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SENATE BILL DRS45529-MWz-17*

Short Title: DOT/DMV Legislative Requests. (Public)

Sponsors: Senators J. Davis and McInnis (Primary Sponsors).

Referred to:

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

5 The General Assembly of North Carolina enacts:

6
7 **PART I. DEPARTMENT OF TRANSPORTATION**

8
9 **DOT PROPERTY ACQUISITIONS/RIGHT-OF-WAY CLAIM REPORT**

10 **SECTION 1.(a)** G.S. 136-19.6 reads as rewritten:

11 "**§ 136-19.6. ~~Appraisal-waiver-valuation.~~Right-of-Way Claim Report**

12 (a) Intent. – It is the intent of the General Assembly to provide the Department of
13 Transportation with the resources and flexibility necessary to accelerate the time in which
14 projects are completed while maintaining fairness to affected property owners and other citizens
15 of this State. It is the belief of the General Assembly that providing the Department with the
16 flexibility allowed under subsection (b) of this section will help toward achieving this intent.
17 Therefore, the Department is encouraged to utilize the flexibility provided in subsection (b) of
18 this section for all acquisitions of land in which the ~~value-estimate~~ of the acquisition is ~~estimated~~
19 ~~at~~ ten thousand dollars (\$10,000) or less.

20 (b) Permissive Exception to Appraisal. – When the Department acquires land, and except
21 as otherwise required by federal law, an appraisal is not required if the Department ~~determines~~
22 ~~that the anticipated value of estimates that~~ the proposed acquisition is ~~estimated at~~ forty thousand
23 dollars (\$40,000) or less, based on a review of data available to the Department at the time the
24 Department begins the acquisition process. If the Department ~~determines that an appraisal is~~
25 ~~unnecessary,~~ estimates the acquisition to be forty thousand dollars (\$40,000) or less, the
26 Department may prepare ~~an appraisal-waiver-valuation-a~~ Right-of-Way Claim Report instead of
27 an appraisal. The owner of the land to be acquired may request the Department provide an
28 appraisal for any right-of-way claim of ten thousand dollars (\$10,000) or more. The Department
29 may contract with a qualified third party to prepare ~~an appraisal-waiver-valuation-a~~ Right-of-Way
30 Claim Report. Any person ~~performing an appraisal-waiver-valuation-preparing a~~ Right-of-Way
31 Claim Report must have a sufficient understanding of the local real estate ~~market to be qualified~~
32 to perform the appraisal-waiver-valuation.

33"

34 **SECTION 1.(b)** G.S. 93E-1-3 reads as rewritten:

35 "**§ 93E-1-3. When registration, license, or certificate not required.**

36 ...



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1 (f) ~~A~~Except as otherwise provided in subsection (g) of this section, a trainee registration,
 2 license, or certificate is not required under this Chapter ~~for~~for any of the following:

- 3 (1) Any person, partnership, association, or corporation that performs appraisals
 4 of property owned by that person, partnership, association, or corporation for
 5 the sole use of that person, partnership, association, or
 6 ~~corporation;~~corporation.
- 7 (2) Any court-appointed commissioner who conducts an appraisal pursuant to a
 8 judicially ordered evaluation of ~~property;~~property.
- 9 (3) Any person to qualify as an expert witness for court or administrative agency
 10 testimony, if otherwise ~~qualified;~~qualified.
- 11 (4) A person who appraises standing timber so long as the appraisal does not
 12 include a determination of value of any ~~land;~~land.
- 13 (5) Any person employed by a lender in the performance of appraisals with
 14 respect to which federal regulations do not require a licensed or certified
 15 ~~appraiser;~~ and appraiser.
- 16 (6) A person who performs ad valorem tax appraisals and is certified by the
 17 Department of Revenue under G.S. 105-294 or ~~G.S. 105-296; however, any~~
 18 G.S. 105-296.
- 19 (7) A person who prepares a Right-of-Way Claim Report pursuant to
 20 G.S. 136-19.6.

21 (g) Notwithstanding any provision of subsection (f) of this section to the contrary, any
 22 person who is registered, licensed, or certified under this Chapter and who performs any of the
 23 activities set forth in subdivisions (1) through (5) of ~~this~~subsection (f) of this section must
 24 comply with all of the provisions of this Chapter. The provisions of this Chapter shall not apply
 25 to certified real estate appraisers who perform a broker price opinion or comparative market
 26 analysis pursuant to G.S. 93E-1-3(c), as long as the appraiser is licensed as a real estate broker
 27 by the North Carolina Real Estate Commission and does not refer to himself or herself as an
 28 appraiser in the broker price opinion or comparative market analysis."
 29

30 DOT REPORT PROGRAM TO POST TO WEB/REDUCTION IN NUMBER OF 31 REPORTS

32 SECTION 2.(a) G.S. 136-18.05 reads as rewritten:

33 "§ 136-18.05. Establishment of "DOT Report" Program.

34 ...

35 (b) Establishment and Components. – To achieve the intent set forth in subsection (a) of
 36 this section, the Department shall establish and implement the "DOT Report" Program
 37 (Program). The Program shall include the following components:

- 38 (1) Responsiveness. – The Department shall structure the Program to gather
 39 citizen input and shall commit to quickly addressing structural problems and
 40 other road hazards on State-maintained roads. Citizens may report potholes,
 41 drainage issues, culvert blockages, guardrail repairs, damaged or missing
 42 signs, malfunctioning traffic lights, highway debris, or shoulder damage to the
 43 Department of Transportation by calling a toll-free telephone number
 44 designated by the Department or submitting an online work request through a
 45 Web site link designated by the Department. Beginning January 1, 2016, upon
 46 receiving a citizen report in accordance with this subdivision, the Department
 47 shall either address the reported problem or identify a solution to the reported
 48 problem. Excluding potholes, which shall be repaired within two business
 49 days of the date the report is received, the Department of Transportation shall
 50 properly address (i) safety-related citizen reports no later than 10 business
 51 days after the date the report is received and (ii) non-safety-related citizen

1 reports no later than 15 business days after the date the report is received. The
 2 Department shall determine, in its discretion, whether a citizen report is
 3 safety-related or non-safety-related. The Department shall transmit
 4 information received about potholes or other problems on roads not
 5 maintained by the State to the appropriate locality within two business days
 6 of receiving the citizen report. The Department shall ~~provide post~~ a monthly
 7 report ~~to all of the following~~ to the Department's performance dashboard Web
 8 site on the number of citizen reports received under this subdivision for the
 9 month immediately preceding the monthly report, the number of citizen
 10 reports fully addressed within the time frames set forth in this subdivision for
 11 the month immediately preceding the monthly report, the number of citizen
 12 reports addressed outside of the time frames set forth in this subdivision for
 13 the month immediately preceding the monthly report, and the number of
 14 citizen reports not fully addressed for the month immediately preceding the
 15 ~~report.~~ report.

16 a. ~~The Joint Legislative Transportation Oversight Committee.~~

17 b. ~~The Fiscal Research Division of the General Assembly.~~

18 c. ~~The chairs of the House of Representatives Appropriations Committee~~
 19 ~~on Transportation.~~

20 d. ~~The chairs of the Senate Appropriations Committee on the Department~~
 21 ~~of Transportation.~~

22 (1a) Efficiency. – The Department shall adopt procedures in all stages of the
 23 construction process to streamline project delivery, including consolidating
 24 environmental review processes, expediting multiagency reviews,
 25 accelerating right-of-way acquisitions, and pursuing design build and other
 26 processes to collapse project stages. By December 1, 2015, the Department
 27 shall establish a baseline unit pricing structure for transportation goods used
 28 in highway maintenance and construction projects and set annual targets for
 29 three years based on its unit pricing. In forming the baseline unit prices and
 30 future targets, the Department shall collect data from each Highway Division
 31 on its expenditures on transportation goods during the 2015-2016 fiscal year.
 32 Beginning January 1, 2016, no Highway Division shall exceed a ten percent
 33 (10%) variance over a baseline unit price set for that year in accordance with
 34 this subdivision. The Department of Transportation shall institute quarterly
 35 annual tracking to monitor pricing variances. The ten percent (10%) maximum
 36 variance set under this subdivision is intended to account for regional
 37 differences requiring varying product mixes. If a Highway Division exceeds
 38 the unit pricing threshold, the Department shall submit a report to the Joint
 39 Legislative Transportation Oversight Committee, the Fiscal Research
 40 Division of the General Assembly, the chairs of the House of Representatives
 41 Appropriations Committee on Transportation, and the chairs of the Senate
 42 Appropriations Committee on the Department of Transportation no later than
 43 the fifteenth day of February following the end of the quarter calendar year on
 44 why the variance occurred and what steps are being taken to bring the
 45 Highway Division back into compliance. In order to drive savings, unit pricing
 46 may be reduced annually as efficiencies are achieved.

47"

48 **SECTION 2.(b)** This section is effective when it becomes law, except that the report
 49 required under G.S. 136-18.05(b)(1), as amended by this section, shall continue to be provided
 50 monthly to the Joint Legislative Transportation Oversight Committee, the Fiscal Research
 51 Division of the General Assembly, the chairs of the House of Representatives Appropriations

1 Committee on Transportation, and the chairs of the Senate Appropriations Committee on the
2 Department of Transportation, until it is posted to the Department's performance dashboard Web
3 site.
4

5 **REPEAL OF BIENNIAL REPORT ON OFF-PREMISE SIGN REGULATORY** 6 **PROGRAM**

7 **SECTION 3.** G.S. 136-12.1 is repealed.
8

9 **CHANGE TO DOT OUTSOURCING AND PROJECT DELIVERY REPORTS**

10 **SECTION 4.** G.S. 136-12.3 reads as rewritten:

11 "**§ 136-12.3. Outsourcing and project delivery reports.**

12 ...

13 (b) Outsourcing Report. – For each Highway Division, the Department shall provide a
14 detailed ~~biannual~~ report on all payments made to private contractors for preconstruction
15 activities. In order to compare internal costs incurred with payments made to private contractors,
16 and except as otherwise provided in this subsection, the Department shall include project-specific
17 expenses incurred by division, regional, or central staff. The Department shall not include
18 expenses incurred for central business units that support and oversee outsourcing functions. The
19 information in the first report submitted under this subsection shall be used to establish a baseline
20 to use for setting future preconstruction outsourcing targets. The Department shall submit the
21 ~~reports-report~~ required under this subsection to the Joint Legislative Transportation Oversight
22 Committee by ~~September 1~~ and March 1 of each year.

23 (c) Project Delivery Report. – For each Highway Division, the Department shall provide
24 a detailed annual report in accordance with the following requirements:

25 ...

26 (2) For each project, the report shall indicate the status of all of the following
27 phases:

- 28 a. Planning ~~a-and~~ design in progress.
- 29 b. Right-of-way acquisition in progress.
- 30 c. Project let for construction.
- 31 d. Construction substantially complete and traffic using facility.

32 ...

33 (d) Combined Report. – The Department may combine the reports required to be
34 submitted by ~~March 1~~ under subsections (b) and (c) of this section into a single report.

35"
36

37 **REPEAL OF ANNUAL CONSTRUCTION PROGRAM AND RELATED REPORTING** 38 **REQUIREMENTS**

39 **SECTION 5.** G.S. 136-44.4 is repealed.
40

41 **CHANGE TO ANNUAL HIGHWAY CONSTRUCTION AND MAINTENANCE** 42 **REPORT**

43 **SECTION 6.** G.S. 136-12(a) reads as rewritten:

44 "(a) The Department of Transportation shall, ~~on or before the tenth day after the convening~~
45 ~~of each regular session of the General Assembly of North Carolina, make a full printed, detailed~~
46 ~~report to the General Assembly, showing the construction and maintenance work and the cost of~~
47 ~~the same, receipts of license fees, and disbursements of the Department of Transportation, and~~
48 ~~such other data as may be of interest in connection with the work of the Department of~~
49 ~~Transportation. shall report to the Joint Legislative Transportation Oversight Committee by~~
50 March 1 of each year on how the previous fiscal year's funds for maintenance and construction
51 were allocated and expended. The report shall include expenditures of both State and federal

1 funds and shall be in sufficient detail that the county can be identified. A full account of each
2 road project shall be kept by and under the direction of the Department of Transportation or its
3 representatives, to ascertain at any time the expenditures and the liabilities against all projects;
4 also records of contracts and force account work. The account records, together with all
5 supporting documents, shall be open at all times to the inspection of the Governor or road
6 authorities of any county, or their authorized representatives, and copies thereof shall be
7 furnished such officials upon request."
8

9 **AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES ON PASSENGER-ONLY** 10 **FERRIES**

11 **SECTION 7.** G.S. 18B-108 reads as rewritten:

12 **"§ 18B-108. Sales on ~~trains.~~trains and ferries.**

13 (a) Trains. – Alcoholic beverages may be sold on railroad trains in this State upon
14 compliance with Article 2C of Chapter 105 of the General Statutes. Malt beverages, unfortified
15 wine, and fortified wine may be sold and delivered by any wholesaler or retailer licensed in this
16 State to an officer or agent of a rail line that carries at least 60,000 passengers annually.

17 (b) Ferries. – Alcoholic beverages may be sold on passenger-only ferries established
18 pursuant to Article 6 of Chapter 136 of the General Statutes upon compliance with Article 2C of
19 Chapter 105 of the General Statutes. Malt beverages, unfortified wine, and fortified wine may be
20 sold and delivered by any wholesaler or retailer licensed in this State to an officer or agent of the
21 Department of Transportation for sale on passenger-only ferries."
22

23 **PART II. DIVISION OF MOTOR VEHICLES**

24 **REMOVE THE MAILING REQUIREMENT FOR DEALER MANUALS**

25 **SECTION 8.** G.S. 20-302 reads as rewritten:

26 **"§ 20-302. Rules and regulations.**

27 The Commissioner may make such rules and regulations, not inconsistent with the provisions
28 of this Article, as he shall deem necessary or proper for the effective administration and
29 enforcement of this Article, provided that the Commissioner shall make a copy of such rules and
30 regulations shall be mailed to each motor vehicle dealer licensee available on a Web site
31 maintained by the Division or the Department of Transportation 30 days prior to the effective
32 date of such rules and regulations."
33
34

35 **DMV MAY ALLOW TRANSITIONING MILITARY TRUCK DRIVERS CERTAIN CDL** 36 **WAIVERS/CREDIT FOR MILITARY SERVICE TRUCK OPERATIONS**

37 **SECTION 9.(a)** G.S. 20-37.13 is amended by adding a new subsection to read:

38 "(c3) The Division may waive the knowledge and skills test for a qualified military
39 applicant who has been issued a military license that authorizes the holder to operate a motor
40 vehicle representative of the class and endorsements for which the applicant seeks to be licensed.
41 The applicant must certify and provide satisfactory evidence on the date of application that the
42 applicant meets all of the following requirements:

43 (1) The applicant is a current or former member of an active or reserve component
44 of the Armed Forces of the United States and was issued a military license
45 that authorized the applicant to operate a vehicle that is representative of the
46 class and type of commercial motor vehicle for which the applicant seeks to
47 be licensed and whose military occupational specialty or rating are eligible for
48 waiver, as allowed by the Federal Motor Carrier Safety Administration.

49 (2) The applicant is or was, within the year prior to the date of application,
50 regularly employed in a military position requiring operation of a motor

1 vehicle representative of the class of commercial motor vehicle for which the
2 applicant seeks to be licensed.

3 (3) The applicant meets the qualifications listed in subdivision (2) of subsection
4 (c1) of this section."

5 **SECTION 9.(b)** This section becomes effective October 1, 2018.

6
7 **DMV MAY SHARE DRIVER MEDICAL RECORDS WITH STATE AND FEDERAL**
8 **AUTHORITIES**

9 **SECTION 10.(a)** G.S. 20-7(e) reads as rewritten:

10 "(e) Restrictions. – The Division may impose any restriction it finds advisable on a drivers
11 license. It is unlawful for the holder of a restricted license to operate a motor vehicle without
12 complying with the restriction and is the equivalent of operating a motor vehicle without a
13 license. If any applicant shall suffer from any physical or mental disability or disease that affects
14 his or her operation of a motor vehicle, the Division may require to be filed with it a certificate
15 of the applicant's condition signed by a medical authority of the applicant's community
16 designated by the Division. The Division may, in its discretion, require the certificate to be
17 completed and submitted after a license or renewal has been issued based on the applicant's
18 performance during a road test administered by the Division. Upon submission, the certificate
19 shall be reviewed in accordance with the procedure set forth in G.S. 20-9(g)(3). This certificate
20 shall in all cases be treated as ~~confidential~~ confidential and subject to release under
21 G.S. 20-9(g)(4)h. Nothing in this subsection shall be construed to prevent the Division from
22 refusing to issue a license, either restricted or unrestricted, to any person deemed to be incapable
23 of safely operating a motor vehicle based on information observed or received by the Division,
24 including observations during a road test and medical information submitted about the applicant.
25 An applicant may seek review pursuant to G.S. 20-9(g)(4) of a licensing decision made on the
26 basis of a physical or mental disability or disease. This subsection does not prohibit deaf persons
27 from operating motor vehicles who in every other way meet the requirements of this section."

28 **SECTION 10.(b)** G.S. 20-9(g)(4)h. reads as rewritten:

29 "h. All records and evidence collected and compiled by the Division and
30 the reviewing board shall not be considered public records within the
31 meaning of Chapter 132 of the General Statutes of North Carolina and
32 may be made available to the public only upon an order of a court of
33 competent jurisdiction. An applicant or licensee may obtain, without a
34 court order, a copy of records and evidence collected and compiled
35 under this subdivision about the applicant or licensee by submitting a
36 written request to the Division, signing any release forms required by
37 the Division, and remitting the required fee set by the Division. All
38 information furnished by, about, or on behalf of an applicant or
39 licensee under this section shall be without prejudice and shall be for
40 the use of the Division, the reviewing board or the court in
41 administering this section and shall not be used in any manner as
42 evidence, or for any other purposes in any trial, civil or
43 ~~criminal~~ criminal, except as authorized in this sub-subdivision. The
44 prohibition on release and use under this sub-subdivision applies
45 without regard to who authored or produced the information collected,
46 compiled, and used by the Division under this subdivision. The
47 Division may, as it deems necessary, release information collected
48 under this subdivision to any other State or federal government agency
49 for purposes of determining an individual's ability to safely operate a
50 commercial motor vehicle or to obtain a commercial drivers license."

51 **SECTION 10.(c)** G.S. 20-37.13A(a) reads as rewritten:

1 "(a) Medical Qualifications Standards Applicable to Commercial Drivers. – All
2 commercial drivers license holders and applicants for commercial drivers licenses must meet the
3 medical qualifications standards set forth in 49 C.F.R. § 391.41. As allowed under
4 G.S. 20-9(g)(4)h., the Division may release information it deems necessary to any other State or
5 federal government agency for purposes of determining an individual's ability to safely operate
6 a commercial motor vehicle or to obtain a commercial drivers license."
7

8 **PART III. EFFECTIVE DATE**

9 **SECTION 11.** Except as otherwise provided, this act becomes effective July 1, 2018.