

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 959  
Committee Substitute Favorable 5/25/16  
Third Edition Engrossed 6/2/16  
Senate Transportation Committee Substitute Adopted 6/15/16  
Proposed Conference Committee Substitute H959-PCCS40692-RW-3

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**



\* H 9 5 9 - P C C S 4 0 6 9 2 - R W - 3 \*

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

"§ 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 to roads.~~

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

c. 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 telephone, of:~~

1. 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

1 its findings and recommendations to the Joint Legislative Transportation Oversight Committee on  
2 or before December 1, 2016.

3 **SECTION 2.(c)** This section is effective when it becomes law.  
4

5 **WEIGHT LIMITS APPLICABLE TO METAL COMMODITIES, CONSTRUCTION**  
6 **EQUIPMENT, AND STEEL COILS AND EXTENDING CERTAIN FEDERAL**  
7 **WEIGHT EXCEPTIONS TO THE STATE'S HIGHWAYS**

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

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

12 a. Is transporting metal commodities or construction equipment.

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

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

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

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

22 "(i) One, two, or three steel coils, transported on the same vehicle, shall be considered a  
23 nondivisible load for purposes of permit issuance pursuant to this section."

24 **SECTION 2.1.(c)** This section becomes effective October 1, 2016.  
25

26 **DELAY SUNSET FOR SIX MONTHS ON DOT PARTNERSHIPS WITH PRIVATE**  
27 **DEVELOPERS**

28 **SECTION 2.3.** Section 2 of S.L. 2009-235, as amended by Section 7 of S.L. 2014-58,  
29 reads as rewritten:

30 **"SECTION 2.** This act is effective when it becomes law. This act shall expire on ~~December~~  
31 ~~31, 2016.~~July 1, 2017."

32  
33 **PART II. NORTH CAROLINA TURNPIKE AUTHORITY**

34  
35 **ALLOW ELECTRONIC BILLING FOR TOLLS**

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

37 "(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling  
38 system and a toll for traveling on the project is not paid prior to travel or at the time of travel, the  
39 Authority must send a bill by first-class mail to the registered owner of the motor vehicle or the  
40 person who had care, custody, and control of the vehicle as established under G.S. 136-89.212(b)  
41 for the amount of the unpaid ~~toll~~-toll; provided, however, that with the written consent of the  
42 registered owner of the motor vehicle or the person who had care, custody, and control of the  
43 vehicle as set forth above, the Authority may send the bill via electronic mail to a designated  
44 electronic mail account rather than by first-class mail. The Authority must send the bill within 90  
45 days after the travel occurs, or within 90 days of receipt of a sworn affidavit submitted under  
46 G.S. 136-89.212(b) identifying the person who had care, custody, and control of the motor  
47 vehicle. If a bill is not sent within the required time, the Authority waives collection of the toll.  
48 The Authority must establish a billing period for unpaid open road tolls that is no shorter than 15  
49 days. A bill for a billing period must include all unpaid tolls incurred by the same person during  
50 the billing period."  
51

1 **TURNPIKE AUTHORITY REPORT ON ONE-TIME FACILITY USER FEES AND**  
2 **PENALTIES**

3 **SECTION 3.1.** The North Carolina Turnpike Authority shall report to the Joint  
4 Legislative Transportation Oversight Committee on January 31, 2017, and in its annual report  
5 thereafter, the number of one-time toll facility users who are charged more than fifty dollars  
6 (\$50.00) in processing fees imposed under G.S. 136-89.215 and civil penalties assessed under  
7 G.S. 136-89.216. With the first report on such users, the Turnpike Authority shall propose  
8 statutory changes to Part 2 of Article 6H of Chapter 136 of the General Statutes that are expected  
9 to have the aggregate effect of improving efficiency or reducing costs in collecting tolls while  
10 significantly reducing the possibility one-time users are charged more than fifty dollars (\$50.00) in  
11 processing fees imposed under G.S. 136-89.215 and civil penalties assessed under  
12 G.S. 136-89.216.

13  
14 **REPEAL NCTA SEMIANNUAL REPORTS TO JLTOC**

15 **SECTION 4.** G.S. 136-89.193(c) is repealed.  
16

17 **PART III. DIVISION OF BICYCLE AND PEDESTRIAN TRANSPORTATION**

18  
19 **REPEAL REQUIREMENT TO MAINTAIN OFF-ROAD CYCLING RECORDS**

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

21 "**§ 143B-135.100. Use of State land for bicycling; creation of trails by volunteers.**

22 ...

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

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

37 ...

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

45  
46 **BICYCLE MUST HAVE RED REAR LIGHT OR OPERATOR MUST WEAR**  
47 **REFLECTIVE VEST WHEN OPERATED AT NIGHT**

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

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

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

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

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

## 10 11 **BICYCLE SAFETY LAW REVISIONS**

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

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

18           (1) The slower moving vehicle to be passed is a bicycle or a moped.

19           (2) The slower moving vehicle is proceeding in the same direction as the faster  
20 moving vehicle.

21           (3) The driver of the faster moving vehicle either (i) provides a minimum of four  
22 feet between the faster moving vehicle and the slower moving vehicle or (ii)  
23 completely enters the left lane of the highway.

24           (4) The operator of the slower moving vehicle is not (i) making a left turn or (ii)  
25 signaling in accordance with G.S. 20-154 that he or she intends to make a left  
26 turn.

27           (5) The driver of the faster moving vehicle complies with all other applicable  
28 requirements set forth in this section."

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

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

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

36           "**§ 20-154. Signals on starting, stopping or turning.**

37           ...

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

45           (a2) A person who violates subsection (a) of this section and the violation results in a crash  
46 causing property damage in excess of five thousand dollars (\$5,000) or a serious bodily injury as  
47 defined in G.S. 20-160.1(b) to a motorcycle or bicycle operator or passenger shall be responsible  
48 for an infraction and shall be assessed a fine of not less than seven hundred fifty dollars (\$750.00).  
49 A violation of this subsection shall be treated as a failure to yield right-of-way to a motorcycle or  
50 bicycle, as applicable, for purposes of assessment of points under G.S. 20-16(c). In addition, the  
51 trial judge shall have the authority to order the license of any driver violating this subsection

1 suspended for a period not to exceed 30 days. If a judge orders suspension of a person's drivers  
2 license pursuant to this subsection, the judge may allow the licensee a limited driving privilege for  
3 a period not to exceed the period of suspension. The limited driving privilege shall be issued in the  
4 same manner and under the terms and conditions prescribed in G.S. 20-16.1(b)(1), (2), (3), (4),  
5 (5), and G.S. 20-16.1(g).

6 (b) The signal herein required shall be given by means of the hand and arm in the manner  
7 herein specified, or by any mechanical or electrical signal device approved by the Division, except  
8 that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being  
9 visible, both to the front and rear, the signal shall be given by a device of a type which has been  
10 approved by the Division.

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

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

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

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

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

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

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

33 ...."

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

## 37 PART IV. DIVISION OF MOTOR VEHICLES

### 39 COMMERCIAL DRIVERS LICENSE CHANGES

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

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

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

48 (2) ~~An applicant for certification under G.S. 20-218 as a school bus driver.~~A  
49 restricted instruction permit authorizes the holder of the permit to drive a  
50 specified type or class of motor vehicle when in possession of the permit,  
51 subject to any restrictions imposed by the Division. The restrictions the

1 Division may impose on a permit include restrictions to designated areas and  
2 highways and restrictions prohibiting operation except when an approved  
3 instructor is occupying a seat beside the permittee. A restricted instruction  
4 permit is not required to have a distinguishing number or a picture of the person  
5 to whom the permit is issued."

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

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

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

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

- 19 (1) A person is disqualified from driving a commercial vehicle for a period of ~~90~~  
20 ~~days~~ no less than 180 days and no more than one year if convicted of a first  
21 violation of an out-of-service ~~order~~ order while operating a commercial motor  
22 vehicle.
- 23 (2) A person is disqualified for a period of ~~one year~~ no less than two years and no  
24 more than five years if convicted of a second violation of an out-of-service  
25 order while operating a commercial motor vehicle during any 10-year period,  
26 arising from separate incidents.
- 27 (3) A person is disqualified for a period of ~~three years~~ no less than three years and  
28 no more than five years if convicted of a third or subsequent violation of an  
29 out-of-service order while operating a commercial motor vehicle during any  
30 10-year period, arising from separate incidents."

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

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

- 38 (1) A person is disqualified for a period of ~~180 days~~ no less than 180 days and no  
39 more than two years if convicted of a first violation of an out-of-service  
40 ~~order~~ order while operating a commercial motor vehicle.
- 41 (2) A person is disqualified for a period of ~~three years~~ no less than three years and  
42 no more than five years if convicted of a second or subsequent violation of an  
43 out-of-service order while operating a commercial motor vehicle during any  
44 10-year period, arising from separate incidents.
- 45 (3) A person is disqualified for a period of no less than three years and no more  
46 than five years if convicted of a third or subsequent violation of an  
47 out-of-service order while operating a commercial motor vehicle during any  
48 10-year period arising from separate incidents."

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

51 **"§ 20-37.13A. Medical qualifications standards; waiver for intrastate drivers.**

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

4       (b) Intrastate Medical Waiver. – Any person unable to meet the standards in 49 C.F.R. §  
5 391.41, as adopted by the Division, may apply for a medical waiver that, if approved, will  
6 authorize intrastate operation of a commercial motor vehicle. Applications for the medical waiver  
7 must be submitted to the Division in writing. Waivers may be granted for no more than two years.

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

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

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

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

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

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

## 22 23 **EXTEND REGISTRATION PERIOD FOR CERTAIN PLATES**

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

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

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

## 29 30 **TEMPORARY DRIVING CERTIFICATE/USE AND UNIFORMITY**

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

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

34       ...

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



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

3  
4 **DMV DRIVERS LICENSE TESTING REQUIREMENTS/REMOTE RENEWAL**

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

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

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

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

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

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

22  
23 **DMV/ELECTRONIC NOTICE**

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

25 **"§ 20-7.1. Notice of change of address or name.**

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

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

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

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

39 **"§ 20-43.1. Disclosure of personal information in motor vehicle records.**

40           (a) The Division shall disclose personal information contained in motor vehicle records in  
41 accordance with the federal Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§  
42 2721, et seq.

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

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

48           (d) As authorized in 18 U.S.C. § 2721, the Division may disclose personal information to  
49 federally designated organ procurement organizations and eye banks operating in this State for the  
50 purpose of identifying individuals who have indicated an intent to be an organ donor. Personal  
51 information authorized under this subsection is limited to the individual's first, middle, and last

1 name, date of birth, address, sex, county of residence, and drivers license number. Employees of  
2 the Division who provide access to or disclosure of information in good-faith compliance with this  
3 subsection are not liable in damages for access to or disclosure of the information.

4 (e) As authorized in 18 U.S.C. § 2721, the Division may also provide copies of partial  
5 crash report data collected pursuant to G.S. 20-166.1, partial driver license data kept pursuant to  
6 G.S. 20-26(a), and partial vehicle registration application data collected pursuant to G.S. 20-52 in  
7 bulk form to persons, private companies, or other entities, for uses other than official, upon  
8 payment of a fee of three cents (3¢) per individual record. The Division shall not furnish such data  
9 except upon execution by the recipient of a written agreement to comply with the Driver's Privacy  
10 Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq. The information released to  
11 persons, private companies, or other entities, for uses other than official, pursuant to this  
12 subsection, shall not be a public record pursuant to Chapter 132 of the General Statutes.

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

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

17 "**§ 20-48. Giving of notice.**

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

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

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

47 (a2) A person who consents to electronic notification pursuant to this section shall notify  
48 the Division of any change or discontinuance of any e-mail or electronic address provided to the  
49 Division in accordance with the provisions of this section and G.S. 20-7.1(a). Upon the failure of a  
50 person to notify the Division of any change or discontinuance of an electronic notification  
51 pursuant to this section, any notices sent to the original or discontinued electronic address shall be

1 deemed to have been received by the person and a copy of the Division's records sent under the  
2 authority of this section is sufficient evidence that notice was sent to the person named in the  
3 record, at the physical or electronic address indicated in the record, and for the purpose indicated  
4 in the record.

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

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

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

13  
14 **DMV TO PROVIDE OPTION FOR JOINT TENANCY WITH RIGHT OF**  
15 **SURVIVORSHIP ON APPLICATION FOR REGISTRATION AND CERTIFICATE**  
16 **OF TITLE**

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

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

26 (1) The owner's name.

27 (1a) If the owner is an individual, the following information:

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

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

30 1. The owner's North Carolina drivers license number or North  
31 Carolina special identification card number.

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

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

49 4. The owner's home state drivers license number or home state  
50 special identification card number if the owner provides a signed  
51 affidavit certifying that the owner intends to principally garage

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

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

43  
 44 **DMV/INSPECTION OF PRE-1981 MOTOR VEHICLES/TITLING**

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

46 "(e) No title shall be issued to an initial applicant for (i) out-of-state vehicles that are ~~35~~  
 47 1980 model years-old-year or older or (ii) a specially constructed vehicle prior to the completion of  
 48 a vehicle verification conducted by the License and Theft Bureau of the Division of Motor  
 49 Vehicles. These verifications shall be conducted as soon as practical. For an out-of-state vehicle  
 50 that is ~~35-1980 model years-old-year~~ or older, this inspection shall consist of verifying the public  
 51 vehicle identification number to ensure that it matches the vehicle and ownership documents. No

1 covert vehicle identification numbers are to be examined on an out-of-state vehicle ~~35-1980~~ model  
2 ~~years-year~~ or older unless the inspector develops probable cause to believe that the ownership  
3 documents or public vehicle identification number presented does not match the vehicle being  
4 examined. However, upon such application and the submission of any required documentation, the  
5 Division shall be authorized to register the vehicle pending the completion of the verification of  
6 the vehicle. The registration shall be valid for one year but shall not be renewed unless and until  
7 the vehicle examination has been completed.

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

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

### 17 18 **REPEAL SIGNATURE REQUIREMENT/REGISTRATION CARD**

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

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

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

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

### 33 34 **REVISE DEFINITION OF "AUTOCYCLE"**

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

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

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

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

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

48 "(c) For purposes of this section, the term "motorcycle" shall not include autocycles. Every  
49 autocycle registered in this State shall be equipped with sufficient anchorage units at the  
50 attachment points for attaching seat safety belts for the rear ~~seat~~ seats of the autocycle. The

1 anchorage unit shall meet the same construction, design, and strength requirements under this  
 2 section for anchorage units in motor vehicles."  
 3

#### 4 **MOPED INSURANCE CHANGES**

5 **SECTION 12.6.(a)** G.S. 58-36-3 reads as rewritten:

6 "**§ 58-36-3. Limitation of scope; motorcycle and moped endorsements allowed; Department**  
 7 **of Insurance report.**

8 (a) The Bureau has no jurisdiction over:

9 ...

10 (8) ~~Liability insurance and Insurance against theft of or physical damage insurance~~  
 11 ~~on to mopeds, as defined in G.S. 105-164.3; G.S. 20-4.01(27)d1.~~

12 (b) Member companies writing motorcycle or moped liability insurance under this Article  
 13 and writing insurance against theft of or physical damage to motorcycles or mopeds under Article  
 14 40 of this Chapter may incorporate motorcycle or moped theft and physical damage coverage as  
 15 an endorsement to the liability policy issued under this Article. ~~Member companies writing moped~~  
 16 ~~liability insurance or theft and physical damage insurance under Article 40 of this Chapter may~~  
 17 ~~incorporate either or both types of insurance as an endorsement to liability and physical damage~~  
 18 ~~policies issued under this Article.~~

19 ...."

20 **SECTION 12.6.(b)** G.S. 58-37-1 reads as rewritten:

21 "**§ 58-37-1. Definitions.**

22 As used in this Article:

23 ...

24 (6) "Motor vehicle" means every self-propelled vehicle that is designed for use  
 25 upon a highway, including trailers and semitrailers designed for use with such  
 26 vehicles (except traction engines, road rollers, farm tractors, tractor cranes,  
 27 power shovels, and well drillers). "Motor vehicle" also means a motorcycle, as  
 28 defined in ~~G.S. 20-4.01(27)d.~~ "Motor vehicle" ~~does not mean a moped, as~~  
 29 ~~defined in G.S. 105-164.3. Notwithstanding any other provisions of this Article,~~  
 30 ~~liability insurance on a moped is not eligible for cession to the~~  
 31 ~~Facility. G.S. 20-4.01(27)d., and a moped, as defined in G.S. 20-4.01(27)d1.~~

32 ...."

33 **SECTION 12.6.(c)** G.S. 58-37-35 reads as rewritten:

34 "**§ 58-37-35. The Facility; functions; administration.**

35 ...

36 (b) The Facility shall reinsure for each coverage available in the Facility to the standard  
 37 percentage of one hundred percent (100%) or lesser equitable percentage established in the  
 38 Facility's plan of operation as follows:

39 (1) For the following coverages of motor vehicle insurance and in at least the  
 40 following amounts of insurance:

- 41 a. Bodily injury liability: thirty thousand dollars (\$30,000) each person,  
 42 sixty thousand dollars (\$60,000) each accident;
- 43 b. Property damage liability: twenty-five thousand dollars (\$25,000) each  
 44 accident;
- 45 c. Medical payments: one thousand dollars (\$1,000) each person; except  
 46 that this coverage shall not be available for ~~motorcycles;~~motorcycles or  
 47 mopeds;
- 48 d. Uninsured motorist: thirty thousand dollars (\$30,000) each person; sixty  
 49 thousand dollars (\$60,000) each accident for bodily injury; twenty-five  
 50 thousand dollars (\$25,000) each accident property damage (one hundred  
 51 dollars (\$100.00) deductible);

- 1 e. Any other motor vehicle insurance or financial responsibility limits in
- 2 the amounts required by any federal law or federal agency regulation;
- 3 by any law of this State; or by any rule duly adopted under Chapter
- 4 150B of the General Statutes or by the North Carolina Utilities
- 5 Commission.
- 6 (2) Additional ceding privileges for motor vehicle insurance shall be provided by
- 7 the Board of Governors up to the following:
- 8 a. Bodily injury liability: one hundred thousand dollars (\$100,000) each
- 9 person, three hundred thousand dollars (\$300,000) each accident;
- 10 b. Property damage liability: fifty thousand dollars (\$50,000) each
- 11 accident;
- 12 c. Medical payments: two thousand dollars (\$2,000) each person; except
- 13 that this coverage shall not be available for ~~motoreycles;~~motorcycles or
- 14 mopeds;
- 15 d. Underinsured motorist: one million dollars (\$1,000,000) each person
- 16 and each accident for bodily injury liability; and
- 17 e. Uninsured motorist: one million dollars (\$1,000,000) each person and
- 18 each accident for bodily injury and fifty thousand dollars (\$50,000) each
- 19 accident for property damage (one hundred dollars (\$100.00)
- 20 deductible).
- 21 (2a) For persons who must maintain liability coverage limits above those available
- 22 under subdivision (2) of this subsection in order to obtain or continue coverage
- 23 under personal excess liability or personal "umbrella" insurance policies,
- 24 additional ceding privileges for motor vehicle insurance shall be provided by
- 25 the Board of Governors up to the following:
- 26 a. Bodily injury liability: two hundred fifty thousand dollars (\$250,000)
- 27 each person, five hundred thousand dollars (\$500,000) each accident.
- 28 b. Property damage liability: one hundred thousand dollars (\$100,000)
- 29 each accident.
- 30 c. Medical payments: five thousand dollars (\$5,000) each person; except
- 31 that this coverage shall not be available for ~~motoreycles;~~motorcycles or
- 32 mopeds.
- 33 d. Uninsured motorist: one hundred thousand dollars (\$100,000) each
- 34 accident for property damage (one hundred dollars (\$100.00)
- 35 deductible).
- 36 (3) Whenever the additional ceding privileges are provided as in
- 37 G.S. 58-37-35(b)(2) for any component of motor vehicle insurance, the same
- 38 additional ceding privileges shall be available to "all other" types of risks
- 39 subject to the rating jurisdiction of the North Carolina Rate Bureau.

40 ...."

41 **SECTION 12.6.(d)** G.S. 58-40-10 reads as rewritten:

42 "**§ 58-40-10. Other definitions.**

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

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

45 ...

- 46 c. A motorcycle, motorized ~~seooter~~scooter, moped, or other similar
- 47 motorized vehicle not used for commercial purposes. ~~A moped, as~~
- 48 ~~defined in G.S. 105-164.3, is not considered a motoreycle, motorized~~
- 49 ~~seooter, or other similar motorized vehicle.~~

50 ...."

51 **SECTION 12.6.(e)** G.S. 58-40-15 reads as rewritten:

1 **"§ 58-40-15. Scope of application.**

2 The provisions of this Article shall apply to all insurance on risks or on operations in this  
3 State, except for all of the following:

- 4 (1) Reinsurance, other than joint reinsurance to the extent stated in G.S. 58-40-60.  
5 (2) Any policy of insurance against loss or damage to or legal liability in  
6 connection with property located outside this State, or any motor vehicle or  
7 aircraft principally garaged and used outside of this State, or any activity  
8 wholly carried on outside this State.  
9 (3) Insurance of vessels or craft, their cargoes, marine builders' risks, marine  
10 protection and indemnity, or other risks commonly insured under marine, as  
11 distinguished from inland marine, insurance policies.  
12 (4) Accident, health, or life insurance.  
13 (5) Annuities.  
14 (6) Repealed by Session Laws 1985, c. 666, s. 43.  
15 (7) Mortgage guaranty insurance.  
16 (8) Workers' compensation and employers' liability insurance written in connection  
17 therewith.  
18 (9) For private passenger (nonfleet) motor vehicle liability insurance, automobile  
19 medical payments insurance, uninsured motorists' coverage and other insurance  
20 coverages written in connection with the sale of such liability insurance; ~~except~~  
21 ~~this Article applies to motor vehicle liability insurance, automobile medical~~  
22 ~~payments insurance, uninsured motorists' coverage, and theft or physical~~  
23 ~~damage insurance on mopeds, as defined in G.S. 105-164.3; insurance.~~  
24 (10) Theft of or physical damage to nonfleet private passenger motor vehicles;  
25 except this Article applies to insurance against theft of or physical damage to  
26 motorcycles, as defined in ~~G.S. 20-4.01(27)~~G.S. 20-4.01(27)d., and moped, as  
27 defined in G.S. 20-4.01(27)d1.  
28 (11) Insurance against loss to residential real property with not more than four  
29 housing units located in this State or any contents thereof or valuable interest  
30 therein and other insurance coverages written in connection with the sale of  
31 such property insurance. Provided, however, that this Article shall apply to  
32 insurance against loss to farm dwellings, farm buildings and their appurtenant  
33 structures, farm personal property and other coverages written in connection  
34 with farm real or personal property; travel or camper trailers designed to be  
35 pulled by private passenger motor vehicles unless insured under policies  
36 covering nonfleet private passenger motor vehicles; residential real and  
37 personal property insured in multiple line insurance policies covering business  
38 activities as the primary insurable interest; and marine, general liability,  
39 burglary and theft, glass, and animal collision insurance except when such  
40 coverages are written as an integral part of a multiple line insurance policy for  
41 which there is an indivisible premium.

42 The provisions of this Article shall not apply to hospital service or medical service  
43 corporations, investment companies, mutual benefit associations, or fraternal beneficiary  
44 associations."

45 **SECTION 12.6.(f)** This section becomes effective July 1, 2016.

46  
47 **AMEND "MOPED" DEFINITION**

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

49 **"§ 20-4.01. Definitions.**

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



- 1 ...
- 2 (7a) Electric Assisted Bicycle. – A bicycle with two or three wheels that is equipped
- 3 with a seat or saddle for use by the rider, fully operable pedals for human
- 4 propulsion, and an electric motor of no more than 750 watts, whose maximum
- 5 speed on a level surface when powered solely by such a motor is no greater
- 6 than 20 miles per hour.
- 7 ~~(7a)~~(7b) Electric Personal Assistive Mobility Device. – A self-balancing nontandem
- 8 two-wheeled device, designed to transport one person, with a propulsion system
- 9 that limits the maximum speed of the device to 15 miles per hour or less.
- 10 ~~(7b)~~(7c) Employer. – Any person who owns or leases a commercial motor vehicle or
- 11 assigns a person to drive a commercial motor vehicle and would be subject to
- 12 the alcohol and controlled substance testing provisions of 49 C.F.R. § 382 and
- 13 also includes any consortium or third-party administrator administering the
- 14 alcohol and controlled substance testing program on behalf of owner-operators
- 15 subject to the provisions of 49 C.F.R. § 382.
- 16 ...
- 17 ~~(21a)~~ Moped. — ~~A type of passenger vehicle as defined in G.S. 105-164.3.~~
- 18 ...
- 19 (23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle
- 20 designed to run upon the highways which is pulled by a self-propelled vehicle.
- 21 Except as specifically provided otherwise, this term shall not include ~~mopeds as~~
- 22 ~~defined in G.S. 20-4.01(27)d1.~~ mopeds or electric assisted bicycles.
- 23 ...
- 24 (27) Passenger Vehicles. –
- 25 ...
- 26 c2. Motor-driven bicycle. – A vehicle with two or three wheels, a steering
- 27 handle, one or two saddle seats, pedals, and a motor that cannot propel
- 28 the vehicle at a speed greater than 20 miles per hour on a level surface.
- 29 This term shall not include an electric assisted bicycle as defined in
- 30 subdivision (7a) of this section.
- 31 d. Motorcycles. – Vehicles having a saddle for the use of the rider and
- 32 designed to travel on not more than three wheels in contact with the
- 33 ground, including autocycles, motor scooters, and motor-driven
- 34 bicycles, but excluding tractors and utility vehicles equipped with an
- 35 additional form of device designed to transport property, three-wheeled
- 36 vehicles while being used by law-enforcement ~~agencies—agencies,~~
- 37 ~~electric assisted bicycles, and mopeds as defined in subdivision d1~~
- 38 ~~sub-subdivision d1. of this subsection.~~ subdivision.
- 39 d1. Moped. – ~~Defined in G.S. 105-164.3.~~ A vehicle, other than a
- 40 motor-driven bicycle or electric assisted bicycle, that has two or three
- 41 wheels, no external shifting device, a motor that does not exceed 50
- 42 cubic centimeters piston displacement and cannot propel the vehicle at a
- 43 speed greater than 30 miles per hour on a level surface. The motor may
- 44 be powered by electricity, alternative fuel, motor fuel, or a combination
- 45 of each.
- 46 ...
- 47 (49) Vehicle. – Every device in, upon, or by which any person or property is or may
- 48 be transported or drawn upon a highway, excepting devices moved by human
- 49 power or used exclusively upon fixed rails or tracks; provided, that for the
- 50 purposes of this Chapter bicycles and electric assisted bicycles shall be deemed
- 51 vehicles and every rider of a bicycle or an electric assisted bicycle upon a

highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in ~~G.S. 20-4.01(7a)~~subdivision (7b) of this section.

...."

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

**"§ 20-10.1. Mopeds.**

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

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

**"§ 20-171.1. Definitions.**

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

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

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

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

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

...."

**SECTION 13.(e)** Reserved.

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

**"§ 58-37-1. Definitions.**

As used in this Article:

...

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

...."

**SECTION 13.(g)** Reserved.

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

**"§ 105-164.3. Definitions.**

The following definitions apply in this Article:

...

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

1 ...."

2 SECTION 13.(i) G.S. 20-51(14) reads as rewritten:

3 "§ 20-51. Exempt from registration.

4 The following shall be exempt from the requirement of registration and certificate of title:

5 ...

6 (14) Electric personal assistive mobility devices as defined in ~~G.S.~~  
7 ~~20-4.01(7a)~~.G.S. 20-4.01(7b).

8 ...."

9 SECTION 13.(j) This section becomes effective December 1, 2016, and applies to  
10 offenses committed on or after that date.

11 SECTION 13.1. Reserved.

12  
13 **ALLOW DEALER PLATES FOR EMPLOYEES OF INDEPENDENT DEALERS AND**  
14 **FAMILY MEMBERS**

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

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

18 ...

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

21 ...

22 f. Is an officer, sales representative, or other employee of ~~a~~an independent  
23 or franchised motor vehicle dealer or is an immediate family member of  
24 an officer, sales representative, or other employee of ~~a~~an independent  
25 or franchised motor vehicle dealer."

26  
27 **LAW ENFORCEMENT/PROVIDE ACCIDENT REPORT TO INSURER**

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

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

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

48 When a person injured in a reportable accident dies as a result of the accident within 12  
49 months after the accident and the death was not reported in the original report, the law  
50 enforcement officer investigating the accident must file a supplemental report that includes the  
51 death."

1           **SECTION 14.** Reserved.

2  
3           **PART V. UNMANNED AIRCRAFT SYSTEM TECHNICAL CHANGE**

4           **SECTION 14.5.** G.S. 63-96 reads as rewritten:

5           "**§ 63-96. Permit required for commercial operation of unmanned aircraft systems.**

6           (a) No person shall operate an unmanned aircraft system, as defined in G.S. 15A-300.1, in  
7 this State for commercial purposes unless the person is in possession of a permit issued by the  
8 Division valid for the unmanned aircraft system being operated. Application for the permit shall  
9 be made in the manner provided by the Division. Unless suspended or revoked, the permit shall be  
10 effective for a period to be established by the Division not exceeding eight years.

11          (b) No person shall be issued a permit under this section unless all of the following apply:

12           (1) The person is at least ~~17~~16 years of age.

13           (2) The person possesses a valid drivers license issued by any state or territory of  
14 the United States or the District of Columbia.

15           (3) The person has passed the knowledge test for operating an unmanned aircraft  
16 system as prescribed in G.S. 63-95(b).

17           (4) The person has satisfied all other applicable requirements of this Article or  
18 federal regulation.

19          ...."

20  
21           **PART VI. MAP ACT CHANGES**

22  
23           **MODIFY USE OF STI FUNDS**

24           **SECTION 15.** Notwithstanding any provision of law to the contrary, damages,  
25 right-of-way costs, and planning and design costs related to litigation concerning the adoption of a  
26 transportation corridor official map under Article 2E of Chapter 136 of the General Statutes shall  
27 be paid from the tier under Article 14B of Chapter 136 of the General Statutes in which the project  
28 covered by the transportation corridor official map was funded under or is programmed to be  
29 funded under. For projects covered by a transportation corridor official map that were not funded,  
30 or are not programmed to be funded, under Article 14B of Chapter 136 of the General Statutes,  
31 damages, right-of-way costs, and planning and design costs related to litigation concerning the  
32 adoption of the transportation corridor official map shall be paid from the regional allocation of  
33 funds under Article 14B of Chapter 136 of the General Statutes for the region covered by the  
34 transportation corridor official map.

35  
36           **ONE YEAR MORATORIUM ON NEW MAPS UNDER MAP ACT**

37           **SECTION 16.** G.S. 136-44.50 is amended by adding a new subsection to read:

38           "(h) No new transportation corridor official map may be adopted pursuant to this section  
39 from July 1, 2016, to July 1, 2017."

40  
41           **ALL MAP ACT CORRIDOR MAPS RESCINDED**

42           **SECTION 17.(a)** All transportation corridor official maps adopted pursuant to Article  
43 2E of Chapter 136 of the General Statutes, and any amendments thereto, are hereby rescinded, and  
44 all restrictions under Article 2E of Chapter 136 of the General Statutes shall no longer apply to  
45 properties or portions of properties within the affected transportation corridors.

46           **SECTION 17.(b)** The Department shall post information concerning each map  
47 rescinded pursuant to subsection (a) of this section on its Web site, and provide notice of each map  
48 rescinded pursuant to subsection (a) of this section to all of the following for the affected  
49 jurisdictions:

50           (1) The office of the city clerk.

51           (2) The county tax supervisor and city tax collector.

1 (3) The register of deeds.

2 (4) The city and county planning agency.

3 **SECTION 17.(c)** Nothing in subsection (a) of this section shall be construed as  
4 tolling, delaying, or otherwise modifying the time in which a complaint must be filed under  
5 G.S. 136-111.

6  
7 **MODIFY DOT CONDEMNATION INTEREST RATE**

8 **SECTION 18.(a)** G.S. 24-1 reads as rewritten:

9 "**§ 24-1. Legal rate is eight percent.**

10 ~~The~~ Except as otherwise provided in G.S. 136-113, the legal rate of interest shall be eight  
11 percent (8%) per annum for such time as interest may accrue, and no more."

12 **SECTION 18.(b)** G.S. 136-113 reads as rewritten:

13 "**§ 136-113. Interest as a part of just compensation.**

14 To said amount awarded as damages by the commissioners or a jury or judge, the judge shall,  
15 as a part of just compensation, add interest at the legal rate as provided in G.S. 24-1 on said  
16 amount from the date of taking to the date of judgment; but interest shall not be allowed from the  
17 date of deposit on so much thereof as shall have been paid into court as provided in this Article.  
18 For purposes of this section, the term "legal rate" means the prime lending rate, as published by  
19 the Board of Governors of the Federal Reserve System on the first business day of the calendar  
20 month immediately preceding the date of taking. The legal rate established under this section shall  
21 not exceed the legal rate set in G.S. 24-1."

22 **SECTION 18.(c)** This section is effective when it becomes law and applies to causes  
23 of action filed on or after that date.

24  
25 **DOT/STUDY PROCESS FOR PROTECTING PROPOSED TRANSPORTATION**  
26 **CORRIDORS**

27 **SECTION 19.** The Department of Transportation shall study the development of a  
28 process that equitably balances the interest of the State in protecting proposed transportation  
29 corridors from development, the property rights of affected landowners, and the taxpayers of the  
30 State. Beginning October 1, 2016, the Department shall report quarterly to the General Assembly  
31 and to the Joint Legislative Transportation Oversight Committee on its progress in completing the  
32 study required under this section. By July 1, 2017, the Department shall submit a final report to  
33 the General Assembly and to the Joint Legislative Transportation Oversight Committee detailing  
34 its findings and recommendations, including any legislative proposals.

35  
36 **PART VII. EFFECTIVE DATE**

37 **SECTION 20.** Except as otherwise provided, this act is effective when it becomes  
38 law.