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PROPOSED SENATE COMMITTEE SUBSTITUTE H959-PCS10553-SU-47

Short Title: DOT Proposed Legislative Changes.

(Public)

Sponsors:

Referred to:

April 26, 2016

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION LAWS OF THE
3 STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION
4 OVERSIGHT COMMITTEE.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. DIVISION OF HIGHWAYS**

8
9 **SMALL TRANSPORTATION PROJECTS/LOCAL CONSULTATION**

10 **SECTION 1.** G.S. 136-11.1 reads as rewritten:

11 **"§ 136-11.1. Local consultation on transportation projects.**

12 Prior to any action of the Board on a transportation project, the Department shall inform all
13 municipalities and counties affected by a planned transportation project and request each affected
14 municipality or county to submit within 45 days a written resolution expressing their views on the
15 project. A municipality or county may designate a Transportation Advisory Committee to submit
16 its response to the Department's request for a resolution. Upon receipt of a written resolution from
17 all affected municipalities and counties or their designees, or the expiration of the 45-day period,
18 whichever occurs first, the Board may take action. The Department and the Board shall consider,
19 but shall not be bound by, the views of the affected municipalities and counties on each
20 transportation project. The failure of a county or municipality to express its views within the time
21 provided shall not prevent the Department or the Board from taking action. The Department shall
22 not be required to send notice under this section if it has already received a written resolution from
23 the affected county or municipality on the planned transportation project. "Action of the Board",
24 as used in this section, means approval by the Board of: the Transportation Improvement Program
25 and amendments to the Transportation Improvement Program; the Secondary Roads Paving
26 Program and amendments to the Secondary Roads Paving Program; and individual applications
27 for access and public service road projects, contingency projects, small urban projects, and spot
28 safety projects that exceed ~~one~~ two hundred fifty thousand dollars ~~(\$150,000)~~ ~~(\$250,000)~~. The
29 45-day notification provision may be waived upon a finding by the Secretary of Transportation
30 that emergency action is required. Such findings must be reported to the Joint Legislative
31 Transportation Oversight Committee."

32
33 **BROADBAND AND FIBER OPTIC IN DOT RIGHT-OF-WAY/STUDY FEES**

34 **SECTION 2.(a)** G.S. 136-18(2) reads as rewritten:



* H 9 5 9 - P C S 1 0 5 5 3 - S U - 4 7 *

"§ 136-18. Powers of Department of Transportation.

The said Department of Transportation is vested with the following powers:

(2) Related to right-of-way:

a. To take over and assume exclusive control for the benefit of the State of any existing county or township roads, and roads.

b. ~~to~~ To locate and acquire rights-of-way for any new roads that may be necessary for a State highway system, and system.

c. ~~subject~~ Subject to the provisions of G.S. 136-19.5(a) and (b) also (b), to use existing rights-of-way, or locate and acquire such additional rights of way rights-of-way, as may be necessary for the present or future relocation or initial location, above or below ground, of:

1. ~~telephone,~~ Telephone, telegraph, distributed antenna systems (DAS), broadband communications, electric and other lines, as well as gas, water, sewerage, oil and other pipelines, to be operated by public utilities as defined in G.S. 62-3(23) and which are regulated under Chapter 62 of the General Statutes, or by municipalities, counties, any entity created by one or more political subdivisions for the purpose of supplying any such utility services, electric membership corporations, telephone membership corporations, or any combination thereof, with thereof; and

2. Nonutility owned or operated communications or data transmission infrastructure.

The Department retains full power to widen, relocate, change or alter the grade or location thereof, or alter the location or configuration of such lines or systems above or below ground, and to ground. No agreement for use of Department right-of-way under this sub-subdivision shall abrogate the Department's ownership and control of the right-of-way. The Department is authorized to adopt policies and rules necessary to implement the provisions of this sub-subdivision.

d. To change or relocate any existing roads that the Department of Transportation may now own or may acquire; to acquire.

e. To acquire by gift, purchase, or otherwise, any road or highway, or tract of land or other property whatsoever that may be necessary for a State transportation system and adjacent utility rights-of-way; rights-of-way.

f. Provided, all changes or alterations authorized by this subdivision shall be subject to the provisions of G.S. 136-54 to 136-63, to the extent that said sections are applicable; applicable.

e. Provided, that nothing in this Chapter shall be construed to authorize or permit the Department of Transportation to allow or pay anything to any county, township, city or town, or to any board of commissioners or governing body thereof, for any existing road or part of any road heretofore constructed by any such county, township, city or town, unless a contract has already been entered into with the Department of Transportation."

SECTION 2.(b) The Department of Transportation shall study the issue of administrative fees for encroachments pursuant to G.S. 136-18(2)c. The Department shall report its findings and recommendations to the Joint Legislative Transportation Oversight Committee on or before December 1, 2016.

SECTION 2.(c) This section becomes effective July 1, 2016.

1
2 **WEIGHTS LIMITS APPLICABLE TO METAL COMMODITIES, CONSTRUCTION**
3 **EQUIPMENT, AND STEEL COILS AND EXTENDING CERTAIN FEDERAL**
4 **WEIGHT EXCEPTIONS TO THE STATE'S HIGHWAYS**

5 **SECTION 2.1.(a)** G.S. 20-118(c) is amended by adding the following new
6 subdivisions to read:

7 "(18) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle
8 combination that meets all of the conditions set out below:

9 a. Is transporting metal commodities or construction equipment.

10 b. Does not operate on an interstate highway, a posted light traffic road, or
11 exceed any posted bridge weight limit.

12 c. Does not exceed a single-axle weight of 22,000 pounds, a tandem-axle
13 weight of 42,000 pounds, or a gross weight of 90,000 pounds.

14 (19) Any additional weight allowance authorized by 23 U.S.C. § 127, and applicable
15 to all interstate highways, shall also apply to all State roads, unless the road is a
16 posted road or posted bridge, or unless specifically prohibited by State law or a
17 Department ordinance applicable to a specific road."

18 **SECTION 2.1.(b)** G.S. 20-119 is amended by adding a new subsection to read:

19 "(i) Any of the following, transported on the same vehicle, shall be considered a
20 nondivisible load for purposes of permit issuance pursuant to this section:

21 (1) One, two, or three steel coils.

22 (2) Multiple pieces of construction equipment."

23 **SECTION 2.1.(c)** This section becomes effective October 1, 2016.
24

25 **PART II. NORTH CAROLINA TURNPIKE AUTHORITY**

26
27 **ALLOW ELECTRONIC BILLING FOR TOLLS**

28 **SECTION 3.** G.S. 136-89.214(a) reads as rewritten:

29 "(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling
30 system and a toll for traveling on the project is not paid prior to travel or at the time of travel, the
31 Authority must send a bill by first-class mail to the registered owner of the motor vehicle or the
32 person who had care, custody, and control of the vehicle as established under G.S. 136-89.212(b)
33 for the amount of the unpaid toll; provided, however, that with the written consent of the
34 registered owner of the motor vehicle or the person who had care, custody, and control of the
35 vehicle as set forth above, the Authority may send the bill via electronic mail to a designated
36 electronic mail account rather than by first-class mail. The Authority must send the bill within 90
37 days after the travel occurs, or within 90 days of receipt of a sworn affidavit submitted under
38 G.S. 136-89.212(b) identifying the person who had care, custody, and control of the motor
39 vehicle. If a bill is not sent within the required time, the Authority waives collection of the toll.
40 The Authority must establish a billing period for unpaid open road tolls that is no shorter than 15
41 days. A bill for a billing period must include all unpaid tolls incurred by the same person during
42 the billing period."
43

44 **TURNPIKE AUTHORITY REPORT ON ONE-TIME FACILITY USER FEES AND**
45 **PENALTIES**

46 **SECTION 3.1.** The North Carolina Turnpike Authority shall report to the Joint
47 Legislative Transportation Oversight Committee on January 31, 2017, and in its annual report
48 thereafter, the number of one-time toll facility users who are charged more than fifty dollars
49 (\$50.00) in processing fees imposed under G.S. 136-89.215 and civil penalties assessed under
50 G.S. 136-89.216. With the first report on such users, the Turnpike Authority shall propose
51 statutory changes to Part 2 of Article 6H of Chapter 136 of the General Statutes that are expected

1 to have the aggregate effect of improving efficiency or reducing costs in collecting tolls while
2 significantly reducing the possibility one-time users are charged more than fifty dollars (\$50.00) in
3 processing fees imposed under G.S. 136-89.215 and civil penalties assessed under
4 G.S. 136-89.216.

5
6 **REPEAL NCTA SEMIANNUAL REPORTS TO JLTOC**

7 **SECTION 4.** G.S. 136-89.193(c) is repealed.

8
9 **PART III. DIVISION OF BICYCLE AND PEDESTRIAN TRANSPORTATION**

10
11 **REPEAL REQUIREMENT TO MAINTAIN OFF-ROAD CYCLING RECORDS**

12 **SECTION 5.** G.S. 143B-135.100 reads as rewritten:

13 **"§ 143B-135.100. Use of State land for bicycling; creation of trails by volunteers.**

14 ...

15 (b) Notwithstanding the provisions of subsection (a) of this section, any land may be
16 restricted or removed from use by bicyclists if it is determined by the State, an agency of the State,
17 or the holder of land purchased or leased with State funds that the use would cause substantial
18 harm to the land or the environment or that the use would violate another State or federal law.
19 Before restricting or removing land from use by bicyclists, the State, the agency of the State, or the
20 holder of the land purchased or leased with State funds must show why the lands should not be
21 open for use by bicyclists. Local cycling groups or organizations shall be notified of the intent to
22 restrict or remove the land from use by bicyclists and provided an opportunity to show why
23 cycling should be allowed on the land. ~~Notice of any land restricted or removed from use by~~
24 ~~bicyclists pursuant to this subsection shall be filed with the Division of Bicycle and Pedestrian~~
25 ~~Transportation of the Department of Transportation.~~

26 (c) ~~The Division of Bicycle and Pedestrian Transportation of the Department of~~
27 ~~Transportation shall keep a record of all lands made open and available for use by bicyclists~~
28 ~~pursuant to this section and shall make the information available to the public upon request.~~

29 ...

30 (e) Notwithstanding any other provision of this section, any hiking, walking, or use of
31 bicycles on game lands administered by the Wildlife Resources Commission shall be restricted to
32 roads and trails designated for vehicular use. Hiking, walking, or bicycle use by persons not
33 hunting shall be restricted to days closed to hunting. The Wildlife Resources Commission may
34 restrict the use of bicycles on game lands where necessary to protect sensitive wildlife habitat or
35 ~~species and shall file notice of any restrictions with the Division of Bicycle and Pedestrian~~
36 ~~Transportation of the Department of Transportation.~~ species.

37
38 **BICYCLE MUST HAVE RED REAR LIGHT OR OPERATOR MUST WEAR**
39 **REFLECTIVE VEST WHEN OPERATED AT NIGHT**

40 **SECTION 5.1.(a)** G.S. 20-129(e) reads as rewritten:

41 "(e) Lamps on Bicycles. – Every bicycle shall be equipped with a reflex mirror on the rear
42 and both of the following when operated at night on any public street, public vehicular area, or
43 public greenway:

44 (1) A lighted lamp on the front thereof, visible under normal atmospheric
45 conditions from a distance of at least 300 feet in front of such bicycle, and shall
46 also be equipped with a reflex mirror or bicycle.

47 (2) A lamp on the rear, exhibiting a red light visible under like conditions from a
48 distance of at least 200–300 feet to the rear of such bicycle, when used at
49 night or the operator must wear clothing or a vest that is bright and visible from
50 a distance of at least 300 feet to the rear of the bicycle."

1 **SECTION 5.1.(b)** This section becomes effective December 1, 2016, and applies to
2 offenses committed on or after that date.

3
4 **BICYCLE SAFETY LAW REVISIONS**

5 **SECTION 5.5.(a)** G.S. 20-150(e) reads as rewritten:

6 "(e) The driver of a vehicle shall not overtake and pass another on any portion of the
7 highway which is marked by signs, markers or markings placed by the Department of
8 Transportation stating or clearly indicating that passing should not be attempted. The prohibition
9 in this section shall not apply when the overtaking and passing is done in accordance with all of
10 the following:

- 11 (1) The slower moving vehicle to be passed is a bicycle or a moped.
12 (2) The slower moving vehicle is proceeding in the same direction as the faster
13 moving vehicle.
14 (3) The driver of the faster moving vehicle either (i) provides a minimum of four
15 feet between the faster moving vehicle and the slower moving vehicle or (ii)
16 completely enters the left lane of the highway.
17 (4) The operator of the slower moving vehicle is not (i) making a left turn or (ii)
18 signaling in accordance with G.S. 20-154 that he or she intends to make a left
19 turn.
20 (5) The driver of the faster moving vehicle complies with all other applicable
21 requirements set forth in this section."

22 **SECTION 5.5.(b)** G.S. 20-149(a) reads as rewritten:

23 "(a) The driver of any such vehicle overtaking another vehicle proceeding in the same
24 direction shall pass at least two feet to the left thereof, and shall not again drive to the right side of
25 the highway until safely clear of such overtaken vehicle. This subsection shall not apply when the
26 overtaking and passing is done pursuant to the provisions of ~~G.S. 20-150.1~~ G.S. 20-150(e) or
27 G.S. 20-150.1."

28 **SECTION 5.5.(c)** G.S. 20-154 reads as rewritten:

29 **"§ 20-154. Signals on starting, stopping or turning.**

30 ...

31 (a1) A person who violates subsection (a) of this section and causes a motorcycle or bicycle
32 operator to change travel lanes or leave that portion of any public street or highway designated as
33 travel lanes shall be responsible for an infraction and shall be assessed a fine of not less than two
34 hundred dollars (\$200.00). A person who violates subsection (a) of this section that results in a
35 crash causing property damage or personal injury to a motorcycle or bicycle operator or passenger
36 shall be responsible for an infraction and shall be assessed a fine of not less than five hundred
37 dollars (\$500.00) unless subsection (a2) of this section applies.

38 (a2) A person who violates subsection (a) of this section and the violation results in a crash
39 causing property damage in excess of five thousand dollars (\$5,000) or a serious bodily injury as
40 defined in G.S. 20-160.1(b) to a motorcycle or bicycle operator or passenger shall be responsible
41 for an infraction and shall be assessed a fine of not less than seven hundred fifty dollars (\$750.00).
42 A violation of this subsection shall be treated as a failure to yield right-of-way to a motorcycle or
43 bicycle, as applicable, for purposes of assessment of points under G.S. 20-16(c). In addition, the
44 trial judge shall have the authority to order the license of any driver violating this subsection
45 suspended for a period not to exceed 30 days. If a judge orders suspension of a person's drivers
46 license pursuant to this subsection, the judge may allow the licensee a limited driving privilege for
47 a period not to exceed the period of suspension. The limited driving privilege shall be issued in the
48 same manner and under the terms and conditions prescribed in G.S. 20-16.1(b)(1), (2), (3), (4),
49 (5), and G.S. 20-16.1(g).

50 (b) The signal herein required shall be given by means of the hand and arm in the manner
51 herein specified, or by any mechanical or electrical signal device approved by the Division, except

1 that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being
2 visible, both to the front and rear, the signal shall be given by a device of a type which has been
3 approved by the Division.

4 ~~Whenever~~ Except as otherwise provided in subsection (b1) of this section, whenever the signal
5 is given the driver shall indicate his intention to start, stop, or turn by extending the hand and arm
6 from and beyond the left side of the vehicle as hereinafter set forth.

7 Left turn – hand and arm horizontal, forefinger pointing.

8 Right turn – ~~hand and arm~~ upper arm horizontal, forearm and hand pointed upward.

9 Stop – ~~hand and arm~~ upper arm horizontal, forearm and hand pointed downward.

10 All hand and arm signals shall be given from the left side of the vehicle and all signals shall be
11 maintained or given continuously for the last 100 feet traveled prior to stopping or making a turn.
12 Provided, that in all areas where the speed limit is 45 miles per hour or higher and the operator
13 intends to turn from a direct line of travel, a signal of intention to turn from a direct line of travel
14 shall be given continuously during the last 200 feet traveled before turning.

15 Any motor vehicle in use on a highway shall be equipped with, and required signal shall be
16 given by, a signal lamp or lamps or mechanical signal device when the distance from the center of
17 the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle
18 exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear
19 limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single
20 vehicle, also to any combination of vehicles except combinations operated by farmers in hauling
21 farm products.

22 (b1) Notwithstanding the requirement set forth in subsection (b) of this section that a driver
23 signal a right turn by extending his or her hand and arm from beyond the left side of the vehicle,
24 an operator of a bicycle may signal his or her intention to make a right turn by extending his or her
25 hand and arm horizontally, with the forefinger pointing, from beyond the right side of the bicycle.

26"

27 **SECTION 5.5.(d)** This section becomes effective October 1, 2016, and applies to
28 offenses committed on or after that date.

30 PART IV. DIVISION OF MOTOR VEHICLES

32 COMMERCIAL DRIVERS LICENSE CHANGES

33 **SECTION 6.(a)** G.S. 20-7(m) reads as rewritten:

34 "(m) Instruction Permit. – The Division upon receiving proper application may in its
35 discretion issue a restricted instruction permit effective for a school year or a lesser period to any
36 of the following applicants:

37 (1) An applicant who is less than 18 years old and is enrolled in a drivers education
38 program that is approved by the State Superintendent of Public Instruction and
39 is offered at a public high school, a nonpublic secondary school, or a licensed
40 drivers training school.

41 (2) ~~An applicant for certification under G.S. 20-218 as a school bus driver.~~A
42 restricted instruction permit authorizes the holder of the permit to drive a
43 specified type or class of motor vehicle when in possession of the permit,
44 subject to any restrictions imposed by the Division. The restrictions the
45 Division may impose on a permit include restrictions to designated areas and
46 highways and restrictions prohibiting operation except when an approved
47 instructor is occupying a seat beside the permittee. A restricted instruction
48 permit is not required to have a distinguishing number or a picture of the person
49 to whom the permit is issued."

50 **SECTION 6.(b)** G.S. 20-37.13(e) reads as rewritten:

1 "(e) A commercial ~~driver~~-learner's permit may be issued to an individual who holds a
2 regular Class C drivers license and has passed the knowledge test for the class and type of
3 commercial motor vehicle the individual will be driving. The permit is valid for a period not to
4 exceed ~~six months and may be renewed or reissued only once within a two year period.~~ 180 days.
5 The fee for a commercial driver learner's permit is the same as the fee set by G.S. 20-7 for a
6 regular learner's permit. ~~G.S. 20-7(m) governs the issuance of a restricted instruction permit for a~~
7 ~~prospective school bus driver."~~

8 **SECTION 6.(c)** G.S. 20-17.4(g) reads as rewritten:

9 "(g) Violation of Out-of-Service Order. – Any person holding a commercial learner's permit
10 or commercial drivers license or required to have a commercial learner's permit or commercial
11 drivers license convicted for violating an out-of-service order, except as described in subsection
12 (h) of this section, shall be disqualified as follows:

- 13 (1) A person is disqualified from driving a commercial vehicle for a period of ~~90~~
14 ~~days no less than 180 days and no more than one year~~ if convicted of a first
15 violation of an out-of-service ~~order.~~ order while operating a commercial motor
16 vehicle.
- 17 (2) A person is disqualified for a period of ~~one year~~ no less than two years and no
18 more than five years if convicted of a second violation of an out-of-service
19 order while operating a commercial motor vehicle during any 10-year period,
20 arising from separate incidents.
- 21 (3) A person is disqualified for a period of ~~three years~~ no less than three years and
22 no more than five years if convicted of a third or subsequent violation of an
23 out-of-service order while operating a commercial motor vehicle during any
24 10-year period, arising from separate incidents."

25 **SECTION 6.(d)** G.S. 20-17.4(h) reads as rewritten:

26 "(h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and
27 Passenger Offenses. – Any person holding a commercial learner's permit or commercial drivers
28 license or required to have a commercial learner's permit or commercial drivers license convicted
29 for violating an out-of-service order while transporting hazardous ~~materials~~ materials, as defined
30 in 49 C.F.R. § 383.5, or while operating a commercial vehicle designed or used to transport more
31 than 15 passengers, 16 or more passengers, including the driver, shall be disqualified as follows:

- 32 (1) A person is disqualified for a period of ~~180 days~~ no less than 180 days and no
33 more than two years if convicted of a first violation of an out-of-service
34 ~~order.~~ order while operating a commercial motor vehicle.
- 35 (2) A person is disqualified for a period of ~~three years~~ no less than three years and
36 no more than five years if convicted of a second or subsequent violation of an
37 out-of-service order while operating a commercial motor vehicle during any
38 10-year period, arising from separate incidents.
- 39 (3) A person is disqualified for a period of no less than three years and no more
40 than five years if convicted of a third or subsequent violation of an
41 out-of-service order while operating a commercial motor vehicle during any
42 10-year period, arising from separate incidents."

43 **SECTION 6.(e)** Article 2C of Chapter 20 of the General Statutes is amended by
44 adding the following new section to read:

45 **§ 20-37.13A. Medical qualifications standards; waiver for intrastate drivers.**

46 (a) Medical Qualifications Standards Applicable to Commercial Drivers. – All commercial
47 drivers license holders and applicants for commercial drivers licenses must meet the medical
48 qualifications standards set forth in 49 C.F.R. § 391.41.

49 (b) Intrastate Medical Waiver. – Any person unable to meet the standards in 49 C.F.R. §
50 391.41, as adopted by the Division, may apply for a medical waiver that, if approved, will

1 authorize intrastate operation of a commercial motor vehicle. Applications for the medical waiver
2 must be submitted to the Division in writing. Waivers may be granted for no more than two years.

3 (c) Intrastate Operation Subject to Waiver. – Any person granted an intrastate commercial
4 drivers license medical waiver is permitted to maintain a commercial drivers license and operate a
5 commercial motor vehicle in intrastate commerce subject to the following conditions:

6 (1) The commercial drivers license must display a restriction to signify it is only
7 valid for intrastate operation.

8 (2) The holder of the license must submit to medical recertification at intervals set
9 by the Division.

10 (3) The holder of the license must timely submit all documentation required by the
11 Division.

12 (4) Failure to meet any condition within the time period allowed will result in an
13 automatic downgrade of the license holder's commercial drivers license to a
14 Class C regular drivers license."

15 **SECTION 6.(f)** This section becomes effective January 1, 2017, and applies to
16 offenses committed on or after that date.

18 **EXTEND REGISTRATION PERIOD FOR CERTAIN PLATES**

19 **SECTION 7.(a)** G.S. 20-66 is amended by adding a new subsection to read:

20 "(g1) Expiration of Registration by Other Means. – The registration of a vehicle renewed by
21 means of a new registration plate expires at midnight on February 15 of each year."

22 **SECTION 7.(b)** This section becomes effective October 1, 2016, and applies to
23 registration renewals on or after that date.

25 **TEMPORARY DRIVING CERTIFICATE/USE AND UNIFORMITY**

26 **SECTION 8.(a)** G.S. 20-7(f)(5) reads as rewritten:

27 "(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
28 pursuant to the provisions of this subsection:

29 ...
30 (5) License to be sent by mail. – The Division shall issue to the applicant a
31 temporary driving certificate valid for ~~20 days, and 60 days for a commercial~~
32 ~~drivers license, 60 days,~~ unless the applicant is applying for renewal by mail
33 under subdivision (4) of this subsection. The temporary driving certificate shall
34 be valid for driving purposes ~~only~~ and shall not be valid for identification
35 ~~purposes.~~ purposes, except when conducting business with the Division and not
36 otherwise prohibited by federal law. The Division shall produce the applicant's
37 drivers license at a central location and send it to the applicant by first-class
38 mail at the residence address provided by the applicant, unless the applicant is
39 ineligible for mail delivery by the United States Postal Service at the applicant's
40 residence. If the United States Postal Service documents that it does not deliver
41 to the residential address provided by the applicant, and the Division has
42 verified the applicant's residential address by other means, the Division may
43 mail the drivers license to the post office box provided by the applicant.
44 Applicants whose only mailing address prior to July 1, 2008, was a post office
45 box in this State may continue to receive their license at that post office box,
46 provided the applicant's residential address has been verified by the Division."

47 **SECTION 8.(b)** This section becomes effective January 1, 2017. The extended period
48 of validity applies to temporary driving certificates issued on or after that date.

50 **DMV DRIVERS LICENSE TESTING REQUIREMENTS/REMOTE RENEWAL**

51 **SECTION 9.(a)** G.S. 20-7(c) reads as rewritten:

1 "(c) Tests. – To demonstrate physical and mental ability, a person must pass an
2 examination. The examination may include road tests, vision tests, oral tests, and, in the case of
3 literate applicants, written tests, as the Division may require. The tests must ensure that an
4 applicant recognizes the handicapped international symbol of access, as defined in G.S. 20-37.5.
5 The Division may not require a person who applies to renew a license that has not expired to take
6 a written test or a road test unless one or more of the following applies:

- 7 (1) The person has been convicted of a traffic violation since the person's license
8 was last issued.
- 9 (2) The applicant suffers from a mental or physical condition that impairs the
10 person's ability to drive a motor vehicle.

11 The Division shall require sign and symbol testing upon initial issuance of a license. The
12 Division shall require vision testing as a part of required in-person, in-office renewals of a license.

13 The Division may not require a person who is at least 60 years old to parallel park a motor
14 vehicle as part of a road test. A person shall not use an autocycle to complete a road test under this
15 subsection."

16 **SECTION 9.(b)** This section becomes effective October 1, 2016.

17 18 **DMV/ELECTRONIC NOTICE**

19 **SECTION 10.(a)** G.S. 20-7.1 reads as rewritten:

20 **"§ 20-7.1. Notice of change of address or name.**

21 (a) Address. – A person whose address changes from the address stated on a drivers
22 license must notify the Division of the change within 60 days after the change occurs. If the
23 person's address changed because the person moved, the person must obtain a duplicate license
24 within that time limit stating the new address. A person who does not move but whose address
25 changes due to governmental action may not be charged with violating this subsection. A person
26 who has provided an e-mail or electronic address to the Division pursuant to G.S. 20-48(a) shall
27 notify the Division of any change or discontinuance of that e-mail or electronic address within 30
28 days after the change or discontinuance.

29 (b) Name. – A person whose name changes from the name stated on a drivers license must
30 notify the Division of the change within 60 days after the change occurs and obtain a duplicate
31 drivers license stating the new name.

32 (c) Fee. – G.S. 20-14 sets the fee for a duplicate license."

33 **SECTION 10.(b)** G.S. 20-43.1 reads as rewritten:

34 **"§ 20-43.1. Disclosure of personal information in motor vehicle records.**

35 (a) The Division shall disclose personal information contained in motor vehicle records in
36 accordance with the federal Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§
37 2721, et seq.

38 (b) As authorized in 18 U.S.C. § 2721, the Division shall not disclose personal information
39 for the purposes specified in 18 U.S.C. § 2721(b)(11).

40 (c) The Division shall not disclose personal information for the purposes specified in 18
41 U.S.C. § 2721(b)(12) unless the Division receives prior written permission from the person about
42 whom the information is requested.

43 (d) As authorized in 18 U.S.C. § 2721, the Division may disclose personal information to
44 federally designated organ procurement organizations and eye banks operating in this State for the
45 purpose of identifying individuals who have indicated an intent to be an organ donor. Personal
46 information authorized under this subsection is limited to the individual's first, middle, and last
47 name, date of birth, address, sex, county of residence, and drivers license number. Employees of
48 the Division who provide access to or disclosure of information in good-faith compliance with this
49 subsection are not liable in damages for access to or disclosure of the information.

50 (e) As authorized in 18 U.S.C. § 2721, the Division may also provide copies of partial
51 crash report data collected pursuant to G.S. 20-166.1, partial driver license data kept pursuant to

1 G.S. 20-26(a), and partial vehicle registration application data collected pursuant to G.S. 20-52
2 bulk form to persons, private companies, or other entities, for uses other than official, upon
3 payment of a fee of three cents (3¢) per individual record. The Division shall not furnish such data
4 except upon execution by the recipient of a written agreement to comply with the Driver's Privacy
5 Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq. The information released to
6 persons, private companies, or other entities, for uses other than official, pursuant to this
7 subsection, shall not be a public record pursuant to Chapter 132 of the General Statutes.

8 (f) E-mail addresses or other electronic addresses provided to the Division are personal
9 information for purposes of this section and shall only be disclosed in accordance with this
10 section."

11 **SECTION 10.(c)** G.S. 20-48 reads as rewritten:

12 **"§ 20-48. Giving of notice.**

13 (a) Whenever the Division is authorized or required to give any notice under this Chapter
14 or other law regulating the operation of vehicles, unless a different method of giving such notice is
15 otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to
16 the person to be so notified or by deposit in the United States mail of such notice in an envelope
17 with postage prepaid, addressed to such person at his address as shown by the records of the
18 Division. The giving of notice by mail is complete upon the expiration of four days after such
19 deposit of such notice. In lieu of providing notice by personal delivery or United States mail, the
20 Division may give notice under this Chapter by e-mail or other electronic means, if the person to
21 be notified has consented to receiving notices via electronic means and has provided the Division
22 an e-mail address or other like electronic address for receiving the notices. Proof of the giving of
23 notice in ~~either any~~ such manner pursuant to this section may be made by a notation in the records
24 of the Division that the notice was sent to a particular ~~address~~-address, physical or electronic, and
25 the purpose of the notice. A certified copy of the Division's records may be sent by the Police
26 Information Network, facsimile, or other electronic means. A copy of the Division's records sent
27 under the authority of this section is admissible as evidence in any court or administrative agency
28 and is sufficient evidence to discharge the burden of the person presenting the record that notice
29 was sent to the person named in the record, at the physical or electronic address indicated in the
30 record, and for the purpose indicated in the record. There is no requirement that the actual notice
31 or letter be produced.

32 (a1) A person may consent to receive any notice under this Chapter by electronic delivery
33 by completing a written or electronic authorization for this method of delivery. The authorization
34 must advise the person that all of the following apply to consent to electronic delivery of a notice:

- 35 1. Consent is effective until it is revoked in accordance with the procedure set by
36 the Division.
- 37 2. At the option of the Division, electronic delivery may be the only method of
38 delivery.
- 39 3. A notice sent by electronic delivery to an e-mail or electronic address is
40 considered to have been received even if the person to whom it is sent does not
41 receive it.

42 (a2) A person who consents to electronic notification pursuant to this section shall notify
43 the Division of any change or discontinuance of any e-mail or electronic address provided to the
44 Division in accordance with the provisions of this section and G.S. 20-7.1(a). Upon the failure of a
45 person to notify the Division of any change or discontinuance of an electronic notification
46 pursuant to this section, any notices sent to the original or discontinued electronic address shall be
47 deemed to have been received by the person and a copy of the Division's records sent under the
48 authority of this section is sufficient evidence that notice was sent to the person named in the
49 record, at the physical or electronic address indicated in the record, and for the purpose indicated
50 in the record.

1 (b) Notwithstanding any other provision of this Chapter at any time notice is now required
2 by registered mail with return receipt requested, certified mail with return receipt requested may
3 be used in lieu thereof and shall constitute valid notice to the same extent and degree as notice by
4 registered mail with return receipt requested.

5 (c) The Commissioner shall appoint such agents of the Division as may be needed to serve
6 revocation notices required by this Chapter. The fee for service of a revocation notice by personal
7 delivery shall be fifty dollars (\$50.00)."

8 **SECTION 10.(d)** This section becomes effective October 1, 2016.
9

10 **DMV TO PROVIDE OPTION FOR JOINT TENANCY WITH RIGHT OF**
11 **SURVIVORSHIP ON APPLICATION FOR REGISTRATION AND CERTIFICATE**
12 **OF TITLE**

13 **SECTION 10.5.(a)** G.S. 20-52(a) reads as rewritten:

14 "(a) An owner of a vehicle subject to registration must apply to the Division for a certificate
15 of title, a registration plate, and a registration card for the vehicle. To apply, an owner must
16 complete an application provided by the Division. The application shall contain a preprinted
17 option that co-owners may use to title the vehicle as a joint tenancy with right of survivorship. The
18 co-owners' designation of a joint tenancy with right of survivorship on the application shall be
19 valid notwithstanding whether this designation appears on the assignment of title. The application
20 must request all of the following information and may request other information the Division
21 considers necessary:

22 (1) The owner's name.

23 (1a) If the owner is an individual, the following information:

24 a. The owner's mailing address and residence address.

25 b. One of the following at the option of the applicant:

26 1. The owner's North Carolina drivers license number or North
27 Carolina special identification card number.

28 2. The owner's home state drivers license number or home state
29 special identification card number and valid active duty military
30 identification card number or military dependent identification
31 card number if the owner is a person or the spouse or dependent
32 child of a person on active duty in the Armed Forces of the
33 United States who is stationed in this State or deployed outside
34 this State from a home base in this State. The owner's inability to
35 provide a photocopy or reproduction of a military or military
36 dependent identification card pursuant to any prohibition of the
37 United States government or any agency thereof against the
38 making of such photocopy or reproduction shall not operate to
39 prevent the owner from making an application for registration
40 and certificate of title pursuant to this subdivision.

41 3. The owner's home state drivers license number or home state
42 special identification card number and proof of enrollment in a
43 school in this State if the owner is a permanent resident of
44 another state but is currently enrolled in a school in this State.

45 4. The owner's home state drivers license number or home state
46 special identification card number if the owner provides a signed
47 affidavit certifying that the owner intends to principally garage
48 the vehicle in this State and provides the address where the
49 vehicle is or will be principally garaged. For purposes of this
50 section, "principally garage" means the vehicle is garaged for six
51 or more months of the year on property in this State which is

- 1 owned, leased, or otherwise lawfully occupied by the owner of
 2 the vehicle.
- 3 5. The owner's home state drivers license number or home state
 4 special identification card number, provided that the application
 5 is made pursuant to a court authorized sale or a sale authorized
 6 by G.S. 44A-4 for the purpose of issuing a title to be registered
 7 in another state or country.
- 8 6. The co-owner's home state drivers license number or home state
 9 special identification card number if at least one co-owner
 10 provides a North Carolina drivers license number or North
 11 Carolina special identification number.
- 12 7. The owner's home state drivers license number or special
 13 identification card number if the application is for a motor home
 14 or house car, as defined in G.S. 20-4.01(27)d2., or for a house
 15 trailer, as defined in G.S. 20-4.01(14).
- 16 (1b) If the owner is a firm, partnership, a corporation, or another entity, the address
 17 of the entity.
- 18 (2) A description of the vehicle, including the following:
 19 a. The make, model, type of body, and vehicle identification number of the
 20 vehicle.
 21 b. Whether the vehicle is new or used and, if a new vehicle, the date the
 22 manufacturer or dealer sold the vehicle to the owner and the date the
 23 manufacturer or dealer delivered the vehicle to the owner.
- 24 (3) A statement of the owner's title and of all liens upon the vehicle, including the
 25 names and addresses of all lienholders in the order of their priority, and the date
 26 and nature of each lien.
- 27 (4) A statement that the owner is an eligible risk for insurance coverage as defined
 28 in G.S. 58-37-1(4a).
- 29 (5) For registration and certificate of title for a nonfleet private passenger motor
 30 vehicle, a statement that providing incorrect or false and misleading
 31 information as to the owner's status as an eligible risk can result in criminal
 32 prosecution and the denial of insurance coverage for any loss of the owner
 33 under any insurance policies for which application is made if the owner
 34 provides false and misleading information as to eligible risk status.
- 35 (6) For registration and certificate of title for a nonfleet private passenger motor
 36 vehicle, a statement that the owner will inform the insurer before the next
 37 policy renewal if the owner ceases to be an eligible risk."

38 **SECTION 10.5.(b)** This section becomes effective January 1, 2017.

39
 40 **DMV/INSPECTION OF PRE-1981 MOTOR VEHICLES/TITLING**

41 **SECTION 11.(a)** G.S. 20-53(e) reads as rewritten:

42 "(e) No title shall be issued to an initial applicant for (i) out-of-state vehicles that are ~~35~~
 43 1980 model ~~years-old-year~~ or older or (ii) a specially constructed vehicle prior to the completion of
 44 a vehicle verification conducted by the License and Theft Bureau of the Division of Motor
 45 Vehicles. These verifications shall be conducted as soon as practical. For an out-of-state vehicle
 46 that is ~~35-1980~~ model ~~years-old-year~~ or older, this inspection shall consist of verifying the public
 47 vehicle identification number to ensure that it matches the vehicle and ownership documents. No
 48 covert vehicle identification numbers are to be examined on an out-of-state vehicle ~~35-1980~~ model
 49 ~~years-year~~ or older unless the inspector develops probable cause to believe that the ownership
 50 documents or public vehicle identification number presented does not match the vehicle being
 51 examined. However, upon such application and the submission of any required documentation, the

1 Division shall be authorized to register the vehicle pending the completion of the verification of
2 the vehicle. The registration shall be valid for one year but shall not be renewed unless and until
3 the vehicle examination has been completed.

4 If an inspection and verification is not conducted by the License and Theft Bureau of the
5 Division of Motor Vehicles within 15 days after receiving a request for such and the inspector has
6 no probable cause to believe that the ownership documents or public vehicle identification number
7 presented does not match the vehicle being examined, the vehicle shall be deemed to have
8 satisfied all inspection and verification requirements and title shall issue to the owner within 15
9 days thereafter. If an inspection and verification is timely performed and the vehicle passes the
10 inspection and verification, title shall issue to the owner within 15 days of the date of the
11 inspection."

12 **SECTION 11.(b)** This section becomes effective January 1, 2017.

13 **REPEAL SIGNATURE REQUIREMENT/REGISTRATION CARD**

14 **SECTION 12.(a)** G.S. 20-57(c) reads as rewritten:

15
16 "(c) ~~Every owner upon receipt of a registration card, shall write his signature thereon with~~
17 ~~pen and ink in the space provided.~~ Every such registration card shall at all times be carried in the
18 vehicle to which it refers or in the vehicle to which transfer is being effected, as provided by
19 G.S. 20-64 at the time of its operation, and such registration card shall be displayed upon demand
20 of any peace officer or any officer of the Division: Provided, however, any person charged with
21 failing to so carry such registration card shall not be convicted if he produces in court a
22 registration card theretofore issued to him and valid at the time of his arrest: Provided further, that
23 in case of a transfer of a license plate from one vehicle to another under the provisions of
24 G.S. 20-72, evidence of application for transfer shall be carried in the vehicle in lieu of the
25 registration card."

26 **SECTION 12.(b)** G.S. 20-176(a1)(2) is repealed.

27 **SECTION 12.(c)** This section becomes effective December 1, 2016, and applies to
28 registration cards issued on or after that date.

29 **REVISE DEFINITION OF "AUTOCYCLE"**

30 **SECTION 12.5.(a)** G.S. 20-4.01(27)a. reads as rewritten:

31 "a. Autocycle. – A three-wheeled motorcycle that has a steering wheel,
32 pedals, seat safety belts for each occupant, antilock brakes, ~~air bag~~
33 ~~protection,~~ completely or partially enclosed seating that does not require
34 the operator to straddle or sit astride, and is otherwise manufactured to
35 comply with federal safety requirements for motorcycles."
36

37 **SECTION 12.5.(b)** G.S. 20-140.4(a)(2) reads as rewritten:

38 "(2) Unless the operator and all passengers thereon wear on their heads, with a
39 retention strap properly secured, safety helmets of a type that complies with
40 Federal Motor Vehicle Safety Standard (FMVSS) 218. This subdivision shall
41 not apply to an operator ~~of an autocycle of,~~ or any passengers ~~within~~ within, an
42 ~~autocycle.~~ autocycle that has completely enclosed seating."

43 **SECTION 12.5.(c)** G.S. 20-135.3(c) reads as rewritten:

44 "(c) For purposes of this section, the term "motorcycle" shall not include autocycles. Every
45 autocycle registered in this State shall be equipped with sufficient anchorage units at the
46 attachment points for attaching seat safety belts for the rear ~~seat~~ seats of the autocycle. The
47 anchorage unit shall meet the same construction, design, and strength requirements under this
48 section for anchorage units in motor vehicles."
49

50 **AMEND "MOPED" DEFINITION**

51 **SECTION 13.(a)** G.S. 20-4.01 reads as rewritten:

1 "§ 20-4.01. Definitions.

2 Unless the context requires otherwise, the following definitions apply throughout this Chapter
3 to the defined words and phrases and their cognates:

4 ...

5 (7a) Electric Assisted Bicycle. – A bicycle with two or three wheels that is equipped
6 with a seat or saddle for use by the rider, fully operable pedals for human
7 propulsion, and an electric motor of no more than 750 watts, whose maximum
8 speed on a level surface when powered solely by such a motor is no greater
9 than 20 miles per hour.

10 ~~(7a)~~(7b) Electric Personal Assistive Mobility Device. – A self-balancing nontandem
11 two-wheeled device, designed to transport one person, with a propulsion system
12 that limits the maximum speed of the device to 15 miles per hour or less.

13 ~~(7b)~~(7c) Employer. – Any person who owns or leases a commercial motor vehicle or
14 assigns a person to drive a commercial motor vehicle and would be subject to
15 the alcohol and controlled substance testing provisions of 49 C.F.R. § 382 and
16 also includes any consortium or third-party administrator administering the
17 alcohol and controlled substance testing program on behalf of owner-operators
18 subject to the provisions of 49 C.F.R. § 382.

19 ...

20 ~~(21a) Moped. — A type of passenger vehicle as defined in G.S. 105-164.3.~~

21 ...

22 (23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle
23 designed to run upon the highways which is pulled by a self-propelled vehicle.
24 Except as specifically provided otherwise, this term shall not include ~~mopeds as~~
25 ~~defined in G.S. 20-4.01(27)d1.~~mopeds or electric assisted bicycles.

26 ...

27 (27) Passenger Vehicles. –

28 ...

29 c2. Motor-driven bicycle. – A vehicle with two or three wheels, a steering
30 handle, one or two saddle seats, pedals, and a motor that cannot propel
31 the vehicle at a speed greater than 20 miles per hour on a level surface.
32 This term shall not include an electric assisted bicycle as defined in
33 G.S. 20-4.01(7a).

34 d. Motorcycles. – Vehicles having a saddle for the use of the rider and
35 designed to travel on not more than three wheels in contact with the
36 ground, including autocycles, motor scooters, and motor-driven
37 bicycles, but excluding tractors and utility vehicles equipped with an
38 additional form of device designed to transport property, three-wheeled
39 vehicles while being used by law-enforcement ~~agencies~~agencies,
40 electric assisted bicycles, and mopeds as defined in subdivision d1
41 sub-subdivision d1. of this subsection.

42 d1. Moped. – ~~Defined in G.S. 105-164.3.~~A vehicle, other than a
43 motor-driven bicycle or electric assisted bicycle, that has two or three
44 wheels, no external shifting device, a motor that does not exceed 50
45 cubic centimeters piston displacement and cannot propel the vehicle at a
46 speed greater than 30 miles per hour on a level surface. The motor may
47 be powered by electricity, alternative fuel, motor fuel, or a combination
48 of each.

49 ...

50 (49) Vehicle. – Every device in, upon, or by which any person or property is or may
51 be transported or drawn upon a highway, excepting devices moved by human

1 power or used exclusively upon fixed rails or tracks; provided, that for the
 2 purposes of this Chapter bicycles and electric assisted bicycles shall be deemed
 3 vehicles and every rider of a bicycle or an electric assisted bicycle upon a
 4 highway shall be subject to the provisions of this Chapter applicable to the
 5 driver of a vehicle except those which by their nature can have no application.
 6 This term shall not include a device which is designed for and intended to be
 7 used as a means of transportation for a person with a mobility impairment, or
 8 who uses the device for mobility enhancement, is suitable for use both inside
 9 and outside a building, including on sidewalks, and is limited by design to 15
 10 miles per hour when the device is being operated by a person with a mobility
 11 impairment, or who uses the device for mobility enhancement. This term shall
 12 not include an electric personal assistive mobility device as defined in ~~G.S.~~
 13 ~~20-4.01(7a); G.S. 20-4.01(7b).~~"

14 **SECTION 13.(b)** G.S. 20-10.1 reads as rewritten:

15 **"§ 20-10.1. Mopeds.**

16 It shall be unlawful for any person who is under the age of 16 years to operate a moped as
 17 defined in ~~G.S. 105-164.3~~ G.S. 20-4.01(27)d1. upon any highway or public vehicular area of this
 18 State."

19 **SECTION 13.(c)** G.S. 20-171.1 reads as rewritten:

20 **"§ 20-171.1. Definitions.**

21 As used in this Part, except where the context clearly requires otherwise, the words and
 22 expressions defined in this section shall be held to have the meanings here given to them:

23 Bicycle. – A nonmotorized vehicle with two or three wheels tandem, a steering handle, one or
 24 two saddle seats, and pedals by which the vehicle is ~~propelled~~ propelled, or an electric assisted
 25 bicycle, as defined in G.S. 20-4.01(7a)."

26 **SECTION 13.(d)** G.S. 20-175.6 reads as rewritten:

27 **"§ 20-175.6. Electric personal assistive mobility devices.**

28 (a) Electric Personal Assistive Mobility Device. – As defined in ~~G.S.~~
 29 ~~20-4.01(7a); G.S. 20-4.01(7b).~~
 30"

31 **SECTION 13.(e)** G.S. 58-36-3 reads as rewritten:

32 **"§ 58-36-3. Limitation of scope; motorcycle and moped endorsements allowed; Department
 33 of Insurance report.**

34 (a) The Bureau has no jurisdiction over:

35 ...

36 (8) Liability insurance and theft or physical damage insurance on mopeds, as
 37 defined in ~~G.S. 105-164.3~~ G.S. 20-4.01(27)d1."

38"

39 **SECTION 13.(f)** G.S. 58-37-1 reads as rewritten:

40 **"§ 58-37-1. Definitions.**

41 As used in this Article:

42 ...

43 (6) "Motor vehicle" means every self-propelled vehicle that is designed for use
 44 upon a highway, including trailers and semitrailers designed for use with such
 45 vehicles (except traction engines, road rollers, farm tractors, tractor cranes,
 46 power shovels, and well drillers). "Motor vehicle" also means a motorcycle, as
 47 defined in G.S. 20-4.01(27)d. "Motor vehicle" does not mean a moped, as
 48 defined in ~~G.S. 105-164.3~~ G.S. 20-4.01(27)d1., or an electric assisted bicycle,
 49 as defined in G.S. 20-4.01(7a). Notwithstanding any other provisions of this
 50 Article, liability insurance on a moped is not eligible for cession to the Facility.

51"

1 **SECTION 13.(g)** G.S. 58-40-10 reads as rewritten:

2 "**§ 58-40-10. Other definitions.**

3 As used in this Article and in Articles 36 and 37 of this Chapter:

4 (1) "Private passenger motor vehicle" means:

5 ...

6 c. A motorcycle, motorized scooter or other similar motorized vehicle not
7 used for commercial purposes. A moped, as defined in ~~G.S. 105-164.3,~~
8 G.S. 20-4.01(27)d1., is not considered a motorcycle, motorized scooter,
9 or other similar motorized vehicle.

10 "

11 **SECTION 13.(h)** G.S. 105-164.3 reads as rewritten:

12 "**§ 105-164.3. Definitions.**

13 The following definitions apply in this Article:

14 ...

15 (22) Moped. – ~~A vehicle that has two or three wheels, no external shifting device,~~
16 ~~and a motor that does not exceed 50 cubic centimeters piston displacement and~~
17 ~~cannot propel the vehicle at a speed greater than 30 miles per hour on a level~~
18 ~~surface.~~ As defined in G.S. 20-4.01(27)d1.

19 "

20 **SECTION 13.(i)** This section becomes effective December 1, 2016, and applies to
21 offenses committed on or after that date.

22 **REVISIONS TO DMV MEDICAL REVIEW PROGRAM**

23 **SECTION 13.1.(a)** G.S. 20-4.01(2) reads as rewritten:

24 "(2) Canceled. – As applied to drivers' licenses and permits, a declaration that a
25 license or permit which was issued through error or fraud, or to which
26 ~~G.S. 20-15(a)(3)~~ G.S. 20-15(a) applies, is void and terminated."

27 **SECTION 13.1.(b)** G.S. 20-7(e) reads as rewritten:

28 "(e) Restrictions. – The Division may impose any restriction it finds advisable on a drivers
29 license. It is unlawful for the holder of a restricted license to operate a motor vehicle without
30 complying with the restriction and is the equivalent of operating a motor vehicle without a license.
31 If any applicant shall suffer from any physical ~~defect or mental disability~~ or disease ~~which that~~
32 affects his or her operation of a motor vehicle, the Division may require to be filed with it a
33 certificate of ~~such~~ the applicant's condition signed by ~~some a~~ a medical authority of the applicant's
34 community designated by the Division. The Division may, in its discretion, require the certificate
35 to be completed and submitted after a license or renewal has been issued based on the applicant's
36 performance during a road test administered by the Division. Upon submission, the certificate
37 shall be reviewed in accordance with the procedure set forth in G.S. 20-9(g)(3). This certificate
38 shall in all cases be treated as confidential. Nothing in this subsection shall be construed to prevent
39 the Division from refusing to issue a license, either restricted or unrestricted, to any person
40 deemed to be incapable of safely operating a motor ~~vehicle.~~ vehicle based on information
41 observed or received by the Division, including observations during a road test and medical
42 information submitted about the applicant. An applicant may seek review pursuant to
43 G.S. 20-9(g)(4) of a licensing decision made on the basis of a physical or mental disability or
44 disease. This subsection does not prohibit deaf persons from operating motor vehicles who in
45 every other way meet the requirements of this section."

46 **SECTION 13.1.(c)** G.S. 20-9 reads as rewritten:

47 "**§ 20-9. What persons shall not be licensed.**

48 ...

49 (e) The Division shall not issue a driver's license to any person when in the opinion of the
50 Division ~~such~~ the person is afflicted with or suffering from such physical or mental disability or
51

1 ~~disease as will serve to prevent such person from exercising~~ unable to exercise reasonable and
2 ordinary control over a motor vehicle while operating the ~~same vehicle~~ upon the highways, nor
3 shall a license be issued to any person who is unable to understand highway warnings or direction
4 signs.

5 ...

6 (g) The Division may issue a restricted or unrestricted driver's license ~~to any applicant~~
7 ~~covered by subsection (e) of this section~~ under the following ~~conditions~~: conditions to an otherwise
8 eligible applicant suffering from a physical or mental disability or disease that affects his or her
9 ability to exercise reasonable and ordinary control of a motor vehicle:

10 (1) ~~The Division may issue a license to any person who is afflicted with or~~
11 ~~suffering from a physical or mental disability set out in subsection (e) of this~~
12 ~~section who is otherwise qualified to obtain a license, provided such person~~
13 applicant submits to the Division a certificate in the form prescribed in
14 subdivision (2). The Division may request the certificate at the applicant's
15 initial application, at any time following the issuance of the license, or at the
16 initial application and any time following the issuance of the license. Until a
17 license issued under this subdivision ~~expires~~ expires, is cancelled, or is revoked,
18 the license continues in force as long as the licensee presents to the Division a
19 certificate in the form prescribed in subdivision (2) of this subsection at the
20 intervals determined by the Division to be in the best interests of public safety.

21 (2) ~~The Division shall not issue a license pursuant to this section unless the~~
22 ~~applicant has submitted to a physical examination by a physician or surgeon~~
23 ~~duly licensed to practice medicine in this State or in any other state of the~~
24 ~~United States and unless such examining physician or surgeon has completed~~
25 ~~and signed the certificate required by subdivision (1). Such~~ The Division may
26 request a signed certificate from a health care provider duly licensed to practice
27 medicine in the United States that the applicant or licensee has submitted to a
28 physical examination by the health care provider. The certificate shall be
29 devised by the Commissioner with the advice of qualified experts in the field of
30 diagnosing and treating physical and mental disorders ~~disabilities and diseases~~
31 as he ~~the Commissioner~~ may select to assist him or her and shall be designed to
32 elicit the maximum medical information necessary to aid in determining
33 whether or not it would be a hazard to public safety to permit the applicant or
34 licensee to operate a motor vehicle, including, if such is the fact, the examining
35 physician's ~~provider's~~ statement that the applicant or licensee is under
36 medication and treatment and that such person's ~~the applicant's or licensee's~~
37 physical or mental disability or disease is controlled. The certificate shall
38 contain a waiver of privilege and the recommendation of the examining
39 physician ~~provider~~ to the Commissioner as to whether a license should be
40 issued to the applicant ~~applicant or licensee~~ and whether the applicant or
41 licensee can safely operate a motor vehicle.

42 (3) The Commissioner is not bound by the recommendation of the examining
43 physician ~~health care provider~~ but shall give fair consideration to such
44 recommendation in exercising his or her discretion in ~~acting upon the~~
45 ~~application,~~ making licensing decisions, the criterion being whether or not,
46 upon all the evidence, it appears that it is safe to permit the applicant or licensee
47 to operate a motor vehicle. The burden of proof of such fact is upon the
48 applicant ~~applicant or licensee.~~ In deciding whether to ~~issue~~ issue, restrict,
49 cancel, or deny a license, the Commissioner may be guided by the opinion of
50 experts in the field of diagnosing and treating the specific physical or mental
51 ~~disorder~~ disability or disease suffered by an applicant or licensee and ~~such~~ the

1 experts may be compensated for their services on an equitable basis. The
2 Commissioner may also take into consideration any other factors which bear on
3 the issue of public safety.

- 4 (4) Whenever a license is restricted, cancelled, or denied by the ~~Commissioner,~~
5 ~~such denial~~ Commissioner on the basis of a physical or mental disability or
6 disease, the action may be reviewed by a reviewing board upon written request
7 of the applicant or licensee filed with the Division within 10 days after receipt
8 of ~~such denial~~ notice given in accordance with G.S. 20-48 of the action taken.
9 The reviewing board shall consist of the Commissioner or his authorized
10 representative and ~~four persons designated by the chairman of the Commission~~
11 ~~for Public Health. The persons designated by the chairman of the Commission~~
12 ~~for Public Health shall be either members of the Commission for Public Health~~
13 ~~or physicians duly licensed to practice medicine in this State. The members so~~
14 ~~designated by the chairman of the Commission for Public Health shall receive~~
15 ~~the same per diem and expenses as provided by law for members of the~~
16 ~~Commission for Public Health, which per diem and expenses shall be charged~~
17 ~~to the same appropriation as per diems and expenses for members of the~~
18 ~~Commission for Public Health.~~ at least two medical professionals selected by
19 the Commissioner and duly licensed to practice medicine by the appropriate
20 licensing authority in the State. The medical professionals selected by the
21 Commissioner may be compensated for their services on an equitable basis,
22 including reimbursement for ordinary and necessary travel expenses. The
23 Commissioner or his authorized representative, plus any two of the members
24 ~~designated by the chairman of the Commission for Public Health,~~ medical
25 professionals selected by the Commissioner, shall constitute a quorum. The
26 procedure for hearings authorized by this section shall be as follows:

- 27 a. Applicants shall be afforded an opportunity for hearing, after reasonable
28 notice of not less than 10 days, before the review board established by
29 ~~subdivision (4).~~ this subdivision. The notice shall be in writing and shall
30 be delivered to the applicant in person or sent by certified mail, with
31 return receipt requested. The notice shall state the time, place, and
32 subject of the hearing. If a hearing is requested under this subdivision to
33 contest a restriction placed on a license under subdivision (3) of this
34 subsection, the restriction shall be stayed unless the Division determines
35 there is an imminent threat to public safety if continued unrestricted
36 driving is permitted. No stay shall be granted if a hearing is requested
37 under this subdivision to contest a denial or cancellation of a license
38 under subdivision (3) of this subsection. Nothing in this sub-subdivision
39 shall be construed as authorizing the stay of a restriction placed on a
40 license pursuant to another provision of law.

- 41 b. The review board may compel the attendance of witnesses and the
42 production of such books, records and papers as it desires at a hearing
43 authorized by the section. Upon request of an ~~applicant,~~ applicant or
44 licensee, a subpoena to compel the attendance of any witness or a
45 subpoena duces tecum to compel the production of any books, records,
46 or papers shall be issued by the board. Subpoenas shall be directed to
47 the sheriff of the county where the witness resides or is found and shall
48 be served and returned in the same manner as a subpoena in a criminal
49 case. Fees of the sheriff and witnesses shall be the same as that allowed
50 in the district court in cases before that court and shall be paid in the
51 same manner as other expenses of the Division of Motor Vehicles are

- 1 paid. In any case of disobedience or neglect of any subpoena served on
2 any person, or the refusal of any witness to testify to any matters
3 regarding which he may be lawfully interrogated, the district court or
4 superior court where such disobedience, neglect or refusal occurs, or
5 any judge thereof, on application by the board, shall compel obedience
6 or punish as for contempt.
- 7 c. A hearing may be continued upon motion of the applicant or licensee
8 for good cause shown with approval of the board or upon order of the
9 board.
- 10 d. The board shall pass upon the admissibility of evidence at a hearing but
11 the applicant or licensee affected may at the time object to the board's
12 ruling, and, if evidence offered by an applicant or licensee is rejected the
13 party may proffer the evidence, and such proffer shall be made a part of
14 the record. The board shall not be bound by common law or statutory
15 rules of evidence which prevail in courts of law or equity and may admit
16 and give probative value to evidence which possesses probative value
17 commonly accepted by reasonably prudent ~~men~~ persons in the conduct
18 of their affairs. They may exclude incompetent, immaterial, irrelevant
19 and unduly repetitious evidence. Uncontested facts may be stipulated by
20 agreement between an applicant or licensee and the board and evidence
21 relating thereto may be excluded. All evidence, including records and
22 documents in the possession of the Division of Motor Vehicles or the
23 board, of which the board desires to avail itself shall be made a part of
24 the record. Documentary evidence may be received in the form of
25 copies or excerpts, or by incorporation by reference. The board shall
26 prepare an official record, which shall include testimony and exhibits. A
27 record of the testimony and other evidence submitted shall be taken, but
28 it shall not be necessary to transcribe shorthand notes or electronic
29 recordings unless requested for purposes of court review.
- 30 e. Every decision and order adverse to an applicant or licensee shall be in
31 writing or stated in the record and shall be accompanied by findings of
32 fact and conclusions of law. The findings of fact shall consist of a
33 concise statement of the board's conclusions on each contested issue of
34 fact. ~~Counsel for applicant, or applicant, if he has no counsel, The~~
35 applicant or licensee shall be notified of the board's decision in person
36 or by registered mail with return receipt requested. A copy of the board's
37 decision with accompanying findings and conclusions shall be delivered
38 or mailed upon request to the applicant's or licensee's attorney of record
39 or to ~~applicant, the applicant or licensee, if he or she~~ has no attorney.
- 40 ...
- 41 h. All records and evidence collected and compiled by the Division and the
42 reviewing board shall not be considered public records within the
43 meaning of Chapter ~~[section] 132-1, and following, 132~~ of the General
44 Statutes of North Carolina and may be made available to the public only
45 upon an order of a court of competent jurisdiction. An applicant or
46 licensee may obtain, without a court order, a copy of records and
47 evidence collected and compiled under this subdivision about the
48 applicant or licensee by submitting a written request to the Division,
49 signing any release forms required by the Division, and remitting the
50 required fee set by the Division. All information furnished by-by, about,
51 or on behalf of an applicant or licensee under this section shall be

without prejudice and shall be for the use of the Division, the reviewing board or the court in administering this section and shall not be used in any manner as evidence, or for any other purposes in any trial, civil or criminal. The prohibition on release and use under this sub-subdivision applies without regard to who authored or produced the information collected, compiled, and used by the Division under this subdivision.

...."

SECTION 13.1.(d) G.S. 20-9.1 reads as rewritten:

"§ 20-9.1. ~~Physicians and psychologists~~ **Physicians, psychologists, and other medical providers providing medical information on drivers with physical and mental disabilities or mental disabilities or diseases.**

(a) Notwithstanding G.S. 8-53 for physicians and G.S. 8-53.3 for psychologists, or any other law relating to confidentiality of communications between ~~physicians or psychologists~~ physicians, psychologists, or other medical providers and their patients, a ~~physician or a psychologist~~ physician, psychologist, or other medical provider duly licensed in the State of North Carolina may disclose after consultation with the patient to the Commissioner information about a patient who has a ~~mental or physical~~ or mental disability or disease that the ~~physician or psychologist~~ physician, psychologist, or other medical provider believes may affect the patient's ability to safely operate a motor vehicle. This information shall be limited to the patient's name, address, date of birth, and diagnosis.

...

(c) A ~~physician or psychologist~~ physician, psychologist, or other medical provider disclosing or not disclosing information pursuant to this ~~section~~ section, or conducting an evaluation and making a recommendation to the Division regarding a person's ability to safely operate a motor vehicle, is immune from any civil or criminal liability that might otherwise be incurred or imposed based on the ~~disclosure or lack of disclosure action taken~~ provided that the ~~physician or psychologist~~ physician, psychologist, or other medical provider was acting in good faith and without malice. In any proceeding involving liability, good faith and lack of malice are presumed."

SECTION 13.1.(e) G.S. 20-15(a) reads as rewritten:

"(a) The Division shall have authority to cancel any driver's license upon determining any of the following:

...

(4) The licensee suffers from a physical or mental disability or disease that affects his or her ability to safely operate a motor vehicle, as determined by the applicable State or federal law, rule, or regulation.

(5) The licensee has failed to submit the certificate required under G.S. 20-7(e) and G.S. 20-9(g)."

SECTION 13.1.(f) This section becomes effective July 1, 2016, and applies to driver licenses issued or renewed on or after that date and hearings requested on or after that date.

ALLOW DEALER PLATES FOR EMPLOYEES OF INDEPENDENT DEALERS AND FAMILY MEMBERS

SECTION 13.5. G.S. 20-79(d)(5)f. reads as rewritten:

"(d) Restrictions on Use. – A dealer license plate may be displayed only on a motor vehicle that meets all of the following requirements:

...

(5) Is driven on a highway by a person who meets one of the following descriptions:

...

- 1 f. Is an officer, sales representative, or other employee of ~~a~~an independent
2 or franchised motor vehicle dealer or is an immediate family member of
3 an officer, sales representative, or other employee of ~~a~~an independent
4 or franchised motor vehicle dealer."
5

6 LAW ENFORCEMENT/PROVIDE ACCIDENT REPORT TO INSURER

7 **SECTION 13.8.** G.S. 20-166.1(e) reads as rewritten:

8 "(e) Investigation by Officer. – The appropriate law enforcement agency must investigate a
9 reportable accident. A law-enforcement officer who investigates a reportable accident, whether at
10 the scene of the accident or by subsequent investigations and interviews, must make a written
11 report of the accident within 24 hours of the accident and must forward it as required by this
12 subsection. The report must contain information on financial responsibility for the vehicle driven
13 by the person whom the officer identified as at fault for the accident.

14 If the officer writing the report is a member of the State Highway Patrol, the officer must
15 forward the report to the Division. If the officer is not a member of the State Highway Patrol, the
16 officer must forward the report to the local law enforcement agency for the area where the
17 accident occurred. A local law enforcement agency that receives an accident report must forward
18 it to the Division within 10 days after receiving the report. Upon request of the driver of the motor
19 vehicle involved in the accident or the insurance agent or company identified by the driver under
20 subsection (b) of this section, and notwithstanding any provision of Chapter 132 of the General
21 Statutes to the contrary, the officer writing the report may forward an uncertified copy of the
22 report to the insurance agent or company identified by the driver under subsection (b) of this
23 section if evidence satisfactory to the officer is provided showing a certified copy of the report has
24 been requested from the Division and the applicable fee set in G.S. 20-42 has been paid. Nothing
25 in this section shall prohibit a law enforcement agency from providing to the public accident
26 reports or portions of accident reports that are public records.

27 When a person injured in a reportable accident dies as a result of the accident within 12
28 months after the accident and the death was not reported in the original report, the law
29 enforcement officer investigating the accident must file a supplemental report that includes the
30 death."
31

32 PART V. RAIL

33 SHORT-LINE RAILROAD ASSISTANCE

34 **SECTION 14.(a)** G.S. 124-5.1 reads as rewritten:

35 **"§ 124-5.1. North Carolina Railroad Company dividends deposited to Highway Fund.**

36 Any dividends of the North Carolina Railroad Company received by the State shall be
37 deposited into the Freight Rail & Rail Crossing Safety Improvement Fund within the Highway
38 Fund and administered by the Rail Division of the Department of Transportation. The Fund shall
39 be used for the enhancement of freight rail ~~service~~service, short-line railroad assistance, and
40 railroad-roadway crossing safety, which may include the following project types:
41

- 42 (1) Track and associated infrastructure improvements for freight service.
43 (2) Grade crossing protection, elimination, and hazard removal.
44 (3) Signalization improvements.
45 (4) Assistance for projects to improve rail access to industrial, port, and military
46 facilities and for freight intermodal facility improvements, provided that
47 funding assistance under this subdivision shall be subject to the same limits as
48 that for short-line railroads under G.S. 136-44.39.
49 (5) Corridor protection and reactivation.
50 (6) Other short-line railroad projects.

1 The Fund may also be used to supplement funds allocated for freight rail or railroad-roadway
2 crossing safety projects approved as part of the Transportation Improvement Program."

3 **SECTION 14.(b)** G.S. 136-44.39 reads as rewritten:

4 "**§ 136-44.39. Department to provide State and federal financial assistance to short-line**
5 **railroads.**

6 The Department of Transportation is authorized to provide assistance to short-line railroads to
7 continue and enhance rail service in the State so as to assist in economic development and access
8 to ports and military installations. Assistance under this section may ~~involve both~~ include funds
9 from the Rail Industrial Access Program and the Short Line Infrastructure Access Program, as
10 ~~well as other innovative programs.~~ and such other programs as may exist or be established for
11 these purposes. Grants under this section shall not exceed fifty percent (50%) of the nonfederal
12 share and must be matched by equal or greater funding from the applicant."
13

14 **PART VI. EFFECTIVE DATE**

15 **SECTION 15.** Except as otherwise provided, this act is effective when it becomes
16 law.