

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 652
Committee Substitute Favorable 6/8/11
PROPOSED SENATE COMMITTEE SUBSTITUTE H652-PCS70261-RV-39

Short Title: Omnibus Transportation Act.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATE'S LAWS PERTAINING TO TRANSPORTATION.

3 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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



* H 6 5 2 - P C S 7 0 2 6 1 - R V - 3 9 *

1 "(m) Any vehicle weighing greater than the limits found in G.S. 20-118(b), as authorized
2 by G.S. 20-118(c)(12), (c)(14), and (c)(15), must be registered for the maximum weight
3 allowed for the vehicle configuration as listed in G.S. 20-118(b). A vehicle driven in violation
4 of this subsection is subject to the axle group penalties set out in G.S. 20-118(e). The penalties
5 apply to the amount by which the vehicle's maximum gross weight as listed in G.S. 20-118(b)
6 exceeds its declared weight."

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

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

9 ...

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

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

51 ...

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

- b. Does not operate on an interstate highway, a posted light-traffic road, except as provided by subdivision (c)(5) of this section, or exceed any posted bridge weight limits.
- c. Does not exceed a maximum gross weight 4,000 pounds in excess of what is allowed in subsection (b) of this section.
- d. Does not exceed a single-axle weight of more than ~~22,000~~ 26,000 pounds and a tandem-axle weight of more than ~~42,000~~ 44,000 pounds.
- e. ~~Is registered pursuant to G.S. 20-88 for the maximum weight allowed for the vehicle configuration as listed in subsection (b) of this section.~~

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

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

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

"§ 20-127. Windows and windshield wipers.

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

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

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

(c) Tinting Exceptions. – The window tinting restrictions in subsection (b) of this section apply without exception to the windshield of a vehicle. The window tinting restrictions

1 in subdivisions (b)(1) and (b)(2) of this section do not apply to any of the following vehicle
2 windows:

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

23"

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

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

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

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

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

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

50 **"§ 20-383. Inspectors and officers given enforcement authority.**

1 Only designated ~~inspectors and officers~~ inspectors, officers, and personnel of the
2 Department of Crime Control and Public Safety shall have the authority to enforce the
3 provisions of this Article and provisions of Chapter 62 applicable to motor transportation, and
4 they are empowered to make complaint for the issue of appropriate warrants, information,
5 presentments or other lawful process for the enforcement and prosecution of violations of the
6 transportation laws against all offenders, whether they be regulated motor carriers or not, and to
7 appear in court or before the North Carolina Utilities Commission and offer evidence at the
8 trial pursuant to such processes."

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

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

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

14 "**§ 136-89.213. Administration of tolls and requirements for open road tolls.**

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

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

- 31 (1) The account holder may examine his own account information, and the
32 Authority may use the account information only for purposes of collecting
33 and enforcing tolls.
34 (2) A party, by authority of a proper court order, may inspect and examine
35 confidential account information."

36 **SECTION 12.** Section 1 of S.L. 2011-71 is rewritten to read:

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

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

- 41 a. Is hauling unhardened ready-mixed concrete.
42 b. Does not operate on an interstate highway or a posted light-traffic
43 road, or exceed any posted bridge weight limits.
44 c. Has a single steer axle weight of no more than 22,000 pounds and a
45 tandem-axle weight of no more than 46,000 pounds.
46 d. Does not exceed a maximum gross weight of 66,000 pounds on a
47 three-axle vehicle with a length of at least 21 feet between the center
48 of axle one and the center of axle three.
49 e. Does not exceed a maximum gross weight of 72,600 pounds on a
50 four-axle vehicle with a length of at least 36 feet between the center
51 of axle one and the center of axle four. The four-axle vehicle shall

1 have a maximum gross weight of 66,000 pounds on axles one, two,
2 and three with a length of at least 21 feet between the center of axle
3 one and the center of axle three.

4 f. For purposes of this subdivision, no additional weight allowances as
5 found in this section shall apply for gross weight, single steer axle
6 weight, and tandem-axle weight, and the tolerance allowed by
7 subsection (h) of this section shall not apply."

8 **SECTION 13.** G.S. 147-86.23 reads as rewritten:

9 **"§ 147-86.23. Interest and penalties.**

10 A State agency shall charge interest at the rate established pursuant to G.S. 105-241.21 on a
11 past-due account receivable from the date the account receivable was due until it is paid. A
12 State agency shall add to a past-due account receivable a late payment penalty of no more than
13 ten percent (10%) of the account receivable. A State agency may waive a late-payment penalty
14 for good cause shown. If another statute requires the payment of interest or a penalty on a
15 past-due account receivable, this section does not apply to that past-due account receivable.
16 This section does not apply to money owed to the University of North Carolina Health Care
17 System for health care ~~services~~-services or to the North Carolina Turnpike Authority for money
18 owed to the Authority for tolls."

19 **SECTION 14.** Notwithstanding 19A NCAC 02D .0607(e)(3), the Department of
20 Transportation may permit sealed ship containers as nondivisible loads as allowed by Federal
21 Highway Administration policy. All Department of Transportation permitting rules applied to
22 other nondivisible loads shall also apply to sealed ship containers.

23 **SECTION 15.** The Department of Transportation shall initiate the process to
24 conform the North Carolina Administrative Code to this act by striking the words "not to
25 exceed 94,500 pounds" from the first sentence of 19A NCAC 02D .0607(e)(3).

26 **SECTION 16.** The provisions of S.L. 2009-345, as they apply to ferry vessels
27 operated by the North Carolina Department of Transportation, become effective June 30, 2013.

28 **SECTION 17.** Section 10 of this act becomes effective July 1, 2011, and applies to
29 bids and documents submitted for advertisements and requests for proposal that are advertised
30 or requested on or after that date. Section 1 of this act becomes effective January 1, 2012, and
31 applies to drivers licenses issued on or after that date. Sections 2, 3, 4, 5, 6, and 7 of this act
32 become effective December 1, 2011, and apply to offenses committed on or after that date. The
33 remainder of this act is effective when it becomes law.