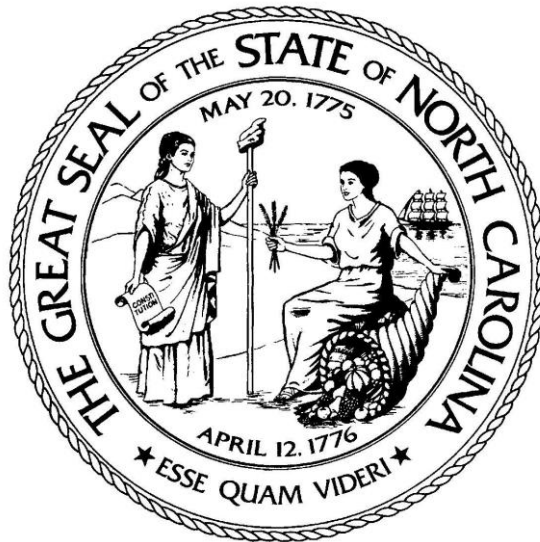


House Committee on Appropriations, Transportation

Proposed Special Provisions for S.B. 105, 2021 Appropriations Act



August 5, 2021

[THIS PAGE LEFT INTENTIONALLY BLANK]

GENERAL ASSEMBLY OF NORTH CAROLINA



SPECIAL PROVISIONS HOUSE APPROPRIATIONS, TRANSPORTATION REPORT

AUGUST 4, 2021

Report Last Updated: August 4, 2021 8:28 p.m.

2021-TRANS-H2(S41.1)I	1
CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND	
2021-TRANS-H17(S41.2)-P	2
DOT/BUDGET REORGANIZATION	
2021-TRANS-H28(S41.3)-P	4
BUILD NC BONDS/MAX CASH BALANCE EXCEPTION	
2021-TRANS-H31(S41.4)I	5
SPEND PLAN TECHNICAL REVISION	
2021-TRANS-H32(S41.5)I	6
INDEMNIFY WILMINGTON FOR MAP ACT	
2021-TRANS-H10(S41.6)I	7
DMV PERFORMANCE DASHBOARD EXPANSION	
2021-TRANS-H11(S41.7)-P	8
DMV MOBILE UNIT DEPLOYMENT AND REOPENING CLOSED DRIVERS LICENSE OFFICES	
2021-TRANS-H34(S41.10)I	9
DMV SALARY ADJUSTMENT FUND	
2021-TRANS-H35(S41.11)-P	10
AVIATION/DIVISION ANNUAL REPORT	
2021-TRANS-H36(S41.12)-P	11
QUARTERLY ALLOCATIONS TO PORTS AUTHORITY AND COMMERCIAL AIRPORTS	
2021-TRANS-H50(S41.13)I	12
AVIATION/GRANT FUNDS NOT AUTHORIZED TO FUND POSITIONS	
2021-TRANS-H37(S41.14)-P	13
AVIATION/STATE PLANE COST OF USE RATE ANALYSIS	
2021-TRANS-H38(S41.15)I	14
FERRY CAPITAL SPECIAL FUND	

2021-TRANS-H39(S41.16)-P.....	17
DOT/RECLASSIFICATION AUTHORITY FOR CERTAIN POSITIONS	
2021-TRANS-H40(S41.17)-P.....	18
DOT/FACILITIES PLAN	
2021-TRANS-H42(S41.18)I.....	19
REPORT ON PREVENTIVE MAINTENANCE PLAN FOR DOT BUILDINGS	
2021-TRANS-H41(S41.19)-P.....	20
CAPITAL, REPAIRS, AND RENOVATIONS	
2021-TRANS-H43(S41.20)I.....	21
DOT/CONTRACTING AUTHORITY FOR CERTAIN CAPITAL ITEMS	
2021-TRANS-H44(S41.21)I.....	22
REVISE CASH WATCH REPORT	
2021-TRANS-H45(S41.22)I.....	23
HIGHWAY DIVISIONS ANNUAL REPORT	
2021-TRANS-H46(S41.23)I.....	24
REST AREAS	
2021-TRANS-H3-P.....	25
INCREASE NUMBER OF BOARD OF TRANSPORTATION APPOINTEES PERMITTED FROM THE SAME HIGHWAY DIVISION	
2021-TRANS-H4-P.....	26
LITTER CLEANUP	
2021-TRANS-H7-P.....	27
AUTHORIZE REVISOR OF STATUTES TO MAKE CONFORMING CHANGES TO STATUTE FOR THE DMV QUADRENNIAL FEE INCREASE	
2021-TRANS-H8-P.....	28
POWELL BILL REDUCTIONS PROHIBITED	
2021-TRANS-H9-P.....	29
TRANSPORTATION EMERGENCY RESERVE/INCREASE RESERVE	
2021-TRANS-H15-P.....	30
AUTHORIZE ONLINE RENEWALS FOR DMV-ISSUED LICENSES, PERMITS, CERTIFICATES, AND REGISTRATIONS	
2021-TRANS-H16-P.....	31
HANDICAPPED PLACARD ONLINE RENEWAL	
2021-TRANS-H18-P.....	32
DISQUALIFICATIONS FOR LIFE FROM DRIVING A COMMERCIAL MOTOR VEHICLE FOR CERTAIN CONVICTIONS OF SEVERE FORMS OF TRAFFICKING IN PERSONS	
2021-TRANS-H19-P.....	33
INSURANCE COMPANIES TO SUBMIT POLICY NOTIFICATIONS TO DIVISION ELECTRONICALLY	
2021-TRANS-H20-P.....	34
REVISE VEHICLE DEALER LICENSING LAWS	

2021-TRANS-H21-P.....	37
DMV/STUDY TRANSFERRING VEHICLE DEALER LICENSE AND SAFETY AND EMISSIONS INSPECTION HEARINGS FROM DMV TO OFFICE OF ADMINISTRATIVE HEARINGS	
2021-TRANS-H22-P.....	39
LENDERS MAY OBTAIN COLOR IMAGE OF BORROWER'S DRIVERS LICENSE	
2021-TRANS-H23-P.....	40
MANDATORY REPLACEMENT OF DEALER PLATES	
2021-TRANS-H24-P.....	41
PRINT LICENSE RENEWAL GRACE PERIOD ON DEALER'S BLUE LICENSE	
2021-TRANS-H25-P.....	42
MANUFACTURED HOMES	
2021-TRANS-H26-P.....	44
APPLICATION FOR NOTATION OF SECURITY INTEREST BY LENDER MODIFICATIONS	
2021-TRANS-H27-P.....	46
ELECTRONIC LIEN SYSTEM CONTRACTORS MUST HAVE EXPERIENCE IN ELECTRONIC LIENS	
2021-TRANS-H29-P.....	47
COMMERCIAL DRIVER TRAINING SCHOOL ROAD TEST AUTHORIZATION	
2021-TRANS-H30-P.....	48
MODIFY USE OF DOT/DMV INFORMATION TECHNOLOGY FUNDS	
2021-TRANS-H47-P.....	49
BRIDGE NAMING	
2021-TRANS-H67	50
SPECIAL PROJECTS/GRANTS-IN-AID	
2021-TRANS-H65-P.....	53
STUDY/MULTISTATE TRANSPORTATION PROJECT STIP CRITERIA	
2021-TRANS-H64-P.....	54
STI FUNDING OF BICYCLE AND PEDESTRIAN IMPROVEMENTS	
2021-TRANS-H49-P.....	55
REVISIONS TO OUTDOOR ADVERTISING CONTROL ACT	
2021-TRANS-H51-P.....	57
NOT-FOR-HIRE ANTIQUE HEAVY VEHICLE PLATES	
2021-TRANS-H53-P.....	59
ELIMINATE VACANT POSITIONS	
2021-TRANS-H55-P.....	64
RAIL PROPERTY TRANSFER	
2021-TRANS-H56-P.....	65
MODIFY CAP ON CERTAIN PUBLIC PRIVATE PARTNERSHIPS	
2021-TRANS-H57-P.....	66
MODIFY LIMIT ON FUNDS TO PAY MAP ACT SETTLEMENT COSTS	

2021-TRANS-H59-P.....	67
APPROVAL OF PORTS AUTHORITY CONSULTANT SERVICE CONTRACTS	
2021-TRANS-H61-P.....	68
PORTS AUTHORITY ANNUAL REPORT	
2021-TRANS-H63-P.....	69
REVISIONS TO HIGHWAY MAINTENANCE IMPROVEMENT PROGRAM	
2021-TRANS-H66-P.....	71
INCREASE FUNDING FOR HISTORICAL MARKER PROGRAM	

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H2(S41.1)i

Department of Transportation
House Appropriations, Transportation

CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND

SECTION 41.1.(a) Subsections (b) and (c) of Section 4.1 of S.L. 2020-91 are repealed.

SECTION 41.1.(b) The General Assembly authorizes and certifies anticipated revenues for the Highway Fund as follows:

For Fiscal Year 2023-2024	\$2,628.0 million
For Fiscal Year 2024-2025	\$2,724.2 million
For Fiscal Year 2025-2026	\$2,814.8 million
For Fiscal Year 2026-2027	\$2,833.6 million
For Fiscal Year 2027-2028	\$2,875.9 million

SECTION 41.1.(c) The General Assembly authorizes and certifies anticipated revenues for the Highway Trust Fund as follows:

For Fiscal Year 2023-2024	\$1,758.1 million
For Fiscal Year 2024-2025	\$1,797.5 million
For Fiscal Year 2025-2026	\$1,809.0 million
For Fiscal Year 2026-2027	\$1,843.8 million
For Fiscal Year 2027-2028	\$1,878.7 million

SECTION 41.1.(d) The Department of Transportation, in collaboration with the Office of State Budget and Management, shall develop a five-year revenue forecast. The five-year revenue forecast developed under this subsection shall be used (i) to develop the five-year cash flow estimates included in the biennial budgets, (ii) to develop the Strategic Transportation Improvement Program, and (iii) by the Department of the State Treasurer to compute transportation debt capacity.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H17(S41.2)-P

Department of Transportation
House Appropriations, Transportation

DOT/BUDGET REORGANIZATION

SECTION 41.2.(a) It is the intent of the General Assembly that the Department of Transportation have a transparent budget that is representative of the Department's mission and goals and aligns to the internal organization of the Department.

SECTION 41.2.(b) The Department shall create within the Financial Management Division of the Department of Transportation the Budget Section dedicated to the management of the budget for the Department. The Budget Section shall be separate from the other sections in the Financial Management Division and shall directly report to the Chief Financial Officer of the Department. The initial duty of the Budget Section, with the assistance of the Office of State Budget and Management, shall be to reorganize the entire budget of the Department of Transportation using the following criteria:

- (1) The Highway Fund Budget Code shall contain Fund Codes representative of divisional organizational units within the Department of Transportation. The Divisions include: Highway Division, Ferry Division, Rail Division, Public Transportation, Bicycle and Pedestrian, Secretary's Office, Board of Transportation, Facilities Management, and others determined by the Office of State Budget and Management in conjunction with the Department of Transportation and in consultation with the Fiscal Research Division.
- (2) The current Fund Codes shall be combined to create a budget message indicative of the divisions and units within the Department.
- (3) The Fund Codes shall be developed as prescribed in the State Budget Manual to include the six account groups. All relevant full-time equivalent (FTE) positions shall be correctly assigned to the Fund Code and Organizational Unit.
- (4) The Field Codes shall be eliminated, and the complete personal services budget, including full-time equivalent positions, shall be assigned to the organizational Fund Code unit.
- (5) The Fund Codes shall include any receipts collected and used for the units, including federal receipts.
- (6) The Highway Division's Fund Code shall include distinct responsible cost centers for specific programs and grants established by the General Assembly. The Accounts shall include relevant personal services, purchased services, grants-in-aid, leases, and the entire operating budgets for the Division.
- (7) The Department shall develop options for groupings of projects within the Highway Trust Fund – Strategic Transportation Investments and consider identifying funded projects by the project's first year of funding. The Department shall work with OSBM in developing the comprehensive budget structure for the Highway Trust Fund.

SECTION 41.2.(c) Notwithstanding any other provision of law to the contrary, the Department of Transportation shall reclassify additional vacant full-time equivalent positions, pursuant to the classification system established by the State Human Resources Commission, to

1 the Financial Management Division, with one Budget Manager and up to three additional Budget
2 Analysts, for the Budget Section.

3 **SECTION 41.2.(d)** No later than November 1, 2021, and March 31, 2022, the
4 Department shall submit a report to the Joint Legislative Transportation Oversight Committee
5 and the Fiscal Research Division on the status of the creation of the Budget Office. The report
6 shall include the identification of the positions to be reclassified to the Budget Office and the
7 schedule and status for advertising and filling positions.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H28(S41.3)-P

Department of Transportation
House Appropriations, Transportation

BUILD NC BONDS/MAX CASH BALANCE EXCEPTION

SECTION 41.3.(a) G.S. 142-97(2)a. reads as rewritten:

"a. The Department of Transportation's average month-end cash balance for the first three months in the calendar year prior to the date of determination is equal to or less than ~~one billion dollars (\$1,000,000,000)~~ two billion dollars (\$2,000,000,000)."

SECTION 41.3.(b) This section is effective when it becomes law and applies to the issuance and sale of Build NC Bonds during the fiscal year ending June 30, 2022, and each fiscal year thereafter.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H31(S41.4)i

Department of Transportation
House Appropriations, Transportation

1 ***SPEND PLAN TECHNICAL REVISION***

2 **SECTION 41.4.** G.S. 143C-6-11.1(a) reads as rewritten:

3 "(a) The Department of Transportation shall develop a comprehensive cash-spending
4 plan, known as the "Spend Plan," that is based on the appropriations of the General Assembly,
5 to spend money from any source, including federal funds and bond proceeds, for programs,
6 functions, activities or objects, by the Department."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H32(S41.5)i

Department of Transportation
House Appropriations, Transportation

INDEMNIFY WILMINGTON FOR MAP ACT

SECTION 41.5.(a) The Department of Transportation shall defend, indemnify, and hold harmless the Wilmington Urban Area Metropolitan Planning Organization and its members against any claims, civil actions, and proceedings arising out of the filing or amendment of a transportation corridor official map in accordance with Article 2E of Chapter 136 of the General Statutes, as it existed before its repeal, for the proposed Hampstead Bypass (R-3300) that extends from the Wilmington Bypass in New Hanover County to U.S. Highway 17 in Pender County.

SECTION 41.5.(b) The Department of Transportation shall defend, indemnify, and hold harmless the City of Wilmington and its members and employees against any claims, civil actions, and proceedings arising out of the filing or amendment of all transportation corridor official maps, including for Military Cutoff Road (U-4751) and the Martin Luther King/Kerr Ave. Project (U-3338), filed by the City of Wilmington in accordance with Article 2E of Chapter 136 of the General Statutes and G.S. 160A-458.4 as they existed before their repeal.

SECTION 41.5.(c) This section is effective when it becomes law and applies retroactively to June 13, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H10(S41.6)i

Department of Transportation
House Appropriations, Transportation

DMV PERFORMANCE DASHBOARD EXPANSION

SECTION 41.6.(a) Expand Performance Dashboard. – No later than October 1, 2021, the Department of Transportation shall expand the performance dashboard available on the Department's website to display the total number of transactions completed by the Division of Motor Vehicles per month and year-to-date. The performance dashboard report shall sort the transactions by type and indicate whether the transactions were conducted in person, by mail, or by online application.

SECTION 41.6.(b) Establish Performance Dashboard Archive. – No later than October 1, 2021, the Department shall maintain and make available from the performance dashboard an archive of all prior performance dashboard reports.

SECTION 41.6.(c) Paperless Operations Report. – By March 15, 2022, the Division of Motor Vehicles shall submit a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division. The report shall contain all of the following:

- (1) A list of services provided by the Division that currently involve paper correspondence of any kind.
- (2) A list of services provided by the Division involving paper correspondence that could be made paperless.
- (3) A description of requirements to implement paperless transactions for the services identified in subdivision (2) of this subsection, including one-time and recurring costs.
- (4) A description of the processes the Division is currently pursuing to implement paperless transactions for the services identified in subdivision (2) of this subsection.
- (5) An estimate of when the processes described in subdivision (4) of this subsection will be fully implemented.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H11(S41.7)-P

Department of Transportation
House Appropriations, Transportation

***DMV MOBILE UNIT DEPLOYMENT AND REOPENING CLOSED DRIVERS LICENSE
OFFICES***

SECTION 41.7.(a) The Division of Motor Vehicles shall utilize mobile units on a rotating basis at drivers license offices closed due to the COVID-19 pandemic. The deployment of mobile units shall continue until Executive Order No. 116 (2020), Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, is rescinded. The mobile units deployed pursuant to this subsection shall (i) operate five days per week between the hours of 9:00 A.M. and 5:00 P.M. and (ii) not require appointments for service. The Division shall make a reasonable effort to notify the public of the operation of mobile units.

SECTION 41.7.(b) The Division shall open drivers license offices closed due to the COVID-19 pandemic 14 days after the rescission of Executive Order No. 116 or August 15, 2021, whichever is earlier.

SECTION 41.7.(c) This section is effective when it becomes law, except that subsection (a) becomes effective 14 days after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H34(S41.10)i

Department of Transportation
House Appropriations, Transportation

DMV SALARY ADJUSTMENT FUND

SECTION 41.10.(a) For the 2021-2023 fiscal biennium, the funds appropriated in this act from the Highway Fund to the Salary Adjustment Fund shall only be used for the salary adjustment of Division of Motor Vehicle personnel. To be eligible for a salary increase under this section, a DMV employee must not have any active disciplinary action and must not have received a salary adjustment under the authority provided in Section 34.19 of S.L. 2018-5.

SECTION 41.10.(b) No later than January 1 and June 30 of each year of the 2021-2023 fiscal biennium, the Department shall submit a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division on the actions taken pursuant to this section. The report shall contain all of the following:

- (1) The total amount of salary adjustments implemented pursuant to this section.
- (2) The average percentage increase in salary for each employee whose salary was increased pursuant to this section.
- (3) The total number of employees whose salaries were increased pursuant to this section.
- (4) The methodology used by the Department to calculate salary adjustments pursuant to this section.
- (5) A description of any proposed future salary adjustments.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H35(S41.11)-P

Department of Transportation
House Appropriations, Transportation

AVIATION/DIVISION ANNUAL REPORT

SECTION 41.11. Article 7 of Chapter 63 of the General Statutes is amended by adding a new section to read:

"§ 63-74.5. Division of Aviation annual report.

Beginning October 1, 2021, and annually thereafter, the Division of Aviation shall submit to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division a report containing the following information from the prior fiscal year:

- (1) A list of all public use airports within the State, their municipality and county, status as commercial services or general aviation, airport code, and the following corresponding information:
 - a. Total amount of funds allocated to each airport subtotalling federal, Commercial Services, State Aid to Airports, Special Projects, Economic Development, and State Transportation Improvement Program dollars and total number of projects receiving allocations.
 - b. Total amount of funds disbursed to each airport subtotalling federal, Commercial Services, State Aid to Airports, Special Projects, Economic Development, and State Transportation Improvement Program dollars and total number of projects receiving disbursements.
 - c. Total amount of unallocated State appropriations for Commercial Services, State Aid to Airports, Special Projects, and Economic Development.
- (2) Summary of activities related to unmanned aircraft systems, including total number of drones owned subtotaled by units of the Department of Transportation and by other State agencies, purposes and uses of drones in each unit and agency, a list describing each private sector partnership to which the Division of Aviation is a party, and any other activities of this unit.
- (3) Total number of trips and flight hours by each manned aircraft owned by the Department of Transportation, subtotaled by agency, fees charged to each agency, and total cost of providing services to each agency.
- (4) Summary of activities related to Safety and Education, including total expenditures, number and description of programs, and number of participants."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H36(S41.12)-P

Department of Transportation
House Appropriations, Transportation

QUARTERLY ALLOCATIONS TO PORTS AUTHORITY AND COMMERCIAL AIRPORTS

SECTION 41.12.(a) G.S. 136-176(b3) reads as rewritten:

"(b3) Funds appropriated to the North Carolina State Ports Authority from the Highway Trust Fund may only be used (i) to pay debt service or related financing costs and expenses on revenue bonds or notes issued by the State Ports Authority and (ii) for capital projects. An appropriation to the State Ports Authority from the Highway Trust Fund constitutes an agreement by the State to pay the funds appropriated to the State Ports Authority within the meaning of G.S. 159-81(4). Notwithstanding the foregoing, it is the intention of the General Assembly that the appropriation of funds to the State Ports Authority, the enactment of this subsection, and the issuance of bonds or notes by the State Ports Authority in reliance thereon shall not in any manner constitute a pledge of the faith and credit and taxing power of the State, and nothing contained herein shall prohibit the General Assembly from amending an appropriation made to the State Ports Authority at any time to decrease or eliminate the amount annually appropriated to the State Ports Authority. Funds appropriated to the State Ports Authority for the purposes described in this subsection are not subject to the formula set forth in G.S. 136-189.11. The Department of Transportation shall disburse funds appropriated under this subsection to the State Ports Authority on a quarterly basis beginning September 30 of each fiscal year."

SECTION 41.12.(b) G.S. 63-74(d) reads as rewritten:

"(d) Permissible Uses, Reporting, and Return of Funds. – The Department of Transportation shall not allocate funds to an airport under this section until that airport has provided a report outlining how the airport will use the funds in conformance with the purposes of the program. Airports shall submit their report between July 1 and August 15 of the fiscal year. No later than 45 days from the date the Department receives the report required under this subsection, the Department shall ~~make a determination~~ determine whether the intended use of the funds matches the purposes of the program and, if so, allocate funds under this section to the compliant airport. The Department of Transportation shall disburse funds appropriated under this section on a quarterly basis beginning September 30 of the fiscal year. An airport that receives funds under this section shall return the funds to the Department if the funds are in the possession or control of the airport and not expended or encumbered by ~~August 31~~ September 30 of the year following the fiscal year in which the Department makes the allocation. All funds returned to the Department under this section, or retained by the Department for failure of an eligible airport to submit a report under this subsection, shall be credited to the fund from which they were appropriated and shall remain unexpended and unencumbered until appropriated by the General Assembly."

SECTION 41.12.(c) Notwithstanding G.S. 63-74(d), as revised by subsection (b) of this section, for the 2021-2022 fiscal year, airports shall submit their report on the use of funds no later than November 15, 2021, and the Department shall disburse funds to compliant airports no later than December 31, 2021, March 31, 2022, and June 30, 2022.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H50(S41.13)i

Department of Transportation
House Appropriations, Transportation

AVIATION/GRANT FUNDS NOT AUTHORIZED TO FUND POSITIONS

SECTION 41.13.(a) The following positions shall not be paid for by funds appropriated to the State Aid to Airports grant program:

60015627	Airport Preservation Engineer
60016342	Technical Trainer II
60020073	Business Officer II
60020271	Engineer III
60026296	Program Manager II
60015619	Aviation Safety Specialist
60027110	Engineer II
60015609	Engineering Supervisor III
60015610	Engineer III
60015612	Engineer III
60015613	Engineer II
60015621	Engineer II
60015622	Engineer III
60029095	Engineer III

SECTION 41.13.(b) Article 7 of Chapter 63 of the General Statutes is amended by adding a new section to read:

"§ 63-74.2. Division of Aviation grant funded positions prohibited.

The Department of Transportation shall not create or authorize any Division of Aviation positions that are paid for using State funds appropriated for State Aid to Airports or any other airport aid program."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H37(S41.14)-P

Department of Transportation
House Appropriations, Transportation

AVIATION/STATE PLANE COST OF USE RATE ANALYSIS

SECTION 41.14.(a) The Division of Aviation shall conduct a rates and charges analysis for the Hawker Beechcraft King Air B200 passenger aircraft (King Air). The report shall contain a comparison of the market rates of private aircraft providers in North Carolina and surrounding states and an analysis of actual operating-cost-rate for the King Air. The Division of Aviation shall submit the results of the study, including a recommended rate, to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division by December 1, 2021.

SECTION 41.14.(b) During the 2021-2023 fiscal biennium, unless the General Assembly modifies the rate after the study required by subsection (a) of this section, the Department of Transportation shall charge one thousand two hundred dollars (\$1,200) per hour to State agencies, excluding the Department of Transportation, for use of the King Air until June 30, 2023.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H38(S41.15)i

Department of Transportation
House Appropriations, Transportation

FERRY CAPITAL SPECIAL FUND

SECTION 41.15.(a) G.S. 136-82 reads as rewritten:

"§ 136-82. Department of Transportation to establish and maintain ferries.

...

(c2) Ferry Capital Special Fund. – The Ferry Capital Special Fund is established as a special fund separate from the Highway Fund within the Department of Transportation.

(d) Use of Toll Proceeds. – The Department of Transportation shall credit-deposit the proceeds from tolls collected on North Carolina Ferry System routes and certain-route-generated receipts generated-authorized under subsection (f) of this section to reserve accounts-fund codes within the Highway Fund-Ferry Capital Special Fund for each of the Highway Divisions in which system terminals are located and fares are earned. For the purposes of this subsection, fares are earned based on the terminals from which a passenger trip originates and terminates. Commuter pass receipts shall be credited-deposited proportionately to each reserve-account-fund code based on the distribution of trips originating and terminating in each Highway Division. The proceeds credited-deposited to each reserve-account-fund code shall be used exclusively for prioritized North Carolina Ferry System ferry passenger vessel replacement projects in the Division in which the proceeds are earned. Proceeds may be used to fund ferry passenger vessel replacement projects or supplement funds allocated for ferry passenger vessel replacement projects approved in the Transportation Improvement Program.

...

(f) Authority to Generate Certain Receipts. – The Department of Transportation, notwithstanding any other provision of law, may operate or contract for the following receipt-generating activities and, except as otherwise provided in subsection (f1) of this section, use the proceeds for ferry passenger vessel replacement projects in the manner set forth in subsection (d) of this section: activities. The proceeds collected on North Carolina Ferry System routes from receipts generated under this subsection shall be deposited and used in accordance with subsection (d) of this section. The proceeds collected from receipts generated from the Shipyard shall be deposited and used in accordance with subsection (f1) of this section.

- (1) Operation of, concessions on the ferries and at ferry facilities to provide to passengers on the ferries food, drink, and other refreshments, personal comfort items, Internet access, and souvenirs publicizing the ferry system.
- (2) Sponsorships, including, but not limited to, the sale of naming rights to any ferry vessel, ferry route, or ferry facility.
- (3) Advertising on or within any ferry vessel or at any ferry facility, including, but not limited to, display advertising and advertising delivered to passengers through the use of video monitors, public address systems installed in passenger areas, and other electronic media.
- (4) Any other receipt-generating activity not otherwise forbidden by applicable law pertaining to public health or safety.

The Department may issue rules to implement this subsection.

(f1) Use of Receipts Generated From Shipyard. – The Department of Transportation shall ~~credit-deposit~~ the proceeds from receipts generated under subsection (f) of this section from activities performed by the North Carolina State Shipyard to a ~~reserve account-fund code~~ within the ~~Highway Fund-Ferry Capital Special Fund~~ to be used exclusively for improvements to the Shipyard, including equipment and associated infrastructure. ~~Notwithstanding the restrictions on the use of proceeds set forth in subsections (d) and (f) of this section, the Department may use a proportional amount of the proceeds credited to each reserve account described in subsection (d) of this section to replace or repair equipment in accordance with this subsection if there is an insufficient amount of funds in the reserve account within the Highway Fund for the Shipyard.~~

(f2) ~~Reserve Account-Ferry Systemwide Fund Code and Disposition of Marine Vessels.~~ – There is created in the ~~Highway Fund-Ferry Capital Special Fund~~ a Ferry Systemwide ~~reserve account-fund code~~. The funds in the ~~account-this fund code~~ shall be used for the acquisition or construction of marine vessels to maintain existing service capacity by replacing marine vessels that have reached the end of their useful life, as determined by the Department of Transportation. The Department of Transportation shall decommission and dispose of a marine vessel subject to replacement in a timely manner after the replacement marine vessel is operationalized. Notwithstanding any provision of law to the contrary, any proceeds received from the disposition of a marine vessel shall be ~~credited-deposited~~ to the ~~reserve account-fund code~~ established under this subsection. Nothing in this subsection shall be construed as prohibiting the Department of Transportation from using funds held in the ~~reserve account-fund code~~ established under this subsection to supplement funds ~~credited-deposited~~ to a ~~reserve account-fund code~~ under subsection (d) of this section to use exclusively for prioritized Ferry System ferry passenger vessel replacement projects in the Highway Division in which the funds ~~credited-deposited~~ to the ~~reserve account-fund code~~ under subsection (d) of this section are earned. For purposes of this subsection, the term "marine vessels" means tugs, barges, dredges, and ferries other than passenger-only vessels.

...

(h) Transfer of Funds. – Notwithstanding G.S. 136-44.2(f), G.S. 136-44.2(f1), and any other provision of law to the contrary, beginning with the 2021-2022 fiscal year, no later than 45 days after the first day of the fiscal year, the Department of Transportation shall transfer from the Highway Fund to the Ferry Systemwide fund code of the Ferry Capital Special Fund all unexpended funds for the Ferry Division's budget from the prior fiscal year.

(i) Semiannual Report. – No later than March 1 and September 1 of each year, the Ferry Division shall submit a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division that contains the total cost to operate each ferry route."

SECTION 41.15.(b) G.S. 136-16.10 reads as rewritten:

"§ 136-16.10. Allocations by Department Chief Financial Officer to eliminate overdrafts.

The Chief Financial Officer of the Department of Transportation shall allocate at the beginning of each fiscal year from the various appropriations made to the Department of Transportation for State Construction, State Funds to Match Federal Highway Aid, ~~State Maintenance, and Ferry Operations,~~ and State Maintenance sufficient funds to eliminate all overdrafts on State maintenance and construction projects, and these allocations shall not be diverted to other purposes."

SECTION 41.15.(c) G.S. 136-44.2(f1)(2) reads as rewritten:

"(2) The unallotted and unencumbered balances on the last day of the fiscal year for the following:

- a. Funds appropriated from the Highway Fund for the multimodal programs of the Department, consisting of funds for bicycle and pedestrian, ~~ferry,~~ railroad, aviation, and public transportation programs, excluding funds deposited in the Freight Rail & Rail Crossing Safety Improvement Fund.

1 b. Funds appropriated from the Highway Fund for the construction
2 programs of the Department, consisting of funds for secondary
3 construction, access and public service roads, spot safety
4 improvement, small urban construction, and economic development
5 programs."

6 **SECTION 41.15.(d)** Subdivision (2) of subsection (b) of Section 35.1 of S.L.
7 2016-94 is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H39(S41.16)-P

Department of Transportation
House Appropriations, Transportation

DOT/RECLASSIFICATION AUTHORITY FOR CERTAIN POSITIONS

SECTION 41.16. Notwithstanding any other provision of law to the contrary, the Department of Transportation shall reclassify vacant positions, pursuant to the classification system established by the State Human Resources Commission, to the following positions:

- (1) Up to four full-time equivalent (FTE) positions in the Office of Civil Rights.
- (2) Up to seven FTE positions in the Purchasing Division to manage the procurement and contractual needs of the Department.
- (3) Up to four FTE positions in the Department's Finance Division to improve financial operations and performance.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H40(S41.17)-P

Department of Transportation
House Appropriations, Transportation

DOT/FACILITIES PLAN

SECTION 41.17.(a) The Department of Transportation shall develop a 10-year Facilities Plan for the Department's current and future facility needs. The plan shall identify the need for replacement and major renovations of all Department-owned buildings and include the following components: complete facility inventory, condition analysis, building and site usage, building capacity analysis with square footage, staff replacement, renovation cost estimates, and proposed 10-year replacement and renovations schedule. The Department shall seek input from all units of the Department to develop the comprehensive plan of the Department.

SECTION 41.17.(b) The Department shall submit a report to the Joint Legislative Transportation Oversight Committee, the Joint Legislative Oversight Committee on Capital Improvements, and the Fiscal Research Division. The report shall include all components of the plan, including the proposed 10-year schedule, estimated costs, and the status of all building replacements and renovations underway by the Department. The report is due no later than March 1, 2022.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H42(S41.18)i

Department of Transportation
House Appropriations, Transportation

REPORT ON PREVENTIVE MAINTENANCE PLAN FOR DOT BUILDINGS

SECTION 41.18.(a) The Facilities Division of the Department of Transportation shall develop a preventive maintenance program for all buildings owned by the Department. The plan shall include a schedule to examine the building systems, including lighting and electrical, safety, HVAC, building interior, full building exterior, and a short-term and long-term plan for repair and maintenance.

SECTION 41.18.(b) No later than March 1, 2022, the Facilities Division shall submit a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division on the plan, schedule, and an estimate of recurring funds needed for maintenance and repair.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H41(S41.19)-P

Department of Transportation
House Appropriations, Transportation

CAPITAL, REPAIRS, AND RENOVATIONS

SECTION 41.19. For the 2021-2023 fiscal biennium, the funds appropriated in this act from the Highway Fund to the Department of Transportation for capital, repairs, and renovations shall be used as follows:

Item	FY 2021-22	FY 2022-23
Polk Maintenance Shop	\$745,285	
Currituck Equipment and Maintenance Storage Facility	\$447,544	
Cleveland County Div. 12 Office		\$5,022,534
Alleghany Equipment Shop		\$162,000
Ferry Facilities – Hatteras Dolphins and Exterior Door, Silver Lake Dolphins and Gantries, Minnesott Gantry and Ramp, and Cedar Island Ticket Booth	\$860,000	
Other Statewide – Repairs	\$1,637,500	\$1,681,250
Shipyard Water Tower	\$771,015	
Total	\$4,461,344	\$6,865,784

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H43(S41.20)i

Department of Transportation
House Appropriations, Transportation

DOT/CONTRACTING AUTHORITY FOR CERTAIN CAPITAL ITEMS

SECTION 41.20.(a) Notwithstanding G.S. 143-135.26(1), or any other provision of law to the contrary, for the 2021-2023 fiscal biennium, the Department of Transportation shall have the authority to (i) procure design services and (ii) oversee the solicitation, bidding, and contracting for the construction of the capital replacement projects listed in Section 41.19 of this act and shall not be subject to the jurisdiction of the Department of Administration, if the estimated cost of the design and construction of the replacement building is less than two million dollars (\$2,000,000). The Department of Transportation shall advertise and award contracts in the manner required by Article 3 and Article 8 of Chapter 143 of the General Statutes. Upon request, the Department of Administration shall assist the Department of Transportation in advertising and awarding a contract under this section.

SECTION 41.20.(b) No later than 30 days after the end of each fiscal quarter, the Department of Transportation shall report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division on the status of all contracts awarded by the Department of Transportation under subsection (a) of this section. The report shall include for each capital replacement project:

- (1) The estimated cost of the design and construction of the replacement structure.
- (2) The method for replacement, to include design phase through construction.
- (3) Any assistance provided by the Department of Administration.
- (4) The issued request for proposal, selection criteria, bid amounts, and selected contractor.
- (5) The status of project, total contract cost, amount paid-to-date, and anticipated completion date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H44(S41.21)i

Department of Transportation
House Appropriations, Transportation

REVISE CASH WATCH REPORT

SECTION 41.21. G.S. 143C-6-11(n) reads as rewritten:

"(n) Cash Watch Weekly Report. – The Department of Transportation shall publish for public review a weekly report of the Department's cash position, which shall be entitled "NCDOT Cash Watch Numbers." The report shall be issued as a press release to all interested parties, posted on the Department's Web site, and submitted to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division. In addition to any cash flow category the Department determines is beneficial to include, the report shall contain the following:

- (1) Total Cash and Bond Proceeds
- (2) Add Receipts
 - a. Add subcategory of federal receipts
 - b. Add subcategory of federal receipts (declared disaster reimbursements)
- (3) Less Disbursements
 - a. Payroll
 - b. Debt Service
 - c. STI Construction Costs
 - d. General Operating Costs
 - e. Map Act Claims/Settlements
 - f. State Aid Payments
 - g. Disaster-Related Costs
 - h. Other
- (4) Reserved Cash
 - a. GARVEE/Federal Repayment Reserve
 - b. Transportation Emergency Reserve
 - c. Trustee Accounts – Build NC proceeds
 - d. Trustee Accounts – GARVEE
 - e. Trustee Accounts – Other Bonds
 - f. Repealed by Session Laws 2020-91, s. 4.10(a), effective July 1, 2020.
 - g. Repealed by Session Laws 2020-91, s. 4.10(a), effective July 1, 2020.
- (5) Unreserved Cash Balance Total
 - a. Highway Fund Total
 - b. Highway Trust Fund Total
 - c. Statutory Cash Requirement"

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H45(S41.22)i

Department of Transportation
House Appropriations, Transportation

HIGHWAY DIVISIONS ANNUAL REPORT

SECTION 41.22. G.S. 143C-6-11 is amended by adding a new subsection to read:

"(s) No later than September 1 of each year, the Department of Transportation shall submit to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division an annual report on the prior fiscal year allocations and expenditures for each highway division that contains the following information:

- (1) A chart detailing all Highway Fund allocations allotted to each highway division by category and purpose, the actual amount spent by each division, and any funds remaining for each division for the fiscal year.
- (2) The amount of funds reallocated between divisions under G.S. 136-44.6 by division source and recipient.
- (3) The overdrafts and carryforward amounts in total and by division."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H46(S41.23)i

Department of Transportation
House Appropriations, Transportation

REST AREAS

SECTION 41.23.(a) No later than August 15, 2021, the Department of Transportation shall open and fully operate all rest areas owned or maintained by the Department.

SECTION 41.23.(b) Article 7 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-102.10. Rest areas report.

No later than October 1 of each year, the Department shall submit an annual report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division that contains the following information:

- (1) Total inventory of rest areas.
- (2) Location and description of each rest area to include condition of the rest area buildings, parking, landscape, ingress and egress roads, restrooms, lighting, vending, whether collocated with a welcome center, and availability of Wi-Fi and cell phone service strength.
- (3) Most recent reopening date and the reason and length of closure before reopening.
- (4) Actual expenditures by categories to include staff, contracts, building operations, and other maintenance.
- (5) Number of estimated visitors and how estimated visitors are calculated.
- (6) Planned renovations and closures for renovations."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H3-P

Department of Transportation
House Appropriations, Transportation

Requested by

***INCREASE NUMBER OF BOARD OF TRANSPORTATION APPOINTEES PERMITTED
FROM THE SAME HIGHWAY DIVISION***

SECTION #. G.S. 143B-350(b)(1) reads as rewritten:

"(b) Membership of the Board. –

(1) Number, appointment. – The Board of Transportation shall have 20 voting members. Voting members shall be appointed as provided in subdivisions (2) and (3) of this subsection for terms of office beginning July 31 of the year of initial appointment, and every four years thereafter. Fourteen of the members shall be division members appointed by the Governor. Six members shall be at-large members appointed by the General Assembly, three upon recommendation of the President Pro Tempore of the Senate and three upon recommendation of the Speaker of the House of Representatives. The Secretary of Transportation shall serve as an ex officio nonvoting member of the Board. No more than ~~two~~ three members of the Board may reside in the same highway division."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H4-P

Department of Transportation
House Appropriations, Transportation

Requested by

LITTER CLEANUP

SECTION #.(a) G.S. 136-28.12 reads as rewritten:

"§ 136-28.12. Litter removal coordinated with mowing of highway rights-of-way.

~~The Department of Transportation shall, to the extent practicable, schedule the removal of debris, trash, and litter from highways and highway rights of way prior to the mowing of highway rights of way. The Department of Transportation shall include as a term of any contract that it enters into for the mowing of a highway right of way that the contracting party shall, to the extent practicable, coordinate with the scheduled removal of debris, trash, and litter from the highway and highway right of way prior to the mowing of the highway right of way.~~

(a) For State-maintained roads, the Department of Transportation shall coordinate litter removal and mowing as follows:

(1) If the highway right-of-way to be mowed is part of the primary road system, the Department shall schedule the removal of litter before the right-of-way is mowed.

(2) If the highway right-of-way to be mowed is part of the secondary road system, the Department shall schedule, to the extent practicable, the removal of litter before the right-of-way is mowed.

(b) The Department shall require as a term of any contract to mow or remove litter that the contracting party agree to the provisions in subsection (a) of this section."

SECTION #.(b) Report on Litter Management System. – On or before January 15, 2022, the Department of Transportation shall report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division on the effectiveness of the Department's Litter Management System website and interactive map, including impacts on participation in litter management programs.

SECTION #.(c) This section is effective when it becomes law. Subsection (a) of this section applies to contracts entered into on or after January 1, 2022.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H7-P

Department of Transportation
House Appropriations, Transportation

Requested by

***AUTHORIZE REVISOR OF STATUTES TO MAKE CONFORMING CHANGES TO
STATUTE FOR THE DMV QUADRENNIAL FEE INCREASE***

SECTION #. G.S. 20-4.02 reads as rewritten:

"§ 20-4.02. Quadrennial adjustment of certain fees and rates.

(a) Adjustment for Inflation. – Beginning July 1, 2020, and every four years thereafter, the Division shall adjust the fees and rates imposed pursuant to the statutes listed in this subsection for inflation in accordance with the Consumer Price Index computed by the Bureau of Labor Statistics. The adjustment for per transaction rates in subdivision (8a) of this subsection shall be rounded to the nearest cent and all other adjustments under this subsection shall be rounded to the nearest twenty-five cents (25¢):

...

(c) Rules. – The provisions of Chapter 150B of the General Statutes ~~shall~~do not apply to the inflation adjustment required by this section.

(d) Consultation and Publication. – At least 90 days prior to making an adjustment pursuant to subsection (a) of this section, and notwithstanding any provision of G.S. 12-3.1 to the contrary, the Division shall (i) consult with the Joint Legislative Commission on Governmental Operations, (ii) provide a report to the chairs of the Senate Appropriations Committee on ~~Department of Transportation~~ and the House of Representatives Appropriations Committee on Transportation, and (iii) publish notice of the fees that will be in effect in the offices of the Division and on the Division's ~~Web site~~website. After making the adjustment, the Division shall notify the Revisor of Statutes who shall adjust the amounts in statute.

...."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H8-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 ***POWELL BILL REDUCTIONS PROHIBITED***

2 **SECTION #.** For the 2021-2023 fiscal biennium, the Department of Transportation
3 shall not reduce the funds appropriated under this act to the State Aid–Powell Bill Fund for
4 allocation under the Powell Bill (G.S. 136-41.1 through G.S. 136-41.4).

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H9-P

Department of Transportation
House Appropriations, Transportation

Requested by

TRANSPORTATION EMERGENCY RESERVE/INCREASE RESERVE

SECTION #. G.S. 136-44.2E reads as rewritten:

"§ 136-44.2E. Transportation Emergency Reserve.

...

(b) Funding; Use of Funds. – Subject to subsection (d) of this section, no later than July 30 of each fiscal year, the Department of Transportation shall transfer from the Highway Fund to the Emergency Reserve the sum of ~~one hundred twenty five million dollars (\$125,000,000),~~ one hundred fifty million dollars (\$150,000,000), and these funds are hereby appropriated for expenses related to an emergency. For purposes of this section, the term "emergency" has the same meaning as in G.S. 166A-19.3.

...

(d) Limitation on Funds. – The total funds in the Emergency Reserve shall not exceed the sum of ~~one hundred twenty five million dollars (\$125,000,000).~~ one hundred fifty million dollars (\$150,000,000). If a transfer under subsection (b) of this section would cause the Emergency Reserve to exceed this limitation, the amount transferred shall equal the difference between ~~one hundred twenty five million dollars (\$125,000,000)~~ one hundred fifty million dollars (\$150,000,000) and the amount of funds in the Emergency Reserve on the transfer date set forth in subsection (b) of this section.

...."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H15-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 *AUTHORIZE ONLINE RENEWALS FOR DMV-ISSUED LICENSES, PERMITS,*
2 *CERTIFICATES, AND REGISTRATIONS*

3 SECTION #. Article 1 of Chapter 20 of the General Statutes is amended by adding
4 a new section to read:

5 "**§ 20-4.04. Division authority to create electronic systems for renewals.**

6 (a) Authorization. – The Division is authorized to establish and maintain electronic
7 systems and means for renewals of all licenses, permits, certificates, and registrations issued by
8 the Division pursuant to this Chapter for the purposes of administrative efficiency and to
9 modernize Division systems and practices. This authorization does not supersede or modify
10 specific renewal authorizations set out in this Chapter.

11 (b) Reporting Requirement. – By December 31, 2021, and annually thereafter, the
12 Division must report to the Joint Legislative Transportation Oversight Committee, the Fiscal
13 Research Division, and the Legislative Analysis Division any electronic system or means for
14 renewal that has been implemented or is in the process of being implemented. This report shall
15 also include any proposed legislative recommendations necessary as conforming changes to the
16 General Statutes."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H16-P

Department of Transportation
House Appropriations, Transportation

Requested by

HANDICAPPED PLACARD ONLINE RENEWAL

SECTION #.(a) G.S. 20-37.6(c1) reads as rewritten:

"(c1) Application and Renewal; Medical Certification. – The initial application for a distinguishing license plate, removable windshield placard, or temporary removable windshield placard shall be accompanied by a certification of a licensed physician, a licensed ophthalmologist, a licensed optometrist, a licensed physician assistant, a licensed nurse practitioner, or the Division of Services for the Blind that the applicant or person in the applicant's custody or care is handicapped or by a disability determination by the United States Department of Veterans Affairs that the applicant or person in the applicant's custody or care is handicapped. For an initial application for a temporary removable windshield placard only, the certification that the applicant is handicapped may be made by a licensed certified nurse midwife. The application for a temporary removable windshield placard shall contain additional certification to include the period of time the certifying authority determines the applicant will have the disability. Distinguishing license plates shall be renewed annually, but subsequent applications shall not require a medical certification that the applicant is handicapped, except that a registered owner that certified pursuant to subsection (b) of this section that the registered owner is the guardian or parent of a handicapped person must recertify every five years. Removable windshield placards shall be renewed every five years, and, except for a person certified as totally and permanently disabled at the time of the initial application or a prior renewal under this subsection, the renewal shall require a medical recertification that the person is handicapped; provided that a medical certification shall not be required to renew any placard that expires after the person to whom it is issued is 80 years of age. Temporary removable windshield placards shall expire no later than six months after issuance. The Division shall offer renewal of handicapped credentials in person and online on the Division's website."

SECTION #.(b) This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H18-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 *DISQUALIFICATIONS FOR LIFE FROM DRIVING A COMMERCIAL MOTOR*
2 *VEHICLE FOR CERTAIN CONVICTIONS OF SEVERE FORMS OF TRAFFICKING*
3 *IN PERSONS*

4 **SECTION #.(a)** G.S. 20-17.4 is amended by adding a new subsection to read:

5 "(c2) Life. – A person shall be disqualified from driving a commercial motor vehicle for
6 life, without the possibility of reinstatement, if convicted of a major disqualifying offense as
7 defined in 49 C.F.R. § 383.51(b)(10)."

8 **SECTION #.(b)** This section becomes effective December 1, 2021, and applies to
9 offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H19-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 *INSURANCE COMPANIES TO SUBMIT POLICY NOTIFICATIONS TO DIVISION*
2 *ELECTRONICALLY*

3 **SECTION #.(a)** G.S. 20-309.2(c) reads as rewritten:

4 "(c) Form of Notice. – ~~Any insurer with twenty-five million dollars (\$25,000,000) or more~~
5 ~~in annual vehicle insurance premium volume shall submit the notices required under this section~~
6 ~~by electronic means. All other insurers may shall~~ submit the notices required under this section
7 ~~by either paper or electronic means."~~

8 **SECTION #.(b)** This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H20-P

Department of Transportation
House Appropriations, Transportation

Requested by

REVISE VEHICLE DEALER LICENSING LAWS

SECTION #.(a) G.S. 20-287 reads as rewritten:

"§ 20-287. Licenses required; penalties.

(a) License Required. – It shall be unlawful for any new motor vehicle dealer, used motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler to engage in business in this State without first obtaining a license as provided in this Article. If any motor vehicle dealer acts as a motor vehicle sales representative, the dealer shall obtain a motor vehicle sales representative's license in addition to a motor vehicle dealer's license. ~~A sales representative may have only one license.~~ The sales representative license shall show the name of ~~the each~~ dealer or wholesaler employing the sales representative. An individual who has submitted an application to the Division for a sales representative license pursuant to G.S. 20-288(a) ~~shall be permitted to may~~ engage in activities as a sales representative while the application is pending ~~provided that~~ under the following conditions: (i) the sales representative applicant is actively and directly supervised by a licensed motor vehicle dealer or a licensed sales representative designated by the dealer, provided further that (ii) the applicant certifies in the application that the applicant has not been previously denied a sales representative license for any dealer by the Division and that Division on nonprocedural grounds, and (iii) the applicant has not been previously convicted of a felony. Any license issued by the Division to a motor vehicle dealer, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler under this Article may not be assigned, sold, or otherwise transferred to any other person or entity.

(b) Civil Penalty for Violations by Licensee. – In addition to any other punishment or remedy under the law for any violation of this section, the Division may levy and collect a civil penalty, in an amount not to exceed one thousand dollars (\$1,000) for each violation, against any person who has obtained a license pursuant to this ~~section, section, or is an applicant for a license under this section,~~ if it finds that the ~~licensee person~~ has violated any of the provisions of G.S. 20-285 through G.S. 20-303, Article 15 of this Chapter, or any statute or rule adopted by the Division relating to the sale of vehicles, vehicle titling, or vehicle registration. If the Division finds that a sales representative applicant has violated any of these provisions, the penalty shall be assessed against the applicant unless the Division finds that a dealership owner, manager, or officer had knowledge of the violation before the application was submitted to the Division.

(c) Civil Penalty for Violations by Person Without a License. – In addition to any other punishment or remedy under the law for any violation of this section, the Division may levy and collect a civil penalty, in an amount not to exceed five thousand dollars (\$5,000) for each violation, against any person who is required to obtain a license under this section and has not obtained the license, if it finds that the person has violated any of the provisions of G.S. 20-285 through G.S. 20-303, Article 15 of this Chapter, or any statute or rule adopted by the Division relating to the sale of vehicles, vehicle titling, or vehicle registration."

SECTION #.(b) G.S. 20-294 reads as rewritten:

1 **"§ 20-294. Grounds for denying, suspending, placing on probation, or revoking licenses.**

2 ~~The~~ In accordance with G.S. 20-295 and G.S. 20-296, the Division may deny, suspend, place
3 on probation, or revoke a license issued under this Article for any one or more of the following
4 grounds:

- 5 (1) Making a material misstatement in an application for a license.
- 6 (2) Willfully and intentionally failing to comply with this Article, Article 15 of
7 this Chapter, or G.S. 20-52.1, 20-75, 20-79.1, 20-79.2, 20-108, 20-109,
8 20-109.3, or a rule adopted by the Division under this Article. It shall be an
9 affirmative defense, exclusive to the dealer licensee, if the violation is a result
10 of fraud, theft, or embezzlement against the licensee. Responsible persons,
11 including officers, directors, and sales representative licensees, may be
12 charged individually if they actively and knowingly participated in the
13 unlawful activity. This affirmative defense is waived if any violation charged
14 creates an unrecoverable loss for a citizen or another licensed motor vehicle
15 dealer of this State.
- 16 ...
- 17 (4) Willfully defrauding any retail or wholesale buyer, to the buyer's damage, or
18 any other person in the conduct of the licensee's business.
- 19 ...
- 20 (6) Using unfair methods of competition or unfair or deceptive acts or
21 ~~practices.~~ practices that cause actual damages to the buyer.
- 22 ...
- 23 (9) Being convicted of an offense set forth under ~~G.S. 20-106,~~ G.S. 14-71.2,
24 20-106.1, 20-107, or 20-112 while holding such a license or within five years
25 next preceding the date of filing the application; or being convicted of a felony
26 involving moral turpitude under the laws of this State, another state, or the
27 United States. It shall be an affirmative defense, and will operate as a stay of
28 this violation, if the person charged is determined to qualify and obtains
29 expunction, certificate of relief, or pardon or if the violative conviction is
30 vacated. If relief is granted, this violation is dismissed. If relief is denied, the
31 stay is lifted.
- 32 ...
- 33 (11) Knowingly giving an incorrect certificate of title, or failing to give a certificate
34 of title to a purchaser, a lienholder, or the Division, as appropriate, after a
35 vehicle is sold. It shall be an affirmative defense, exclusive to the dealer
36 licensee, if it is found that the violation is a result of fraud, theft, or
37 embezzlement against the licensee. Officers, directors, members, and sales
38 representative licensees may be charged individually if they actively and
39 knowingly participated in the unlawful activity. This affirmative defense is
40 waived if any violation charged creates an unrecoverable loss for a citizen or
41 another licensed motor vehicle dealer of this State.
- 42 (12) ~~Making~~ Knowingly making a material misstatement in an application for a
43 dealer license plate.

44 "

45 **SECTION #.(c)** G.S. 14-86.1(a) reads as rewritten:

46 "(a) All conveyances, including vehicles, watercraft or aircraft, used to unlawfully
47 conceal, convey or transport property in violation of G.S. 14-71, 14-71.1, or ~~20-106,~~ 14-71.2, or
48 used by any person in the commission of armed or common-law robbery, or used in violation of
49 G.S. 14-72.7, or used by any person in the commission of any larceny when the value of the
50 property taken is more than two thousand dollars (\$2,000) shall be subject to forfeiture as
51 provided herein, except that:

...."

SECTION #.(d) G.S. 20-299 reads as rewritten:

"§ 20-299. Acts of officers, directors, partners, salesmen and other representatives.

(a) ~~If a licensee is a copartnership or a corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or partner of the copartnership or corporation has committed any act or omitted any duty which would be cause for refusing, suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his salesmen while acting as his agent.~~ The Division may deny, suspend, place on probation, or revoke a license issued to a corporation, limited liability company, limited liability partnership, or any other business entity that is a licensee under this Article if more than fifty percent (50%) of the business entity ownership engaged in conduct prohibited by G.S. 20-294. A license issued to a business entity under this Article may also be revoked if any damages suffered due to a violation of this Article are not satisfied, including damages caused by a sales representative while acting as an agent of the business entity. An owner of a business entity that did not engage personally in a violation of G.S. 20-294 and did not knowingly omit any duty may not be penalized for the acts of a business entity found to have violated this section.

...."

SECTION #.(e) This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H21-P

Department of Transportation
House Appropriations, Transportation

Requested by

DMV/STUDY TRANSFERRING VEHICLE DEALER LICENSE AND SAFETY AND EMISSIONS INSPECTION HEARINGS FROM DMV TO OFFICE OF ADMINISTRATIVE HEARINGS

SECTION #.(a) The Division of Motor Vehicles, in consultation with the Office of Administrative Hearings and the Attorney General, shall study the feasibility of transferring (i) dealer license hearings pursuant to G.S. 20-296 and (ii) safety and emissions inspection hearings pursuant to Article 3A of Chapter 20 of the General Statutes from the Division of Motor Vehicles to the Office of Administrative Hearings. The study shall:

- (1) Provide a five-year history of the number of dealer license and safety and emissions inspection hearings conducted by the Division, including annually collected receipts.
- (2) Identify personnel requirements for these hearings, including the total number of Division staff assigned to the hearings and the educational and professional requirements associated with all assigned positions.
- (3) Provide an itemized estimate of costs incurred by the Division when conducting these hearings.
- (4) Describe the Division's current procedures for administering these hearings, including the appeals process.
- (5) Propose new procedures for administering these hearings if they are transferred, including the new fee structure and appeals process. This proposal shall clearly highlight the differences between the current administrative procedures and the proposed new procedures.
- (6) Evaluate the advantages and disadvantages of the current administrative procedures and the proposed new procedures.
- (7) Examine applicable federal and State law, noting any due process implications.
- (8) Provide a plan for implementing the transfer of hearings. The plan shall address (i) anticipated workload changes, (ii) anticipated changes to staffing needs for any entity affected by the transfer, (iii) estimated one-time and annual costs to the Division or any other State agency resulting from the transfer, (iv) estimated cost savings for the Division or any other State agency resulting from the transfer, (v) changes in revenue for the Division or any other State agency resulting from the transfer, (vi) legislative changes necessary to implement the plan, and (vii) an estimated time line for implementation, including steps required to facilitate the transfer.
- (9) Provide separate statements from the Division, the Attorney General, and the Office of Administrative Hearings indicating whether they are in favor of or opposed to implementing the transfer.
- (10) Explore any other issue deemed relevant.

1 **SECTION #.(b)** By January 31, 2022, the Division of Motor Vehicles shall submit
2 the findings of the study to the Joint Legislative Transportation Oversight Committee and the
3 Fiscal Research Division.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H22-P

Department of Transportation
House Appropriations, Transportation

Requested by

LENDERS MAY OBTAIN COLOR IMAGE OF BORROWER'S DRIVERS LICENSE

SECTION #.(a) G.S. 20-30(6) reads as rewritten:

"(6) To make a color photocopy or otherwise make a color reproduction of a drivers license, learner's permit, or special identification card ~~card which has been color photocopied or otherwise reproduced in color, card,~~ unless such color photocopy or other color reproduction was authorized by the Commissioner or is made to comply with G.S. 163-230.2. It shall be lawful to make a black and white photocopy of a drivers license, learner's permit, or special identification card or otherwise make a black and white reproduction of a drivers license, learner's permit, or special identification card. This subdivision does not apply to a lender that is licensed or otherwise authorized to engage in the lending business in this State, or to a licensed motor vehicle dealer, creating, storing, or receiving, in the ordinary course of business, a color image of a drivers license, learner's permit, or special identification card of a borrower or loan applicant."

SECTION #.(b) This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H23-P

Department of Transportation
House Appropriations, Transportation

Requested by

MANDATORY REPLACEMENT OF DEALER PLATES

SECTION #.(a) G.S. 20-79 is amended by adding a new subsection to read:

"(c1) Dealer Plate Mandatory Replacement. – Notwithstanding G.S. 20-63.1, registration plates issued under this section shall be replaced every three years."

SECTION #.(b) This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H24-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 ***PRINT LICENSE RENEWAL GRACE PERIOD ON DEALER'S BLUE LICENSE***

2 **SECTION #.(a)** G.S. 20-295(b) reads as rewritten:

3 "(b) Pending License Renewal Grace Period. – When an application for license renewal
4 has been timely submitted prior to expiration of the license, the license shall remain valid for up
5 to 30 days after the expiration date until the Division grants or denies the application. The
6 Division shall (i) ensure that any database maintained by the Division that indicates the status of
7 a license issued under this Article reflects that the license continues to be valid during this
8 period:period and (ii) send a temporary license to the applicant for display while the Division
9 reviews the application."

10 **SECTION #.(b)** This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H25-P

Department of Transportation
House Appropriations, Transportation

Requested by

MANUFACTURED HOMES

SECTION #.(a) G.S. 20-109.2 reads as rewritten:

"§ 20-109.2. Surrender of title to manufactured home.

...

(d) Application for Title After Cancellation. – If the owner of a manufactured home whose certificate of title has been cancelled under this section subsequently seeks to separate the manufactured home from the real property, the owner may apply for a new certificate of title. The owner must submit to the Division an affidavit containing the same information set out in subsection (b) of this section, verification that the manufactured home has been removed from the real property, verification of the identity of the current owner of the real property upon which the manufactured home was located, and written consent of any affected owners of recorded mortgages, deeds of trust, or security interests in the real property where the manufactured home was placed. ~~The Commissioner may require evidence sufficient to demonstrate that all affected owners of security interests have been notified and consent.~~ Upon receipt of this information, together with a title application and required fee, the Division shall issue a new title for the manufactured home in the name of the current owner of the real property upon which the manufactured home was located.

...

(f) No Right of Action. – A person damaged by the cancellation of a certificate of title pursuant to subsection (a1) of this section does not have a right of action against the ~~Division.~~ Division or a commission contractor of the Division."

SECTION #.(b) G.S. 20-58.3A(g) reads as rewritten:

"(g) The Division shall not be subject to a claim under Article 31 of Chapter 143 of the General Statutes and a commission contractor of the Division shall not be subject to a claim or cause of action related to the renewal of the perfection of a security interest or the failure to acknowledge or give effect to an expired perfection of a security interest on a certificate of title for a manufactured home pursuant to this section if the claim is based on reliance by the ~~Division~~ Division, or a commission contractor of the Division, on any application for renewal submitted to the ~~Division~~ Division, or a commission contractor of the Division, by a third party pursuant to this section or based on the automatic expiration of a perfection of a security interest pursuant to this section."

SECTION #.(c) G.S. 20-58.4 reads as rewritten:

"§ 20-58.4. Release of security interest.

...

(c) An owner, upon securing the release of any security interest in a vehicle shown upon the certificate of title issued therefor, may exhibit the documents evidencing such release, signed by the person or persons making such release, and the certificate of title to the ~~Division~~ Division, or a commission contractor of the Division, which shall, when satisfied as to the genuineness ~~and regularity~~ of the release, issue to the owner either a new certificate of title in proper form or an endorsement or rider attached thereto showing the release of the security interest.

1 (d) If an owner exhibits documents evidencing the release of a security interest as
2 provided in subsection (c) of this section but is unable to furnish the certificate of title to the
3 ~~Division~~ Division, or a commission contractor of the Division, because it is in possession of a
4 prior secured party, the Division, when satisfied as to the genuineness ~~and regularity~~ of the
5 release, shall procure the certificate of title from the person in possession thereof for the sole
6 purpose of noting thereon the release of the subsequent security interest, following which the
7 Division shall return the certificate of title to the person from whom it was obtained and notify
8 the owner that the release has been noted on the certificate of title.

9 ...

10 (e1) If the vehicle is a manufactured home, the owner may proceed in accordance with
11 subsection (e) of this section or may, in the alternative, provide the Division with a sworn
12 affidavit by the owner stating that the debt has been satisfied and that either:

- 13 (1) After diligent inquiry, the owner has been unable to determine the identity or
14 the current location of the secured creditor or its successor in interest; or
15 (2) The secured creditor has not responded within 30 days to a written request
16 from the owner to release the secured creditor's security interest.

17 For purposes of this subsection, the term "owner" shall mean any of the following: (i) the
18 owner of the manufactured home; (ii) the owner of real property on which the manufactured
19 home is affixed; or (iii) a title insurance company as insurer of an insured owner of real property
20 on which the manufactured home is affixed.

21 (e2) The Division ~~may~~ shall treat either of the methods employed by the owner pursuant
22 to subsection (e) or subsection (e1) of this section as a proper release for purposes of this section
23 when satisfied as to the genuineness, truth and sufficiency thereof. ~~Prior to cancellation of a~~
24 ~~security interest under the provisions of this subsection, at least 15 days' notice of the pendency~~
25 ~~thereof shall be given to the secured party at his last known address by the Division by registered~~
26 ~~letter. The Division shall not cancel a security interest pursuant to this subsection if, within 15~~
27 ~~days after the Division gives notice, the secured party responds to the Division indicating that~~
28 ~~the security interest remains in effect. Before cancelling a security interest under this section, the~~
29 Division, or a commission contractor of the Division, shall send notice to the last known address
30 of the secured party. If the secured party files an objection within 15 days after notice was sent,
31 the security interest shall not be cancelled.

32 (f) The Division shall not be subject to a claim under Article 31 of Chapter 143 of the
33 General Statutes and a commission contractor of the Division shall not be subject to a claim of
34 cause of action related to the release of the perfection of a security interest on a certificate of title
35 for a manufactured home pursuant to this section if the claim is based on reliance by the ~~Division~~
36 Division, or a commission contractor of the Division, on any release, affidavit, notation of the
37 certificate of title, or documents evidencing the release or satisfaction of a security interest
38 submitted to the ~~Division~~ Division, or a commission contractor of the Division, by a third party
39 pursuant to this section."

40 **SECTION #.(d)** The Division of Motor Vehicles shall create a form for use by
41 employees, agents, and commission contractors of the Division in the cancellation, release, or
42 renewal of a security interest in a manufactured home and the surrender of title to a manufactured
43 home. On or before December 1, 2021, the Division shall publish this form on its website and
44 otherwise make it available to the public.

45 **SECTION #.(e)** This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H26-P

Department of Transportation
House Appropriations, Transportation

Requested by

**APPLICATION FOR NOTATION OF SECURITY INTEREST BY LENDER
MODIFICATIONS**

SECTION #.(a) G.S. 20-58(a)(2) reads as rewritten:

"(2) If the vehicle is registered in this State, the application for notation of a security interest shall be in the form prescribed by the Division, signed by the debtor, and contain the date of application of each security interest, and name and address of the secured party from whom information concerning the security interest may be obtained. The application may be signed by electronic signature by the debtor without notarization, provided the application is submitted by a licensed or regulated lender in this State having a lienholder identification number issued by the Division. The application must be accompanied by the existing certificate of title unless in the possession of a prior secured party or in the event the manufacturer's statement of origin or existing certificate of title (i) was not delivered to the dealer or (ii) was lost or misplaced on the date the dealer sells or transfers the motor vehicle. If there is an existing certificate of title issued by this or any other jurisdiction in the possession of a prior secured party, the application for notation of the security interest shall in addition contain the name and address of such prior secured party. An application for notation of a security interest may be signed by the secured party instead of the debtor when the application is accompanied by documentary evidence of the applicant's security interest in that motor vehicle signed by the debtor and by affidavit of the applicant stating the reason the debtor did not sign the application. An application for a notation of a security interest submitted to the Division signed by the secured party instead of the debtor does not require documentary evidence of the applicant's security interest in that motor vehicle signed by the debtor, provided the application is submitted by a licensed or regulated lender in this State having a lienholder identification number issued by the Division. In the event the certificate cannot be obtained for recordation of the security interest, when title remains in the name of the debtor, the Division shall cancel the certificate and issue a new certificate of title listing all the respective security interests. Neither the Division nor its commission contractors shall be liable for any cause of action arising from a notation of security interest placed on a certificate of title pursuant to applications submitted to the Division fraudulently or erroneously by a licensed or regulated lender in this State having a lienholder identification number issued by the Division. Any entity offering an electronic signature process for applications submitted pursuant to this subdivision assumes all responsibility and liability for the accuracy of the signature. The Division and its commission contractors shall be held harmless from any liability to a claim

1 arising from applications submitted with an inaccurate electronic signature
2 pursuant to this subdivision."

3 **SECTION #.(b)** This section becomes effective October 1, 2021, and applies to
4 applications for notation of security interests submitted to the Division of Motor Vehicles on or
5 after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H27-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 *ELECTRONIC LIEN SYSTEM CONTRACTORS MUST HAVE EXPERIENCE IN*
2 *ELECTRONIC LIENS*

3 **SECTION #.(a)** G.S. 20-58.4A(d) reads as rewritten:

4 "(d) Qualified vendors and service providers shall have experience in directly providing
5 electronic lien and title solutions to State motor vehicle departments or agencies."

6 **SECTION #.(b)** This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H29-P

Department of Transportation
House Appropriations, Transportation

Requested by

COMMERCIAL DRIVER TRAINING SCHOOL ROAD TEST AUTHORIZATION

SECTION #.(a) G.S. 20-11(d)(3), as amended by S.L. 2021-24, reads as rewritten:

"(3) Passes a road test administered by the ~~Division~~ Division or by a commercial driver training school certified by the Division to administer road tests."

SECTION #.(b) G.S. 20-320 reads as rewritten:

"§ 20-320. Definitions.

As used in this Article:

(1) "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership or corporation which educates or trains persons to operate or drive motor ~~vehicles~~ vehicles, administers road tests pursuant to G.S. 20-329, or which furnishes educational materials to prepare an applicant for an examination given by the State for a driver's license or learner's permit, and charges a consideration or tuition for such service or materials.

(2) "Commissioner" means the Commissioner of Motor Vehicles.

(3) "Instructor" means any person who operates a commercial driver training school or who teaches, conducts classes, gives demonstrations, administers road tests, or supervises practical training of persons learning to operate or drive motor vehicles in connection with operation of a commercial driver training school."

SECTION #.(c) Article 14 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-329. Commercial driver training school road test certification.

(a) A licensed commercial driver training school is authorized to administer road tests required for licensure under G.S. 20-11(d)(3) only when certified under this section by the Division.

(b) A person that successfully passes a road test required for licensure administered by a commercial driver training school may submit proof to the Division that the person passed the road test, in a format specified by the Division, for the purpose of meeting the requirement of G.S. 20-11(d)(3).

(c) The Commissioner may adopt rules for school certification to administer road tests, including requirements concerning location, equipment, instructors, schedule of fees and charges, insurance, bond or other security in such sum and with such provisions as the Commissioner deems necessary to protect adequately the interests of the public, and such other matters as the Commissioner may prescribe."

SECTION #.(d) This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H30-P

Department of Transportation
House Appropriations, Transportation

Requested by

MODIFY USE OF DOT/DMV INFORMATION TECHNOLOGY FUNDS

SECTION #. Funds appropriated in S.L. 2013-360 and S.L. 2014-100 from the Highway Fund to the Department of Transportation for replacement of the State Titling and Registration System (STARS), the State Automated Driver License System (SADLS), and the Liability Insurance Tracking and Enforcement System (LITES) may be used by the Department for IT innovation and technology modernization for the Division of Motor Vehicles and to advance the development and implementation of replacement systems for Division mainframe applications, including the State Titling and Registration System (STARS), the State Automated Driver License System (SADLS), and the Liability Insurance Tracking and Enforcement System (LITES), which includes the procurement of contractual services, hardware, and software for these modernization and replacement efforts.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H47-P

Department of Transportation
House Appropriations, Transportation

Requested by

BRIDGE NAMING

SECTION #. Notwithstanding any provision of law to the contrary, the Department of Transportation shall designate the bridges described in the subdivisions below as follows:

- (1) The bridge on State Road 1341 that crosses Reedy Meadow Swamp in Bladen County as the "Ronald Phillip Allen Jr. Bridge."
- (2) The bridge that connects Bruton Smith Boulevard and Concord Mills Boulevard and crosses part of Interstate 85 in the city of Concord in Cabarrus County as the "Officer Jason Shuping Bridge."
- (3) The bridge on O'Berry Road crossing U.S. Highway 117 in Wayne County as the "Trooper Nolan Sanders Bridge."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-TRANS-H67

Department of Transportation
House Appropriations, Transportation

Requested by

SPECIAL PROJECTS/GRANTS-IN-AID

SECTION #.(a) Special Projects. – Of the funds appropriated in this act to the Department of Transportation for special projects, the Department of Transportation, Highways Division, shall use the following sums in nonrecurring funds for the following transportation special projects:

Special Project Description	FY 2021-22
Columbus County Garage	250,000
Ocean Blvd connecting Dow Rd in New Hanover County	485,000
Airport Rd Bridge connector in Gaston County	3,000,000
Intersection improvements US-17 and SR-1136	1,250,000
NC-18 Greenway crossing in Caldwell County	250,000
Duke St. paving project in Caldwell County	250,000
City of Jacksonville interchange project	5,000,000
Build road from Slade Park to Town of Badin	1,000,000
New road connecting Truist Sports Park to Yadkin Valley Drive	500,000
Fire Tower Rd repair in Alamance County	250,000
School crossing improvements in Alamance County	75,000
Morrow Mountain State Park road improvements	1,000,000
Restore bridge in Catawba County	1,000,000
Town of Youngsville roundabout	2,000,000
Big Branch Rd in Haywood County	900,000
Old Monroe Rd Improvements in Town of Indian Trail	10,000,000
Secondary roads in Ashe County and Watauga County	1,200,000
Relocation of US-17 bridge in Town of Hertford	800,000
Upgrade Weeping Mary Lane in Bertie County	1,200,000
C Street Improvements in City of Jacksonville	50,000
Whiteville Driver License Office/Troop B District V	1,200,000
NC-179/Ocean Isle Beach Rd (SR-1184)	7,000,000
Brawley School Rd construction in Iredell County	12,000,000
Pink Hill Elementary Driveway Safety in Lenoir County	250,000
I-95/I-74 Industrial Park access road and roundabout in City of Lumberton	350,000
Chapel and Main St. repairs in Town of St. Pauls	200,000
Traffic light at NC-9 and Sandy Plain Rd	75,000
Holberts Cove Rd and Green River Cove Rd signage	75,000
Green River Cove Rd and NC-176 corridor repairs	1,500,000
Dock Rd bridge repairs in Columbus County	9,500,000
NC-41 improvements in Robeson County	1,775,000

1	NC-710 improvements in Robeson County	1,775,000
2	NC-71 improvements in Robeson County	1,775,000
3	SR-2413 improvements in Robeson County	1,775,000
4	Mitchell Mountain Bridge replacement in Sparta	500,000
5	Shoals Rd improvements in Surry County	300,000
6	NC-268 widening and shoulder upgrade	
7	in Surry County and Wilkes County	500,000
8	NC-103 and McBride Rd improvements	500,000
9	NC-89 and I-77 lighting improvements in Surry County	500,000
10	NC-601 widening in Surry County	500,000
11	Town of Elkin and Town of Jonesville pedestrian footbridge	12,000,000
12	Howard Heights Rd improvements in Jones County	300,000
13	Neuse Dr improvements in Carteret County	70,000
14	Greensboro Randolph Mega Site transportation projects	250,000
15	NC-16 Business and SR-1439/SR-1387 Intersection	
16	Improvements in Lincoln County	2,300,000
17	Total	\$87,430,000

18 **SECTION #.(b)** Special Projects Report. – No later than January 31, 2022, and
19 quarterly thereafter, the Department of Transportation shall submit a report to the Joint
20 Legislative Transportation Oversight Committee and the Fiscal Research Division containing the
21 following information:

- 22 (1) The scope of the project.
- 23 (2) Identify project management method, indicating if the project is managed at
24 the local highway division level or at the central office and all contracts
25 associated with the project.
- 26 (3) Project actual begin-date and projected or actual end-date.
- 27 (4) The total cost of the project and remaining project funds.

28 **SECTION #.(c)** Grants-in-Aid for the 2021-2022 Fiscal Year. – Of the funds
29 appropriated in this act to the Department of Transportation for grants-in-aid, the following sums
30 in nonrecurring funds shall be disbursed to the following entities to be used exclusively for
31 transportation related projects:

32		
33	Recipient	FY 2021-22
34	Albert J. Ellis Airport	29,000,000
35	Western Piedmont Council of Governments	5,000,000
36	City of Lumberton	2,355,000
37	City of Whiteville	2,000,000
38	Columbus County Municipal Airport	7,000,000
39	Emerging Technology Institute	2,000,000
40	Harnett Regional Jetport	2,000,000
41	Johnston Regional Airport	4,000,000
42	Town of Aberdeen	350,000
43	Town of Bakersville	500,000
44	Town of Carolina Beach	650,000
45	Town of Edenton	5,000,000
46	Town of Fuquay-Varina	10,000,000
47	Town of Holly Springs	2,500,000
48	Town of Lake Waccamaw	2,500,000
49	Town of Lenoir	250,000
50	Town of Mooresville	5,000,000
51	Town of Murphy	100,000

1	Town of Robbinsville	1,100,000
2	Town of Sparta	7,000,000
3	Town of Spruce Pine	1,000,000
4	Town of Stallings	1,600,000
5	Town of Statesville	3,000,000
6	Town of Tabor City	2,700,000
7	Town of Vanceboro	250,000
8	Town of Weddington	500,000
9	Town of Weldon	750,000
10	Town of Youngsville	1,000,000
11	Total	\$99,105,000

- 12 **SECTION #.(d)** Grants-in-Aid Report. – No later than January 31, 2022, and
13 quarterly thereafter until all grant-in-aid funds are disbursed, the Department of Transportation
14 shall submit a report to the Joint Transportation Oversight Committee and the Fiscal Research
15 Division containing the following information:
- 16 (1) Recipient of the grant-in-aid.
 - 17 (2) Effective date of each contract.
 - 18 (3) Date funds were disbursed for each grant.
 - 19 (4) Description of projects funded by each grant.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H65-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 ***STUDY/MULTISTATE TRANSPORTATION PROJECT STIP CRITERIA***

2 **SECTION #.** The Department of Transportation shall study ways to change the State
3 Transportation Improvement Program (STIP) prioritization process in order to promote
4 multistate transportation projects. No later than March 1, 2022, the Department of Transportation
5 shall submit a report on the study and any recommended legislation to the Joint Legislative
6 Transportation Oversight Committee (JLTOC) and the Fiscal Research Division.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H64-P

Department of Transportation
House Appropriations, Transportation

Requested by

STI FUNDING OF BICYCLE AND PEDESTRIAN IMPROVEMENTS

SECTION #.(a) G.S. 136-189.10 reads as rewritten:

"§ 136-189.10. Definitions.

The following definitions apply in this Article:

...

(2) Division needs projects. – Includes only the following:

...

g. ~~Federally~~ Federal or local government funded independent bicycle and pedestrian improvements.

...."

SECTION #.(b) G.S. 136-189.11 reads as rewritten:

"§ 136-189.11. Transportation Investment Strategy Formula.

...

(d) Transportation Investment Strategy Formula. – Funds subject to the Formula shall be distributed as follows:

...

(3) Division Need Projects. – Thirty percent (30%) of the funds subject to this section shall be allocated in equal share to each of the Department divisions, as defined in G.S. 136-14.1, and used for Division Need Projects.

...

c. Bicycle and pedestrian limitation. – The Department ~~shall not may~~ provide financial support for federal or local government funded independent bicycle and pedestrian improvement projects, ~~except for federal funds administered by the Department for that purpose. This sub-subdivision shall not apply to funds allocated to a municipality pursuant to G.S. 136-41.1 that are committed by the municipality as matching funds for federal funds administered by the Department and used for bicycle and pedestrian improvement projects. This limitation shall not apply to funds authorized for projects in the State Transportation Improvement Program that are scheduled for construction as of October 1, 2013, in State fiscal year 2012 2013, 2013 2014, or 2014 2015-projects.~~

...."

SECTION #.(c) This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H49-P

Department of Transportation
House Appropriations, Transportation

Requested by

REVISIONS TO OUTDOOR ADVERTISING CONTROL ACT

SECTION #.(a) G.S. 136-128 is amended by adding a new subdivision to read:

"(5e) "Sign not conforming to State standards" shall mean a sign which was legally erected but does not conform to the zoning, size, lighting, and spacing criteria established in State law, or State rules and regulations of the Department authorized by this Article and promulgated at a later date, or a sign which was legally erected but later fails to conform to the zoning, size, lighting, and spacing criteria established in State law, or State rules and regulations of the Department authorized by this Article."

SECTION #.(b) Article 11 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-131.5. Relocation of lawfully existing outdoor advertising sign."

(a) Subject to subsection (c) of this section, in order to minimize the amount of just compensation due, whenever property on which a lawfully erected outdoor advertising sign is located is acquired by a public or private condemnor, as defined in G.S. 40A-3, or the Department of Transportation, and the acquiring party requires removal of the sign, or whenever the construction of a sound barrier wall would impair the visibility of a lawfully erected outdoor advertising sign, the eligible sign is permitted to be relocated and reconstructed, subject to all of the following requirements:

- (1) The new site for relocation is permitted to be any area within 660 feet of the nearest edge of the right-of-way of a highway on the National System of Interstate and Defense Highways or the federal aid primary highway system within the same zoning jurisdiction as the relocated site or, if the relocated site is within an unzoned city or county, then within the same territorial limits.
- (2) The new site for relocation must be conforming to State standards as set forth in this Article and pursuant to rules and regulations promulgated by the Department as authorized by this Article.
- (3) The new site for relocation must be along a highway on the interstate system or primary systems that has the same route number and letter or one of the same route numbers and letters as the highway adjacent to the relocated site.
- (4) The reconstruction of the outdoor advertising sign at the new site shall comply with G.S. 136-131.2.
- (5) The new site for relocation shall not be within an historic district lawfully established by a local city or county government pursuant to Part 4 of Article 9 of Chapter 160D of the General Statutes, unless consented to by a resolution adopted by the applicable local governing board.
- (6) The new site for relocation shall not be adjacent to any scenic highway as provided in G.S. 136-129.2; provided, however, if a relocated sign is already adjacent to a scenic highway, it may be relocated within the same parcel.

1 (7) The construction work related to the relocation of the outdoor advertising sign
2 shall commence within one year after the date of removal.

3 The express allowances of relocation and reconstruction in this section shall apply to any
4 lawfully erected outdoor advertising sign anywhere within this State that is required to be
5 removed as a result of action taken by a public or private condemnor, as defined in G.S. 40A-3,
6 or the Department of Transportation, including such signs that are not subject to the jurisdiction
7 of the Department of Transportation.

8 (b) Subject to subsection (c) of this section, any outdoor advertising sign that does not
9 otherwise qualify for relocation as provided in subsection (a) of this section and for which there
10 is in effect a valid permit issued by the Department of Transportation pursuant to this Article is
11 permitted to be relocated and reconstructed subject to all of the requirements listed in
12 subdivisions (1) through (7) of subsection (a) of this section within the same parcel or an
13 adjoining conforming parcel. No sign shall be relocated pursuant to this subsection within 10
14 years from the date of the last relocation pursuant to this subsection, however, this temporal
15 limitation does not apply to relocations within the same parcel.

16 (c) A sign not conforming to State standards shall not be relocated pursuant to this section
17 unless the nonconformity is removed as part of the relocation.

18 (d) The Department shall not require additional permits, nor revoke any existing permits,
19 for any action taken pursuant to this section. The Department may require within 30 days of the
20 completion of any action taken pursuant to this section an addendum to an existing permit
21 showing or describing the changes to the conditions of the outdoor advertising sign. The rights
22 set forth in this section shall attach to a permit issued by the Department of Transportation and
23 shall expire with the voluntary cancellation of such permit or after the permit has been lawfully
24 revoked and any appeals pursuant to G.S. 136-134.1 have been exhausted. The rights set forth in
25 this section do not run with or attach to the land."

26 **SECTION #.(c)** This section becomes effective January 1, 2022, and applies to signs
27 legally erected or that require removal on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H51-P

Department of Transportation
House Appropriations, Transportation

Requested by

NOT-FOR-HIRE ANTIQUE HEAVY VEHICLE PLATES

SECTION #.(a) G.S. 20-79.4 reads as rewritten:

"§ 20-79.4. Special registration plates.

...

(b) Types. – The Division shall issue the following types of special registration plates:

...

(94) Historic Vehicle Owner. – Issuable for a motor vehicle that is at least 30 years old measured from the date of ~~manufacture~~. manufacture, including vehicles weighing more than 6,000 pounds. The plate for an historic vehicle shall bear the word "Antique" unless the vehicle is a model year 1943 or older. The plate for a vehicle that is a model year 1943 or older shall bear the word "Antique" or the words "Horseless Carriage", at the option of the vehicle owner. The plate for an historic vehicle weighing more than 6,000 pounds shall bear the phrase "Not-for-hire."

...."

SECTION #.(b) G.S. 20-88 reads as rewritten:

"§ 20-88. Property-hauling vehicles.

...

(b) The following fees are imposed on the annual registration of self-propelled property-hauling vehicles; the fees are based on the type of vehicle and its weight:

SCHEDULE OF WEIGHTS AND RATES

Rates Per Hundred Pound Gross Weight

Farmer Rate

Not over 4,000 pounds	\$0.38
4,001 to 9,000 pounds inclusive	.52
9,001 to 13,000 pounds inclusive	.65
13,001 to 17,000 pounds inclusive	.88
Over 17,000 pounds	1.00

Rates Per Hundred Pound Gross Weight

General Rate

Not over 4,000 pounds	\$0.77
4,001 to 9,000 pounds inclusive	1.05
9,001 to 13,000 pounds inclusive	1.30
13,001 to 17,000 pounds inclusive	1.77
Over 17,000 pounds	2.00

...

(7) The registration fee for historic vehicles licensed under G.S. 20-79.4 that weigh more than 6,000 pounds shall be calculated at the general rate. A motor vehicle displaying a historic vehicle registration plate may operate in conjunction with a trailer or semitrailer but shall not be operated in furtherance

1 of any commercial enterprise. The driver of a vehicle who violates this
2 subdivision is subject to the penalties set forth in G.S. 20-382.2.
3 "
4 **SECTION #.(c)** This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H53-P

Department of Transportation
House Appropriations, Transportation

Requested by

ELIMINATE VACANT POSITIONS

SECTION #.(a) The Department of Transportation shall eliminate the following vacant positions within the Department of Transportation:

Position Number	Position Description
60015572	Engineer II
60015950	Transportation Supervisor I
60016160	Transportation Worker IV
60016405	Engineer II
60016416	Program Coordinator I
60016469	Transportation Supervisor I
60016484	Transportation Worker IV
60016506	Transportation Worker III
60016639	Engineer I
60016656	Transportation Worker IV
60016676	Transportation Worker III
60016681	Transportation Supervisor II
60016708	Transportation Worker IV
60016747	Transportation Worker IV
60016822	Transportation Worker II
60016863	Transportation Worker III
60016938	Engineering Technician I
60016980	Transportation Supervisor I
60017047	Engineering Technician I
60017138	Administrative Associate II
60017171	Administrative Associate II
60017182	Transportation Worker II
60017230	Engineering Specialist I
60017359	Engineering Technician II
60017364	Engineering Technician I
60017379	Engineer II
60017411	Engineering Specialist II
60017441	Engineering Technician II
60017642	Engineering Supervisor I
60017661	Transportation Supervisor I
60017797	Engineer II
60017878	Engineer I
60017904	Engineering Technician III
60017912	Engineering Technician III
60017920	Engineering Technician III

1	60018140	Applications Technician II
2	60018188	Engineering Technician I
3	60018237	Transportation Worker I
4	60018292	Transportation Worker I
5	60018405	Engineering Technician II
6	60018437	Real Property Agent I
7	60018454	Engineering Technician I
8	60018632	Ferry Mate
9	60019047	Transportation Worker I
10	60019063	Transportation Worker II
11	60019066	Transportation Worker I
12	60019076	Transportation Worker I
13	60019084	Transportation Worker I
14	60019094	Transportation Worker II
15	60019114	Engineering Technician I
16	60019176	Transportation Worker I
17	60019186	Transportation Worker I
18	60019196	Transportation Worker I
19	60019200	Transportation Worker I
20	60019215	Engineering Technician I
21	60019222	Transportation Worker I
22	60019237	Transportation Worker II
23	60019242	Transportation Worker I
24	60019285	Transportation Worker I
25	60019291	Transportation Worker I
26	60019307	Transportation Worker I
27	60019308	Transportation Worker I
28	60019326	Transportation Worker II
29	60019358	Transportation Worker I
30	60019374	Transportation Worker I
31	60019399	Engineering Technician I
32	60019435	Transportation Supervisor II
33	60019449	Transportation Supervisor I
34	60019456	Transportation Worker I
35	60019457	Engineering Technician I
36	60019512	Engineering Technician I
37	60019516	Engineering Technician III
38	60019517	Engineering Technician II
39	60019521	Engineering Technician III
40	60019556	Engineering Technician II
41	60019560	Engineering Technician II
42	60019562	Engineering Technician III
43	60019568	Engineering Specialist I
44	60019577	Engineering Technician I
45	60019584	Engineer II
46	60019585	Engineering Technician I
47	60019592	Engineering Technician II
48	60019594	Engineering Technician II
49	60019598	Engineering Technician II
50	60019607	Engineering Technician I
51	60019609	Engineering Technician I

1	60019613	Engineering Technician I
2	60019623	Engineering Technician I
3	60019709	Transportation Worker I
4	60019769	Transportation Worker I
5	60019793	Transportation Worker I
6	60019881	Transportation Supervisor I
7	60019897	Transportation Worker IV
8	60019901	Transportation Worker IV
9	60019983	Transportation Worker IV
10	60020032	Engineering Technician I
11	60021224	Engineering Technician II
12	60021295	Transportation Supervisor I
13	60021318	Transportation Worker IV
14	60021359	Engineer II
15	60021542	Engineering Technician III
16	60021602	Engineering Technician I
17	60021615	Engineering Technician I
18	60021655	Engineering Technician II
19	60021684	Transportation Supervisor I
20	60021690	Transportation Worker IV
21	60021704	Transportation Worker IV
22	60021712	Transportation Worker IV
23	60021814	Transportation Worker I
24	60021829	Transportation Worker II
25	60021847	Transportation Worker II
26	60021879	Transportation Worker II
27	60021908	Transportation Supervisor I
28	60021937	Transportation Worker IV
29	60021972	Transportation Worker III
30	60022021	Transportation Supervisor I
31	60022090	Transportation Worker II
32	60022108	Transportation Worker I
33	60022132	Transportation Supervisor I
34	60022226	Engineering Supervisor II
35	60022270	Engineering Supervisor II
36	60022402	Transportation Worker III
37	60022418	Transportation Worker III
38	60022431	Engineering Manager II
39	60022435	Transportation Supervisor I
40	60022604	Engineering Supervisor I
41	60022621	Engineering Technician I
42	60022629	Engineering Technician I
43	60022632	Engineering Supervisor II
44	60022685	Engineer II
45	60022697	Engineering Technician I
46	60022708	Engineer Specialist I
47	60022710	Engineering Technician I
48	60022720	Transportation Supervisor I
49	60023390	Engineering Technician I
50	60023418	Vehicle/Equipment Repair Technician II
51	60023452	Engineering Technician I

1	60023748	Engineering Technician I
2	60023764	Engineering Technician II
3	60023784	Engineering Technician I
4	60023789	Engineering Technician I
5	60023847	Transportation Supervisor I
6	60023972	Bridge Inspector II
7	60024157	Maintenance/Construction Technician I
8	60024187	Vehicle/Equipment Repair Technician II
9	60024202	Vehicle/Equipment Repair Technician II
10	60024310	Vehicle/Equipment Repair Technician II
11	60024344	Administrative Associate II
12	60024357	Vehicle/Equipment Repair Technician III
13	60024362	Vehicle/Equipment Repair Technician III
14	60024379	Vehicle/Equipment Repair Technician II
15	60024385	Vehicle/Equipment Repair Technician I
16	60024388	Vehicle/Equipment Repair Technician I
17	60024389	Vehicle/Equipment Repair Technician I
18	60024403	Vehicle/Equipment Repair Supervisor I
19	60024422	Vehicle/Equipment Repair Technician III
20	60024466	Vehicle/Equipment Repair Technician I
21	60024474	Administrative Associate II
22	60024740	Machinist
23	60024851	Applications Technician II
24	60025098	Engineering Supervisor I
25	60025203	Engineering Technician II
26	60025381	Engineer III
27	60025413	Program Analyst II
28	60025467	Engineer II
29	60025626	Transportation Worker I
30	60025640	Transportation Worker II
31	60025655	Engineering Technician II
32	60025992	Engineering Manager I
33	60026288	Transportation Worker III
34	60026332	Transportation Worker II
35	60026335	Transportation Worker I
36	60026702	Real Property Agent I
37	60026749	Real Property Agent I
38	60026751	Real Property Agent I
39	60026780	Real Property Agent I
40	60026799	Real Property Agent I
41	60026855	Real Property Appraiser I
42	60026862	Real Property Appraiser I
43	60026875	Real Property Appraiser I
44	60026878	Real Property Appraiser I
45	60026927	Real Property Agent I
46	60026935	Real Property Appraiser II
47	60027163	Engineer III
48	60027364	Engineer III
49	60027615	Engineer I
50	60028919	Administrative Specialist I
51	60029238	Management Engineer I

1	60029269	Engineer II
2	60029310	IT Business System Analyst II
3	60029316	Engineer III
4	60029490	Environmental Program Consultant
5	60029492	Engineer III
6	65010879	Program Coordinator IV
7	65013355	Engineer III
8	65022664	Ferry Crew Member II
9	SECTION #.(b) This section is effective when it becomes law.	

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H55-P

Department of Transportation
House Appropriations, Transportation

Requested by

RAIL PROPERTY TRANSFER

SECTION #. Notwithstanding Section 4.15(b) of S.L. 2020-91, no later than June 30, 2022, the Rail Division shall (i) relocate the three rolling stock marked RNCX 400025, RNCX 400206, and RNCX 400208 to the North Carolina Transportation Museum and (ii) transfer to the North Carolina Transportation Museum Foundation, Employer Identification Number 58-1315178, any ownership interest in the three rolling stock identified in this section.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H56-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 ***MODIFY CAP ON CERTAIN PUBLIC PRIVATE PARTNERSHIPS***

2 **SECTION #.** G.S. 136-18(39a)a. reads as rewritten:

3 "(39a) a. The Department of Transportation ~~or~~ and Turnpike Authority, as
4 ~~applicable, Authority~~ may enter into up to three agreements each with
5 a private entity as provided under subdivision (39) of this section for
6 which the provisions of this section apply."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H57-P

Department of Transportation
House Appropriations, Transportation

Requested by

MODIFY LIMIT ON FUNDS TO PAY MAP ACT SETTLEMENT COSTS

SECTION #.(a) Section 1.4(a) of S.L. 2019-251 reads as rewritten:

"SECTION 1.4.(a) Limitation on Funds to Pay Map Act Settlement Costs. – The Department of Transportation may use no more than ~~one hundred fifty million dollars (\$150,000,000)~~ three hundred million dollars (\$300,000,000) each fiscal year to pay compensation for damages arising from the Department's recordation of a transportation corridor map under Article 2E of Chapter 136 of the General Statutes (Map Act). This limitation does not apply to the payment of compensation for Map Act damages arising from a Turnpike project. For purposes of this section, the term "Turnpike project" has the same meaning as in G.S. 136-89.181."

SECTION #.(b) Section 1.4(a) of S.L. 2019-251, as amended by subsection (a) of this section, reads as rewritten:

"SECTION 1.4.(a) Limitation on Funds to Pay Map Act Settlement Costs. – The Department of Transportation may use no more than ~~three hundred million dollars (\$300,000,000)~~ five million dollars (\$5,000,000) each fiscal year to pay compensation for damages arising from the Department's recordation of a transportation corridor map under Article 2E of Chapter 136 of the General Statutes (Map Act). This limitation does not apply to the payment of compensation for Map Act damages arising from a Turnpike project. For purposes of this section, the term "Turnpike project" has the same meaning as in G.S. 136-89.181."

SECTION #.(c) Subsection (a) of this section is effective when it becomes law. Subsection (b) of this section becomes effective July 1, 2022.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H59-P

Department of Transportation
House Appropriations, Transportation

Requested by

1 ***APPROVAL OF PORTS AUTHORITY CONSULTANT SERVICE CONTRACTS***

2 **SECTION #.** G.S. 143-64.24 is amended by adding a new subdivision to read:

3 "(9) The North Carolina State Ports Authority. The North Carolina State Ports
4 Authority may contract for consultant services subject to the following
5 conditions:

6 a. If the consultant services contract is one million dollars (\$1,000,000)
7 or less, the contract is previously approved by the board members of
8 the North Carolina State Ports Authority.

9 b. If the consultant services contract exceeds one million dollars
10 (\$1,000,000), the contract is previously approved by the Board of
11 Transportation.

12 c. For purposes of this subdivision, approval means a finding by the
13 approving board that the contract is in accordance with the
14 requirements of G.S. 143-64.21."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H61-P

Department of Transportation
House Appropriations, Transportation

Requested by

PORTS AUTHORITY ANNUAL REPORT

SECTION #. Article 20 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-280. Annual report.

Beginning October 1, 2021, and annually thereafter, the North Carolina State Ports Authority (Authority) shall submit to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division a report on funds appropriated to the Authority from the Highway Fund and Highway Trust Fund. The report shall include the following:

- (1) Total funds appropriated to the Authority since the 2015-2016 fiscal year through the end of the prior fiscal year, total appropriations spent by fiscal year, planned spending of any remaining unspent appropriations, and a breakdown of amount spent and planned to spend by project with a description of each project. Project description shall include how each project relates to the goals of the Authority outlined in the Authority's Strategic Plan.
- (2) Allocations of total funds appropriated for the current fiscal year, including a breakdown of amount of planned spending by project with a description of each project. Project description shall include how each project relates to the goals of the Authority outlined in the Authority's Strategic Plan.
- (3) Progress on metrics and goals outlined in the Authority's Strategic Plan."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H63-P

Department of Transportation
House Appropriations, Transportation

Requested by

REVISIONS TO HIGHWAY MAINTENANCE IMPROVEMENT PROGRAM

SECTION #.(a) G.S. 143B-350(f)(4a) reads as rewritten:

"(4a) To approve a schedule of State highway maintenance projects and their anticipated cost. This schedule is designated the Highway Maintenance Improvement Program and is established in G.S. 136-44.3A. The Board shall publish the schedule on the Department's ~~Web site by April 1~~ website by June 1 of each year. The document that contains the Highway Maintenance Improvement Program shall include the anticipated funding sources for the improvement projects included in the Highway Maintenance Improvement Program, ~~a list of any changes made from the previous year's Highway Maintenance Improvement Program, and the reasons for the changes.~~Program."

SECTION #.(b) G.S. 136-44.3A reads as rewritten:

"§ 136-44.3A. Highway Maintenance Improvement Program.

(a) Definitions. – The following definitions apply in this Article:

- (1) ~~Cape seal treatment. — A chip seal treatment followed by a slurry seal treatment.~~
- (2) ~~Chip seal treatment. — A type of pavement preservation treatment applied to existing asphalt pavement. The treatment involves spraying an asphalt emulsion onto the roadway, applying a layer of aggregate chips, and rolling the chips into the emulsion. This term includes single, double, and triple chip seal treatments.~~
- (3) Highway Maintenance Improvement Program. – The schedule of State highway maintenance projects required under G.S. 143B-350(f)(4a).
- (4) Highway Maintenance Improvement Program Needs Assessment. – A report of the amount of funds ~~needed, the number of affected lane miles, and the percentage of the primary and secondary system roads that are rated to need a resurfacing or pavement preservation treatment within the Highway Maintenance Improvement Program's five-year time period but are not programmed due to funding constraints.~~needed and the quantity of work to be accomplished to meet and sustain the performance standards for the State highway system in each of the maintenance program categories.
- (5) ~~Microsurfacing treatment. — A type of pavement preservation treatment that involves mixing fine aggregate, asphalt emulsion, minerals, water, and a polymer additive, and applying the mixture to the roadway.~~
- (6) Pavement preservation treatment. – ~~Includes full width surface treatments used to extend or renew~~ A pavement preservation treatment is a roadway improvement practice that improves roadway quality and extends or renews the pavement life. Types of pavement preservation treatment include

1 hot-mixed asphalt overlays, cape seal treatment, chip seal treatment,
2 microsurfacing, crack sealing, slurry seal, and fog seal.

3 (7) Rehabilitation. – A contract resurfacing maintenance program that involves
4 applying multiple layers of pavement that exceed two inches.

5 (8) Resurfacing. – A contract resurfacing program that involves applying one
6 layer that does not exceed two inches of pavement.

7 (9) ~~Slurry seal treatment. – A type of pavement preservation treatment that~~
8 ~~involves mixing fine aggregate, asphalt emulsion, minerals, and water, and~~
9 ~~applying the mixture to the roadway.~~

10 ...

11 (c) Highway Maintenance Improvement Program. – After the annual inspection of roads
12 within the State highway system, ~~each highway division shall determine and report to the Chief~~
13 ~~Engineer on (i) the need for rehabilitation, resurfacing, or pavement preservation treatments, (ii)~~
14 ~~the need for bridge and general maintenance, and (iii) projected changes to the condition of~~
15 ~~pavement on primary and secondary roads for each year over a five year period. The Chief~~
16 ~~Engineer shall establish a five year priority list for each highway division based on the Chief~~
17 ~~Engineer's estimate of need. In addition, the Chief Engineer shall establish a five year~~
18 ~~improvement schedule, sorted by county, for rehabilitation, resurfacing, and pavement~~
19 ~~preservation treatment activities. The schedule shall be based on the amount of funds~~
20 ~~appropriated to the contract resurfacing program and the pavement preservation program in the~~
21 ~~fiscal year preceding the issuance of the Highway Maintenance Improvement Program for all~~
22 ~~five years of the Highway Maintenance Improvement Program. State funding for the Highway~~
23 ~~Maintenance Improvement Program shall be limited to funds appropriated from the State~~
24 ~~Highway Fund system, all of the following shall occur:~~

25 (1) The Chief Engineer shall establish the annual cost to meet and sustain the
26 performance standards for pavement, bridge, and general maintenance
27 activities for the State highway system.

28 (2) The Division Engineer for each highway division shall determine and report
29 to the Chief Engineer a five-year improvement schedule, sorted by county, for
30 pavement, bridge, and general maintenance activities within each highway
31 division. The schedule shall be based on the amount of funds appropriated to
32 the pavement, bridge, and general maintenance programs in the fiscal year
33 preceding the issuance of the Highway Maintenance Improvement Program
34 for all five years of the Highway Maintenance Improvement Program. State
35 funding for the Highway Maintenance Improvement Program shall be limited
36 to funds appropriated from the State Highway Fund.

37 ...

38 (g) Report. – The Department shall submit the Highway Maintenance Improvement
39 Program and Highway Maintenance Improvement Program Needs Assessment to the General
40 Assembly by ~~April 1~~ June 1 of each year. If the General Assembly is in session, the Department
41 shall report to the House of Representatives Appropriations Subcommittee on Transportation,
42 the Senate Appropriations Committee on Transportation, and the Fiscal Research Division. If the
43 General Assembly is not in session, the Department shall report to the Joint Legislative
44 Transportation Oversight Committee and the Fiscal Research Division."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-TRANS-H66-P

Department of Transportation
House Appropriations, Transportation

Requested by

INCREASE FUNDING FOR HISTORICAL MARKER PROGRAM

SECTION #. G.S. 136-42.3 reads as rewritten:

"§ 136-42.3. Historical marker program.

The Department of Transportation ~~may spend up to sixty thousand dollars (\$60,000) a year to purchase historical markers prepared and delivered to it by the Department of Natural and Cultural Resources.~~ shall transfer one hundred thousand dollars (\$100,000) each fiscal year to the Department of Natural and Cultural Resources for the purchase of historical markers. The Department of Transportation shall erect the markers on sites selected by the Department of Natural and Cultural Resources. This expenditure is hereby declared to be a valid expenditure of State highway maintenance funds. No provision in this section shall be construed to prevent the expenditure of any federal highway funds that may be available for this purpose."