

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 750
PROPOSED HOUSE COMMITTEE SUBSTITUTE S750-PCS15185-RV-32

Short Title: Omnibus Transportation Act.

(Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATE'S LAWS PERTAINING TO TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(s) reads as rewritten:

"(s) Notwithstanding the requirements of subsection (b1) of this section that an applicant present a valid social security number, the Division shall issue a drivers license of limited duration, under subsection (f) of this section, to an applicant present in the United States who holds valid documentation issued by, or under the authority of, the United States government that demonstrates the applicant's legal presence of limited duration in the United States if the applicant presents that valid documentation and meets all other requirements for a license of limited duration. Notwithstanding the requirements of subsection (n) of this section addressing background colors and borders, a drivers license of limited duration issued under this section shall bear a distinguishing mark or other designation on the face of the license clearly denoting the limited duration of the license."

SECTION 2. G.S. 20-51(6) reads as rewritten:

"(6) Any trailer or semitrailer attached to and drawn by a properly licensed motor vehicle when used by a farmer, his tenant, agent, or employee in transporting unginning cotton, peanuts, soybeans, corn, hay, tobacco, silage, cucumbers, potatoes, all vegetables, fruits, greenhouse and nursery plants and flowers, Christmas trees, livestock, live poultry, animal waste, herbicides, fungicides, seeds, fertilizers or chemicals purchased or owned by the farmer or tenant for personal use in implementing husbandry, irrigation pipes, loaders, or equipment owned by the farmer or tenant from place to place on the same farm, from one farm to another, from farm to gin, from farm to dryer, or from farm to market, and when not operated on a for-hire basis. The term "transporting" as used herein shall include the actual hauling of said products and all unloaded travel in connection therewith."

SECTION 3. G.S. 20-51 is amended by adding a new subdivision to read:

"(17) A header trailer when transported to or from a dealer, or after a sale or repairs, to the farm or another dealership."

SECTION 4. G.S. 20-88 is amended by adding a new subsection to read:

"(m) Any vehicle weighing greater than the limits found in G.S. 20-118(b), as authorized by G.S. 20-118(c)(12), (c)(14), and (c)(15), must be registered for the maximum weight



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1 allowed for the vehicle configuration as listed in G.S. 20-118(b). A vehicle driven in violation
 2 of this subsection is subject to the axle group penalties set in G.S. 20-118(e). The penalties
 3 apply to the amount by which the vehicle's maximum gross weight as listed in G.S. 20-118(b)
 4 exceeds its declared weight."

5 **SECTION 5.** G.S. 20-118(c) reads as rewritten:

6 "(c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

7 ...

8 (5) The light-traffic road limitations provided for pursuant to subdivision (b)(4)
 9 of this section do not apply to a vehicle while that vehicle is transporting
 10 only the following from its point of origin on a light-traffic road to either one
 11 of the two nearest highways that is not a light-traffic road. If that vehicle's
 12 point of origin is a non-light-traffic road and that road is blocked by
 13 light-traffic roads from all directions and is not contiguous with other
 14 non-light-traffic roads, then the road at point of origin is treated as a
 15 light-traffic road for purposes of this subdivision:

- 16 a. Processed or unprocessed seafood transported from boats or any
 17 other point of origin to a processing plant or a point of further
 18 distribution.
- 19 b. ~~Meats~~ Meats, live poultry, or agricultural crop products transported
 20 from a farm to a processing plant or first-market.
- 21 c. Forest products originating and transported from a farm or from
 22 woodlands to ~~first-market~~ without interruption or delay for further
 23 packaging or processing after initiating transport.
- 24 d. Livestock or live poultry transported from their point of origin to a
 25 processing plant or ~~first-market~~.
- 26 e. Livestock by-products or poultry by-products transported from their
 27 point of origin to a rendering plant.
- 28 f. Recyclable material transported from its point of origin to a
 29 scrap-processing facility for processing. As used in this subpart, the
 30 terms "recyclable material" and "processing" have the same meaning
 31 as in G.S. 130A-290(a).
- 32 g. Garbage collected by the vehicle from residences or garbage
 33 dumpsters if the vehicle is fully enclosed and is designed specifically
 34 for collecting, compacting, and hauling garbage from residences or
 35 from garbage dumpsters. As used in this subpart, the term "garbage"
 36 does not include hazardous waste as defined in G.S. 130A-290(a),
 37 spent nuclear fuel regulated under G.S. 20-167.1, low-level
 38 radioactive waste as defined in G.S. 104E-5, or radioactive material
 39 as defined in G.S. 104E-5.
- 40 h. Treated sludge collected from a wastewater treatment facility.
- 41 i. Apples when transported from the orchard to the first processing or
 42 packing point.
- 43 j. Trees grown as Christmas trees from the field, farm, stand, or
 44 ~~grove~~ grove, and other forest products, including chips and bark, to
 45 first-a processing point.
- 46 k. Water, fertilizer, herbicides, fungicides, seeds, fuel, and animal waste
 47 transported to or from a farm by a farm vehicle as defined in
 48 G.S. 20-37.16(e)(3).

49 ...

50 (12) Subsections (b) and (e) of this section do not apply to a vehicle that meets all
 51 of the conditions set out below:

- 1 a. ~~Is hauling agricultural crops from the farm where the crop is grown~~
2 ~~to any market~~ transporting an item listed in sub-subdivisions(c)(5)b.,
3 d., i., j., or k. within 150 miles of that the farm.
- 4 b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
- 5 b1. Does not operate on an interstate highway or exceed any posted
6 bridge weight limits during transportation or hauling of agricultural
7 products.
- 8 c. Does not exceed a single-axle weight of 22,000 pounds, a
9 tandem-axle weight of 42,000 pounds, or a gross weight of 90,000
10 pounds.
- 11 d. ~~Is registered pursuant to G.S. 20-88 for the maximum weight allowed~~
12 ~~for the vehicle configuration as listed in subsection (b) of this~~
13 ~~section.~~
- 14 ...
- 15 (14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all
16 of the conditions below, but all other enforcement provisions of this Article
17 remain applicable:
- 18 a. Is hauling aggregates from a distribution yard or a State-permitted
19 production site located within a North Carolina county contiguous to
20 the North Carolina State border to a destination in another state
21 adjacent to that county as verified by a weight ticket in the driver's
22 possession and available for inspection by enforcement personnel.
- 23 b. Does not operate on an interstate highway or exceed any posted
24 bridge weight limits.
- 25 c. Does not exceed 69,850 pounds gross vehicle weight and 53,850
26 pounds per axle grouping for tri-axle vehicles. For purposes of this
27 subsection, a tri-axle vehicle is a single power unit vehicle with a
28 three consecutive axle group on which the respective distance
29 between any two consecutive axles of the group, measured
30 longitudinally center to center to the nearest foot, does not exceed
31 eight feet. For purposes of this subsection, the tolerance provisions of
32 subsection (h) of this section do not apply, and vehicles must be
33 licensed in accordance with G.S. 20-88.
- 34 d. Repealed by Session Laws 2001-487, s. 10, effective December 16,
35 2001.
- 36 e. ~~Is registered pursuant to G.S. 20-88 for the maximum weight allowed~~
37 ~~for the vehicle configuration as listed in subsection (b) of this~~
38 ~~section.~~
- 39 (15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle
40 combination that meets all of the conditions below, but all other enforcement
41 provisions of this Article remain applicable:
- 42 a. Is hauling wood residuals, including wood chips, sawdust, mulch, or
43 tree bark from any site; is hauling raw logs to first market; is
44 transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings
45 from a site that does not have a certified scale for weighing the
46 vehicle; or is hauling animal waste products from the animal waste
47 storage site to a farm or field.
- 48 b. Does not operate on an interstate highway, a posted light-traffic road,
49 except as provided by subdivision (c)(5) of this section, or exceed
50 any posted bridge weight limits.

- 1 c. Does not exceed a maximum gross weight 4,000 pounds in excess of
 2 what is allowed in subsection (b) of this section.
 3 d. Does not exceed a single-axle weight of more than 22,000 pounds
 4 and a tandem-axle weight of more than 42,000 pounds.
 5 e. ~~Is registered pursuant to G.S. 20-88 for the maximum weight allowed
 6 for the vehicle configuration as listed in subsection (b) of this
 7 section.~~

8 ...
 9 (17) Subsections (b) and (e) of this section do not apply to a vehicle that meets all
 10 of the conditions below, but all other enforcement provisions of this Article
 11 remain applicable:

- 12 a. Is hauling agriculture crops from farm to first market.
 13 b. Does not operate on an interstate highway or exceed any posted
 14 bridge weight limits.
 15 c. Consists of a two axle vehicle that does not exceed a maximum gross
 16 weight of 37,000 pounds, a maximum single axle weight of no more
 17 than 27,000 pounds, with a length of at least 14 feet between the
 18 center of axle one and the center of axle two of the vehicle. For
 19 purposes of this subdivision, no additional weight tolerances as found
 20 in this section shall apply for gross weight, single axle weight, and
 21 the tolerance allowed by subsection (h) of this section shall not
 22 apply."

23 **SECTION 6.** G.S. 20-127 reads as rewritten:

24 "**§ 20-127. Windows and windshield wipers.**

25 ...
 26 (b) Window Tinting Restrictions. – A window of a vehicle that is operated on a
 27 highway or a public vehicular area shall comply with this subsection. The windshield of the
 28 vehicle may be tinted only along the top of the windshield and the tinting may not extend more
 29 than five inches below the top of the windshield or below the AS1 line of the windshield,
 30 whichever measurement is longer. Provided, however, an untinted clear film which does not
 31 obstruct vision but which reduces or eliminates ultraviolet radiation from entering a vehicle
 32 may be applied to the windshield. Any other window of the vehicle may be tinted in
 33 accordance with the following restrictions:

- 34 (1) The total light transmission of the tinted window shall be at least thirty-five
 35 percent (35%). A vehicle window that, by use of a light meter approved by
 36 the Commissioner, measures a total light transmission of more than
 37 thirty-two percent (32%) is conclusively presumed to meet this restriction.
 38 (2) The light reflectance of the tinted window shall be twenty percent (20%) or
 39 less.
 40 (3) Tinted film or another material used to tint the window shall be nonreflective
 41 and shall not be red, yellow, or amber.

42 (b1) Notwithstanding subsection (b) of this section, a window of a vehicle that is
 43 operated on a public street or highway and which is subject to the provisions of Part 393 of
 44 Title 49 of the Code of Federal Regulations shall comply with the provisions of that Part.

45 (c) Tinting Exceptions. – The window tinting restrictions in subsection (b) of this
 46 section apply without exception to the windshield of a vehicle. The window tinting restrictions
 47 in subdivisions (b)(1) and (b)(2) of this section do not apply to any of the following vehicle
 48 windows:

- 49 (1) A window of an excursion passenger vehicle, as defined in
 50 G.S. 20-4.01(27)a.
 51 (2) ~~A window of a for-hire passenger vehicle, as defined in G.S. 20-4.01(27)b.~~

- 1 (3) ~~A window of a common carrier of passengers, as defined in~~
 2 ~~G.S. 20-4.01(27)e.~~
- 3 (4) A window of a motor home, as defined in G.S. 20-4.01(27)d2.
- 4 (5) A window of an ambulance, as defined in G.S. 20-4.01(27)f.
- 5 (6) The rear window of a property-hauling vehicle, as defined in
 6 G.S. 20-4.01(31).
- 7 (7) A window of a limousine.
- 8 (8) A window of a law enforcement vehicle.
- 9 (9) A window of a multipurpose vehicle that is behind the driver of the vehicle.
 10 A multipurpose vehicle is a passenger vehicle that is designed to carry 10 or
 11 fewer passengers and either is constructed on a truck chassis or has special
 12 features designed for occasional off-road operation. A minivan and a pickup
 13 truck are multipurpose vehicles.
- 14 (10) A window of a vehicle that is registered in another state and meets the
 15 requirements of the state in which it is registered.
- 16 (11) A window of a vehicle for which the Division has issued a medical
 17 exception permit under subsection (f) of this section.

18 "

19 **SECTION 7.** G.S. 20-137.4A is amended by adding a new subsection to read:

20 "(a1) Motor Carrier Offense. – It shall be unlawful for any person to operate a
 21 commercial motor vehicle subject to Part 390 or 392 of Title 49 of the Code of Federal
 22 Regulations on a public street or highway or public vehicular area while using a mobile
 23 telephone or other electronic device in violation of those Parts. Nothing in this subsection shall
 24 be construed to prohibit the use of hands-free technology."

25 **SECTION 8.** G.S. 20-166.1(i) reads as rewritten:

26 "(i) Effect of Report. – A report of an accident made under this section by a person who
 27 is not a law enforcement officer is without prejudice, is for the use of the Division, and shall
 28 not be used in any manner as evidence, or for any other purpose in any trial, civil or criminal,
 29 arising out of the accident. Any other report of an accident made under this section may be used
 30 in any manner as evidence, or for any other purpose, in any trial, civil or criminal, as permitted
 31 under the rules of evidence. At the demand of a court, the Division must give the court a
 32 properly executed certificate stating that a particular accident report has or has not been filed
 33 with the Division solely to prove a compliance with this section.

34 ~~The reports made by persons who are not law enforcement officers or medical examiners~~
 35 ~~are not public records. The reports made by law enforcement officers and medical examiners~~
 36 ~~are public records and are open to inspection by the general public at all reasonable times.~~
 37 pursuant to this section are public records within the meaning of G.S. 132-1. Reports made
 38 pursuant to this section may not be released to any person making a request unless and until
 39 personal identifying information has been redacted from the report in compliance with the
 40 provisions of the federal Drivers Privacy Protection Act, 18 U.S.C. § 2721(b)(11) and (12), and
 41 G.S. 20-43.1. The Division must give a certified copy of one of these reports to a member of
 42 ~~the general public who requests a copy~~ any person entitled to a copy of such report and who
 43 pays the fee set in G.S. 20-42."

44 **SECTION 9.** G.S. 20-383 reads as rewritten:

45 "**§ 20-383. Inspectors and officers given enforcement authority.**

46 Only designated ~~inspectors and officers~~ inspectors, officers, and personnel of the
 47 Department of Crime Control and Public Safety shall have the authority to enforce the
 48 provisions of this Article and provisions of Chapter 62 applicable to motor transportation, and
 49 they are empowered to make complaint for the issue of appropriate warrants, informations,
 50 presentments or other lawful process for the enforcement and prosecution of violations of the
 51 transportation laws against all offenders, whether they be regulated motor carriers or not, and to

1 appear in court or before the North Carolina Utilities Commission and offer evidence at the
2 trial pursuant to such processes."

3 **SECTION 10.** G.S. 136-28.5 is amended by adding a new subsection to read:

4 "(c) Notwithstanding G.S. 132-1, bids and documents submitted in response to an
5 advertisement or request for proposal under this Chapter shall not be public record until the
6 Department issues a decision to award or not to award the contract."

7 **SECTION 11.** G.S. 136-89.213(a) reads as rewritten:

8 "**§ 136-89.213. Administration of tolls and requirements for open road tolls.**

9 (a) Administration. – The Authority is responsible for collecting tolls on Turnpike
10 projects. In exercising its authority under G.S. 136-89.183 to perform or procure services
11 required by the Authority, the Authority may contract with one or more providers to perform
12 part or all of the collection functions and may enter into agreements to exchange information
13 that identifies motor vehicles and their owners with one or more of the following entities: the
14 Division of Motor Vehicles of the Department of Transportation, another state, another toll
15 operator, or a toll collection-related organization.

16 (a1) Identifying information obtained by the Authority through an agreement is not a
17 public record and is subject to the disclosure limitations in 18 U.S.C. § 2721, the federal
18 Driver's Privacy Protection Act. The Authority shall maintain the confidentiality of all
19 information relating to electronic toll collection, including, but not limited to, personal
20 information, financial information, transactions and transaction history, and information related
21 to the collection of a toll or user fee, including, but not limited to, photographs or other
22 recorded images or automatic vehicle identification or driver account information generated by
23 radio-frequency identification or other electronic means. Notwithstanding the provisions of this
24 section:

25 (1) The account holder may examine his own account information, and the
26 Authority may use the account information for purposes of collecting and
27 enforcing tolls.

28 (2) A party, by authority of a proper court order, may inspect and examine
29 confidential account information."

30 **SECTION 12.** Section 1 of S.L. 2011-71 reads as rewritten:

31 "**SECTION 1.** G.S. 20-118(c) is amended by adding a new subdivision to read:

32 '(16) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle
33 combination that meets all of the conditions below, but all other enforcement
34 provisions of this Article remain applicable:

35 a. Is hauling unhardened ready-mixed concrete.

36 b. Does not operate on an interstate highway or a posted light-traffic
37 road or exceed any posted bridge weight limits.

38 c. Has a single steer axle weight of no more than 22,000 pounds and a
39 tandem-axle weight of no more than 46,000 pounds.

40 d. Does not exceed a maximum gross weight of 66,000 pounds on a
41 three-axle vehicle with a length of at least 21 feet between the center
42 of axle one and the center of axle three.

43 e. Does not exceed a maximum gross weight of 72,600 pounds on a
44 four-axle vehicle with a length of at least 36 feet between the center
45 of axle one and the center of axle four. The four-axle vehicle shall
46 have a maximum gross weight of 66,000 pounds on axles one, two,
47 and three with a length of at least 21 feet between the center of axle
48 one and the center of axle three.

49 f. For purposes of this subdivision, no additional weight allowances as
50 found in this section shall apply for gross weight, single steer axle

1 weight, and tandem-axle weight, and the tolerance allowed by
2 subsection (h) of this section shall not apply."

3 **SECTION 13.** Notwithstanding 19A NCAC 02D .0607(e)(3), the Department of
4 Transportation may permit sealed ship containers as nondivisible loads as allowed by Federal
5 Highway Administration policy. All Department of Transportation permitting rules applied to
6 other nondivisible loads shall also apply to sealed ship containers.

7 **SECTION 14.** The Department of Transportation shall initiate the process to
8 conform the North Carolina Administrative Code to this act by striking the words "not to
9 exceed 94,500 pounds" from the first sentence of 19A NCAC 02D .0607(e)(3).

10 **SECTION 15.** The Department of Transportation shall not expend any funds to,
11 regardless of the fund sources, and shall not erect, construct, build, or otherwise place a
12 median, barrier, or other construct on that portion of U.S. Highway 70 between a point located
13 1,050 feet West of the intersection of U.S. Highway 258 South and the intersection of NC
14 Highway 58 South that in any way limits, reduces, blocks, or by any other means reduces the
15 current level of ingress and egress to businesses located on that portion of U.S. Highway 70
16 which are currently accessible from U.S. Highway 70.

17 **SECTION 16.** Until authorized by an act of the General Assembly, the Department
18 of Transportation shall not expend any funds to, regardless of the fund sources, and shall not
19 erect, construct, build, or otherwise place a median, barrier, or other construct on any of the
20 following locations that in any way limits, reduces, blocks, or by any other means reduces the
21 current level of ingress and egress to businesses located on that portion of U.S. Highway 64
22 between Third Street in Asheboro and the intersection of U.S. Highway 64 and Salisbury
23 Street.

24 **SECTION 17.** The Department of Transportation shall not expend any funds to,
25 regardless of the fund sources, and shall not erect, construct, build, or otherwise place a
26 median, barrier, or other construct on that portion of Falls of Neuse Road in Wake County
27 between Raven Ridge Road and Lowery Farm Lane that in any way limits, reduces, blocks, or
28 by any other means reduces the current level of ingress and egress to Falls of Neuse Road.

29 **SECTION 18.** Section 10 of this act becomes effective July 1, 2011, and applies to
30 bids and documents submitted for advertisements and requests for proposal that are advertised
31 or requested on or after that date. Section 1 of this act becomes effective August 1, 2011, and
32 applies to drivers licenses issued on or after that date. Sections 2, 3, 4, 5, 6, and 7 of this act
33 become effective December 1, 2011, and apply to offenses committed on or after that date. The
34 remainder of this act is effective when it becomes law.