

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

U

D

BILL DRAFT 2017-MWz-17 [v.17]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
04/04/2018 03:44:16 PM

Short Title: DOT/DMV Legislative Requests.

(Public)

Sponsors:

Referred to:

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

The General Assembly of North Carolina enacts:

PART I. DEPARTMENT OF TRANSPORTATION

DOT PROPERTY ACQUISITIONS/RIGHT-OF-WAY CLAIM REPORT

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

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

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

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

...."

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



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

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

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

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

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

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

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

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

- (1) Responsiveness. – The Department shall structure the Program to gather citizen input and shall commit to quickly addressing structural problems and other road hazards on State-maintained roads. Citizens may report potholes, drainage issues, culvert blockages, guardrail repairs, damaged or missing signs, malfunctioning traffic lights, highway debris, or shoulder damage to the Department of Transportation by calling a toll-free telephone number designated by the Department or submitting an online work request through a Web site link designated by the Department. Beginning January 1, 2016, upon receiving a citizen report in accordance with this subdivision, the Department shall either address the reported problem or identify a solution to the reported problem. Excluding potholes, which shall be repaired within two business days of the date the report is received, the Department of

Transportation shall properly address (i) safety-related citizen reports no later than 10 business days after the date the report is received and (ii) non-safety-related citizen reports no later than 15 business days after the date the report is received. The Department shall determine, in its discretion, whether a citizen report is safety-related or non-safety-related. The Department shall transmit information received about potholes or other problems on roads not maintained by the State to the appropriate locality within two business days of receiving the citizen report. The Department shall ~~provide post~~ a monthly report ~~to all of the following~~ to the Department's performance dashboard Web site on the number of citizen reports received under this subdivision for the month immediately preceding the monthly report, the number of citizen reports fully addressed within the time frames set forth in this subdivision for the month immediately preceding the monthly report, the number of citizen reports addressed outside of the time frames set forth in this subdivision for the month immediately preceding the monthly report, and the number of citizen reports not fully addressed for the month immediately preceding the ~~report~~ report.

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

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

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

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

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

...."

1 **SECTION 2.(b)** This section is effective when it becomes law, except that the
2 report required under G.S. 136-18.05(b)(1), as amended by this section, shall continue to be
3 provided monthly to the Joint Legislative Transportation Oversight Committee, the Fiscal
4 Research Division of the General Assembly, the chairs of the House of Representatives
5 Appropriations Committee on Transportation, and the Chairs of the Senate Appropriations
6 Committee on the Department of Transportation, until it is posted to the Department's
7 performance dashboard Web site.
8

9 **POWERS OF DEPARTMENT TO INCLUDE ENTERING AGREEMENTS WITH**
10 **RURAL AND METROPOLITAN PLANNING ORGANIZATIONS**

11 **SECTION 3.** G.S. 136-18(39) reads as rewritten:

12 "(39) To enter into partnership agreements with private entities, ~~and~~ authorized
13 political subdivisions, subdivisions, and Rural Planning Organizations and
14 Metropolitan Planning Organizations, to finance, by tolls, contracts, and
15 other financing methods authorized by law, the cost of acquiring,
16 constructing, equipping, maintaining, and operating transportation
17 infrastructure in this State, and to plan, design, develop, acquire, construct,
18 equip, maintain, and operate transportation infrastructure in this State. An
19 agreement entered into under this subdivision requires the concurrence of the
20 Board of Transportation. The Department shall report to the Chairs of the
21 Joint Legislative Transportation Oversight Committee, the Chairs of the
22 House of Representatives Appropriations Subcommittee on Transportation,
23 and the Chairs of the Senate Appropriations Committee on the Department
24 of Transportation, at the same time it notifies the Board of Transportation of
25 any proposed agreement under this subdivision. No contract for
26 transportation infrastructure subject to such an agreement that commits the
27 Department to make nonretainage payments for undisputed capital costs of a
28 completed transportation infrastructure to be made later than 18 months after
29 final acceptance by the Department of such transportation infrastructure
30 shall be executed without approval of the Local Government Commission.
31 Any contracts for construction of highways, roads, streets, and bridges
32 which are awarded pursuant to an agreement entered into under this section
33 shall comply with the competitive bidding requirements of Article 2 of this
34 Chapter."
35

36 **REPEAL OF BIENNIAL REPORT ON OFF-PREMISE SIGN REGULATORY**
37 **PROGRAM**

38 **SECTION 4.** G.S. 136-12.1 is repealed.
39

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

41 **SECTION 5.** G.S. 136-12.3 reads as rewritten:

42 **"§ 136-12.3. Outsourcing and project delivery reports.**

43 ...

44 (b) Outsourcing Report. – For each Highway Division, the Department shall provide a
45 detailed ~~biannual~~ report on all payments made to private contractors for preconstruction
46 activities. In order to compare internal costs incurred with payments made to private
47 contractors, and except as otherwise provided in this subsection, the Department shall include
48 project-specific expenses incurred by division, regional, or central staff. The Department shall
49 not include expenses incurred for central business units that support and oversee outsourcing
50 functions. The information in the first report submitted under this subsection shall be used to
51 establish a baseline to use for setting future preconstruction outsourcing targets. The

Department shall submit the ~~reports~~ report required under this subsection to the Joint Legislative Transportation Oversight Committee by ~~September 1 and~~ March 1 of each year.

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

...

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

a. Planning ~~a~~ and design in progress.

b. Right-of-way acquisition in progress.

c. Project let for construction.

d. Construction substantially complete and traffic using facility.

...

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

...."

REPEAL OF ANNUAL CONSTRUCTION PROGRAM AND RELATED REPORTING REQUIREMENTS

SECTION 6. G.S. 136-44.4 is repealed.

CHANGE TO ANNUAL HIGHWAY CONSTRUCTION AND MAINTENANCE REPORT

SECTION 7. G.S. 136-12(a) reads as rewritten:

"(a) The Department of Transportation ~~shall, on or before the tenth day after the convening of each regular session of the General Assembly of North Carolina, make a full printed, detailed report to the General Assembly, showing the construction and maintenance work and the cost of the same, receipts of license fees, and disbursements of the Department of Transportation, and such other data as may be of interest in connection with the work of the Department of Transportation.~~ shall report to the Joint Legislative Transportation Oversight Committee by March 1 of each year on how the previous fiscal year's funds for maintenance and construction were allocated and expended. The report shall include expenditures of both State and federal funds and shall be in sufficient detail that the county can be identified. A full account of each road project shall be kept by and under the direction of the Department of Transportation or its representatives, to ascertain at any time the expenditures and the liabilities against all projects; also records of contracts and force account work. The account records, together with all supporting documents, shall be open at all times to the inspection of the Governor or road authorities of any county, or their authorized representatives, and copies thereof shall be furnished such officials upon request."

AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES ON PASSENGER-ONLY FERRIES

SECTION 8. G.S. 18B-108 reads as rewritten:

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

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

(b) Ferries. – Alcoholic beverages may be sold on passenger-only ferries established pursuant to Article 6 of Chapter 136 of the General Statutes upon compliance with Article 2C of Chapter 105 of the General Statutes. Malt beverages, unfortified wine, and fortified wine

may be sold and delivered by any wholesaler or retailer licensed in this State to an officer or agent of the Department of Transportation for sale on passenger-only ferries."

PART II. DIVISION OF MOTOR VEHICLES

REMOVE THE MAILING REQUIREMENT FOR DEALER MANUALS

SECTION 9. G.S. 20-302 reads as rewritten:

"§ 20-302. Rules and regulations.

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

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

SECTION 10.(a) G.S. 20-37.13 is amended by adding the following new subsection to read:

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

- (1) The applicant is a current or former member of an active or reserve component of the Armed Forces of the United States and was issued a military license that authorized the applicant to operate a vehicle that is representative of the class and type of commercial motor vehicle for which the applicant seeks to be licensed and whose military occupational specialty or rating are eligible for waiver, as allowed by the Federal Motor Carrier Safety Administration.
- (2) The applicant is or was, within the year prior to the date of application, regularly employed in a military position requiring operation of a motor vehicle representative of the class of commercial motor vehicle for which the applicant seeks to be licensed.
- (3) The applicant meets the qualifications listed in subdivision (2) of subsection (c1) of this section."

SECTION 10.(b) This section becomes effective October 1, 2018.

DMV MAY SHARE DRIVER MEDICAL RECORDS WITH STATE AND FEDERAL AUTHORITIES

SECTION 11.(a) G.S. 20-7(e) reads as rewritten:

"(e) Restrictions. – The Division may impose any restriction it finds advisable on a drivers license. It is unlawful for the holder of a restricted license to operate a motor vehicle without complying with the restriction and is the equivalent of operating a motor vehicle without a license. If any applicant shall suffer from any physical or mental disability or disease that affects his or her operation of a motor vehicle, the Division may require to be filed with it a certificate of the applicant's condition signed by a medical authority of the applicant's community designated by the Division. The Division may, in its discretion, require the certificate to be completed and submitted after a license or renewal has been issued based on the applicant's performance during a road test administered by the Division. Upon submission,

the certificate shall be reviewed in accordance with the procedure set forth in G.S. 20-9(g)(3). This certificate shall in all cases be treated as ~~confidential~~ confidential and subject to release under G.S. 20-9(g)(4)h. Nothing in this subsection shall be construed to prevent the Division from refusing to issue a license, either restricted or unrestricted, to any person deemed to be incapable of safely operating a motor vehicle based on information observed or received by the Division, including observations during a road test and medical information submitted about the applicant. An applicant may seek review pursuant to G.S. 20-9(g)(4) of a licensing decision made on the basis of a physical or mental disability or disease. This subsection does not prohibit deaf persons from operating motor vehicles who in every other way meet the requirements of this section."

SECTION 11.(b) G.S. 20-9(g)(4)h. reads as rewritten:

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

SECTION 11.(c) G.S. 20-27.13A.(a) reads as rewritten:

"(a) Medical Qualifications Standards Applicable to Commercial Drivers. –

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

PART III. EFFECTIVE DATE.

SECTION 12. Except as otherwise provided, this act becomes effective July 1, 2018.