

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1025*
PROPOSED COMMITTEE SUBSTITUTE H1025-PCS10565-RW-80

Short Title: DOT/DMV Changes.

(Public)

Sponsors:

Referred to:

May 15, 2014

A BILL TO BE ENTITLED

1 AN ACT TO (1) AUTHORIZE CONTINUANCES OF DIVISION OF MOTOR VEHICLES
2 INSPECTION STATION VIOLATION CASES; (2) PROVIDE THAT AGRICULTURAL
3 TOURISM SIGNS ON STATE HIGHWAYS ARE SUBJECT TO DEPARTMENT OF
4 TRANSPORTATION LOCATION AND PLACEMENT RULES; (3) CHANGE THE
5 DUE DATE FOR THE NORTH CAROLINA TURNPIKE AUTHORITY ANNUAL
6 AUDIT REPORT TO OCTOBER; (4) REPEAL A REQUIREMENT THAT THE
7 DEPARTMENT OF TRANSPORTATION ANNUALLY REPORT RIGHT TURN ON
8 RED PEDESTRIAN CRASHES; (5) AMEND THE STATE DRIVERS LICENSE
9 MATERIAL TECHNICAL STANDARDS; (6) APPLY ALTERNATE PRIORITIZATION
10 CRITERIA UNDER THE STRATEGIC TRANSPORTATION INVESTMENTS ACT
11 FORMULA TO FEDERAL AND STATE FUNDS USED FOR EMERGENCY REPAIR
12 WORK; AND (7) REENACT THE AUTHORIZATION FOR THE DEPARTMENT OF
13 TRANSPORTATION TO PARTICIPATE IN PRIVATE DEVELOPER CONTRACTS
14 FOR IMPROVEMENTS TO THE STATE HIGHWAY SYSTEM, SUBJECT TO A LIMIT
15 OF THE LESSER OF TEN PERCENT OR TWO HUNDRED FIFTY THOUSAND
16 DOLLARS, AS RECOMMENDED BY THE JOINT LEGISLATIVE
17 TRANSPORTATION OVERSIGHT COMMITTEE; AND TO AUTHORIZE THE
18 DEPARTMENT OF TRANSPORTATION TO INSTALL AND OPERATE RAMP
19 METERS, AND TO PROVIDE THAT VIOLATION OF A RAMP METER SIGNAL IS
20 AN INFRACTION.
21

22 The General Assembly of North Carolina enacts:
23

24 **DMV INSPECTION STATION CASE CONTINUANCES**

25 **SECTION 1.** G.S. 20-183.8G reads as rewritten:

26 "**§ 20-183.8G. Administrative and judicial review.**

27 (a) Right to Hearing. – A person who applies for a license or registration under this Part
28 or who has a license or registration issued under this Part has the right to a hearing when any of
29 the following occurs:

- 30 (1) The Division denies the person's application for a license or registration.
31 (2) The Division delivers to the person a written statement of charges of a
32 violation that could result in the suspension or revocation of the person's
33 license.
34 (3) The Division summarily suspends or revokes the person's license following
35 review and authorization of the proposed adverse action by a judge.
36 (4) The Division assesses a civil penalty against the person.



1 (5) The Division issues a warning letter to the person.

2 (6) The Division cancels the person's registration.

3 (b) Hearing After Statement of Charges. – When a license holder receives a statement
4 of charges of a violation that could result in the suspension or revocation of the person's
5 license, the person can obtain a hearing by making a request for a hearing. The person must
6 make the request to the Division within 10 days after receiving the statement of the charges. A
7 person who does not request a hearing within this time limit waives the right to a hearing.

8 The Division must hold a hearing requested under this subsection within 30 days after
9 receiving the ~~request~~request, unless the matter is continued for good cause. The hearing must
10 be held at the location designated by the Division. Suspension or revocation of the license is
11 stayed until a decision is made following the hearing.

12 If a person does not request a hearing within the time allowed for making the request, the
13 proposed suspension or revocation becomes effective the day after the time for making the
14 request ends. If a person requests a hearing but does not attend the hearing, the proposed
15 suspension or revocation becomes effective the day after the date set for the hearing.

16 (c) Hearing After Summary Action. – When the Division summarily suspends a license
17 issued under this Part after judicial review and authorization of the proposed action, the person
18 whose license was suspended or revoked may obtain a hearing by filing with the Division a
19 written request for a hearing. The request must be filed within 10 days after the person was
20 notified of the summary action. The Division must hold a hearing requested under this
21 subsection within 14 days after receiving the request.

22 (d) All Other Hearings. – When this section gives a person the right to a hearing and
23 subsection (b) or (c) of this section does not apply to the hearing, the person may obtain a
24 hearing by filing with the Division a written request for a hearing. The request must be filed
25 within 10 days after the person receives written notice of the action for which a hearing is
26 requested. The Division must hold a hearing within 90 days after the Division receives the
27 ~~request~~request, unless the matter is continued for good cause.

28 (e) Review by Commissioner. – The Commissioner may conduct a hearing required
29 under this section or may designate a person to conduct the hearing. When a person designated
30 by the Commissioner holds a hearing and makes a decision, the person who requested the
31 hearing has the right to request the Commissioner to review the decision. The procedure set by
32 the Division governs the review by the Commissioner of a decision made by a person
33 designated by the Commissioner.

34 (f) Decision. – Upon the Commissioner's review of a decision made after a hearing on
35 the imposition of a monetary penalty against a motorist for an emissions violation or on a Type
36 I, II, or III violation by a license holder, the Commissioner must uphold any monetary penalty,
37 license suspension, license revocation, or warning required by G.S. 20-183.7A, G.S. 20-183.8A
38 or G.S. 20-183.8B, respectively, if the decision is based on evidence presented at the hearing
39 that supports the hearing officer's determination that the motorist or license holder committed
40 the act for which the monetary penalty, license suspension, license revocation, or warning was
41 imposed. Pursuant to the authority under G.S. 20-183.7A(c) and G.S. 20-183.8B(c), the
42 Commissioner may order a suspension for a first occurrence Type I violation of a station to be
43 stayed upon reasonable compliance terms to be determined by the Commissioner. Pursuant to
44 the authority under G.S. 20-183.7A(d1) and G.S. 183.8B(c2), the Commissioner may order the
45 suspensions against a license holder to run consecutively or concurrently. The Commissioner
46 may uphold, dismiss, or modify a decision made after a hearing on any other action.

47 (g) Judicial Review. – Article 4 of Chapter 150B of the General Statutes governs
48 judicial review of an administrative decision made under this section."
49

50 AGRITOURISM SIGN LOCATION/DOT STANDARDS

51 SECTION 2. G.S. 106-22.5(a) reads as rewritten:

1 "(a) The Department of Agriculture and Consumer Services shall work with the
2 Department of Transportation to provide directional signs on major highways at or in
3 reasonable proximity to the nearest interchange ~~or within one mile~~ leading to an agricultural
4 facility that promotes tourism by providing tours and on-site sales or samples of North Carolina
5 agricultural products to area tourists. The Department shall follow the sign location and
6 placement rules of the Department of Transportation's Tourist-Oriented Directional Signs and
7 Logo Signs programs."

8 9 **TURNPIKE AUTHORITY ANNUAL AUDIT DATE CHANGE**

10 **SECTION 3.** G.S. 136-89.193(b) reads as rewritten:

11 "(b) Annual Reports. – The Authority shall, promptly following the close of each fiscal
12 year, submit an annual report of its activities for the preceding year to the Governor, the
13 General Assembly, and the Department of Transportation. ~~Each report shall be accompanied by~~
14 ~~an~~ In addition, an annual audit of its books and ~~accounts.~~ accounts shall be submitted to the
15 Governor, the General Assembly, and the Department of Transportation when completed in
16 October of each year."

17 18 **REPEAL REPORT/RIGHT TURN ON RED**

19 **SECTION 4.** G.S. 20-158(b)(2)d. is repealed.

20 21 **DRIVERS LICENSE MATERIAL TECHNICAL STANDARD**

22 **SECTION 5.** G.S. 20-7(n) reads as rewritten:

23 "(n) Format. – A drivers license issued by the Division must be tamperproof and must
24 contain all of the following information:

- 25 (1) An identification of this State as the issuer of the license.
- 26 (2) The license holder's full name.
- 27 (3) The license holder's residence address.
- 28 (4) ~~A color photograph, or a properly applied laser engraved picture on~~
29 ~~polycarbonate material, of the license holder, taken by the Division.~~ A color
30 photograph of the license holder applied to material that is measured by the
31 industry standard of security and durability and is resistant to tampering and
32 reproduction.
- 33 (5) A physical description of the license holder, including sex, height, eye color,
34 and hair color.
- 35 (6) The license holder's date of birth.
- 36 (7) An identifying number for the license holder assigned by the Division. The
37 identifying number may not be the license holder's social security number.
- 38 (8) Each class of motor vehicle the license holder is authorized to drive and any
39 endorsements or restrictions that apply.
- 40 (9) The license holder's signature.
- 41 (10) The date the license was issued and the date the license expires.

42 The Commissioner shall ensure that applicants 21 years old or older are issued drivers
43 licenses and special identification cards that are printed in a horizontal format. The
44 Commissioner shall ensure that applicants under the age of 21 are issued drivers licenses and
45 special identification cards that are printed in a vertical format, that distinguishes them from the
46 horizontal format, for ease of identification of individuals under age 21 by members of
47 industries that regulate controlled products that are sale restricted by age and law enforcement
48 officers enforcing these laws.

49 At the request of an applicant for a drivers license, a license issued to the applicant must
50 contain the applicant's race."

1 **ALTERNATE CRITERIA FOR EMERGENCY REPAIR UNDER STRATEGIC**
2 **TRANSPORTATION INVESTMENTS ACT**

3 **SECTION 6.** G.S. 136-189.11 is amended by adding a new subsection to read:

4 (c1) Emergency Funds With Alternative Criteria. – The following funds, obligated in
5 support of emergency repair work necessary to restore essential travel, minimize the extent of
6 damage, or protect remaining facilities, as a result of events that occurred during a federal- or
7 State-declared emergency that significantly damaged the State-maintained transportation
8 system to the extent that safe passage is jeopardized, shall be subject to subsection (d) of this
9 section but shall not be subject to the prioritization criteria set forth in that subsection:

10 (1) Federal or State funds obligated for repairs for which federal Emergency
11 Relief Funds are available pursuant to 23 U.S.C. § 125.

12 (2) State funds obligated for repairs to damage occurring as a result of an event
13 that is lawfully declared to be a federal or State emergency."

14
15 **DOT PARTNERSHIP WITH PRIVATE DEVELOPERS**

16 **SECTION 7.** Section 9 of S.L. 2009-235 reads as rewritten:

17 "**SECTION 2.** This act is effective when it becomes law. This act shall expire on ~~December~~
18 ~~31, 2014.~~December 31, 2016."

19
20 **RAMP METER AUTHORIZED**

21 **SECTION 8.(a)** G.S. 20-4.01 is amended by adding a new subdivision to read:

22 "(32a) Ramp Meter. – A traffic control device that consists of a circular red and
23 circular green display placed at a point along an interchange entrance ramp."

24 **SECTION 8.(b)** G.S. 20-158(c) is amended by adding a new subdivision to read:

25 "(6) When a ramp meter is displaying a circular red display, vehicles facing the
26 red light must stop. When a ramp meter is displaying a circular green
27 display, a vehicle may proceed for each lane of traffic facing the meter.
28 When the display is dark or not emitting a red or green display, a vehicle
29 may proceed without stopping. A violation of this subdivision is an
30 infraction. No drivers license points or insurance surcharge shall be assessed
31 as a result of a violation of this subdivision."

32 **SECTION 8.(c)** G.S. 20-4.01(32a) reads as rewritten:

33 "~~(32a)~~(32b) **Recreational Vehicle.** – A vehicular type unit primarily designed
34 as temporary living quarters for recreational, camping, or travel use that
35 either has its own motive power or is mounted on, or towed by, another
36 vehicle. The basic entities are camping trailer, fifth-wheel travel trailer,
37 motor home, travel trailer, and truck camper.
38"

39 **SECTION 8.(d)** G.S. 20-4.01(32b) reads as rewritten:

40 "~~(32b)~~(32c) **Regular Drivers License.** – A license to drive a commercial
41 motor vehicle that is exempt from the commercial drivers license
42 requirements or a noncommercial motor vehicle."

43 **SECTION 8.(e)** G.S. 20-305(6)d.1.I reads as rewritten:

44 "I. Each new and unsold motor vehicle within the new
45 motor vehicle dealer's inventory that has been
46 acquired within 24 months of the effective date of the
47 termination from the manufacturer or distributor or
48 another same line-make dealer in the ordinary course
49 of business, and which has not been substantially
50 altered or damaged to the prejudice of the
51 manufacturer or distributor while in the new motor

1 vehicle dealer's possession, and which has been driven
 2 less than 1,000 miles or, for purposes of a recreational
 3 vehicle motor home as defined in
 4 ~~G.S. 20-4.01(32a)a.,~~ G.S. 20-4.01(32b)a., less than
 5 1,500 miles following the original date of delivery to
 6 the dealer, and for which no certificate of title has
 7 been issued. For purposes of this sub-subdivision, the
 8 term "ordinary course of business" shall include
 9 inventory transfers of all new, same line-make
 10 vehicles between affiliated dealerships, or otherwise
 11 between dealerships having common or interrelated
 12 ownership, provided that the transfer is not intended
 13 solely for the purpose of benefiting from the
 14 termination assistance described in this
 15 sub-subdivision."

16 **SECTION 8.(f)** G.S. 20-305(6)f. reads as rewritten:

17 "f. The provisions of sub-subdivision e. above shall not be applicable
 18 when the termination, nonrenewal, or cancellation of the franchise
 19 agreement by a new motor vehicle dealer is the result of the sale of
 20 assets or stock of the motor vehicle dealership. The provisions of
 21 sub-subdivisions d. and e. above shall not be applicable when the
 22 termination, nonrenewal, or cancellation of the franchise agreement
 23 is at the initiation of a new motor vehicle dealer of recreational
 24 vehicle motor homes, as defined in
 25 ~~G.S. 20-4.01(32a)a.,~~ G.S. 20-4.01(32b)a., provided that at the time of
 26 the termination, nonrenewal, or cancellation, the recreational vehicle
 27 manufacturer or distributor has paid to the dealer all claims for
 28 warranty or recall work, including payments for labor, parts, and
 29 other expenses, which were submitted by the dealer 30 days or more
 30 prior to the date of termination, nonrenewal, or cancellation."
 31

32 **EFFECTIVE DATE**

33 **SECTION 9.** Section 1 of this act becomes effective October 1, 2014. Section 2
 34 through Section 7 are effective when this act becomes law. Section 8 of this act becomes
 35 effective December 1, 2014, and applies to offenses committed on or after that date. Except as
 36 otherwise provided, this act is effective when it becomes law.