not made by the mounting;
 - (6) foreign materials, such as shields or painted lenses, are placed on the headlamp lens that interferes with light beam of lamp;
 - (7) using a headlight testing device that meets Society of Automotive Engineers standards or light testing chart that is approved by the Division, lights are improperly aimed;
 - (8) lights project a dazzling or glaring light when on low beam as defined in G.S. 20-131(b); and
 - (9) the vehicle is equipped with headlamps that change the original design or performance of the headlamps; or do not comply with Federal Motor Vehicle Safety Standard No. 108, as adopted by the National Highway Traffic Safety Administration.
- (b) Rear Lights shall conform to the requirements of G.S. 20-129(d). Taillights shall not be approved if:
- (1) all original equipped rear lamps or the equivalent are not in working order;
 - (2) the lens is cracked or discolored, the lens or light projects a color other than red, or is covered by a foreign material, such as shields or painted lenses. Cracks on lenses shall not lead to disapproval unless water is likely to short out the bulb;
 - (3) they do not operate and project white light on the license plate; and

- (4) they are not mounted.
- (c) Stoplights shall conform to the requirements of G.S. 20-129(g). A stoplight shall not be approved if:
 - (1) the lens is cracked, discolored, or the lens or light projects a color other than red or amber, or is covered by a foreign material such as shields or painted lenses. Cracks on lenses shall not lead to disapproval unless water is likely to short out the bulb;
 - (2) it does not come on when pressure is applied to foot brake; and
 - (3) it is not mounted so as to project a light to the rear.
- (d) Vehicles shall have the lights as required by G.S. 20-129.1.
- (e) Parking lights shall conform to the requirements of G.S. 20-134. A vehicle shall not be approved if parking lights are not working or covered by a foreign material, such as shields or painted lenses.
- (f) A motor vehicle that was originally equipped with back-up lamps, lamps, must have those lamps maintained in operating condition. Backup lamps shall not be lighted when the motor vehicle is in a forward motion, nor shall the backup lamp emit any color other than white.

History Note: Authority G.S. 20-2; 20-39; 20-131(a)(b); 20-183.3;
Eff. October 1, 1994;
Readopted Eff. October 1, 2021.

19A NCAC 03D .0534 HORN

- (a) In addition to the requirements set forth in G.S. 20-125, the horn shall not be approved if:
 - (1) it will not emit a sound audible for a distance of at least 200 feet. Original equipment, operating as intended by the manufacturer, shall meet these requirements. Air horns shall not be substituted for original equipment.
 - (2) the wiring or wiring harness has been frayed, been damaged, is broken, or is missing wiring; the horn button is not mounted to the motor vehicle or is not positioned within the driver's reach; or
 - (3) operation of the horn interferes with the operation of any other mechanism.
- (b) Vehicles equipped with sirens shall not be approved unless they are within the class listed in G.S. 20-125(b) as being authorized to carry a siren.

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

19A NCAC 03D .0535 STEERING MECHANISM

- (a) The inspection mechanic must raise the vehicle to check the steering mechanism.
- (b) The steering mechanism shall not be approved if:
 - (1) with front wheels in straight ahead position there is more than three inches of free play in steering wheels up to 18 inches in diameter or more than four inches of free play in steering wheels over 18 inches in diameter. If the vehicle is equipped with power steering, the engine must be operating;
 - (2) either front or rear springs are sagging or broken;
 - (3) the front wheels or front end assembly is loose, bent, or twisted; or bolts, nuts, or rivets are loose or missing;
 - (4) power steering system shows visible leaks or the power steering belt is loose or worn;
 - (5) vehicle frame or component of the steering mechanism is rusted to the point of mechanical failure; or
 - (6) shock or strut is leaking to the point of failure that will inhibit the steering of the vehicle.

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

19A NCAC 03D .0536 WINDSHIELD WIPER

Windshield wipers shall not be approved if:

- (1) the vehicle is not equipped with a windshield wiper or wipers, provided the vehicle has a windshield;
- (2) the wiper or wipers do not operate freely;

- (3) the wiper controls are not so constructed and located that the driver may operate them;
- (4) the wiper or wipers are not adequate to clean rain, snow, and other matter from the windshield; and
- (5) parts of blades or arms are missing or show evidence of damage.

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

19A NCAC 03D .0537 DIRECTIONAL SIGNALS

Vehicles required to have directional signals pursuant to G.S. 20-125.1, which does not include motorcycles, shall be disapproved if:

- (1) The vehicle is not equipped with signals by which the operator of the vehicle may indicate to other motorists approaching from a distance of 200 feet from the front or rear the operator's intentions to turn the vehicle;
- (2) all lights do not operate or if any lenses are broken, missing, or do not fit;
- (3) signal lens or light color is other than red or amber on the rear and other than white or amber on the front, and is covered by a foreign material, such as shields and painted lenses;
- (4) lamps are not mounted or wiring and connections are not working;
- (5) signals are not visible from front or back due to faulty or damaged mounting or due to the manner in which mounted; or
- (6) switch does not operate as designed by the manufacturer or is not located in a position that allows the operator to reach and operate the switch, or the switch that interferes with the operation of other mechanisms.

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

19A NCAC 03D .0538 TIRES

(a) A vehicle shall be disapproved if:

- (1) any tire has cuts or snags that expose the cords;
- (2) any tire has a visible bump, bulge, or knot related to tread or sidewall separation or partial failure of the tire structure including bead area; or
- (3) there is less than 2/32-inch tread at two or more locations around the circumference of the tire in two adjacent major tread grooves or if the tread wear indicators are in contact with the roadway at two or more locations around the circumference of the tire in two adjacent major tread grooves.

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

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

19A NCAC 03D .0539 TIRES - DEFINITIONS

As used in this and Rule .0538 of this Section, these terms have the following meanings:

- (1) "Bead" is that part of the tire that is shaped to fit the rim. The bead is made of high tensile steel wires wrapped and reinforced by the plies.
- (2) "Cord" is made from textile, steel wire strands forming the plies or other structure of the tires.
- (3) "Groove" is the space between two tread ribs.
- (4) "Ply" is layers of rubber coated parallel cords forming the tire body.
- (5) "Rib" is the tread section running circumferentially around the tire.
- (6) "Rim" is a metal support for the tire or tire and tube assembly on the wheel. Tire beads are seated on the rim.

- (7) "Sidewall" is that portion of the tire between tread and bead.

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

19A NCAC 03D .0540 REAR VIEW MIRRORS

Rear view mirrors shall not be approved if:

- (1) There is any movement between the attachment bracket and the windshield;
- (2) Forward vision of the device is obstructed by mirror assembly;
- (3) They do not provide a view of the highway to the rear;
- (4) They are cracked, broken, have sharp edges or cannot be cleaned such that rear vision is not obscured;
- (5) They cannot be adjusted or will not maintain a set adjustment;
- (6) Bus, truck, or truck-tractor with a GVWR of 10,001 pounds or more is not equipped with a rear vision mirror on each side. If a vehicle is configured in such a way that the inside mirror is obstructed, a passenger side outside mirror is required; or
- (7) Vehicles manufactured, assembled, or first sold after January 1, 1966 are not equipped with outside rear view mirrors on the driver's side. The passenger's outside rear view mirror is not required equipment on passenger vehicles if an inside rear view mirror is present.

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

19A NCAC 03D .0541 EXHAUST EMISSION CONTROLS

(a) An exhaust emission shall not be approved if the vehicle is a 1968-year model or newer and any of the visible emission control devices placed thereon by the manufacturer are missing, disconnected, made inoperative, or as set forth in G.S. 20-128(d) have been altered without approval of the Department of Environmental Quality.

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

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

- (1) the vehicle has no muffler or other exhaust system of the type installed at the time of manufacture or does not operate as designed by the vehicle manufacturer;
- (2) the muffler, exhaust, or tail pipes have leaking joints;
- (3) the exhaust or tail pipes have holes, leaking seams, or leaking patches on muffler;
- (4) the tail pipe end is pinched;
- (5) the exhaust system is equipped with muffler cut-out or muffler by-pass; or
- (6) any part of the system passes through the passenger compartment.

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

19A NCAC 03D .0542 EMISSIONS CONTROL DEVICE

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

- (1) Catalytic converter;
- (2) Unleaded gas restrictor;
- (3) Air pump system;
- (4) EGR valve;
- (5) PCV valve;
- (6) Thermostatic air cleaner;
- (7) Evaporative emission system; and

- (8) Oxygen sensor.

History Note: Authority G.S. 20-2; 20-39; 20-183.8A;
Eff. October 1, 1994;
Readopted Eff. October 1, 2021.

19A NCAC 03D .0543 INSPECTION PROCEDURE FOR EMISSIONS EQUIPMENT

- (a) In accordance with G.S. 20-183.2, vehicles required to receive a State safety inspection are also subject to an emission inspection if it is propelled or has the ability to be propelled by a gasoline-powered motor vehicle, registered or based in an emission county, and meets the following criteria:
 - (1) the vehicle model year is within 20 years of the current year and older than the three most recent model years;
 - (2) vehicles of the three most recent model years have more than 70,000 miles on the odometer; and
 - (3) vehicle is not a heavy duty vehicle.
- (b) The following requirements shall be adhered to by the license inspection station:
 - (1) inspections shall be performed only with an analyzer and software that has been certified by the North Carolina Department of Environmental Quality (NCDEQ).
 - (2) Requirements for keeping and submitting records are as follows:
 - (A) Copies of the 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 Vehicle Inspection Receipt/Statement must be retained for 18 months; and
 - (B) Station owners shall maintain the analyzer printer in a condition that produces copies of the Vehicle Inspection Receipt/Statement that are clear and legible. Failure to comply shall result in an immediate lockout as set forth in Rule .0545 of this Section that will remain in effect until the printer has been replaced or corrected.
- (c) The procedures for inspection shall be as follows:
 - (1) The inspection mechanic shall perform the emission test utilizing an emission analyzer that conforms to the NC Department of Environmental Quality certification standards.
 - (2) The inspection mechanic shall conduct the emission inspection by following the prompts of the analyzer and accurately completing all data fields with the applicable information.
- (d) The owner or operator of a vehicle that suspects an emission analyzer provided incorrect results, may submit in writing to the Division of Motor Vehicles a request that the Division perform an emissions inspection on the vehicle so the results can be compared. If the test determines the vehicle to be in compliance with Emission Standards, the Division shall issue an exemption to the vehicle, not to exceed 12 months. The Division shall 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;
Readopted Eff. October 1, 2021.

19A NCAC 03D .0544 SAFETY INSPECTION OF MOTORCYCLES

- (a) Motorcycle brakes shall fail safety inspection if:
 - (1) when applying brakes to moving vehicle, there is insufficient force to stop the vehicle;
 - (2) brakes are worn in such a manner that there is an uneven braking force;
 - (3) there is an audible or visual indication that the brake lining is worn to the extent it is no longer serviceable;
 - (4) there is less than one-third reserve in either footbrake or handbrake total possible travel when the brakes are fully applied;
 - (5) reservoirs of braking cylinders are not full;
 - (6) there is a visible leakage of fluid from any brake line or brake component; or
 - (7) handbrake cables are frayed, broken, or frozen or linkage is defective.
- (b) Motorcycle headlamps shall fail safety inspection if:
 - (1) headlamp does not operate or is a color other than white;
 - (2) there are more than two headlamps connected on a single switch;
 - (3) headlamp is cracked or has holes which allow entry of water;

- (4) there is standing water in the headlamp; or
- (5) headlamp is out of aim.
- (c) Motorcycle rear lamps shall fail safety inspection if:
 - (1) they do not operate;
 - (2) light is a color other than red;
 - (3) lens is cracked or broken and allows entry of water;
 - (4) there is standing water in the lens;
 - (5) lamp is not mounted; or
 - (6) wiring is broken or frayed.
- (d) A motorcycle stop lamp shall fail safety inspection if:
 - (1) lamp does not operate when brakes are applied;
 - (2) light is a color other than red or amber;
 - (3) lens is cracked or broken and allows entry of water;
 - (4) there is standing water in the lens;
 - (5) lamp is not mounted; or
 - (6) wiring is broken or frayed.
- (e) A motorcycle license plate light shall fail safety inspection if:
 - (1) light does not operate;
 - (2) light does not illuminate the license plate; or
 - (3) light is a color other than white.
- (f) A motorcycle horn shall fail safety inspection if:
 - (1) the horn does not operate;
 - (2) the sound emitted is not audible at 200 feet;
 - (3) the horn is not mounted; or
 - (4) the button is mounted so that it cannot be operated by the driver.
- (g) Motorcycle tires shall fail safety inspection if:
 - (1) there is less than two thirty-seconds of an inch of tread at two or more locations around the circumference of the tire in two adjacent major tread grooves, or if the tread wear indicators are in contact with the roadway at two or more locations around the circumference of the tire;
 - (2) cords are exposed at any location on the tire; or
 - (3) sidewall is cut, bulging, damaged, or is cracked due to dry rotting.
- (h) Motorcycle rear view mirrors shall fail safety inspection if:
 - (1) the mirrors are missing, broken, or cracked;
 - (2) the mirrors are not mounted; or
 - (3) the mirrors will not hold a setting while vehicle is in operation.
- (i) A motorcycle exhaust system shall fail safety inspection if:
 - (1) the motorcycle has no muffler;
 - (2) the muffler, exhaust, or tailpipe have holes, leaking joints, seams, or patches;
 - (3) the tailpipe end is pinched;
 - (4) the exhaust system is equipped with a muffler cut out or bypass; or
 - (5) the muffler baffles have been removed or damaged to create a straight pipe.
- (j) A motorcycle steering mechanism shall fail safety inspection if:
 - (1) front shocks are sagging or broken;
 - (2) front end assembly is loose, bent, or there are damaged or twisted bolts; or
 - (3) front end nuts, bolts, or rivets are loose or missing.

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

19A NCAC 03D .0545 INVESTIGATION/AUDIT/SAFETY OR EMISSIONS INSPECTION STATIONS

- (a) Complaints To Be Investigated: All 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 Rules of this Section and applicable General Statutes.
- (b) Appropriate Enforcement Action To Be Taken: When it appears from any investigation that the inspection law has been violated by an inspection station or its agents or employees, or by a self-inspector, the Commissioner shall

take the appropriate enforcement action, which may include suspension or revocation of the station's license and inspector certifications.

(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.

(d) When an authorized agent of the Division of Motor Vehicles detects a violation, he or she shall require the owner or operator to discontinue all inspections and operations until he or she is in compliance and approved by the Division of Motor Vehicles Inspector.

(e) Compliance Audit: A DMV Inspector shall audit a station's compliance with the Rules of this Section. Violation of the equipment requirements shall result in lockout of the inspection analyzer. Lockouts shall remain in effect until the issue has been brought into compliance.

History Note: Authority G.S. 20-2; 20-39; 20-183.6A; 20-183.8D; 20-183.8F;
Eff. October 1, 1994;
Readopted Eff. October 1, 2021.

19A NCAC 03D .0546 LICENSING TO REPLACE WINDSHIELD INSPECTION STICKERS
19A NCAC 03D .0547 DENIAL/SUSP.OR REVOC/REGISTRATION TO REPLACE WINDSHIELD
INSPE. STICKER
19A NCAC 03D .0548 OPERATION TO REPLACE WINDSHIELD INSPECTION STICKERS

History Note: Authority G.S. 20-2; 20-39; 20-183.6;
Eff. October 1, 1994;
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

19A NCAC 03D .0549 APPROVAL AND DISAPPROVAL OF VEHICLES

Vehicles shall not be disapproved for any reason other than those specified in 19A NCAC 03D .0533 through 03D .0553.

History Note: Authority G.S. 20-2; 20-39; 20-127; 20-183.2; 20-183.3; 20-183.6(a); 20-183.7(a);
Eff. October 1, 1994;
Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. February 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0550 WAIVERS FROM EMISSIONS TEST REQUIREMENTS

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

(b) A written waiver shall be issued in accordance with this Rule upon request when all of the following criteria have been met:

- (1) the vehicle passed the safety portion of the inspection as shown by the vehicle inspection receipt completed by the licensed inspection station that performed the inspection;
- (2) the vehicle failed the emissions portion of the inspection as shown by the vehicle inspection receipt completed by the licensed inspection station that performed the inspection;
- (3) the vehicle is equipped with each emissions control device listed in Rule .0543 of this Section, if such device was equipped on the vehicle by the manufacturer. If the unleaded gas restrictor has been removed or rendered inoperable, the catalytic converter must be replaced;
- (4) qualifying repairs have been completed on the vehicle within 60 days following the initial failed emissions inspection. Proof of repairs must be shown by itemized and dated receipts from the person or business that provided the repair service or parts. Receipts for parts shall name the part and the stock number. For purposes of this Rule, "qualifying repairs" means repairs performed on a vehicle for the purpose of repairing the cause of the emissions inspection failure. A visual

inspection of the vehicle shall be made by the designated License and Theft Bureau employee to determine if repairs were actually performed if, given the nature of the repair, this can be visually confirmed. For 1996 and later model year vehicles, qualifying repairs must be performed by a person who is professionally engaged in vehicle repairs or who is employed by a business whose purpose is vehicle repair or who possesses a certification from the National Institute For Automotive Service Excellence for emission-related diagnosis and repair;

- (5) the minimum repair expenditure applicable to the vehicle has been met by having qualifying repairs performed on the vehicle as follows:
 - (A) Only the costs of parts are applied toward the minimum repair expenditure, if the repairs are performed by the vehicle owner or by a person who is not professionally engaged in vehicle repairs. In addition, those who are 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 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 emissions standards shall not be applied toward the minimum repair expenditure unless associated with actual repairs to the vehicle; and
 - (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. 7541(b); and
 - (7) after qualifying repairs have been completed and within 60 days after failing the initial emissions inspection, the vehicle failed another emissions inspection as shown by the vehicle inspection receipt completed by the licensed 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 at the License and Theft Bureau office. The receipts and other documents required by Paragraph (b) of this Rule must be submitted to the designated License and Theft Bureau employee at the time of the request for a waiver.
- (d) The designated 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 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 emissions inspection. The inspection station shall reinspect the vehicle in accordance with the Rules of this Section, except for the emissions portion of the inspection. The waiver authorization number shown on the written waiver must be entered into the emissions analyzer. If the vehicle meets all other requirements of the inspection, the inspection station shall pass the vehicle inspection.
- (f) Each inspection station must maintain a copy of the written waivers for vehicles inspected and approved by the station for at least 18 months in the same manner and under the same conditions as other inspection records which are required to be maintained pursuant to G.S. 20-183.6A(b).
- (g) Waivers shall not be issued for vehicles that are owned, operated, or leased by a licensed self inspector.

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

19A NCAC 03D .0551 WINDOW TINTING

(a) All stations performing window tinting inspections shall have a light meter or photometer which has been tested and approved by the Division of Motor Vehicles and that complies with Rule .0552 of this Section. Stations that do not have an approved light meter shall not inspect vehicles with applications of after-factory window tinting.

Stations are not required to maintain a light meter in order to perform safety inspections on vehicles without after-factory window tinting.

(b) Prior to initiating the inspection process, the inspection mechanic shall determine if the vehicle has after-factory window tinting by using an automotive film check card or knowledge of window tinting techniques. If the vehicle has after-factory window tinting but the station does not have a light meter approved by the Division, the mechanic must inform the customer he or she is unable to perform the inspection. The station may not charge for any portion of the inspection.

(c) The inspector mechanic shall test the photometer calibration against a reference sample of glass provided by the manufacturer prior to testing the after factory window tinting. If the photometer's display is not functioning as designed by the manufacturer or the device exceeds the net light transmission calibration test by plus or minus three percentage points, the unit shall not be used until repaired. Guidelines for photometer calibration tests are as follows:

- (1) The reference glass sample must be clean and free of dirt prior to performing the calibration check.
- (2) If a reference glass sample has been broken or is missing, the test shall not be performed and the mechanic shall inform the customer he is unable to perform the inspection.

(d) The inspection mechanic shall perform all tests according to the photometer manufacturer's recommendations. Window tint shall fail safety inspection if:

- (1) Any window on the vehicle with after-factory tint has a light transmittance of less than 32 percent;
- (2) The tint on any window is red, yellow, or amber;
- (3) The tint on the windshield extends more than five inches below the top of the windshield or is below the AS1 line of the windshield, whichever measurement is longer; and
- (4) The light reflectance of a tinted window is not 20% or less.

(e) Window tinting on vehicles with after-factory window tint shall not be inspected if the vehicle is exempt from the window tinting restrictions under G.S. 20-127(c).

(f) The fee as specified in G.S. 20-183.7(a) for inspecting window tinting shall be charged for vehicles with after factory tint, unless the light transmission exceeds 65 percent.

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

19A NCAC 03D .0552 PHOTOMETER DESIGN AND PERFORMANCE REQUIREMENTS

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

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

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

(d) All photometric devices shall have a repeatability of plus or minus one percentage point from reading to reading.

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

(f) Photometric devices shall fail the Division's certification if it is affected by outside stray or ambient light sources. In addition to physical light barriers, such as felt covers and rubber gaskets, the photometer shall include some form of electronic filtration or cancellation of any stray or ambient light sources.

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

- (h) Operating humidity range shall be 0-100% non-condensing. Operating temperature range shall be zero to 110 degrees F.
- (i) Photometric devices shall incorporate a means of compensating for temperature and humidity changes within the stated ranges of this Rule. Acceptable units shall be capable of demonstrating both accuracy and repeatability of transmittance readings throughout the operating temperature and humidity ranges under Paragraph (h) of this Rule.
- (j) The multi-piece photometer's transmitter shall have a light source capable of providing a uniform intensity beam that can accommodate the alignment capabilities of the receiver. Multi-piece photometers shall incorporate a means of self-alignment or positive alignment indication that shall be accomplished when the source and detector units are placed on their respective surfaces of the glazing to be measured as described in Paragraph (a) of this Rule. The alignment shall be accurate enough to position the detector unit within the uniform beam of the source. The result of this alignment feature shall be data that meets the accuracy and repeatability requirements of this Rule.
- (k) Reference samples shall be glass with a warranted transmittance stability of at least one year. Reference samples shall provide a uniform surface reading at four points with a variation not to exceed one percentage point as measured by a calibrated spectrophotometer over an indicated range within 560nm with a variance of no more than 20nm. Reference samples shall be labeled or inscribed with the manufacturer's name, address, and date of calibration. Manufacturers shall ensure replacement reference samples are available to the consumer within two working days in the event of damage or breakage.
- (l) Photometric devices shall include an all segments display option for testing the unit's LCD display segments. This test may be performed prior to each reading or through a separate test button.
- (m) Photometric units shall incorporate devices that shall protect the light source and detector from direct contact with environmental elements, dust, grease, and other products associated with automotive repair shops. These devices shall also prevent the user from touching either the light source or detector.

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

19A NCAC 03D .0553 PHOTOMETER COMPLIANCE

- (a) All devices used within the State of North Carolina to measure light transmittance through vehicle windshields or other windows shall, as a minimum, meet the requirements of Rule .0552 of this Section before being approved for use in enforcing state inspection laws and for law enforcement use throughout the state.
- (b) Manufacturers must submit units for independent laboratory testing to the Commissioner.
- (c) Fees for testing shall either be reimbursed to the Division of Motor Vehicles by the manufacturer or directly to the laboratory by the manufacturer as directed by the Commissioner.

*History Note: Authority G.S. 20-2; 20-39; 20-127; 20-183.6(a); 20-183.7(a);
Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

SECTION .0600 - WEIGHT OF VEHICLE AND REGISTRATION ENFORCEMENT

19A NCAC 03D .0601 VIOLATIONS OF WEIGHT: REGISTRATION OF FUEL TAX LAWS

When a vehicle is found to be in violation of the weight, registration, or fuel tax laws of North Carolina, a Citation and Notice of Assessment shall be issued to the owner of the vehicle by such officers and inspectors of the Division of Motor Vehicles as designated by the Commissioner who shall assess the mandatory penalty or license fees.

*History Note: Authority G.S. 20-1; 20-2; 20-39; 20-45; 20-50; 20-64(a); 20-72 through 20-79; 20-83; 20-85 through 20-88; 20-88.1; 20-96; 20-116; 20-118;
Eff. July 1, 1978;
Amended Eff. January 1, 1994; February 1, 1982;*

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

19A NCAC 03D .0602 COLLECTION OF ASSESSMENTS

(a) A notice of an outstanding or unpaid assessment shall be mailed to the owner of the vehicle by the Division of Motor Vehicles, Enforcement Section Director after 10 days if the assessed taxes or penalties have not been paid.

(b) If the assessment is not paid, the appropriate procedure(s) listed below is followed:

- (1) A warrant for Collection of Taxes or Penalties shall be filed with the sheriff of the appropriate county where the owner of the vehicle resides or owns real property.
- (2) A Garnishment for Taxes shall be served on the employer of the taxpayer or the bank where the taxpayer has an account.
- (3) A Certificate of Tax Liability shall be filed with the Clerk of Court of the county in which the taxpayer resides or owns real property.
- (4) A Reciprocity Suspension shall be mailed by the Division of Motor Vehicles to the owner of the vehicle for which an outstanding or unpaid assessment exists and a copy of this reciprocity suspension shall be filed with the appropriate department in the appropriate state or jurisdiction in which the taxpayer has vehicles registered.

(c) When the assessment is paid, a Certificate of Satisfaction shall be filed with the Clerk of Court in the county where the Certificate of Tax Liability was filed. When an assessment is paid where reciprocity has been suspended, the reciprocity shall be restored by notifying the owner of the vehicle by mail of the restoration of reciprocity and by notifying the proper authority in the appropriate state by mail.

History Note: Authority G.S. 20-1; 20-2; 20-39; 20-49; 20-91.1; 20-96; 20-99; Eff. July 1, 1978; Amended Eff. January 1, 1994; February 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0603 WEIGHING VEHICLES WITH PORTABLE SCALES

History Note: Authority G.S. 20-1; 20-118.1; Eff. July 1, 1978; Amended Eff. February 1, 1985; February 1, 1982; April 11, 1980; Repealed Eff. November 1, 1991.

19A NCAC 03D .0604 RECIPROCITY AGREEMENTS

History Note: Authority G.S. 20-1; 20-2; 20-4.1 through 20-4.12; 20-39; 20-84.2; Eff. February 1, 1982; Repealed Eff. January 1, 1994 pursuant to 1991 S.L., c. 477, s. 3.

SECTION .0700 - APPROVAL OF MOTOR VEHICLE SAFETY EQUIPMENT

19A NCAC 03D .0701 VEHICLE EQUIPMENT APPROVAL

(a) The Enforcement Section is responsible for issuing certificates of approval for all motor vehicle safety equipment that requires the approval of the Commissioner of Motor Vehicles.

(b) Anyone wishing to know if an item requires the commissioner's approval may contact the Enforcement Section, Division of Motor Vehicles, 1100 New Bern Avenue, Raleigh, North Carolina for the information.

(c) If the equipment requires the commissioner's approval, and an individual wishes to know if a particular brand name item is approved, he may also contact the Enforcement Section, Division of Motor Vehicles, 1100 New Bern Avenue, Raleigh, North Carolina for a listing of approved manufacturers of this piece of safety equipment.

History Note: Authority G.S. 20-1; 20-124(f),(h); 20-125(a) through (c); 20-125.1(a),(b); 20-126(a) through (c); 20-127(b); 20-129(a) through (d),(f),(g); 20-129.1(7),(8); 20-130(a); 20-131(a) through (d); 20-135(c); 20-135.1(a); 20-135.2(a),(b); 20-135.3; 20-137.1(a); Eff. February 1, 1982;

Amended Eff. January 1, 1994; November 1, 1991; August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0702 INFORMATION FOR MANUFACTURER

History Note: Authority G.S. 20-1; 20-124(f),(h); 20-125(a) through (c); 20-125.1(a),(b); 20-126(a) through (c); 20-127(b); 20-129(a) through (d),(f),(g); 20-129.1(7),(8); 20-130(a); 20-131(a) through (d); 20-135(c); 20-135.1(a); 20-135.2(a); 20-135.3;
Eff. February 1, 1982;
Amended Eff. November 1, 1991;
Repealed Eff. January 1, 1994.

19A NCAC 03D .0703 REQUIRED LIGHTING EQUIPMENT FOR HOUSE TRAILERS

Every house trailer, mobile home, modular home, or structural component thereof shall have two stop lamps, one on each side of the vertical centerline, at the same height and, as far apart as practicable; two tail lamps, one on each side of the vertical centerline, at the same height, and as far apart as practicable; and two red reflex reflectors, one on each side of the vertical centerline, at the same height, and as far apart as practicable; and two turn signal lamps, one on each side of the vertical centerline, at the same height, and as far apart as practicable while the vehicle is in intrastate transit. The lighting equipment may be attached by means of a harness removable upon completion of transit.

History Note: Authority G.S. 20-1; 20-129.2;
Eff. February 1, 1982;
Amended Eff. January 1, 1994; November 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03D .0704 IDENTIFICATION DECAL

An owner of a privately registered vehicle who is issued an identification decal permitting a vehicle to enter a secured or private area, such as a military base, a place of employment, or a parking lot, may affix the decal to the interior surface of that vehicle's windshield provided that the decal does not exceed four inches in width and three inches in height and that it be placed in the lower right corner of the windshield as near as practical to the lower edge of the windshield with the right edge of the decal against the far right frame of the windshield.

History Note: Authority G.S. 20-127(a);
Eff. July 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

SECTION .0800 - SAFETY RULES AND REGULATIONS

19A NCAC 03D .0801 SAFETY OF OPERATION AND EQUIPMENT

History Note: Authority G.S. 20-17.7; 20-21; 20-37.22; 20-96; 20-183.2(a); 20-381;
Eff. December 1, 1983;
Amended Eff. November 1, 1991; October 1, 1991;
Temporary Amendment Eff. February 1, 1992 for a Period of 180 Days to Expire on July 30, 1992;
Temporary Amendment Eff. March 30, 1992 for a Period of 180 Days to Expire on September 26, 1992;
Amended Eff. August 3, 1992; July 1, 1992;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. August 6, 2002;
Amended Eff. August 1, 2004;

Transferred and recodified to 14A NCAC 09J .0101 Eff. March 23, 2009.

19A NCAC 03D .0802 HAZARDOUS MATERIALS

*History Note: Authority G.S. 20-2; 20-381;
Eff. December 1, 1983;
Amended Eff. April 1, 2001; January 1, 1994;
Transferred and recodified to 14A NCAC 09J .0102 Eff. March 23, 2009.*

Editor's Note: 19A NCAC 3D.0803 - .0827 have been transferred and recodified to 19A NCAC 3E .0501 - .0525 Eff. January 3, 1996.

SECTION .0900 - APPROVAL OF SUN SCREENING DEVICES

19A NCAC 03D .0901 PURPOSE AND DEFINITIONS

This Section establishes rules for and provides information for sun screening devices. The following definitions define terms used in this Section:

- (1) "Sun screening film" means products or materials designed to be used in conjunction with approved vehicle safety glazing materials for the purpose of reducing the effects of the sun.
- (2) "Luminous reflectance" and "light transmittance" as referred to in these Rules are in the visible light range.
- (3) "Reflectance" means the ratio of the amount of total light, expressed in percentages, which is reflected outward by the device to the amount of total light falling on the device.
- (4) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the device including the glazing to the amount of total light falling on the device and the glazing.
- (5) "Manufacturer" means any person engaged in the manufacturing or assembling of sun screening devices designed to be used in conjunction with vehicle glazing materials.

*History Note: Authority G.S. 20-39; 20-127;
Eff. January 1, 1988;
Amended Eff. January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03D .0902 TESTING AND CERTIFICATION

- (a) Each manufacturer prior to offering for sale tinted sun-screening film to be installed on a motor vehicle shall demonstrate compliance with the applicable requirements of this Rule. Test specimens of the sun-screening film shall be tested in conjunction with the glazing material of intended use. The necessary tests shall be conducted by or supervised by a laboratory approved by the Commissioner.
- (b) Testing of the sun-screening film shall be in accordance with the applicable provisions of American National Standards Institute (ANSI) Z26.1-1983; ANSI/ASTM E308-73; ANSI/ASTM E179-73; and ANSI/ASTM C523-68, which are hereby incorporated by reference including all future editions and amendments.
- (c) Each manufacturer prior to offering for sale tinted sun-screening film to be installed shall certify to the Commissioner that the sun-screening film is in compliance with the transmittance and reflectivity requirements of G.S. 20-127.

*History Note: Authority G.S. 20-39; 20-127;
Eff. January 1, 1988;
Amended Eff. January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03D .0903 APPLICATION FEE

Each manufacturer applying for approval of a sun screening device shall be registered with the Equipment Approval Unit of the Division of Motor Vehicles. Testing procedures and results shall be accompanied by the certification

referred to in Rule .0902(c) of this Section and a fee of twenty-five dollars (\$25.00) in order to review the application materials.

*History Note: Authority G.S. 20-39; 20-127;
Eff. January 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03D .0904 APPROVAL AND LABELING OF DEVICES

(a) No devices manufactured with a luminous reflectance of more than 20 percent or a light transmittance of less than 50 percent will be approved for use on vehicles registered in this State.

(b) After approval of the device by the commissioner, each manufacturer shall provide an approved label with a means for permanent and legible installation between the device and each glazing surface to which it is applied. Each label shall contain the following information:

- (1) The name and address of the manufacturer;
- (2) The registration number assigned to the device by the Division; and
- (3) The words, "complies with G.S. 20-127".

(c) Each manufacturer shall include instructions with the device for proper installation, including the affixing of the label specified in Paragraph (b) of this Rule. The label shall be placed as required by G.S. 20-127(d).

*History Note: Authority G.S. 20-39; 20-127;
Eff. January 1, 1988;
Amended Eff. November 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*