



Bill Draft 2017-MWz-17: DOT/DMV Legislative Requests.

2017-2018 General Assembly

Committee:	Joint Legislative Transportation Oversight Committee	Date:	April 5, 2018
Introduced by:		Prepared by:	Wendy Ray
Analysis of:	2017-MWz-17		Staff Attorney

OVERVIEW: 2017-MWz-17 would make changes to transportation laws, as recommended by the Joint Legislative Transportation Oversight Committee.

BILL ANALYSIS:

PART I. DEPARTMENT OF TRANSPORTATION CHANGES

Section 1 would amend a statutory provision enacted in last year's budget that exempts the Department from obtaining a property appraisal for proposed property acquisitions with an estimated value of \$40,000 or less. The Department was directed to develop a process for performing appraisal waiver valuations, in consultation with the North Carolina Appraisal Board, the North Carolina Chapter of the Appraisal Institute, and the North Carolina Association of Realtors, and to submit a report to the Joint Legislative Transportation Oversight Committee on the development of the newly authorized appraisal waiver valuation process. This section would make clarifying changes to the statute, including a change in terminology from "appraisal waiver valuation" to "right-of-way claim report". It would also amend the North Carolina Appraisers Act to specifically exempt a person preparing a right-of-way claim report from licensure as a real estate appraiser.

Section 2. Current law requires the Department to provide monthly reports to the General Assembly on citizen reports received under the DOT Report Program. This section would require the Department to post this information to the Department's performance dashboard instead.

Current law requires the Department to do quarterly tracking of variances from baseline unit prices set for transportation goods and make quarterly reports to the General Assembly. This section would make this an annual requirement instead of quarterly.

Section 3 would clarify that the Department's power to enter into partnership agreements with other entities to finance, plan, construct, equip, maintain, and operate transportation infrastructure includes the power to enter into agreements with rural and metropolitan planning organizations.

Section 4 would delete a reporting requirement related to a federal program that was never implemented. Current law requires the Department to submit a biennial report to the General Assembly on its off-premise sign regulatory program, which was intended to track progress on an initiative of the federal government to purchase and remove non-conforming signs. The federal program was never funded, so the State has not moved forward with the purchase of non-conforming signs, eliminating the need for this information. This section would repeal the reporting requirement.

Section 5. Current law requires the Department to submit an outsourcing report on payments made to private contractors for preconstruction activities to the General Assembly biannually. It also requires an

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annual project delivery report detailing progress for State Transportation Improvement Program projects. The outsourcing report is currently due by March 1 and September 1 of each year, and the project delivery report is due by March 1. This section would modify the frequency and submittal date of the outsourcing report to align the two reports – both would be annual reports due by March 1 of each year.

Section 6. G.S. 136-44.4 requires the Department to develop an annual construction program, to prioritize projects, and to report to the General Assembly. Since becoming effective, Article 14B of Chapter 136, Strategic Prioritization Funding Plan for Transportation Investments, includes and expands on the requirements of G.S. 136-44.4, so this section would repeal it.

Section 7. Current law requires the Department to report to the General Assembly on the previous fiscal year's costs and expenditures for construction and maintenance work. This section would amend the requirement to conform to a similar uncodified reporting requirement set out in session law. It would also require the report to be submitted on March 1 of each year, rather than tying the report date to the convening of session.

Section 8 would authorize the sale of malt beverages, unfortified wine, and fortified wine on passenger-only ferries.

This section would also authorize the Department to use proceeds from certain receipt-generating activities related to ferries for repairs to ferry vessels. Current law only allows those proceeds to be used to replace ferry vessels in the divisions in which the proceeds are earned.

PART II. DIVISION OF MOTOR VEHICLES CHANGES

Section 9. Current law authorizes the Commissioner of Motor Vehicles to make rules and regulations related to the regulation of motor vehicle dealers and manufacturers and requires that the Commissioner mail a copy of the rules to licensees 30 days prior to their effective date. This section would eliminate the mailing requirement and instead require the Commissioner to make a copy available on the Division or Department website.

Section 10 would authorize the Division to waive the commercial drivers license knowledge and skills test for certain trained and experienced military drivers, as allowed by the Federal Motor Carrier Safety Administration. The applicant would have to certify and provide evidence that he or she meets all qualifications for the waiver.

Section 11 would authorize the Division to share confidential driver medical records with other state and federal agencies for the purpose of determining the driver's ability to safely operate a commercial motor vehicle or to obtain a commercial drivers license.

EFFECTIVE DATE: Except as otherwise provided, the act would become effective July 1, 2018.