

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 895*
Transportation Committee Substitute Adopted 5/30/12
PROPOSED HOUSE COMMITTEE SUBSTITUTE S895-PCS85301-RV-54

Short Title: DOT Division of Motor Vehicles Leg. Requests.-AB

(Public)

Sponsors:

Referred to:

May 24, 2012

A BILL TO BE ENTITLED

AN ACT TO AMEND STATUTES RELATED TO MOTORCYCLE LICENSES, TO DELAY THE IMPLEMENTATION OF TWO CHANGES TO DRIVERS LICENSES PENDING AN INFORMATION TECHNOLOGY SYSTEM UPGRADE, TO UPDATE CHAPTER 136 OF THE GENERAL STATUTES WITH THE TERM "CHIEF ENGINEER," WHICH REPLACES THE TERM "STATE HIGHWAY ADMINISTRATOR," AND TO AUTHORIZE RECIPROCITY AGREEMENTS FOR TOLL PAYMENTS BETWEEN THE NORTH CAROLINA TURNPIKE AUTHORITY AND OTHER TOLL AGENCIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(a1) and (a2) read as rewritten:

"(a1) Motorcycles and Mopeds. – To drive a motorcycle, a person shall have one of the following:

- (1) A full provisional license with a motorcycle learner's permit.
- (2) A regular drivers license with a motorcycle learner's permit.
- (3) A full provisional license with a motorcycle endorsement.
- (4) A regular drivers ~~license,~~ license with a motorcycle endorsement.

Subsection (a2) of this section sets forth the requirements for a motorcycle learner's permit. To obtain a motorcycle endorsement, a person shall pay the fee set in subsection (i) of this section. In addition, to obtain an endorsement, a person age 18 or older shall demonstrate competence to drive a motorcycle by passing a ~~written or oral knowledge~~ written or oral knowledge test concerning ~~motoreyeles~~ motorcycles, and by passing a road test, and a test or providing proof of successful completion of one of the following:

- (1) The North Carolina Motorcycle Safety Education Program Basic Rider Course or Experienced Rider Course.
- (2) Any course approved by the Commissioner consistent with the instruction provided through the Motorcycle Safety Instruction Program established under G.S. 115D-72.

A person less than 18 years of age shall demonstrate competence to drive a motorcycle by passing a ~~written or oral knowledge~~ written or oral knowledge test concerning motorcycles and providing proof of successful completion of one of the following:



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- 1 (1) ~~The Motorcycle Safety Foundation Basic Rider Course or Experienced Rider~~
2 ~~Course.~~
3 (2) The North Carolina Motorcycle Safety Education Program Basic Rider
4 Course or Experienced Rider Course.
5 (3) Any course approved by the Commissioner consistent with the instruction
6 provided through the Motorcycle Safety Instruction Program established
7 under G.S. 115D-72.

8 A person less than 18 years of age with a motorcycle endorsement may not drive a
9 motorcycle with a passenger.

10 Neither a drivers license nor a motorcycle endorsement is required to drive a moped.

11 (a2) Motorcycle Learner's Permit. – The following persons are eligible for a motorcycle
12 learner's permit:

- 13 (1) A person who is at least 16 years old but less than 18 years old and has a full
14 provisional license issued by the Division.
15 (2) A person who is at least 18 years old and has a license issued by the
16 Division.

17 To obtain a motorcycle learner's permit, an applicant shall pass a vision test, a road sign
18 test, and a ~~written knowledge~~ test specified by the Division. An applicant who is less than 18
19 years old shall successfully complete ~~the Motorcycle Safety Foundation Basic Rider Course or~~
20 the North Carolina Motorcycle Safety Education Program Basic Rider ~~Course.~~ Course or any
21 course approved by the Commissioner consistent with the instruction provided through the
22 Motorcycle Safety Instruction Program established under G.S. 115D-72. A motorcycle learner's
23 permit expires twelve months after it is issued and may be renewed for one additional
24 six-month period. The holder of a motorcycle learner's permit may not drive a motorcycle with
25 a passenger. The fee for a motorcycle learner's permit is the amount set in G.S. 20-7(1) for a
26 learner's permit."

27 **SECTION 2.** Section 3 of S.L. 2011-35 reads as rewritten:

28 "**SECTION 3.** This act becomes effective ~~when the Division of Motor Vehicles has~~
29 ~~completed the implementation of the Division's Next Generation Secure Driver License System~~
30 ~~or July 1, 2012, whichever occurs first, and applies to drivers licenses issued on or after that~~
31 ~~date.~~ on the later of the following dates and applies to drivers licenses issued on or after that
32 date:

- 33 (1) January 1, 2013.
34 (2) The first day of a month that is 30 days after the Commissioner of Motor
35 Vehicles certifies to the Revisor of Statutes that the Division of Motor
36 Vehicles has completed the implementation of the Division's Next
37 Generation Secure Driver License System."

38 **SECTION 3.** Section 2 of S.L. 2011-228 reads as rewritten:

39 "**SECTION 2.** This act becomes effective ~~July 1, 2012, and applies to endorsements issued~~
40 ~~for commercial drivers licenses on or after that date.~~ on the later of the following dates and
41 applies to endorsements issued for commercial drivers licenses issued on or after that date:

- 42 (1) January 1, 2013.
43 (2) The first day of a month that is 30 days after the Commissioner of Motor
44 Vehicles certifies to the Revisor of Statutes that the Division of Motor
45 Vehicles has completed the implementation of the Division's Next
46 Generation Secure Driver License System."

47 **SECTION 4.** G.S. 136-4 reads as rewritten:

48 "**§ 136-4. State Highway Administrator.** ~~Chief Engineer.~~

49 There shall be a ~~State Highway Administrator,~~ Chief Engineer, who shall be a career
50 official and who shall be the administrative officer of the Department of Transportation for
51 highway matters. The ~~State Highway Administrator~~ Chief Engineer shall be appointed by the

1 Secretary of Transportation and he may be removed at any time by the Secretary of
2 Transportation. He shall be paid a salary to be set in accordance with Chapter 126 of the
3 General Statutes, the State Personnel Act. The ~~State Highway Administrator~~Chief Engineer
4 shall have such powers and perform such duties as the Secretary of Transportation shall
5 prescribe."

6 **SECTION 5.** G.S. 136-18.3(a) reads as rewritten:

7 "(a) The Department of Transportation is authorized to issue permits to counties and
8 municipalities for the location of containers on rights-of-way of state-maintained highways for
9 the collection of garbage. Such containers may be located on highway rights-of-way only when
10 authorized in writing by the ~~State Highway Administrator~~Chief Engineer in accordance with
11 rules and regulations promulgated by the Department of Transportation. Such rules and
12 regulations shall take into consideration the safety of travelers on the highway and the
13 elimination of unsightly conditions and health hazards. Such containers shall not be located on
14 fully controlled-access highways."

15 **SECTION 6.** G.S. 136-64.1(d) reads as rewritten:

16 "(d) The Department of Transportation shall have the discretion to deny any application
17 submitted pursuant to this section, or it may grant a permit on any condition it deems
18 warranted. The Department, however, shall consider the use of alternate routes available during
19 flooding of the roads, and any inconvenience to the public or temporary loss of access to
20 business, homes and property. The Department shall have the authority to promulgate
21 regulations for the issuance of permits under this section and it may delegate the authority for
22 the consideration, issuance or denial of such permits to the ~~State Highway Administrator~~Chief
23 Engineer. Any applicant granted a permit pursuant to this section shall cause suitable markers
24 to be installed on the secondary road to advise the general public of the intermittent closing of
25 the road or roads involved. Such markers shall be located and approved by the ~~State Highway~~
26 ~~Administrator~~Chief Engineer."

27 **SECTION 7.** G.S. 136-89.59(1) reads as rewritten:

28 "(1) Thirty-day permits shall be issued without cost by the Highway Division
29 Engineer. Permits shall be subject to revocation by the ~~State Highway~~
30 ~~Administrator~~Chief Engineer for violations of this section. The applicant
31 must be a nonprofit organization showing a record of concern for
32 automotive, highway, or driver safety."

33 **SECTION 8.** G.S. 136-89.194(f) reads as rewritten:

34 **"§ 136-89.194. Laws applicable to the Authority; exceptions.**

35 (f) Construction Claims. – G.S. 136-29 applies to the adjustment and resolution of
36 Turnpike project construction claims. In applying G.S. 136-29 to the Turnpike Authority,
37 references to the "Department of Transportation," the ~~'State Highway Administrator,'~~"Chief
38 Engineer," and a "State highway" are considered references to the "Turnpike Authority," the
39 "chief engineer of the Turnpike Authority," and a "Turnpike project."

40 **SECTION 9.** G.S. 136-89.183(a) is amended by adding a new subdivision to read
41 as follows:

42 **"§ 136-89.183. Powers of the Authority.**

43 (a) The Authority shall have all of the powers necessary to execute the provisions of
44 this Article, including the following:

45 ...

46 (19) To enter into reciprocal toll enforcement agreements with other toll
47 agencies, as provided in G.S. 136-89.220."

48 **SECTION 10.** G.S. 136-89.217 reads as rewritten:

49 **"§ 136-89.217. Vehicle registration renewal blocked for unpaid open road toll.**

1 (a) Registration Block. – Failure of a person to pay an open road toll billed to the
2 person under G.S. 136-89.214, any processing fee added under G.S. 136-89.215, and any civil
3 penalty imposed under ~~G.S. 136-89.216~~G.S. 136-89.216, as well as any toll, processing fee, or
4 civil penalty owed to another tolling jurisdiction with which the Authority has a valid
5 reciprocal toll enforcement agreement under G.S. 136-89.220, is grounds under G.S. 20-54 to
6 withhold the registration renewal of a motor vehicle registered in that person's name. The
7 Authority must notify the Commissioner of Motor Vehicles of a person who owes a toll, a
8 processing fee, or a civil penalty. When notified, the Commissioner of Motor Vehicles must
9 withhold the registration renewal of any motor vehicle registered in that person's name.

10 (b) Repealed by S.L. 2010-133, s. 6, effective December 1, 2010."

11 **SECTION 11.** Part 2 of Article 6H of Chapter 136 of the General Statutes is
12 amended by adding a new section to read as follows:

13 **"§ 136-89.220. Reciprocal toll enforcement agreements.**

14 The Authority may enter into reciprocal agreement with other tolling jurisdictions to
15 enforce toll violations. Such an agreement shall provide that, when another toll agency certifies
16 that the registered owner of a vehicle registered in this State has failed to pay a toll, processing
17 fee, or civil penalty due to that toll agency, the unpaid toll, processing fee, or civil penalty may
18 be enforced by the Authority placing a renewal block as if it were an unpaid toll, processing
19 fee, or civil penalty owed to this State under G.S. 136-89.217. Such agreement shall only be
20 enforceable, however, if all of the following are true:

- 21 (1) The other toll agency has its own effective reciprocal procedure for toll
22 violation enforcement and does, in fact, reciprocate in enforcing toll
23 violations within this State by withholding the registration renewal of
24 registered owners of motor vehicles from the state of the other toll agency.
25 (2) The other toll agency provides due process and appeal protections to avoid
26 the likelihood that a false, mistaken, or unjustified claim will be pursued
27 against the owner of a vehicle registered in this State.
28 (3) The owner of a vehicle registered in this State may present evidence to the
29 other toll agency by mail or other means to invoke rights of due process
30 without having to appear personally in the jurisdiction where the violation
31 allegedly occurred.
32 (4) The reciprocal violation enforcement arrangement between the Authority
33 and the other toll agency provides that each party shall charge the other for
34 costs associated with registration holds in their respective jurisdictions."

35 **SECTION 12.** When the Division of Motor Vehicles has completed the
36 implementation of the Division's Next Generation Secure Driver License System, the
37 Commissioner of Motor Vehicles shall certify to the Revisor of Statutes that the Division of
38 Motor Vehicles has completed the implementation. When making the certification, the
39 Commissioner of Motor Vehicles shall reference S.L. 2011-35, S.L. 2011-228, and the session
40 law number of this act.

41 **SECTION 13.** Section 1 of this act becomes effective July 1, 2012. The remainder
42 of this act is effective when it becomes law.