

### **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.