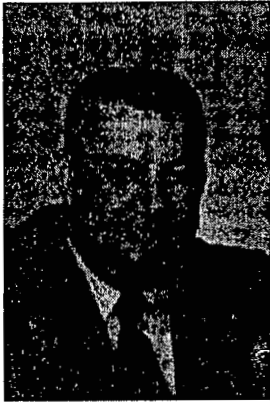


1997

**HOUSE
TRANSPORTATION**

MINUTES

MEMBER	ROOM	TELEPHONE	SEAT NO.	CLERK
Buchanan, Ch.	536	3-5825	4	Shirley Phillips
Sexton, Ch.	506	3-5974	102	Debbie Turner
Church	1311	3-5805	33	Joyce Fuller
Aldridge	640	3-5958	39	Susan Groh
Allred	2223	3-5773	11	Jean Allred
Baker	632	3-5787	50	Jo Hinton
Brawley	513	3-5931	3	Bonnie Trivett
Brown	1111	3-5935	1	Anna Kidd
Carpenter	537	3-5777	85	Kara McCraw
Clary	418B	5-3011	75	Mary Jamison
Cole	1218	3-5779	45	Suzanne Smith
Crawford	1301	3-5824	24	Linda Winstead
Creech	635	3-5829	42	Betty Ann Lennon
Cunningham	607	3-5755	92	Sylvia Green
Earle	602	5-4466	95	Monica McClain
Eddins	1219	3-5776	65	Dorie Monroe
Ellis	1303	3-5821	78	Susan Everett
Holmes	631	3-5900	6	Glenda Jacobs
Hunter, H.	613	3-2962	68	Barbara Phillips
Kinney	527A	3-5867	116	Soraya Dunnigan
Luebke	1325	3-5772	44	Cleta Covington
McComas	2123	3-5758	63	Rita Quinn
McCombs	514	3-5881	10	Suzanne Erskin
Mercer	1424	5-2526	60	Kevin LeCount
Miner	2219	3-5749	16	Stephanie Mansur
Moore	1019	3-5661	101	Kathy Cali
Mosely	2221	3-5781	106	Gennie Thurlow
Nichols	616	5-9644	66	Bonnie Jones
Nye	639	3-5477	23	Jo Bobbitt
Ramsey	2217	3-5606	48	Dot Barber
Rayfield	418C	5-3009	97	Karen George
Saunders	1017	3-5530	110	Ruth Fish
Wainwright	614	3-5898	20	Denise Smith
Watson	417C	5-3015	19	Ebern Watson



Rep. Buchanan, Ch.

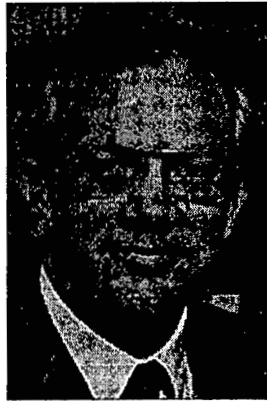
Transportation
Committee



Rep. Sexton, Ch.



Rep. Aldridge



Rep. Allred



Rep. Baker



Rep. Brawley

Rep. Brown



Rep. Carpenter



Rep. Clary



Rep. Cole



Rep. Crawford



Rep. Creech



Rep. Cunningham



Rep. Earle



Rep. Eddins



Rep. Ellis



Rep. Holmes

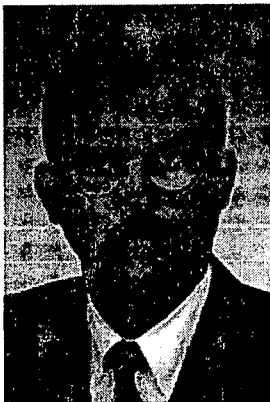


Rep. H. Hunter

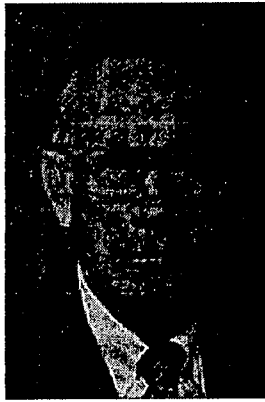


Rep. Kinney

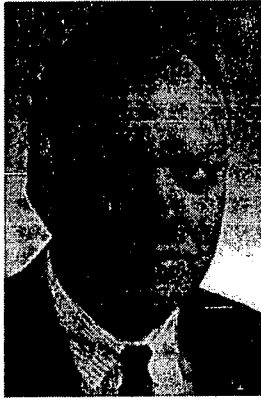
Rep. Luebke



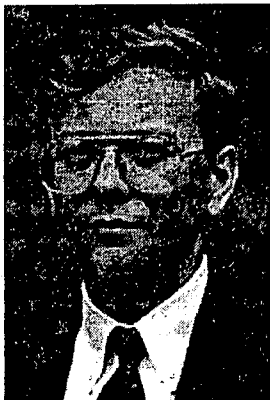
Rep. McComas



Rep. McCombs



Rep. Mercer



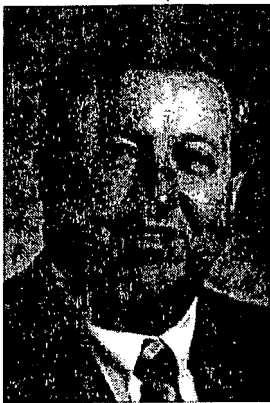
Rep. Miner



Rep. Moore



Rep. Mosely



Rep. Nichols



Rep. Nye



Rep. Ramsey



Rep. Rayfield



Rep. Saunders



Rep. Sherrill



Rep. Starnes



Rep. Wainwright

Rep. Smith



Rep. Watson

TRANSPORTATION COMMITTEE

(Name of Committee)

[illegible]

TRANSPORTATION COMMITTEE

(Name of Committee)

[illegible]

ATTENDANCE

TRANSPORTATION COMMITTEE

(Name of Committee)

DATES	6/4	6/11	6/18	7/2	7/9														
Rep. Monroe Buchanan, Chairman	✓	✓	✓	✓	✓														
Rep. Wayne Sexton, Chairman	✓	✓	✓	✓	✓														
Rep. Aldridge	✓	✓	✓	✓	✓														
Rep. Allred	✓	✓	✓	✓	✓														
Rep. Baker	✓		✓	✓	✓														
Rep. Brawley	✓	✓	✓	✓	✓														
Rep. Brown	✓	✓	✓	✓	✓														
Rep. Carpenter	✓	✓	✓	✓	✓														
Rep. Clary		✓	✓	✓	✓														
Rep. Cole	✓	✓	✓	✓	✓														
Rep. Crawford			✓	✓	✓														
Rep. Creech			✓	✓	✓														
Rep. Cunningham	✓		✓	✓	✓														
Rep. Earle			✓	✓	✓														
Rep. Eddins	✓	✓	✓	✓	✓														
Rep. Ellis	✓	✓	✓	✓	✓														
Rep. Holmes			✓	✓	✓														
Rep. Hunter, H.		✓	✓	✓	✓														
Rep. Jarrell	✓	✓	✓	✓	✓														
Rep. Kinney			✓	✓	✓														
Rep. Luebke	✓	✓	✓	✓	✓														
Rep. McComas	✓	✓	✓	✓	✓														
Rep. McCombs	✓	✓	✓	✓	✓														
Rep. Mercer	✓	✓	✓	✓	✓														
Rep. Miner		✓	✓	✓	✓														
Rep. Moore	✓	✓	✓	✓	✓														

Rep. Church

✓ ✓ ✓ ✓ ✓

ATTENDANCE

TRANSPORTATION COMMITTEE

(Name of Committee)

[illegible]

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

HOUSE: TRANSPORTATION

Valid Through 10-OCT-1997

1997-98 Regular Session

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 9	CARPENTER J	STUDY SAFETY INSPECTIONS	*H -RE-REF COM ON RULES	01-30-97	06-05-97
H 53	WARNER	82ND AIRBORNE DIVISION PLATES	*R -CH. SL 97-0156	02-05-97	02-26-97
H 54	WARNER	PEARL HARBOR/VALOR PLATE FEES	*S -REF TO COM ON FINANCE	02-05-97	05-21-97
H 55	WARNER	PURPLE HEART SPECIAL PLATES	*S -RE-REF COM ON FINANCE	02-05-97	03-17-97
H 138	JUSTUS	DMV ENFORCEMENT AUTHORITY	*H -RE-REF COM ON JUDICI	02-13-97	03-05-97
H 178	MCMAHAN	TWO YEAR DRIVER INSTRUCTOR LICENSE	*R -CH. SL 97-0033	02-17-97	03-05-97
H 183	BOWIE	DWI/FELONY PRIOR RECORD LEVEL	*R -CH. SL 97-0486	02-17-97	03-17-97
H 205=	BOWIE	MODIFY TWO DMV DEFINITIONS	H -RE-REF COM ON JUDICII	02-17-97	03-17-97
H 206=	BOWIE	DMV HEAD IS DOT DEPUTY	HF-FAILED 2ND READING	02-17-97	03-17-97
H 207	BOWIE	REDUCE DMV ENFORCEMENT POSITIONS	HF-POSTPONED INDEFINITELY	02-17-97	
H 208=	BOWIE	NO FEE DMV MAIL-IN REGISTRATION	HF-POSTPONED INDEFINITELY	02-17-97	
H 209	BOWIE	MOTOR VEHICLE SALVAGE CHANGES-2	H -REF TO COM ON TRANSPOR	02-17-97	
H 237=	MITCHELL	MODIFY EMISSIONS INSPECTIONS LAW	H -REF TO COM ON TRANSPOR	02-17-97	
H 250	MCMAHAN	CHANGE TAG AGENT COMPENSATION	H -RE-REF COM ON APPROP	02-17-97	03-05-97
H 266	EDDINS	ADJUST LICENSE WEIGHT	*R -CH. SL 97-0036	02-18-97	03-20-97
H 344=	CLARY	MOTOR VEHICLE OCCUPANT RESTRAINTS	*S -RE-REF COM ON JUDIC	02-26-97	04-29-97
H 349	DICKSON	NEW MV SAFETY INSPECTIONS	S -REF TO COM ON TRANSPRT	02-27-97	03-26-97
H 380	NICHOLS	HIGHWAY BONDING REQUIREMENTS	H -RE-REF COM ON FINANCE	03-04-97	03-19-97
H 501	BROWN	CARTWAYS	H -RE-REF COM ON JUDICI	03-12-97	04-29-97
H 518	ALLRED	FIVE-YEAR LICENSE PLATES	*H -RE-REF COM ON FINANCE	03-17-97	06-02-97
H 524=	MORRIS	UNC ALCOHOL STUDIES FUND	*R -CH. SL 97-0377	03-17-97	04-29-97
H 678	STARNES	DWI BUMPER STICKERS	H -REF TO COM ON TRANSPOR	03-31-97	
H 704	THOMPSON	SHERIFF'S REGISTRATION PLATES	*R -CH. SL 97-0158	03-31-97	04-02-97
H 804	KISER	LINCOLN LOCAL ROADS	*R -CH. SL 97-0169	05-08-97	05-14-97
H 966	BUCHANAN	TRUCKLOAD FLAG/LIGHT COLORS	R -CH. SL 97-0178	04-16-97	04-23-97
H 967	BUCHANAN	LIGHT DUTY ROAD USE	*R -CH. SL 97-0373	04-16-97	04-23-97
H 982	HARDY	TAX VEHICLE ONLY UPON SALE	H -REF TO COM ON TRANSPOR	04-17-97	
H 993	GRAY	REGIONAL TRANSPORTATION AUTHORITIES	*R -CH. SL 97-0393	04-17-97	06-04-97
H1039	WEATHERLY	MV CLAIMS/SALVAGE HISTORY	H -REF TO COM ON TRANSPOR	04-21-97	
H1041	NEELY	CONS. PROTECTION/DAMAGE DISCLOSURE	H -REF TO COM ON TRANSPOR	04-21-97	

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.

* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.

BOLD LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

HOUSE: TRANSPORTATION

Valid Through 10-OCT-1997

1997-98 Regular Session

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H1073	COLE	MV APPLICATIONS & FEES FROM DEALERS	H -RE-REF COM ON RULES	04-21-97	04-28-97
H1081	ALLRED	CONDEMNATION AWARDS	*H -ASSIGNED TO APP-TRAN	06-26-97	07-01-97
H1082	SUTTON	NATIVE AMERICAN SPECIAL PLATES	*S -RE-REF COM ON FINANCE	04-21-97	05-14-97
H1094	CULPEPPER	REPEAL/RECODIFY RAILROAD LAWS	*S -REF TO COM ON JUDIC	04-21-97	04-29-97
H1095=	GAMBLE	DEALER PLATE FOR BUSINESS ONLY	H -REF TO COM ON TRANSPOR	04-21-97	
H1096=	HIATT	TRUCKING ADJUSTMENT ACT OF 1997	*R -CH. SL 97-0466	04-21-97	07-17-97
H1106	CULPEPPER	FOREST PRODUCT TRUCK WT. EXEMPTION	H -REF TO COM ON TRANSPOR	04-21-97	
H1137	CULP	SOIL AND WATER CONSERVATION PLATES	*R -CH. SL 97-0477	04-21-97	04-29-97
H1143	DECKER	HANDICAPPED PLATE RECERTIFICATION	S -REF TO COM ON TRANSPRT	04-21-97	04-28-97
H1144	WOOD	SPEEDING IN SCHOOL ZONES	H -RE-REF COM ON JUDICI	04-21-97	04-30-97
H1156	MORRIS	SPECIAL PLATES	*R -CH. SL 97-0484	04-24-97	05-14-97
H1224	LUEBKE	TRUCK SAFETY ACT	H -REF TO COM ON TRANSPOR	05-05-97	
H1226	BUCHANAN	MOTOR CARRIER DIESEL TAX PAYMENT	H -REF TO COM ON TRANSPOR	05-06-97	
S 167	HOYLE	SIXTY DAYS TO CHANGE DMV INFO	R -CH. SL 97-0122	03-11-97	04-02-97
S 260=	ODOM	MODIFY EMISSIONS INSPECTION LAWS	*R -CH. SL 97-0029	03-12-97	03-19-97
S 417	SHAW L	HIGHWAY CONTRACT BONDING REQ'MENTS	*H -RE-REF COM ON JUDICI	04-30-97	05-28-97
S 426	HOYLE	MAGISTRATES/TRUCK SPECIAL PLATES	*R -CH. SL 97-0461	05-26-97	07-07-97
S 427	HOYLE	WOOD CHIP HAULING WEIGHT EXEMPTION	H -REF TO COM ON TRANSPOR	04-30-97	
S 465	SHAW L	NCDOT ENGINEERING/DESIGN CONTRACTS	R -CH. SL 97-0196	04-24-97	05-21-97
S 570	DALTON	CLEAN WATER LICENSE PLATE	*H -RE-REF COM ON FINANCE	05-26-97	06-19-97
S 812	JENKINS	SMOKY MOUNTAINS SPECIAL PLATE	R -CH. SL 97-0427	05-22-97	06-19-97
S 884	RAND	DOT INFRASTRUCTURE BANK PROGRAM	*R -CH. SL 97-0428	04-22-97	05-22-97
S 894	LEE	MV FEES FROM DEALERS	*R -CH. SL 97-0327	05-01-97	06-19-97
S 931	DALTON	TRUCKLOAD FLAG/LIGHT COLORS-2	H -REF TO COM ON TRANSPOR	05-01-97	
S1059=	KERR	DEALER/TRANSPORTER PLATE CHANGES	*R -CH. SL 97-0335	05-01-97	06-02-97

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.

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BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

COMMITTEE ON TRANSPORTATION

COMMITTEE MEETING

FEBRUARY 19, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE REP. WAYNE SEXTON AS CHAIRMAN

INTRODUCE STAFF:

SHIRLEY PHILLIPS, CLERK

DEBBIE TURNER, CLERK

BRENDA CARTER, RESEARCH DIVISION

ASK MEMBERS TO INTRODUCE THEMSELVES

INTRODUCE PAGES AND SGTS. AT ARMS

INTRODUCE VISITORS

FURTHER BUSINESS

ADJOURN

HOUSE TRANSPORTATION COMMITTEE MEETING

February 19, 1997

MINUTES

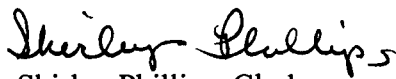
The House Committee on Transportation met at 11:00 a.m., Wednesday, Feb. 19, 1997 in Room 643 of the Legislative Office Building. Rep. Monroe Buchanan, CoChairman, presided. The meeting was called to order and Rep. Buchanan introduced Rep. Wayne Sexton, Co-Chairman.

The staff was introduced: Shirley Phillips and Debbie Turner, Clerks to the Committee. Ms Brenda Carter, Attorney with the Research Division as well as the Sgts. At Arms, Wayne Davis and Cassie Duncan and the Pages, Kyle Covington of Alamance Co. and Patrick Brown of Cleveland County.

Also present were members of the Department of Transportation. They were introduced by Secretary Garland Garrett.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Shirley Phillips, Clerk


Monroe Buchanan, Chairman

COMMITTEE ON TRANSPORTATION

COMMITTEE MEETING

FEBRUARY 26, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES

BILLS TO BE CONSIDERED:

HB-138 - D.M.V. ENFORCEMENT AUTHORITY - REP. JUSTUS

HB-53 - 82ND AIRBORNE DIVISION PLATES - REP. WARNER

HB-55 - PURPLE HEART/SILVER STAR PLATES - REP. WARNER

FURTHER BUSINESS

ADJOURN

MINUTES

COMMITTEE ON TRANSPORTATION

WEDNESDAY, FEBRUARY 26, 1997

11:00 A.M.

ROOM 643-LOB

The House Committee on Transportation met on Wednesday, February 26, 1997 at 11:00 a.m. in Room 643-LOB. Rep. Sexton called the meeting to order and introduced the Pages. A silent roll was taken (roll list denotes members present).

HB-138 D.M.V. ENFORCEMENT AUTHORITY

Rep. Justus explained the bill. Reps. Nichols, Cunningham, Nye, Cole, McComas, Sherrill, Creech and Rayfield had questions and comments about the bill. Rep. Justus responded to their questions and comments. Rep. Cunningham had questions for staff and Brenda Carter, Research Staff Attorney, responded. Reps. Cunningham and Creech wanted to know how other law enforcement agencies felt about the bill. Major Arrowood, Assistant Director with the Enforcement Section of DMV, responded favorably. Also, Eddie Cauldwell, representing N. C. Sheriffs Association and the N. C. Law Enforcement Officers Association, was asked how the two organizations felt about the bill. He responded that the N. C. Sheriffs Association did not oppose the bill and the N. C. Law Enforcement Officers Association supported the bill. Rep. Luebke expressed concern that there was no indication whether there would be net gain or net loss. Rep. Rayfield made a motion to give HB-138 a favorable report and to re-refer the bill to Judiciary I Committee. The bill failed for a lack of a favorable report.

HB-53 82nd AIRBORNE DIVISION PLATES

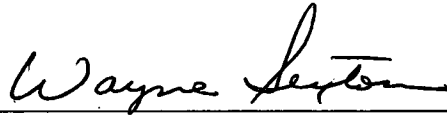
Rep. Warner briefly explained his bill. Chairman Sexton commented that after having worked with this division for some thirty years, he felt this recognition was very much deserved. Also, he informed the committee that this is America's only Airborne Division. Rep. Ellis moved for a favorable report for HB-53 and to re-refer the bill to State Government to go to Military and Veteran Affairs and then go on to Finance. The motion passed.

HB-55 PURPLE HEART/SILVER STAR PLATES

HB-54 and HB55 were rolled into a Committee Substitute and Rep. Warner was recognized to explain his bill. Rep. Buchanan reminded the committee that they needed to vote for the adoption of the Committee Substitute. He made the motion and the

adoption passed. Rep. Holmes was recognized for a question. Rep. Warner responded. Rep. Holmes proceeded with a follow-up question. Rep. Warner directed the question to staff. Brenda Carter, Research Staff Attorney, answered the question. Rep. Cunningham expressed support of the bill and asked a question. Rep. Warner responded. Rep. Cunningham was recognized for a follow-up question and Rep. Warner answered his question. Chairman Sexton stated that he felt the bill, in its' present form, was the way it should be and asked staff, Brenda Carter, to comment. Ms. Carter responded. Rep. Ellis made a motion to give HB-55 a favorable report, and send it to State Government. Before the vote could be taken, Rep. Luebke commented that his interpretations of the bill were different. Chairman Sexton requested that staff, Brenda Carter, clarify the information. Ms. Carter gave a brief explanation. Rep. Nichols reminded the committee that pursuant to the rules, any vote taken after 10 minutes to the hour was out of order and he moved that they adjourn.

Chairman Sexton adjourned the meeting.



Rep. Wayne Sexton
Presiding Chair



Debbie Turner
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 138
Second Edition Engrossed 3/5/97

Short Title: D.M.V. Enforcement Authority.

(Public)

Sponsors: Representatives Justus; Brawley, Brown, Buchanan, Cansler, Clary, Culp, Fox, Hiatt, Kiser, Mitchell, Russell, Thompson, Watson, and G. Wilson.

Referred to: Transportation, if favorable, Judiciary I.

February 13, 1997

A BILL TO BE ENTITLED

AN ACT GRANTING ENFORCEMENT OFFICERS OF THE DIVISION OF MOTOR VEHICLES THE AUTHORITY TO ASSIST IN THE ENFORCEMENT OF LAWS WHEN A CRIME HAS BEEN COMMITTED IN THEIR PRESENCE OR WHEN A STATE OR LOCAL LAW ENFORCEMENT AGENCY HAS REQUESTED THEIR ASSISTANCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-49 reads as rewritten:

"§ 20-49. Police authority of Division.

(a) The Commissioner and such officers and inspectors of the Division as he shall designate and all members of the Highway Patrol shall have the power:

- (1) Of peace officers for the purpose of enforcing the provisions of this Article and of any other law regulating the operation of vehicles or the use of the highways.
- (2) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this Article or other laws regulating the operation of vehicles or the use of the highways.
- (3) At all time to direct all traffic in conformance with law, and in the event of a fire or other emergency or to expedite traffic or to

insure safety, to direct traffic as conditions may require, notwithstanding the provisions of law.

(4) When on duty, upon reasonable belief that any vehicle is being operated in violation of any provision of this Article or of any other law regulating the operation of vehicles to require the driver thereof to stop and exhibit his driver's license and the registration card issued for the vehicle, and submit to an inspection of such vehicle, the registration plates and registration card thereon or to an inspection and test of the equipment of such vehicle.

(5) To inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof.

(6) To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways.

(7) To investigate traffic accidents and secure testimony of witnesses or of persons involved.

(8) To investigate reported thefts of motor vehicles, trailers and semitrailers and make arrest for thefts thereof.

(9) For the purpose of determining compliance with the provisions of this Chapter, to inspect all files and records of the persons hereinafter designated and required to be kept under the provisions of this Chapter or of the registrations of the Division:

a. Persons dealing in or selling and buying new, used or junked motor vehicles and motor vehicle parts; and

b. Persons operating garages or other places where motor vehicles are repaired, dismantled, or stored.

(b) In addition to the enforcement authority granted in subsection (a) of this section, the officers and inspectors of the Division have the authority to enforce criminal laws under the following circumstances:

(1) When the officer or inspector has probable cause to believe that a person has committed a criminal offense in the officer's or inspector's presence and at the time of the violation the officer or inspector is engaged in the enforcement of laws otherwise within the officer's or inspector's jurisdiction; or

(2) When the officer or inspector is asked to provide temporary assistance by the head of a State or local law enforcement agency or that person's designee and the request is within the scope of that agency's subject matter jurisdiction.

While acting pursuant to this subsection, an officer or inspector shall have the same powers invested in law enforcement officers by statute or common law. When acting pursuant to subdivision (2) of this subsection, an officer or inspector shall not be considered an officer, employee, or agent for the State or local law enforcement

1 agency or designee asking for temporary assistance. Nothing in this subsection shall
2 be construed to expand the authority of officers and inspectors to initiate or conduct
3 independent investigations into violations of criminal laws outside the scope of the
4 subject matter jurisdiction of the operation of vehicles and the use of the highways.
5 The primary mission of the officers and inspectors of the Division shall be
6 enforcement of the laws regulating the operation of vehicles and the use of the
7 highways."

8 Section 2. This act becomes effective October 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **BUCHANAN AND SEXTON** for the Committee on
TRANSPORTATION.

☐ Committee Substitute for

H.B. 138 A BILL TO BE ENTITLED AN ACT GRANTING ENFORCEMENT OFFICERS OF THE DIVISION OF MOTOR VEHICLES THE AUTHORITY TO ASSIST IN THE ENFORCEMENT OF LAWS WHEN A CRIME HAS BEEN COMMITTED IN THEIR PRESENCE OR WHEN A STATE OR LOCAL LAW ENFORCEMENT AGENCY HAS REQUESTED THEIR ASSISTANCE.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☒ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 53
Senate Finance Committee Substitute Adopted 5/19/97

Short Title: 82nd Airborne Division Plates.

(Public)

Sponsors:

Referred to:

February 5, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE
3 82ND AIRBORNE DIVISION ASSOCIATION SPECIAL REGISTRATION
4 PLATES.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 20-79.4(b) is amended by adding a new subdivision to
7 read:
8 "(9a) 82nd Airborne Division Association Member. -- Issuable to a
9 member of the 82nd Airborne Division Association, Inc. The plate
10 shall bear the insignia of the 82nd Airborne Division Association,
11 Inc. The Division may not issue the plate authorized by this
12 subdivision unless it receives at least 300 applications for the
13 plate."
14 Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **BUCHANAN AND SEXTON** for the Committee on
TRANSPORTATION.

☐ Committee Substitute for

H.B. 53 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF
MOTOR VEHICLES TO ISSUE 82ND AIRBORNE DIVISION ASSOCIATION SPECIAL
REGISTRATION PLATES.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☒ STATE GOVERNMENT.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

VISITOR REGISTRATION SHEET

LEGISLATIVE RESEARCH COMMISSION

Transportation

FEBRUARY 26, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. <i>Casper Howard</i>	<i>DOT / DMV</i>
2. <i>Ruth Sappie</i>	<i>DOT</i>
3. <i>Tommy Spence</i>	<i>DOT / DMV</i>
4. <i>Amey Jo Bain</i>	<i>Smith Anderson</i>
5. <i>Mitch Arnold</i>	<i>SEARC</i>
6. <i>Jimmy Brown</i>	<i>DMV</i>
7. <i>Alan Niles</i>	<i>Baily & Dixon</i>
8. <i>Susan Valanni</i>	<i>Natureworld</i>
9. <i>Eddie Caldwell</i>	<i>NC Sheriff's Assoc</i>
10. <i>Ballard Everett</i>	<i>-</i>
11. <i>Ray L. Lowe</i>	<i>Visitor</i>
22. <i>Craig Fisher</i>	<i>"</i>
23. <i>BILL STANHOUSE</i>	<i>DUPONT</i>
24. <i>Scott Mooneyham</i>	<i>Assault Press</i>
25. <i>Billy R. Day, Jr.</i>	<i>Port Authority</i>
26. <i>Shay Hutchins</i>	<i>Port Industry</i>
27. <i>Ju-Ann Cole</i>	<i>HSI</i>
28. <i>Billy Herring</i>	<i>HSI</i>
29. <i>Dan DeWane</i>	<i>NC DOT</i>
30. <i>George Everett</i>	<i>MCIC</i>

31. Gene Causty
32. VL McBride
33. Jay Austin
34. George Schwartz
35. Angela Thornton
36. Gene Thornton
37. Ricky L. Folkman
38. Steve Walker
39. Jack Oehler III
40. David Korn
41. Judy Harshin
42. Ray Britt
43. Don Butler
44. Gene E. New
45. Curt Watson
46. Ann Watkins
47. Doug Daugherty
48. Rhonda Cannady
49. James McCallister
50. Bob Nunn

E-EB
NORTH
HSE
Hog Slat, Inc
TDM 105
TDM 105 + 101
TDM Farms
TDM Farms
TDM Farms
POWER FARMS
TEN BRIDGES FARM
TEN BRIDGES FARMS
Carroll's Foods
N.C. MEAT PROCESSORS
Hog Slat Inc
Hog Slat INC.
Prestage Farms
Prestage Farms
Prestage Farms
Prestage Farms

COMMITTEE ON TRANSPORTATION

COMMITTEE MEETING

MARCH 5, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES

BILLS TO BE CONSIDERED:

HB 178 - DMV CHANGES - Rep. McMahan

HB 250 - CHANGE TAG AGENT COMPENSATION - Rep. McMahan

HB 237 - MODIFY EMISSIONS INSPECTIONS LAW - Rep. Mitchell

HB 266 - ADJUST LICENSE WEIGHT - Rep. Eddins

HB 9 - REPEAL SAFETY INSPECTIONS - Rep. Carpenter

(Discussion of bill)

OTHER BUSINESS

ADJOURN

TRANSPORTATION COMMITTEE MEETING

MARCH 5, 1997

MINUTES

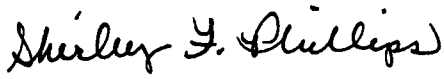
The House Committee on Transportation met in Room 643 of the Legislative Office Building at 11:10 a.m. A majority was present and Rep. Monroe Buchanan, Chairman, called the meeting to order.

Rep. Sherrill was recognized. Ms. Sherrill moved that HB 138 - DMV Enforcement Authority - be reconsidered. (Rep. Sherrill had previously voted in the negative on HB 138). The motion carried and Rep. Justus was recognized to again explain the bill. Several members spoke on the bill and Mr. Joe Stewart with Crime Control was recognized and spoke in favor of the legislation. Rep. McComas was recognized and sent forth the following amendment: amend the bill on page 3, line 2 by adding after the period the following: "The primary mission of the officers and inspectors of the Division shall be enforcement of the laws regulating the operation of vehicles and the use of the highways." The amendment was adopted. Following considerable discussion and debate, Rep. Wood made a motion to give the bill a Favorable Report, as amended with the recommendation that the bill be re-referred to the Committee on Judiciary I. The motion passed.

Rep. McMahan was recognized to explain H. B. 178 - Make Two Changes Proposed by DMV. He stated that the bill was a product of the Transportation Oversight Committee. Rep. Nichols made a motion to give the bill a Favorable Report and re-refer it to the Finance Committee. The motion carried. Rep. McMahan briefly explained HB 250 - Change Tag Agent Compensation. Rep. Ellis moved for a Favorable Report and recommended that the bill be re-referred to Judiciary II. This motion carried.

Due to time constraints, Rep. Buchanan adjourned the meeting at 11:50 a.m.

Respectfully submitted,


Shirley F. Phillips, Clerk


Monroe Buchanan, Chairman

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 138

Short Title: D.M.V. Enforcement Authority.

(Public)

Sponsors: Representatives Justus; Brawley, Brown, Buchanan, Cansler, Clary, Culp, Fox, Hiatt, Kiser, Mitchell, Russell, Thompson, Watson, and G. Wilson.

Referred to: Transportation, if favorable, Judiciary I.

February 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT GRANTING ENFORCEMENT OFFICERS OF THE DIVISION OF
3 MOTOR VEHICLES THE AUTHORITY TO ASSIST IN THE ENFORCEMENT
4 OF LAWS WHEN A CRIME HAS BEEN COMMITTED IN THEIR PRESENCE
5 OR WHEN A STATE OR LOCAL LAW ENFORCEMENT AGENCY HAS
6 REQUESTED THEIR ASSISTANCE.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 20-49 reads as rewritten:

9 "**§ 20-49. Police authority of Division.**

10 (a) The Commissioner and such officers and inspectors of the Division as he shall
11 designate and all members of the Highway Patrol shall have the power:

- 12 (1) Of peace officers for the purpose of enforcing the provisions of
13 this Article and of any other law regulating the operation of
14 vehicles or the use of the highways.
- 15 (2) To make arrests upon view and without warrant for any violation
16 committed in their presence of any of the provisions of this Article
17 or other laws regulating the operation of vehicles or the use of the
18 highways.
- 19 (3) At all time to direct all traffic in conformance with law, and in
20 the event of a fire or other emergency or to expedite traffic or to
21 insure safety, to direct traffic as conditions may require,
22 notwithstanding the provisions of law.

- 1 (4) When on duty, upon reasonable belief that any vehicle is being
2 operated in violation of any provision of this Article or of any
3 other law regulating the operation of vehicles to require the driver
4 thereof to stop and exhibit his driver's license and the registration
5 card issued for the vehicle, and submit to an inspection of such
6 vehicle, the registration plates and registration card thereon or to
7 an inspection and test of the equipment of such vehicle.
- 8 (5) To inspect any vehicle of a type required to be registered
9 hereunder in any public garage or repair shop or in any place
10 where such vehicles are held for sale or wrecking, for the purpose
11 of locating stolen vehicles and investigating the title and
12 registration thereof.
- 13 (6) To serve all warrants relating to the enforcement of the laws
14 regulating the operation of vehicles or the use of the highways.
- 15 (7) To investigate traffic accidents and secure testimony of witnesses or
16 of persons involved.
- 17 (8) To investigate reported thefts of motor vehicles, trailers and
18 semitrailers and make arrest for thefts thereof.
- 19 (9) For the purpose of determining compliance with the provisions of
20 this Chapter, to inspect all files and records of the persons
21 hereinafter designated and required to be kept under the
22 provisions of this Chapter or of the registrations of the Division:
- 23 a. Persons dealing in or selling and buying new, used or
24 junked motor vehicles and motor vehicle parts; and
- 25 b. Persons operating garages or other places where motor
26 vehicles are repaired, dismantled, or stored.

27 (b) In addition to the enforcement authority granted in subsection (a) of this
28 section, the officers and inspectors of the Division have the authority to enforce
29 criminal laws under the following circumstances:

- 30 (1) When the officer or inspector has probable cause to believe that a
31 person has committed a criminal offense in the officer's or
32 inspector's presence and at the time of the violation the officer or
33 inspector is engaged in the enforcement of laws otherwise within
34 the officer's or inspector's jurisdiction; or
- 35 (2) When the officer or inspector is asked to provide temporary
36 assistance by the head of a State or local law enforcement agency
37 or that person's designee and the request is within the scope of
38 that agency's subject matter jurisdiction.

39 While acting pursuant to this subsection, an officer or inspector shall have the
40 same powers invested in law enforcement officers by statute or common law. When
41 acting pursuant to subdivision (2) of this subsection, an officer or inspector shall not
42 be considered an officer, employee, or agent for the State or local law enforcement
43 agency or designee asking for temporary assistance. Nothing in this subsection shall
44 be construed to expand the authority of officers and inspectors to initiate or conduct

- 1 independent investigations into violations of criminal laws outside the scope of the
2 subject matter jurisdiction of the operation of vehicles and the use of the highways."
3 Section 2. This act becomes effective October 1, 1997.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 138

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of _____

H138-ARV-001

Date _____, 1997

Comm. Sub. ☐
Amends Title ☐

Representative McComas

- 1 moves to amend the bill on page 3, line 2,
2 by
3
4 adding after the period the following: "The primary mission of the
5 officers and inspectors of the Division shall be enforcement of
6 the laws regulating the operation of vehicles and the use of the
7 highways."
8

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

H.B. 138 A BILL TO BE ENTITLED AN ACT GRANTING ENFORCEMENT OFFICERS OF THE DIVISION OF MOTOR VEHICLES THE AUTHORITY TO ASSIST IN THE ENFORCEMENT OF LAWS WHEN A CRIME HAS BEEN COMMITTED IN THEIR PRESENCE OR WHEN A STATE OR LOCAL LAW ENFORCEMENT AGENCY HAS REQUESTED THEIR ASSISTANCE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐ .

☐ With a favorable report, as amended.

☒ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☒ Judiciary I

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report. .

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 178

Short Title: Make Two Changes Proposed by DMV.

(Public)

Sponsors: Representatives McMahan, Bowie, Barbee, Crawford, Holmes, Miner;
and Thompson.

Referred to: Transportation, if favorable, Finance.

February 17, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO EXTEND THE RENEWAL PERIOD FOR LICENSES ISSUED BY
3 THE DIVISION OF MOTOR VEHICLES TO COMMERCIAL DRIVER
4 TRAINING SCHOOLS AND INSTRUCTORS AND TO ESTABLISH A
5 STANDARD TIME PERIOD OF SIXTY DAYS IN WHICH TO OBTAIN OR
6 CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION CARD, OR
7 A VEHICLE REGISTRATION.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 20-4.6 is repealed.

10 Section 2. G.S. 20-7(a) reads as rewritten:

11 "(a) License Required. -- To drive a motor vehicle on a highway, a person must
12 be licensed by the Division under this Article or Article 2C of this Chapter to drive
13 the vehicle and must carry the license while driving the vehicle. The Division issues
14 regular drivers licenses under this Article and issues commercial drivers licenses
15 under Article 2C.

16 A license authorizes the holder of the license to drive any vehicle included in the
17 class of the license and any vehicle included in a lesser class of license, except a
18 vehicle for which an endorsement is required. To drive a vehicle for which an
19 endorsement is required, a person must obtain both a license and an endorsement for
20 the vehicle. A regular drivers license is considered a lesser class of license than its
21 commercial counterpart.

22 The classes of regular drivers licenses and the motor vehicles that can be driven
23 with each class of license are:

- 1 (1) Class A. -- A Class A license authorizes the holder to drive any of
2 the following:
3 a. A Class A motor vehicle that is exempt under G.S. 20-37.16
4 from the commercial drivers license requirements.
5 b. A Class A motor vehicle that has a combined GVWR of less
6 than 26,001 pounds and includes as part of the combination
7 a towed unit that has a GVWR of at least 10,001 pounds.
8 (2) Class B. -- A Class B license authorizes the holder to drive any
9 Class B motor vehicle that is exempt under G.S. 20-37.16 from the
10 commercial drivers license requirements.
11 (3) Class C. -- A Class C license authorizes the holder to drive any of
12 the following:
13 a. A Class C motor vehicle that is not a commercial motor
14 vehicle.
15 b. When operated by a volunteer member of a fire department,
16 a rescue squad, or an emergency medical service (EMS) in
17 the performance of duty, a Class A or Class B fire-fighting,
18 rescue, or EMS motor vehicle or a combination of these
19 vehicles.

20 The Commissioner may assign a unique motor vehicle to a class that is different
21 from the class in which it would otherwise belong.

22 A new resident of North Carolina who has a drivers license issued by another
23 jurisdiction must obtain a license from the Division within ~~30~~ 60 days after becoming
24 a resident."

25 Section 3. G.S. 20-7(f) reads as rewritten:

26 "(f) Expiration and Temporary License. -- The first drivers license the Division
27 issues to a person expires on the person's fourth or subsequent birthday that occurs
28 after the license is issued and on which the individual's age is evenly divisible by five,
29 unless this subsection sets a different expiration date. The first drivers license the
30 Division issues to a person who is at least 17 years old but is less than 18 years old
31 expires on the person's twentieth birthday. The first drivers license the Division
32 issues to a person who is at least 62 years old expires on the person's birthday in the
33 fifth year after the license is issued, whether or not the person's age on that birthday
34 is evenly divisible by five.

35 A drivers license that was issued by the Division and is renewed by the Division
36 expires five years after the expiration date of the license that is renewed. A person
37 may apply to the Division to renew a license during the 60-day period before the
38 license expires. The Division may not accept an application for renewal made before
39 the 60-day period begins.

40 ~~Any person serving in the armed forces of the United States on active duty and~~
41 ~~holding a valid drivers license properly issued under this section and stationed~~
42 ~~outside the State of North Carolina may renew the license by making application to~~
43 ~~the Division by mail. Any other person, except a nonresident, who holds a valid~~
44 ~~drivers license issued under this section and who is temporarily residing outside~~

1 ~~North Carolina, may also renew by making application to the Division by mail. For~~
2 ~~purposes of this section "temporarily" shall mean not less than 30 days continuous~~
3 ~~absence from North Carolina. In either case, the~~

4 The Division may renew by mail a drivers license issued by the Division to a
5 person who meets any of the following descriptions:

6 (1) Is serving on active duty in the armed forces of the United States
7 and is stationed outside this State.

8 (2) Is a resident of this State and has been residing outside the State
9 for at least 30 continuous days.

10 When renewing a license by mail, the Division may waive the examination and
11 color photograph that would otherwise be required for the renewal of a drivers
12 license, for the renewal and may impose in lieu thereof any conditions it considers
13 appropriate to each particular application. finds advisable. A license renewed by
14 mail is a temporary license that expires 30 60 days after the person to whom it is
15 issued returns to this State."

16 Section 4. G.S. 20-7.1 reads as rewritten:

17 "**§ 20-7.1. Notification Notice of change of address: address or name.**

18 ~~Whenever the holder of a license issued under the provision of G.S. 20-7 has a~~
19 ~~change in the address as shown on such license, he or she shall apply for a duplicate~~
20 ~~license within 60 days after such address has been changed. Provided, that if the~~
21 ~~licensee's mailing address has been changed by governmental action and there has~~
22 ~~been no actual change of residence location, upon giving notice in writing to the~~
23 ~~Division of Motor Vehicles in Raleigh within 60 days of this change of address, the~~
24 ~~licensee may use his current license or permit until its expiration or obtain a~~
25 ~~duplicate license or permit showing the new address upon payment of the required~~
26 ~~fee. No person shall be charged with having violated this section when only his~~
27 ~~mailing address has been changed by governmental action.~~

28 (a) Address. -- A person whose address changes from the address stated on a
29 drivers license must notify the Division of the change within 60 days after the change
30 occurs. If the person's address changed because the person moved, the person must
31 obtain a duplicate license within that time limit stating the new address. A person
32 who does not move but whose address changes due to governmental action may not
33 be charged with violating this subsection.

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

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

38 Section 5. G.S. 20-37.12(e) reads as rewritten:

39 "(e) ~~In accordance with G.S. 20-7, G.S. 20-7 sets the time period in which~~ a new
40 resident of North Carolina ~~has 30 days to~~ must obtain a license from the Division.
41 The Commissioner may establish by rule the conditions under which the test
42 requirements for a commercial drivers license may be waived for a new resident who
43 is licensed in another state."

44 Section 6. G.S. 20-37.9 reads as rewritten:

1 **"§ 20-37.9. Notification Notice of change of address- address or name.**

2 ~~Whenever the holder of a special identification card issued under G.S. 20-37.7 has~~
3 ~~a change in the address as shown on the special identification card, he or she shall~~
4 ~~apply for reissuance of a special identification card within 60 days after the address~~
5 ~~has been changed. The fee for reissuance of a special identification card is the same~~
6 ~~as the fee set in G.S. 20-37.7 for issuing a special identification card. If a change of~~
7 ~~address is the result of governmental action and there is no actual change of~~
8 ~~geographical location, the holder of the card is not required to change the address on~~
9 ~~the card until the Division issues the holder another card.~~

10 (a) Address. -- A person whose address changes from the address stated on a
11 special identification card must notify the Division of the change within 60 days after
12 the change occurs. If the person's address changed because the person moved, the
13 person must obtain a new special identification card within that time limit stating the
14 new address. A person who does not move but whose address changes due to
15 governmental action may not be charged with violating this subsection.

16 (b) Name. -- A person whose name changes from the name stated on a special
17 identification card must notify the Division of the change within 60 days after the
18 change occurs and obtain a new special identification card stating the new name.

19 (c) Fee. -- G.S. 20-37.7 sets the fee for a special identification card."

20 Section 7. G.S. 20-67 reads as rewritten:

21 **"§ 20-67. Notice of change of address or name.**

22 ~~(a) Address. -- Whenever any person, after making application for or obtaining~~
23 ~~the registration of a vehicle or a certificate of title, shall move from the~~ A person
24 ~~whose address named in the application or shown upon a registration card or~~
25 ~~certificate of title, such person shall within 30 days thereafter notify the Division in~~
26 ~~writing of his old and new addresses. changes from the address stated on a certificate~~
27 ~~of title or registration card must notify the Division of the change within 60 days after~~
28 ~~the change occurs. The person may obtain a duplicate certificate of title or~~
29 ~~registration card stating the new address but is not required to do so. A person who~~
30 ~~does not move but whose address changes due to governmental action may not be~~
31 ~~charged with violating this subsection.~~

32 ~~(b) Name. -- Whenever the name of any person who has made application for or~~
33 ~~obtained the registration of a vehicle or a certificate of title is thereafter changed by~~
34 ~~marriage or otherwise, such person shall thereafter forward or cause to be forwarded~~
35 ~~to the Division the certificate of title and to make application for correction of the~~
36 ~~certificate on forms provided by the Division. A person whose name changes from~~
37 ~~the name stated on a certificate of title or registration card must notify the Division of~~
38 ~~the change within 60 days after the change occurs. The person may obtain a~~
39 ~~duplicate certificate of title or registration card but is not required to do so.~~

40 ~~(c) Fee. -- G.S. 20-85 sets the fee for a duplicate certificate of title or registration~~
41 ~~card."~~

42 Section 8. G.S. 20-324 reads as rewritten:

43 **"§ 20-324. Expiration and renewal of licenses; fees.**

~~1 All licenses issued under the provisions of this Article shall expire on the last day~~
~~2 of June in the year following their issuance and may be renewed upon application to~~
~~3 the Commissioner as prescribed by his regulations. Each application for a new or~~
~~4 renewal school license shall be accompanied by a fee of forty dollars (\$40.00), and~~
~~5 each application for a new or a renewal instructor's license shall be accompanied by~~
~~6 a fee of eight dollars (\$8.00). The license fees collected under this section shall be~~
~~7 used under the supervision and direction of the Director of the Budget for the~~
~~8 administration of this Article. No license fee shall be refunded in the event that the~~
~~9 license is rejected, suspended, or revoked.~~

10 (a) Renewal. -- A license issued under this Article expires two years after the date
11 the license is issued. To renew a license, the license holder must file an application
12 for renewal with the Division.

13 (b) Fees. -- An application for an initial license or the renewal of a license must
14 be accompanied by the application fee for the license. The application fee for a
15 school license is eighty dollars (\$80.00). The application fee for an instructor license
16 is sixteen dollars (\$16.00). The application fee for a license is not refundable. Fees
17 collected under this section must be credited to the Highway Fund."

18 Section 9. Sections 1 through 7 of this act become effective December 1,
19 1997. The remaining sections of this act become effective July 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

H.B. 178 A BILL TO BE ENTITLED AN ACT TO EXTEND THE RENEWAL PERIOD FOR LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMERCIAL DRIVER TRAINING SCHOOLS AND INSTRUCTORS AND TO ESTABLISH A STANDARD TIME PERIOD OF SIXTY DAYS IN WHICH TO OBTAIN OR CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION CARD, OR A VEHICLE REGISTRATION.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☒ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 250

Short Title: Change Tag Agent Compensation.

(Public)

Sponsors: Representatives McMahan, Bowie, Barbee, Crawford, Holmes, Miner;
and Starnes.

Referred to: Transportation, if favorable, Judiciary II.

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCLUDE THE COLLECTION OF AN EMISSIONS PENALTY IN
3 THE LIST OF ITEMS FOR WHICH BRANCH AGENTS OF THE DIVISION
4 OF MOTOR VEHICLES ARE COMPENSATED.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 155 of the 1993 Session Laws, as amended by Section
7 20.1 of Chapter 769 of the 1993 Session Laws and by Section 18.18 of Chapter 507 of
8 the 1995 Session Laws (Reg. Sess., 1996), reads as rewritten:

9 "Sec. 155. The Division of Motor Vehicles of the Department of Transportation
10 shall compensate a contractor with whom it has a contract under G.S. 20-63(h) at the
11 rate of one dollar and twenty cents (\$1.20) for each transaction performed in
12 accordance with the requirements set by the Division. A transaction is any of the
13 following activities:

- 14 (1) Issuance of a registration plate, a registration card, a registration
15 renewal sticker, or a certificate of title.
16 (2) Issuance of a handicapped placard or handicapped identification
17 card.
18 (3) Acceptance of an application for a personalized registration plate.
19 (4) Acceptance of a surrendered registration plate, registration card, or
20 registration renewal sticker, or acceptance of an affidavit stating
21 why a person cannot surrender a registration plate, registration
22 card, or registration renewal sticker.
23 (5) Cancellation of a title because the vehicle has been junked.

1 (6) Acceptance of an application for, or issuance of, a refund for a fee
2 or a tax, other than the highway use tax.

3 (7) Receipt of the civil penalty imposed by G.S. 20-309 for a lapse in
4 financial responsibility or receipt of the restoration fee imposed by
5 that statute.

6 (7a) Receipt of the civil penalty imposed by G.S. 20-183.8A for an
7 emissions inspection violation.

8 (8) Acceptance of a notice of failure to maintain financial
9 responsibility for a motor vehicle.

10 (9) Collection of the highway use tax.

11 Performance at the same time of any combination of the items that are listed
12 within each subdivision or are listed within subdivisions (1) through (8) of this
13 section is a single transaction. Performance of the item listed in subdivision (9) of
14 this section in combination with any other items listed in this section is a separate
15 transaction."

16 Section 2. This act becomes effective July 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **Transportation**.

- ☐ Committee Substitute for
H.B. 250 A BILL TO BE ENTITLED AN ACT TO INCLUDE THE COLLECTION OF AN
EMISSIONS PENALTY IN THE LIST OF ITEMS FOR WHICH BRANCH AGENTS OF
THE DIVISION OF MOTOR VEHICLES ARE COMPENSATED.
- ☐ With a favorable report.
- ☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☒ Judiciary II.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

COMMITTEE ON TRANSPORTATION

COMMITTEE MEETING

MARCH 12, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES

BILLS TO BE CONSIDERED:

HB-55 PURPLE HEART/SILVER STAR PLATES-REP. WARNER

HB-205 MODIFY TWO DMV DEFINITIONS-REP. BOWIE

HB-206 DMV HEAD IS A DOT DEPUTY-REP. BOWIE

HB-9 REPEAL SAFETY INSPECTIONS - REP. CARPENTER

FURTHER BUSINESS

ANNOUNCEMENTS

ADJOURN

MINUTES

COMMITTEE ON TRANSPORTATION

WEDNESDAY, MARCH 12, 1997

11:00 A.M.

ROOM 643-LOB

The House Committee on Transportation met on Wednesday, March 12, 1997 at 11:00 a.m. in Room 643-LOB. Rep. Sexton called the meeting to order and introduced the Pages. A silent roll was taken (roll list denotes members present).

HB-55 Purple Heart/Silver Star Plates

Rep. Warner explained the bill and reminds the committee that HB-55 and HB-56 were rolled into Committee Substitute. He added that DOT was not taking a position against the bill and recommended the bill to the committee. Rep. Hunter moves for a favorable report. Rep. Allred asked a question about the charge of the plate, and Rep. Warner responded. Rep. Sherrill wanted to know the number of recipients in North Carolina and the fiscal impact. DOT employee Carol Howard, Director of Vehicle Registrations, answered her questions. Chairman Sexton asked if there was any further discussion on the motion. Since there was no response, the motion was voted on and the bill was given a favorable report and re-referred to the Committee on State Government.

HB-205 MODIFY TWO DMV DEFINITIONS

Rep. Bowie was recognized to explain her bill. Rep. Allred moved for a favorable report. Chairman Sexton asked for any further discussion or debate on motion. Motion carried and the bill was re-referred to Judiciary II Committee.

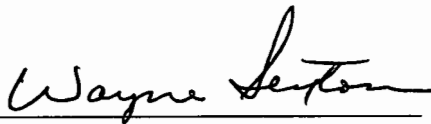
HB-206 DMV HEAD IS A DOT DEPUTY

Rep. Bowie gave brief explanation of the bill. Rep. Hunter moved for a favorable report and the bill passed.

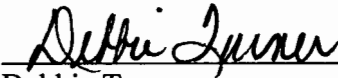
HB-9 REPEAL SAFETY INSPECTIONS

Chairman Sexton informed the committee members that due to the large interest in the bill, the remainder of the meeting time would be for discussion and that no vote would be taken that day. Equal opportunity would be given to everyone desiring to speak on the bill. Chairman Sexton gave motion to adopt Committee Substitute for discussion and the motion carried. Rep. Carpenter was called on to explain his bill. Rep. Cole requested to

abstain from voting on the bill. Permission was granted. Questions followed from Reps. Wainwright, Cunningham, and Nichols. Rep. Allred expressed his full support of the bill. Rep. Nichols insisted he still needed more information from DMV statistics to know how to vote on bill. Chairman Sexton asked DMV employee Major Arrowood, Assistant Director of Enforcement Section, to respond. Rep. Nichols asked Major Arrowood to get some statistics from not only North Carolina, but other states as well. Major Arrowood agreed to get committee members information before the next meeting. Rep. Mercer was recognized for a comment and question. Rep. Carpenter reminds Rep. Mercer, that the Committee Substitute is being debated and not the original bill, and the Committee Substitute has the legislation included. Chairman Sexton asked staff to comment on this. Brenda Carter, Research Staff Attorney, responded. Rep. Mercer requested a new fiscal note on Committee Substitute before the next meeting. Chairman Sexton granted the request. Rep. McComas was called on for his question, and Rep. Carpenter responded. Rep. Creech spoke against the bill. Rep. Holmes referred to some of the comments made by Rep. Carpenter in his presentation of his bill. Rep. Carpenter followed up with additional comments. Rep. Brawley asked questions and Rep. Carpenter responded. Rep. Wainwright requested information from Rep. Carpenter to be brought to the next meeting. Request would be granted. Due to time constraints, Chairman Sexton adjourned the meeting.



Rep. Wayne Sexton
Presiding Chair



Debbie Turner
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 54

Short Title: Purple Heart Spouse Plates.

(Public)

Sponsors: Representatives Warner; Hardy, Hurley, Kinney, McAllister, Morris, Yongue, Smith, Hill, Moore, and Cole.

Referred to: Transportation, if favorable, Finance.

February 5, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT SPOUSES OF PURPLE HEART PLATE
3 HOLDERS MAY CONTINUE TO BE ISSUED THOSE PLATES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-79.4(b)(22) reads as rewritten:

6 "(22) Purple Heart Recipient. -- Issuable to a recipient of the Purple
7 Heart award. Also issuable to the surviving spouse of a Purple
8 Heart recipient plate holder who has not remarried and who
9 continues to annually renew the plate. The plate shall bear the
10 phrase 'Purple Heart Veteran, Combat Wounded' and the letters
11 'PH'."

12 Section 2. G.S. 20-79.7(a) reads as rewritten:

13 "(a) Fees. -- Upon request, the Division shall ~~provide and~~ issue free of charge
14 one registration plate to a recipient of the Congressional Medal of Honor, a 100%
15 disabled veteran, and an ex-prisoner of war. Upon request, the Division shall issue,
16 upon the payment of a one-time ten-dollar (\$10.00) fee, one registration plate to a
17 recipient of the Purple Heart award. All other special registration plates are subject
18 to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an
19 additional fee in the following amount:

20 <u>Special Plate</u>	<u>Additional Fee Amount</u>
21 Historical Attraction	\$30.00
22 State Attraction	\$30.00
23 Collegiate Insignia	\$25.00

1	Special Olympics	\$25.00
2	Wildlife Resources	\$20.00
3	Personalized	\$20.00
4	Active Member of the National Guard	None
5	All Other Special Plates	\$10.00."
6	Section 3. This act is effective when it becomes law.	

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 54
Committee Substitute Favorable 5/21/97
Committee Substitute #2 Favorable 7/23/97

Short Title: No Add'l Fee for Legion of Valor/Pearl Harbor Survivor. (Public)

Sponsors:

Referred to:

February 5, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE ADDITIONAL FEE IMPOSED FOR A LEGION OF
3 VALOR SPECIAL PLATE AND A PEARL HARBOR SURVIVOR SPECIAL
4 PLATE.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 20-79.7(a) reads as rewritten:
7 "(a) Fees. -- Upon request, the Division shall ~~provide and~~ issue free of charge
8 one registration plate to a recipient of the Congressional Medal of Honor, a 100%
9 disabled veteran, and an ex-prisoner of war. All other special registration plates are
10 subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus
11 an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
13 Historical Attraction	\$30.00
14 State Attraction	\$30.00
15 Collegiate Insignia	\$25.00
16 Special Olympics	\$25.00
17 Wildlife Resources	\$20.00
18 Personalized	\$20.00
19 Active Member of the National Guard	None
20 <u>Legion of Valor</u>	<u>None</u>
21 <u>Pearl Harbor Survivor</u>	<u>None</u>
22 All Other Special Plates	\$10.00."

1 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 55

Proposed Committee Substitute H55-PCS8033

Short Title: Purple Heart Special Plates.

(Public)

Sponsors:

Referred to:

February 5, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT SPECIAL PURPLE HEART AWARD
3 REGISTRATION PLATES SHALL BE ISSUED WITHOUT AN ADDITIONAL
4 FEE, AND TO PROVIDE THAT SURVIVING SPOUSES OF PURPLE HEART
5 PLATE HOLDERS MAY CONTINUE TO BE ISSUED THOSE PLATES.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 20-79.4(b)(22) reads as rewritten:

8 "(22) Purple Heart Recipient. -- Issuable to a recipient of the Purple
9 Heart award. Also issuable to the surviving spouse of a person
10 who had a Purple Heart plate at the time of death so long as the
11 surviving spouse continues to renew the plate and does not
12 remarry. The plate shall bear the phrase 'Purple Heart Veteran,
13 Combat Wounded' and the letters 'PH'."

14 Section 2. G.S. 20-79.7(a) reads as rewritten:

15 "(a) Fees. -- Upon request, the Division shall provide and issue free of charge
16 one registration plate to a recipient of the Congressional Medal of Honor, a 100%
17 disabled veteran, and an ex-prisoner of war. All other special registration plates are
18 subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus
19 an additional fee in the following amount:

20 <u>Special Plate</u>	<u>Additional Fee Amount</u>
21 Historical Attraction	\$30.00
22 State Attraction	\$30.00
23 Collegiate Insignia	\$25.00

1	Special Olympics	\$25.00
2	Wildlife Resources	\$20.00
3	Personalized	\$20.00
4	Active Member of the National Guard	None
5	<u>Purple Heart Recipient</u>	<u>None</u>
6	All Other Special Plates	\$10.00."
7	Section 3. This act is effective when it becomes law.	

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 55

Short Title: Purple Heart Special Plates.

(Public)

Sponsors: Representatives Warner; Hardy, Hurley, Kinney, McAllister, Morris, Yongue, Smith, Moore, Cole, Hill, Sexton, and Allred.

Referred to: Transportation, if favorable, Finance.

February 5, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT SPECIAL PURPLE HEART AWARD
3 REGISTRATION PLATES SHALL BE ISSUED WITHOUT A FEE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-79.7(a) reads as rewritten:
6 "(a) Fees. -- Upon request, the Division shall ~~provide and~~ issue free of charge
7 one registration plate to a recipient of the Congressional Medal of Honor, a recipient
8 of the Purple Heart award, a 100% disabled veteran, and an ex-prisoner of war. All
9 other special registration plates are subject to the regular motor vehicle registration
10 fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:
11

<u>Special Plate</u>	<u>Additional Fee Amount</u>
12 Historical Attraction	\$30.00
13 State Attraction	\$30.00
14 Collegiate Insignia	\$25.00
15 Special Olympics	\$25.00
16 Wildlife Resources	\$20.00
17 Personalized	\$20.00
18 Active Member of the National Guard	None
19 All Other Special Plates	\$10.00."

20 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 55

Committee Substitute Favorable 3/17/97
Committee Substitute #2 Favorable 4/14/97

Short Title: Purple Heart/Silver Star Plates.

(Public)

Sponsors:

Referred to:

February 5, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT SPECIAL PURPLE HEART AWARD
3 REGISTRATION PLATES SHALL BE ISSUED WITHOUT AN ADDITIONAL
4 FEE, TO PROVIDE THAT SURVIVING SPOUSES OF PURPLE HEART
5 PLATEHOLDERS MAY CONTINUE TO BE ISSUED THOSE PLATES, AND
6 TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A
7 SPECIAL MOTOR VEHICLE PLATE FOR RECIPIENTS OF THE SILVER
8 STAR.

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 20-79.4(b)(22) reads as rewritten:

11 "(22) Purple Heart Recipient. -- Issuable to a recipient of the Purple
12 Heart award. Also issuable to the surviving spouse of a person
13 who had a Purple Heart plate at the time of death so long as the
14 surviving spouse continues to renew the plate and does not
15 remarry. The plate shall bear the phrase 'Purple Heart Veteran,
16 Combat Wounded' and the letters 'PH'."

17 Section 2. G.S. 20-79.4(b) is amended by adding a new subdivision to
18 read:

19 "(22a1) Silver Star Recipient. -- Issuable to a recipient of the Silver Star.
20 The plate shall bear the emblem of the Silver Star and the words
21 'Silver Star'."

22 Section 3. G.S. 20-79.7(a) reads as rewritten:

1 "(a) Fees. -- Upon request, the Division shall provide and issue free of charge
2 one registration plate to a recipient of the Congressional Medal of Honor, a 100%
3 disabled veteran, and an ex-prisoner of war. All other special registration plates are
4 subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus
5 an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
7 Historical Attraction	\$30.00
8 State Attraction	\$30.00
9 Collegiate Insignia	\$25.00
10 Special Olympics	\$25.00
11 Wildlife Resources	\$20.00
12 Personalized	\$20.00
13 Active Member of the National Guard	None
14 <u>Purple Heart Recipient</u>	<u>None</u>
15 All Other Special Plates	\$10.00."

16 Section 4. This act is effective when it becomes law.



**North Carolina General Assembly
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(919) 733-2578

February 18, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: HOUSE BILL 54 - PURPLE HEART SPOUSE PLATES
Representative Warner

House Bill 54 provides that special registration plates would be issuable to the surviving spouse of a Purple Heart recipient. The plate would be issued to a surviving spouse who has not remarried, and who continues to annually renew the plate.

Section 2 of the bill makes the Purple Heart registration plate subject to a one-time \$10.00 fee. Currently, Purple Heart registration plates are subject to the regular annual motor vehicle registration fees plus an additional fee of \$10.00.

The bill would become effective when it becomes law.



**North Carolina General Assembly
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Raleigh, NC 27603-5925
(919) 733-2578

February 18, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: HOUSE BILL 55 - PURPLE HEART SPECIAL PLATES
Representative Warner

House Bill 54 provides that special registration plates for Purple Heart recipients would be issued free of charge. Currently, Purple Heart registration plates are subject to the regular annual motor vehicle registration fees plus an additional fee of \$10.00.

The bill would become effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 55 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPECIAL PURPLE
HEART AWARD REGISTRATION PLATES SHALL BE ISSUED WITHOUT A FEE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill (), ☒ which changes the title,
unfavorable as to original bill (), (and recommendation
that the committee substitute bill () be re-referred to the Committee on STATE
GOVERNMENT.)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection ~~it is read a third time~~).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 205*

Short Title: Modify Two DMV Definitions.

(Public)

Sponsors: Representative Bowie.

Referred to: Transportation, if favorable, Judiciary II.

February 17, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE DEFINITIONS OF "OUT-OF-STATE DRIVING
3 CONVICTION" AND "MOPED" USED IN THE MOTOR VEHICLE LAWS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-4.01(4a) reads as rewritten:
6 "(4a) Conviction. -- A conviction for an offense committed in North
7 Carolina or another state:
8 a. In-State. When referring to an offense committed in North
9 Carolina, the term means any of the following:
10 1. A final conviction of a criminal offense, including a
11 no contest plea.
12 2. A determination that a person is responsible for an
13 infraction, including a no contest plea.
14 3. An unvacated forfeiture of cash in the full amount of
15 a bond required by Article 26 of Chapter 15A of the
16 General Statutes.
17 4. A third or subsequent prayer for judgment continued
18 within any five-year period.
19 b. Out-of-State. When referring to an offense committed
20 outside North Carolina, the term means any of the
21 following:
22 1. An unvacated adjudication of ~~guilt.~~ guilt, including a
23 no contest plea.

2. A determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal.
3. An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court.
4. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

Section 2. G.S. 20-4.01(27)d1. reads as rewritten:

"d1. Moped. -- ~~Vehicles having~~ A vehicle that has two or three wheels ~~and operable pedals and equipped with~~ a motor ~~which~~ that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 20 miles per hour on a level surface."

Section 3. Section 1 of this act becomes effective November 1, 1997, and applies to offenses committed on or after that date. The remaining sections of this act are effective when they become law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 205 A BILL TO BE ENTITLED AN ACT TO MODIFY THE DEFINITIONS OF
"OUT-OF-STATE DRIVING CONVICTION" AND "MOPED" USED IN THE MOTOR
VEHICLE LAWS.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
~~TRANSPORTATION~~ ☒ JUDICIARY II.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 206*

Short Title: DMV Head Is a DOT Deputy.

(Public)

Sponsors: Representative Bowie.

Referred to: Transportation.

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE PERFORMANCE
3 AUDIT OF THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT
4 OF TRANSPORTATION BY ELIMINATING THE POSITION OF
5 COMMISSIONER OF MOTOR VEHICLES AND ALLOWING THE
6 SECRETARY OF TRANSPORTATION TO DESIGNATE A DEPUTY TO BE
7 THE HEAD OF THE DIVISION.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 20-1 reads as rewritten:

10 "§ 20-1. Division of Motor Vehicles established.

11 The Division of Motor Vehicles of the Department of Transportation is
12 established. This Chapter sets out the powers and duties of the Division. The
13 Secretary of Transportation shall administer the Division. The Secretary may
14 delegate to a Deputy of the Department of Transportation or another employee of the
15 Department any duty of the Secretary concerning the administration of the Division."

16 Section 2. G.S. 20-2 reads as rewritten:

17 "~~§ 20-2. Commissioner of Motor Vehicles; Authority to adopt rules.~~

18 ~~(a) Commissioner and Assistants. The Division of Motor Vehicles shall be~~
19 ~~administered by the Commissioner of Motor Vehicles, who shall be appointed by and~~
20 ~~serve at the pleasure of the Secretary of the Department of Transportation. The~~
21 ~~Commissioner shall be paid an annual salary to be fixed by the General Assembly in~~
22 ~~the Current Operations Appropriations Act and allowed his traveling expenses as~~
23 ~~allowed by law.~~

~~In any action, proceeding, or matter of any kind, to which the Commissioner of Motor Vehicles is a party or in which he may have an interest, all pleadings, legal notices, proof of claim, warrants for collection, certificates of tax liability, executions, and other legal documents, may be signed and verified on behalf of the Commissioner of Motor Vehicles by the Assistant Commissioner of Motor Vehicles or by any director or assistant director of any section of the Division of Motor Vehicles or by any other agent or employee of the Division so authorized by the Commissioner of Motor Vehicles.~~

~~(b) Rules.~~ The Commissioner Secretary may adopt rules to implement this Chapter. Chapter 150B of the General Statutes governs the adoption of rules by the Commissioner Secretary."

Section 3. G.S. 20-3 is repealed.

Section 4. G.S. 20-4.01(4) is repealed.

Section 5. G.S. 20-4.01 is amended by adding a new subdivision in the appropriate alphabetical order to read:

"(39a) Secretary. -- The Secretary of the North Carolina Department of Transportation."

Section 6. G.S. 20-4.2(2) is repealed.

Section 7. The following statutes are amended by deleting the word "Commissioner", the phrase "Commissioner of Motor Vehicles", the phrase "State Commissioner of Motor Vehicles", or the phrase "Commissioner of the Division of Motor Vehicles" each time they appear and substituting the word "Secretary":

G.S. 20-4.3

G.S. 20-4.4

G.S. 20-4.6

G.S. 20-4.10

G.S. 20-4.20

G.S. 20-4.22

G.S. 20-7

G.S. 20-9

G.S. 20-11

G.S. 20-13.2

G.S. 20-16.1

G.S. 20-17.1

G.S. 20-19

G.S. 20-24

G.S. 20-26

G.S. 20-29.1

G.S. 20-30

G.S. 20-37.12

G.S. 20-37.16

G.S. 20-37.23

G.S. 20-39

G.S. 20-40

- 1 G.S. 20-41
- 2 G.S. 20-42
- 3 G.S. 20-43
- 4 G.S. 20-43.4
- 5 G.S. 20-45
- 6 G.S. 20-47
- 7 G.S. 20-48
- 8 G.S. 20-50
- 9 G.S. 20-56
- 10 G.S. 20-57
- 11 G.S. 20-61
- 12 G.S. 20-63
- 13 G.S. 20-64
- 14 G.S. 20-64.2
- 15 G.S. 20-66
- 16 G.S. 20-71.2
- 17 G.S. 20-71.3
- 18 G.S. 20-71.4
- 19 G.S. 20-78
- 20 G.S. 20-83
- 21 G.S. 20-84
- 22 G.S. 20-84.2
- 23 G.S. 20-85.1
- 24 G.S. 20-86.1
- 25 G.S. 20-91
- 26 G.S. 20-91.1
- 27 G.S. 20-91.2
- 28 G.S. 20-94
- 29 G.S. 20-97
- 30 G.S. 20-99
- 31 G.S. 20-100
- 32 G.S. 20-108
- 33 G.S. 20-109.1
- 34 G.S. 20-114
- 35 G.S. 20-124
- 36 G.S. 20-125
- 37 G.S. 20-125.1
- 38 G.S. 20-126
- 39 G.S. 20-127
- 40 G.S. 20-128.2
- 41 G.S. 20-129
- 42 G.S. 20-129.2
- 43 G.S. 20-130
- 44 G.S. 20-133

- 1 G.S. 20-135.2
- 2 G.S. 20-135.2A
- 3 G.S. 20-135.2B
- 4 G.S. 20-135.4
- 5 G.S. 20-140.4
- 6 G.S. 20-141.3
- 7 G.S. 20-179.3
- 8 G.S. 20-183.3
- 9 G.S. 20-183.8D
- 10 G.S. 20-183.8E
- 11 G.S. 20-218
- 12 G.S. 20-279.2
- 13 G.S. 20-279.3
- 14 G.S. 20-279.5
- 15 G.S. 20-279.6
- 16 G.S. 20-279.6A
- 17 G.S. 20-279.7
- 18 G.S. 20-279.8
- 19 G.S. 20-279.9
- 20 G.S. 20-279.10
- 21 G.S. 20-279.11
- 22 G.S. 20-279.12
- 23 G.S. 20-279.13
- 24 G.S. 20-279.16
- 25 G.S. 20-279.19
- 26 G.S. 20-279.20
- 27 G.S. 20-279.22
- 28 G.S. 20-279.24
- 29 G.S. 20-279.25
- 30 G.S. 20-279.26
- 31 G.S. 20-279.27
- 32 G.S. 20-279.28
- 33 G.S. 20-279.29
- 34 G.S. 20-279.30
- 35 G.S. 20-279.31
- 36 G.S. 20-279.32
- 37 G.S. 20-279.33
- 38 G.S. 20-281
- 39 G.S. 20-283
- 40 G.S. 20-288
- 41 G.S. 20-295
- 42 G.S. 20-296
- 43 G.S. 20-300
- 44 G.S. 20-301

- 1 G.S. 20-302
- 2 G.S. 20-305
- 3 G.S. 20-305.1
- 4 G.S. 20-305.2
- 5 G.S. 20-305.3
- 6 G.S. 20-305.4
- 7 G.S. 20-308.1
- 8 G.S. 20-321
- 9 G.S. 20-322
- 10 G.S. 20-323
- 11 G.S. 20-324
- 12 G.S. 20-325
- 13 G.S. 20-382
- 14 G.S. 20-382.2.

15 Section 8. G.S. 20-49 reads as rewritten:

16 "§ 20-49. Police authority of Division.

17 ~~The Commissioner and such officers~~ Officers and inspectors of the Division ~~as he~~
18 ~~shall designate~~ designated by the Secretary and all members of the Highway Patrol
19 shall have the power:

- 20 (1) Of peace officers for the purpose of enforcing the provisions of
21 this Article and of any other law regulating the operation of
22 vehicles or the use of the highways.
- 23 (2) To make arrests upon view and without warrant for any violation
24 committed in their presence of any of the provisions of this Article
25 or other laws regulating the operation of vehicles or the use of the
26 highways.
- 27 (3) At all time to direct all traffic in conformance with law, and in the
28 event of a fire or other emergency or to expedite traffic or to
29 insure safety, to direct traffic as conditions may require,
30 notwithstanding the provisions of law.
- 31 (4) When on duty, upon reasonable belief that any vehicle is being
32 operated in violation of any provision of this Article or of any
33 other law regulating the operation of vehicles to require the driver
34 thereof to stop and exhibit his driver's license and the registration
35 card issued for the vehicle, and submit to an inspection of such
36 vehicle, the registration plates and registration card thereon or to
37 an inspection and test of the equipment of such vehicle.
- 38 (5) To inspect any vehicle of a type required to be registered
39 hereunder in any public garage or repair shop or in any place
40 where such vehicles are held for sale or wrecking, for the purpose
41 of locating stolen vehicles and investigating the title and
42 registration thereof.
- 43 (6) To serve all warrants relating to the enforcement of the laws
44 regulating the operation of vehicles or the use of the highways.

- 1 (7) To investigate traffic accidents and secure testimony of witnesses or
2 of persons involved.
- 3 (8) To investigate reported thefts of motor vehicles, trailers and
4 semitrailers and make arrest for thefts thereof.
- 5 (9) For the purpose of determining compliance with the provisions of
6 this Chapter, to inspect all files and records of the persons
7 hereinafter designated and required to be kept under the
8 provisions of this Chapter or of the registrations of the Division:
9 a. Persons dealing in or selling and buying new, used or
10 junked motor vehicles and motor vehicle parts; and
11 b. Persons operating garages or other places where motor
12 vehicles are repaired, dismantled, or stored."

13 Section 9. G.S. 20-79.1(j) is repealed.

14 Section 10. G.S. 20-84.2 is amended by deleting the word
15 "Commissioner's" each time it appears and substituting the word "Secretary's".

16 Section 11. G.S. 20-88.01 reads as rewritten:

17 "§ 20-88.01. Revocation of registration for failure to register for or comply with road
18 tax or pay civil penalty for buying or selling non-tax-paid fuel.

19 (a) Road Tax. -- The Secretary of Revenue may notify the ~~Commissioner~~
20 Division of those motor vehicles that are registered or are required to be registered
21 under Article 36B of Chapter 105 and whose owners or lessees, as appropriate, are
22 not in compliance with Article 36B, 36C, or 36D of Chapter 105. When notified, the
23 ~~Commissioner~~ Division shall withhold or revoke the registration plate for the vehicle.

24 (b) Non-tax-paid Fuel. -- The Secretary of Revenue may notify the ~~Commissioner~~
25 Division of those motor vehicles for which a civil penalty imposed under G.S. 105-
26 449.118 has not been paid. When notified, the ~~Commissioner~~ Division shall withhold
27 or revoke the registration plate of the vehicle."

28 Section 12. G.S. 20-279.21(b)(3)b. reads as rewritten:

- 29 "b. Where the insured, under the uninsured motorist coverage,
30 claims that he has sustained bodily injury as the result of
31 collision between motor vehicles and asserts that the identity
32 of the operator or owner of a vehicle (other than a vehicle
33 in which the insured is a passenger) cannot be ascertained,
34 the insured may institute an action directly against the
35 insurer: Provided, in that event, the insured, or someone in
36 his behalf, shall report the accident within 24 hours or as
37 soon thereafter as may be practicable, to a police officer,
38 peace officer, other judicial officer, or to the ~~Commissioner~~
39 ~~of Motor Vehicles~~ Division. The insured shall also within a
40 reasonable time give notice to the insurer of his injury, the
41 extent thereof, and shall set forth in the notice the time, date
42 and place of the injury. Thereafter, on forms to be mailed
43 by the insurer within 15 days following receipt of the notice
44 of the accident to the insurer, the insured shall furnish to

insurer any further reasonable information concerning the accident and the injury that the insurer requests. If the forms are not furnished within 15 days, the insured is deemed to have complied with the requirements for furnishing information to the insurer. Suit may not be instituted against the insurer in less than 60 days from the posting of the first notice of the injury or accident to the insurer at the address shown on the policy or after personal delivery of the notice to the insurer or its agent. The failure to post notice to the insurer 60 days before the initiation of the suit shall not be grounds for dismissal of the action, but shall automatically extend the time for filing of an answer or other pleadings to 60 days after the time of service of the summons, complaint, or other process on the insurer."

Section 13. G.S. 20-282 reads as rewritten:

"§ 20-282. Cooperation in enforcement of Article.

The provisions of this Article shall be enforced by the ~~Commissioner of Motor Vehicles~~ Division in cooperation with the Commissioner of Insurance, the North Carolina Automobile Rate Administrative Office and with all law-enforcement officers and agents and other agencies of the State and the political subdivisions thereof."

Section 14. G.S. 20-309 reads as rewritten:

"§ 20-309. Financial responsibility prerequisite to registration; must be maintained throughout registration period.

(a) No self-propelled motor vehicle shall be registered in this State unless the owner at the time of registration has financial responsibility for the operation of such motor vehicle, as provided in this Article. The owner of each motor vehicle registered in this State shall maintain financial responsibility continuously throughout the period of registration.

(b) Financial responsibility shall be a liability insurance policy or a financial security bond or a financial security deposit or by qualification as a self-insurer, as these terms are defined and described in Article 9A, Chapter 20 of the General Statutes of North Carolina, as amended.

(c) When it is certified that financial responsibility is a liability insurance policy, the ~~Commissioner of Motor Vehicles~~ Division may require ~~that~~ the owner to produce records to prove the fact of ~~such~~ insurance, and failure to produce such records shall be prima facie evidence that no financial responsibility exists with regard to the vehicle concerned. It shall be the duty of insurance companies, upon request of the Division, to verify the accuracy of any owner's certification.

(d) When liability insurance with regard to any motor vehicle is terminated by cancellation or failure to renew, or the owner's financial responsibility for the operation of any motor vehicle is otherwise terminated, the owner shall forthwith surrender the registration certificate and plates of the vehicle to the Division of

1 ~~Motor Vehicles~~ unless financial responsibility is maintained in some other manner in
2 compliance with this Article.

3 (e) Upon termination by cancellation or otherwise of an insurance policy provided
4 in subsection (b) of this section, the insurer shall notify the Division of such
5 termination; provided, no cancellation notice is required if the insurer issues a new
6 insurance policy complying with this Article at the same time the insurer cancels or
7 otherwise terminates the old policy, no lapse in coverage results, and the insurer
8 sends the certificate of insurance form for the new policy to the Division. The
9 Division, upon receiving notice of cancellation or termination of an owner's financial
10 responsibility as required by this Article, shall notify such owner of such cancellation
11 or termination, and such owner shall, to retain the registration plate for the vehicle
12 registered or required to be registered, within 10 days from date of notice given by
13 the Division either:

- 14 (1) Certify to the Division that he had financial responsibility effective
15 on or prior to the date of such termination; or
- 16 (2) In the case of a lapse in financial responsibility, pay a fifty dollar
17 (\$50.00) civil penalty; and certify to the Division that he now has
18 financial responsibility effective on the date of certification, that he
19 did not operate the vehicle in question during the period of no
20 financial responsibility with the knowledge that there was no
21 financial responsibility, and that the vehicle in question was not
22 involved in a motor vehicle accident during the period of no
23 financial responsibility.

24 Failure of the owner to certify that he has financial responsibility as herein
25 required shall be prima facie evidence that no financial responsibility exists with
26 regard to the vehicle concerned and unless the owner's registration plate has on or
27 prior to the date of termination of insurance been surrendered to a representative of
28 ~~the Division by surrender to an agent or representative of the Division designated by~~
29 ~~the Commissioner, or depositing the same or deposited~~ in the United States mail,
30 addressed to the Division of Motor Vehicles, Raleigh, North Carolina, the Division
31 shall revoke the vehicle's registration for 30 days.

32 In no case shall any vehicle, the registration of which has been revoked for failure
33 to have financial responsibility, be reregistered in the name of the registered owner,
34 spouse, or any child of the spouse, or any child of such owner within less than 30
35 days after the date of receipt of the registration plate by the Division of Motor
36 Vehicles, except that a spouse living separate and apart from the registered owner
37 may register such vehicle immediately in such spouse's name. Additionally, as a
38 condition precedent to the reregistration of the vehicle by the registered owner,
39 spouse, or any child of the spouse, or any child of such owner, except a spouse living
40 separate and apart from the registered owner, the payment of a restoration fee of fifty
41 dollars (\$50.00) and the appropriate fee for a new registration plate is required. Any
42 person, firm or corporation failing to give notice of termination shall be subject to a
43 civil penalty of two hundred dollars (\$200.00) to be assessed by the Commissioner of

1 Insurance upon a finding by the Commissioner of Insurance that good cause is not
2 shown for such failure to give notice of termination to the Division.

3 (f) ~~The Commissioner shall administer and enforce the provisions of this Article~~
4 ~~and may make rules and regulations necessary for its administration and~~ Secretary
5 shall provide for hearings upon request of persons aggrieved by orders or acts of the
6 ~~Commissioner~~ Secretary under the provisions of this Article."

7 Section 15. G.S. 20-315 is repealed.

8 Section 16. G.S. 20-320(2) is repealed.

9 Section 17. G.S. 1-105 reads as rewritten:

10 "**§ 1-105. Service upon nonresident drivers of motor vehicles and upon the personal**
11 **representatives of deceased nonresident drivers of motor vehicles.**

12 The acceptance by a nonresident of the rights and privileges conferred by the laws
13 now or hereafter in force in this State permitting the operation of motor vehicles, as
14 evidenced by the operation of a motor vehicle by such nonresident on the public
15 highways of this State, or at any other place in this State, or the operation by such
16 nonresident of a motor vehicle on the public highways of this State or at any other
17 place in this State, other than as so permitted or regulated, shall be deemed
18 equivalent to the appointment by such nonresident of the ~~Commissioner of Motor~~
19 ~~Vehicles~~, Secretary of the Department of Transportation, or his successor in office, to
20 be his true and lawful attorney and the attorney of his executor or administrator,
21 upon whom may be served all summonses or other lawful process in any action or
22 proceeding against him or his executor or administrator, growing out of any accident
23 or collision in which said nonresident may be involved by reason of the operation by
24 him, for him, or under his control or direction, express or implied, of a motor vehicle
25 on such public highways of this State, or at any other place in this State, and said
26 acceptance or operation shall be a signification of his agreement that any such
27 process against him or his executor or administrator shall be of the same legal force
28 and validity as if served on him personally, or on his executor or administrator.

29 Service of such process shall be made in the following manner:

30 (1) By leaving a copy thereof, with a fee of ten dollars (\$10.00), in the
31 hands of the ~~Commissioner of Motor Vehicles~~, Secretary of the
32 Department of Transportation, or in his office. Such service, upon
33 compliance with the other provisions of this section, shall be
34 sufficient service upon the said nonresident.

35 (2) Notice of such service of process and copy thereof must be
36 forthwith sent by certified or registered mail by plaintiff or the
37 ~~Commissioner of Motor Vehicles~~ Secretary of the Department of
38 Transportation to the defendant, and the entries on the defendant's
39 return receipt shall be sufficient evidence of the date on which
40 notice of service upon the ~~Commissioner of Motor Vehicles~~
41 Secretary of the Department of Transportation and copy of process
42 were delivered to the defendant, on which date service on said
43 defendant shall be deemed completed. If the defendant refuses to
44 accept the certified or registered letter, service on the defendant

shall be deemed completed on the date of such refusal to accept as determined by notations by the postal authorities on the original envelope, and if such date cannot be so determined, then service shall be deemed completed on the date that the certified or registered letter is returned to the plaintiff or ~~Commissioner of Motor Vehicles~~, Secretary of the Department of Transportation, as determined by postal marks on the original envelope. If the certified or registered letter is not delivered to the defendant because it is unclaimed, or because he has removed himself from his last known address and has left no forwarding address or is unknown at his last known address, service on the defendant shall be deemed completed on the date that the certified or registered letter is returned to the plaintiff or ~~Commissioner of Motor Vehicles~~, Secretary of the Department of Transportation.

- (3) The defendant's return receipt, or the original envelope bearing a notation by the postal authorities that receipt was refused, and an affidavit by the plaintiff that notice of mailing the registered letter and refusal to accept was forthwith sent to the defendant by ordinary mail, together with the plaintiff's affidavit of compliance with the provisions of this section, must be appended to the summons or other process and filed with said summons, complaint and other papers in the cause.

Provided, that where the nonresident motorist has died prior to the commencement of an action brought pursuant to this section, service of process shall be made on the executor or administrator of such nonresident motorist in the same manner and on the same notice as is provided in the case of a nonresident motorist.

The court in which the action is pending shall order such continuance as may be necessary to afford the defendant reasonable opportunity to defend the action."

Section 18. G.S. 8-37 reads as rewritten:

"§ 8-37. Certificate of ~~Commissioner~~ Division of Motor Vehicles as to ownership of automobile.

In any civil or criminal action in which the ownership of a motor vehicle is relevant, evidence as to the letters and numbers appearing upon the registration plate attached to such vehicle or of the motor vehicle identification number, together with certified copies of records furnished pursuant to G.S. 20-42 by the ~~Commissioner~~ Division of Motor Vehicles showing the name of the owner of the vehicle to which such registration plate or vehicle identification number is assigned, or a certified copy of the certificate of title for such motor vehicle on file with the ~~Commissioner~~ Division of Motor Vehicles, is prima facie evidence of the ownership of such motor vehicle."

Section 19. G.S. 44A-4(c) reads as rewritten:

"(c) Private Sale. -- Sale by private sale may be made in any manner that is commercially reasonable. If the property upon which the lien is claimed is a motor vehicle, the sale may not be made until notice is given to the ~~Commissioner~~ Division

1 of Motor Vehicles pursuant to G.S. 20-114(c). Not less than 30 days prior to the date
2 of the proposed private sale, the lienor shall cause notice to be mailed, as provided in
3 subsection (f) hereof, to the person having legal title to the property, if reasonably
4 ascertainable, to the person with whom the lienor dealt if different, and to each
5 secured party or other person claiming an interest in the property who is actually
6 known to the lienor or can be reasonably ascertained. Notices provided pursuant to
7 subsection (b) hereof shall be sufficient for these purposes if such notices contain the
8 information required by subsection (f) hereof. The lienor shall not purchase, directly
9 or indirectly, the property at private sale and such a sale to the lienor shall be
10 voidable."

11 Section 20. G.S. 44A-4(e) reads as rewritten:

12 "(e) Public Sale. --

- 13 (1) Not less than 20 days prior to sale by public sale the lienor:
- 14 a. Shall notify the ~~Commissioner~~ Division of Motor Vehicles as
- 15 provided in G.S. 20-114(c) if the property upon which the
- 16 lien is claimed is a motor vehicle; and
- 17 a1. Shall cause notice to be mailed to the person having legal
- 18 title to the property if reasonably ascertainable, to the
- 19 person with whom the lienor dealt if different, and to each
- 20 secured party or other person claiming an interest in the
- 21 property who is actually known to the lienor or can be
- 22 reasonably ascertained, provided that notices provided
- 23 pursuant to subsection (b) hereof shall be sufficient for these
- 24 purposes if such notices contain the information required by
- 25 subsection (f) hereof; and
- 26 b. Shall advertise the sale by posting a copy of the notice of
- 27 sale at the courthouse door in the county where the sale is
- 28 to be held;
- 29 and shall publish notice of sale once a week for two consecutive
- 30 weeks in a newspaper of general circulation in the same county,
- 31 the date of the last publication being not less than five days prior
- 32 to the sale. The notice of sale need not be published if the vehicle
- 33 has a market value of less than three thousand five hundred dollars
- 34 (\$3,500), as determined by the schedule of values adopted by the
- 35 ~~Commissioner~~ Division of Motor Vehicles under G.S. 105-187.3.
- 36 (2) A public sale must be held on a day other than Sunday and
- 37 between the hours of 10:00 A.M. and 4:00 P.M.:
- 38 a. In any county where any part of the contract giving rise to
- 39 the lien was performed, or
- 40 b. In the county where the obligation secured by the lien was
- 41 contracted for.

42 (3) A lienor may purchase at public sale."

43 Section 21. G.S. 66-58(b)(15) reads as rewritten:

"(15) The State Department of Correction is authorized to purchase and install automobile license tag plant equipment for the purpose of manufacturing license tags for the State and local governments and for such other purposes as the Department may direct.

The ~~Commissioner~~ Division of Motor ~~Vehicles, or such other authority as may exercise~~ Vehicles and any other entity that exercises the authority to purchase automobile license tags is hereby directed to purchase from, and to contract with, the State Department of Correction for the State automobile license tag requirements from year to year.

The price to be paid to the State Department of Correction for such tags shall be fixed and agreed upon by the Governor, the State Department of Correction, and the ~~Motor Vehicle Commissioner, or such authority as may be authorized to purchase such supplies.~~ agency purchasing the tags."

Section 22. G.S. 105-187.1 reads as rewritten:

"§ 105-187.1. Definitions.

The following definitions and the definitions in G.S. 105-164.3 apply to this Article:

- (1) ~~"Commissioner" means the Commissioner of Motor Vehicles.~~
- (2) ~~"Division" means the~~ Division. -- The Division of Motor Vehicles, Department of Transportation.
- (3) ~~"Long-term Long-term lease or rental" means a rental.~~ -- A lease or rental made under a written agreement to lease or rent property to the same person for a period of at least 365 continuous days.
- (4) ~~"Short-term Short-term lease or rental" means a rental.~~ -- A lease or rental that is not a long-term lease or rental."

Section 23. G.S. 105-187.3 reads as rewritten:

"§ 105-187.3. Rate of tax.

(a) Amount. -- The rate of the use tax imposed by this Article is three percent (3%) of the retail value of a motor vehicle for which a certificate of title is issued. The tax is payable as provided in G.S. 105-187.4. The tax may not be more than one thousand dollars (\$1,000) for each certificate of title issued for a Class A or Class B motor vehicle that is a commercial motor vehicle, as defined in G.S. 20-4.01. The tax may not be more than one thousand five hundred dollars (\$1,500) for each certificate of title issued for any other motor vehicle.

(b) Retail Value. -- The retail value of a motor vehicle for which a certificate of title is issued because of a sale of the motor vehicle by a retailer is the sales price of the motor vehicle, including all accessories attached to the vehicle when it is delivered to the purchaser, less the amount of any allowance given by the retailer for a motor vehicle taken in trade as a full or partial payment for the purchased motor vehicle. The retail value of a motor vehicle for which a certificate of title is issued because of a sale of the motor vehicle by a seller who is not a retailer is the market value of the vehicle, less the amount of any allowance given by the seller for a motor

1 vehicle taken in trade as a full or partial payment for the purchased motor vehicle. A
2 transaction in which two parties exchange motor vehicles is considered a sale
3 regardless of whether either party gives additional consideration as part of the
4 transaction. The retail value of a motor vehicle for which a certificate of title is issued
5 because of a reason other than the sale of the motor vehicle is the market value of
6 the vehicle. The market value of a vehicle is presumed to be the value of the vehicle
7 set in a schedule of values adopted by the ~~Commissioner~~ Secretary of the
8 Department of Transportation.

9 (c) Schedules. -- In adopting a schedule of values for motor vehicles, the
10 ~~Commissioner~~ Secretary of the Department of Transportation shall adopt a schedule
11 whose values do not exceed the wholesale values of motor vehicles as published in a
12 recognized automotive reference manual."

13 Section 24. G.S. 105-187.4 reads as rewritten:

14 "**§ 105-187.4. Payment of tax.**

15 (a) Method. -- The tax imposed by this Article must be paid to the ~~Commissioner~~
16 Division when applying for a certificate of title for a motor vehicle. The
17 ~~Commissioner~~ Division may not issue a certificate of title for a vehicle until the tax
18 imposed by this Article has been paid. The tax may be paid in cash or by check.

19 (b) Sale by Retailer. -- When a certificate of title for a motor vehicle is issued
20 because of a sale of the motor vehicle by a retailer, the applicant for the certificate of
21 title must attach a copy of the bill of sale for the motor vehicle to the application. A
22 retailer who sells a motor vehicle may collect from the purchaser of the vehicle the
23 tax payable upon the issuance of a certificate of title for the vehicle, apply for a
24 certificate of title on behalf of the purchaser, and remit the tax due on behalf of the
25 purchaser. If a check submitted by a retailer in payment of taxes collected under this
26 section is not honored by the financial institution upon which it is drawn because the
27 retailer's account did not have sufficient funds to pay the check or the retailer did
28 not have an account at the institution, the Division may suspend or revoke the license
29 issued to the retailer under Article 12 of Chapter 20 of the General Statutes."

30 Section 25. G.S. 105-187.8 reads as rewritten:

31 "**§ 105-187.8. Refund for return of purchased motor vehicle.**

32 When a purchaser of a motor vehicle returns the motor vehicle to the seller of the
33 motor vehicle within 90 days after the purchase and receives a vehicle replacement
34 for the returned vehicle or a refund of the price paid the seller, whether from the
35 seller or the manufacturer of the vehicle, the purchaser may obtain a refund of the
36 privilege tax paid on the certificate of title issued for the returned motor vehicle.

37 To obtain a refund, the purchaser must apply to the Division for a refund within
38 30 days after receiving the replacement vehicle or refund of the purchase price. The
39 application must be made on a form prescribed by the ~~Commission~~ Division and
40 must be supported by documentation from the seller of the returned vehicle."

41 Section 26. G.S. 105-187.10 reads as rewritten:

42 "**§ 105-187.10. Penalties and remedies.**

43 (a) Penalties. -- The penalty for bad checks in G.S. 105-236(1) applies to a check
44 offered in payment of the tax imposed by this Article. In addition, if a check offered

1 to the Division in payment of the tax imposed by this Article is returned unpaid and
2 the tax for which the check was offered, plus the penalty imposed under G.S. 105-
3 236(1), is not paid within 30 days after the ~~Commissioner~~ Division demands its
4 payment, the ~~Commissioner~~ Division may revoke the registration plate of the vehicle
5 for which a certificate of title was issued when the check was offered.

6 (b) Unpaid Taxes. -- The remedies for collection of taxes in G.S. 20-99 apply to
7 the taxes levied by this Article and collected by the ~~Commissioner~~ Division.

8 (c) Appeals. -- A taxpayer who disagrees with the presumed value of a motor
9 vehicle must pay the tax based on the presumed value, but may appeal the value to
10 the ~~Commissioner~~ Secretary of the Department of Transportation. A taxpayer who
11 appeals the value must provide two estimates of the value of the ~~vehicle to the~~
12 ~~Commissioner~~ vehicle. If the ~~Commissioner~~ Secretary of the Department of
13 Transportation finds that the value of the vehicle is less than the presumed value of
14 the vehicle, the ~~Commissioner~~ Division shall refund any overpayment of tax made by
15 the taxpayer with interest at the rate specified in G.S. 105-241.1 from the date of the
16 overpayment."

17 Section 27. G.S. 105-449.54 reads as rewritten:

18 "§ 105-449.54. ~~Commissioner of Motor Vehicles~~ Secretary of Department of
19 Transportation made process agent of nonresident motor carriers.

20 The acceptance by a nonresident motor carrier of the rights and privileges
21 conferred by the laws now or hereafter in force in this State permitting the operation
22 of motor vehicles, as evidenced by the operation of a motor vehicle by such
23 nonresident, either personally or through an agent or employee, on the public
24 highways of this State, or the operation by such nonresident, either personally or
25 through an agent or employee, of a motor vehicle on the public highways of this
26 State other than as so permitted or regulated, shall be deemed equivalent to the
27 appointment by such nonresident motor carrier of the ~~Commissioner of Motor~~
28 ~~Vehicles~~ Secretary of the Department of Transportation, or his successor in office, to
29 be his true and lawful attorney and the attorney of his executor or administrator,
30 upon whom may be served all summonses or other lawful process or notice in any
31 action, assessment proceeding or other proceeding against him or his executor or
32 administrator, arising out of or by reason of any provisions of this Article relating to
33 such vehicle or relating to the liability for tax with respect to operation of such
34 vehicle on the highways of this State. Said acceptance or operation shall be a
35 signification by such nonresident motor carrier of his agreement that any such process
36 against or notice to him or his executor or administrator shall be of the same legal
37 force and validity as if served on him personally, or on his executor or administrator.
38 All of the provisions of G.S. 1-105 following the first paragraph thereof shall be
39 applicable with respect to the service of process or notice pursuant to this section."

40 Section 28. G.S. 110-91(a)(13) reads as rewritten:

41 "(13) Transportation. -- All child day care facilities shall abide by
42 North Carolina law regulating the use of seat belts and child
43 passenger restraint devices. All vehicles operated by any facility
44 staff person or volunteer to transport children shall be properly

1 equipped with appropriate seat belts or child restraint devices as
2 approved by the ~~Commissioner of Motor Vehicles~~ Secretary of
3 the Department of Transportation. Each adult and child shall be
4 restrained by an appropriate seat safety belt or restraint device
5 when the vehicle is in motion. These restraint regulations do not
6 apply to vehicles not required by federal law to be equipped with
7 seat restraints. All vehicles used to transport children shall meet
8 and maintain the safety inspection standards of the Division of
9 Motor Vehicles of the Department of Transportation and the
10 facility shall comply with all other applicable State and federal
11 laws and regulations concerning the operation of a motor vehicle.
12 Children may never be left unattended in a vehicle.

13 The ratio of adults to children in child day care vehicles
14 may not be less than the staff/child ratios prescribed by G.S.
15 110-91(7). The Commission shall adopt standards for
16 transporting children under the age of two, including standards
17 addressing this particular age's staff/child ratio during
18 transportation."

19 Section 29. G.S. 143-166.13(a)(13) reads as rewritten:

20 "(13) Members of License and Theft Enforcement Section, Division of
21 Motor Vehicles, Department of Transportation, designated by the
22 ~~Commissioner of Motor Vehicles~~ Secretary of the Department of
23 Transportation as either 'inspectors' or uniformed weigh station
24 personnel;".

25 Section 30. G.S. 147-33.2(8) reads as rewritten:

26 "(8) At any time when the General Assembly is not in session, suspend,
27 or modify, in whole or in part, generally or in its application to
28 certain classes of persons, firms, corporations or circumstances, any
29 law, rule or regulation with reference to the subjects hereinafter
30 enumerated, when he shall find and proclaim after such study,
31 investigation or hearings as he may direct, make or conduct, that
32 the operation, enforcement or application of such law, or any part
33 thereof, materially hinders, impedes, delays or interferes with the
34 proper conduct of the war; said subjects being as follows:

- 35 a. The use of the roads, streets, and highways of the State, with
36 particular reference to speed limits, weights and sizes of
37 motor vehicles, regulations of automobile lights and signals,
38 transportation of munitions or explosives and parking or
39 assembling of automobiles on highways or any other public
40 place within the State; provided that any changes in the laws
41 referred to in this subdivision shall be first approved by the
42 ~~Board of Transportation and the Commissioner of Motor~~
43 ~~Vehicles of the State;~~ Transportation;

- 1 b. Public health, insofar as suspension or modification of the
2 laws in reference thereto may be stipulated by the United
3 States Public Health Service or other authoritative agency of
4 the United States government as being essential in the
5 interest of national safety and in the successful prosecution
6 of the war effort; provided that such suspension or
7 modification of public health laws shall first be submitted to
8 and approved by the Commission for Health Services;
9 c. Labor and industry; provided, however, that any suspension
10 or modification of laws regulating labor and industry shall
11 be only such as are certified by the Commissioner of Labor
12 of the State as being necessary in the interest of national
13 safety and in the furtherance of the war program; and
14 provided further that any such changes as may result in an
15 increase in the hours of employment over and above the
16 limits of the existing statutory provisions shall carry
17 provision for adequate additional compensation; and
18 provided, further, that no changes in such laws or
19 regulations shall be made as affecting existing contracts
20 between labor and management in this State except with the
21 approval of the contracting parties;
22 d. Whenever it should be certified by the Adjutant General of
23 the State that emergency conditions require such procedure,
24 the Governor, with the approval of the Council of State,
25 shall have the power to call up and mobilize State militia in
26 addition to the existing units of the State guard; to provide
27 transportation and facilities for mobilization and full
28 utilization of the State guard, or other units of militia, in
29 such emergency; and to allocate from the Contingency and
30 Emergency Fund such amounts as may be necessary for such
31 purposes during the period of such emergency;
32 e. Manufacture, sale, transportation, possession and use of
33 explosives or fireworks, or articles in simulation thereof, and
34 the sale, use and handling of firearms;".
35 Section 31. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 206 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A
RECOMMENDATION OF THE PERFORMANCE AUDIT OF THE DIVISION OF
MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION BY
ELIMINATING THE POSITION OF COMMISSIONER OF MOTOR VEHICLES AND
ALLOWING THE SECRETARY OF TRANSPORTATION TO DESIGNATE A DEPUTY
TO BE THE HEAD OF THE DIVISION.

- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

VISITOR REGISTRATION SHEET

Transportation 3-12-97 11:00 a.m.

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. ROBERT GLASER	NCHDA
2. Jerry Arrowood	DMV ENT.
3. Dan Savane	NC DOT
4. Carol Howard	DMV - Veh Reg.
5. Tony Spence	DMV - DL
6. Shannon Bullock	Greene's Highway Safety
7. Doug Daughton	Prestage Farms
8. David Ferrell	Hafer, McNamee, Caldwell, McElroy & Cutler, PA.
9. Ricky L. Forkum	TDM Farms
10. JACK ARCHER	TDM FARMS
11. Billy R Daughton	3D FARMS
22. Bob Westbrook	Hog Slat
23. Sammy Britt	Prestage
24. Joe Britt	Prestage
25. Sammy Bennett	Hog Slat
26. Ray Britt	Ten Birds Farm
27. Felix H. Hark	Ten Birds Farm
28. [Signature]	Casey's Tire & Automotive
29. [Signature]	Esperwood SP
30. Dan Bradley	Hog Slat
31. Melissa Mieg	Hog Slat

32. ~~James Long, Jr.~~
33. ~~Ryan J. Long~~
34. ~~Tom Leary~~
35. Walter L. Wilson Jr.
36. David Dunn
37. Phil Payne
38. Mark Newell
39. Mandy Doughty
40. Wayne Brown
41. Rick Best
42. Edward P. Della Croce
43. Ronald K. Baker
44. John L. Pippin, Jr.
45. Hiram Brinson
46. TMAX WESSON
47. W. H. White
48. G.A. Joyner
49. Paul Miller
50. Danny Champion

Don Huns
Dawn Wilkes
Kim Yesterman
Vernice Robinson
Angela Thornton
Andrew Clark
Chris Fitzsimon
Larry Holden
Robert Hutchens

NC SSA
NC SSA

Kinston CofC
NC HIGHWAY Patrol

Quail Corners TEXAS

Six Fours Station Exxon
NCSSA

DAUGHTRY'S Exxon, JACKSONVILLE,
Crawson's Exxon Sampson NC
BEST CITY SERVICE

WAYNE COUNTY Sheriff's Dept Goldsboro

WAYNE County Sheriff Dept

N.C.A.R.S. & E.M.S.

NCA & EMS

NCA & EMS

NCA & EMS

NCA & EMS

NCSFA

Hog Slat Inc.

Hog Slat Inc

Hog Slat, Inc.

Hog Slat, Inc.

Hog Slat, Inc.

Thorton Farms / TDM
John Locke Green 101/105

Common Sense Foundation

D.R.C.

TRANSPORTATION COMMITTEE MEETING

MARCH 19, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES:

BILLS TO BE CONSIDERED:

HB 266 - ADJUST LICENSE WEIGHT - REP. EDDINS

HB 209 - MOTOR VEHICLE SALVAGE CHANGES - REP. BOWIE

**HB 237 - MODIFY EMISSIONS INSPECTIONS LAW -
REP. MITCHELL. BILL IS IDENTICAL TO SB 260 -
SEN. ODOM**

HB 380 - HIGHWAY BONDING REQUIREMENTS - REP. NICHOLS

HB 9 - REPEAL SAFETY INSPECTIONS - REP. CARPENTER

TRANSPORTATION COMMITTEE MEETING

March 19, 1977

MINUTES

The House Committee on Transportation met in Room 643 of the Legislative Office Building at 11:00 a.m. A majority was present and Rep. Buchanan, Co-Chairman, called the meeting to order.

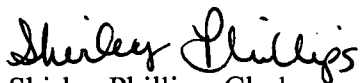
Rep. Eddins was recognized to explain the first bill on the Agenda, HB 266 - Adjust License Weight. Rep. Eddins submitted a committee substitute bill and moved its adoption. The motion carried and the committee substitute was before the committee. Following Rep. Eddins remarks, Rep. Brawley was recognized for a motion to give the committee substitute for HB 266 a favorable report; unfavorable to bill. The motion carried.

Senator Odom was called on to discuss SB 260 - Modify Emissions Inspections Law. Following a short discussion from the committee members, Rep. Nichols moved to give SB 260 a favorable report and this motion passed.

HB 380 - Highway Bonding Requirements was the next bill on the Agenda. Rep. Nichols discussed the bill. Several members of the committee spoke in opposition to the bill. Mr. Alan Miles representing the American Insurance Association stated that the Association opposed the legislation. Rep. Nichols made a motion to give the bill a favorite report. The question was put; division was called and the call was sustained. The main question was put and the motion carried. HB 380 was given a favorable report and recommended it be re-referred to the Finance Committee.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Shirley Phillips, Clerk


Monroe Buchanan, Chair

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 266
Proposed Committee Substitute H266-PCS6127

Short Title: Adjust License Weight.

(Public)

Sponsors:

Referred to:

February 18, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW PRIVATE PASSENGER AND PRIVATE PROPERTY-
3 HAULING VEHICLES WEIGHING UP TO SIX THOUSAND POUNDS TO BE
4 ISSUED "FIRST IN FLIGHT" PLATES AND TO CLARIFY THAT THE
5 DIVISION OF MOTOR VEHICLES MAY ISSUE PERSONALIZED
6 COMMERCIAL LICENSE PLATES.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 20-63(b) reads as rewritten:

9 "(b) Every license plate shall have displayed upon it the registration number
10 assigned to the vehicle for which it is issued, the name of the State of North Carolina,
11 which may be abbreviated, the year number for which it is issued or the date of
12 expiration, and, if the plate is issued for a commercial vehicle, as defined in G.S. 20-
13 4.2(1), the word 'commercial,' designating 'commercial vehicle.' The Division may
14 not issue a plate bearing the word 'commercial' for a trailer, or a vehicle licensed for
15 ~~less than 5,000, 6,000 pounds or less, a property-hauling vehicle, or a commercial~~
16 ~~vehicle bearing a personalized plate.~~

17 A registration plate issued by the Division for a private passenger vehicle or for a
18 private hauler vehicle licensed for ~~4,000~~ 6,000 pounds or less shall be a 'First in
19 Flight' plate. A 'First in Flight' plate shall have the words 'First in Flight' printed at
20 the top of the plate above all other letters and numerals. The background of the
21 plate shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the
22 plane flying slightly upward and to the right."

1 Section 2. This act becomes effective January 1, 1998, and applies to new
2 or renewal vehicle registrations occurring on or after that date.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

H.B. 266 A BILL TO BE ENTITLED AN ACT T TO ALLOW PRIVATE PASSENGER AND PRIVATE PROPERTY HAULING VEHICLES WEIGHING UP TO 6,000 POUNDS TO BE ISSUED "FIRST IN FLIGHT" PLATES AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE PERSONALIZED COMMERCIAL LICENSE PLATES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.

☒ With a favorable report as to committee substitute bill (#), ☒ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 260*
Second Edition Engrossed 3/10/97

Short Title: Modify Emissions Inspection Laws.

(Public)

Sponsors: Senators Odom; Albertson, Cooper, Dannelly, Gulley, Hoyle, Kerr,
Plyler, Rucho, and Winner.

Referred to: Transportation.

February 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE PENALTY SCHEDULE FOR VIOLATIONS OF THE
3 VEHICLE EMISSION INSPECTION PROGRAM, TO CLARIFY THE
4 PROCEDURE FOR IMPOSING THE PENALTIES, AND TO MAKE OTHER
5 CHANGES TO THE VEHICLE EMISSION INSPECTION LAWS, AS
6 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
7 The General Assembly of North Carolina enacts:
8 Section 1. G.S. 20-183.4(b) reads as rewritten:
9 "(b) Station Qualifications. -- An applicant for a license as a safety inspection
10 station must meet all of the following requirements:
11 (1) Have a place of business that has adequate facilities, space, and
12 equipment to conduct a safety inspection. A place of business
13 designated in a station license that has been suspended or revoked
14 cannot be the designated place for any other license applicant
15 during the period of the suspension or revocation, unless the
16 Division finds that operation of the place of business as an
17 inspection station during this period by the license applicant would
18 not defeat the purpose of the suspension or revocation because the
19 license applicant has no connection with the person whose license
20 was suspended or revoked or because of another reason. A finding
21 made by the Division under this subdivision must be set out in a

1 written statement that includes the finding and the reason for the
2 finding.

3 (2) Regularly employ at least one mechanic who has a safety
4 inspection mechanic license.

5 (3) Designate the individual who will be responsible for the day-to-day
6 operation of the station. The individual designated must be of
7 good character and have a reputation for honesty."

8 Section 2. G.S. 20-183.4C reads as rewritten:

9 **"§ 20-183.4C. When a vehicle must be inspected; inspected; one-way trip permit.**

10 (a) Inspection. -- A vehicle that is subject to a safety inspection, an emissions
11 inspection, or both must be inspected as follows:

12 (1) A new vehicle must be inspected before it is ~~offered for sale~~ sold at
13 retail in this State.

14 (2) A used vehicle must be inspected before it is offered for sale at
15 retail in this State by a dealer at a location other than a public
16 auction.

17 (3) A used vehicle that is offered for sale at retail in this State by a
18 dealer at a public auction must be inspected before it is offered for
19 sale unless it has an inspection sticker that was put on the vehicle
20 under this Part and does not expire until at least nine months after
21 the date the vehicle is offered for sale at auction.

22 (4) A used vehicle acquired by a resident of this State from a person
23 outside the State must be inspected within 10 days after the vehicle
24 is registered with the Division.

25 (5) A vehicle owned by a new resident of this State who transfers the
26 registration of the vehicle from the resident's former home state to
27 this State must be inspected within 10 days after the vehicle is
28 registered with the Division.

29 (6) A vehicle that has been inspected in accordance with this Part
30 must be inspected by the last day of the month in which the
31 inspection sticker on the vehicle expires, unless another subdivision
32 of this section requires it to be inspected sooner.

33 (b) Permit. -- The Division may issue a one-way trip permit to a person that
34 authorizes the person to drive to an inspection station a vehicle whose inspection
35 sticker has expired. The permit must describe the vehicle whose inspection sticker
36 has expired. The permit authorizes the person to drive the described vehicle only
37 from the place the vehicle is parked to an inspection station."

38 Section 3. G.S. 20-183.6 reads as rewritten:

39 **"§ 20-183.6. Businesses that replace windshields must register with Division to get**
40 **inspection stickers.**

41 A person who is engaged in the business of replacing windshields on vehicles that
42 are subject to inspection under this Part may register with the Division to obtain
43 replacement inspection stickers for use on replaced windshields. A replacement
44 inspection sticker put on a windshield that has been replaced must contain the same

1 information and expire at the same time as the inspection sticker it replaces. A
2 person who puts a replacement inspection sticker on a replaced windshield must
3 remove the inspection sticker from the windshield that was ~~replaced~~ replaced, attach
4 the removed inspection sticker to a copy of the statement given the vehicle owner for
5 replacing the windshield, and keep the removed inspection sticker until 30 days after
6 it expires, that copy of the statement until 18 months after the sticker was removed.

7 A person registered under this section must keep records of replacement stickers
8 put on replaced windshields and must be able to account for all inspection stickers
9 received from the Division. The Division may suspend or revoke the registration of a
10 person under this section if the person fails to keep records required by the Division
11 or is unable to account for inspection stickers received from the Division. An auditor
12 of the Division may review the records of a person registered under this section
13 during normal business hours.

14 A person who is registered under this section and has a safety inspection station
15 license or an emissions inspection station license must keep the records of the
16 inspection stickers used on replaced windshields separate from the records of the
17 inspection stickers used on vehicles inspected. A person who is registered under this
18 section and has an inspection station license may not inspect a vehicle whose
19 windshield is being replaced unless the inspection sticker on the windshield has
20 expired or expires at the end of the month in which the windshield is being replaced
21 and the person has the vehicle owner's permission to inspect the vehicle."

22 Section 4. G.S. 20-183.7(a) reads as rewritten:

23 "(a) Fee Amount. -- When a fee applies to an inspection of a vehicle or the
24 issuance of an inspection sticker, the fee must be collected. The following fees apply
25 to an inspection of a vehicle and the issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only, Without		
After-Factory Tinted Window	\$ 8.25	\$1.00
Safety Only, With After-		
Factory Tinted Window	18.25	1.00
Emissions and Safety,		
Without After-Factory Tinted Window	17.00	2.40
Emissions and Safety, With		
After-Factory Tinted Window	27.00	2.40.

35 The fee for performing an inspection of a vehicle applies when an inspection is
36 performed, regardless of whether the vehicle passes the inspection. The fee for an
37 inspection sticker applies when an inspection sticker is put on a vehicle. The fee for
38 performing an inspection of a vehicle with a tinted window applies only to an
39 inspection performed with a light meter after a safety inspection mechanic
40 determined that the window had after-factory tint.

41 A vehicle that is inspected at an inspection station and fails the inspection is
42 entitled to be reinspected at the same station at any time within 30 days of the failed
43 inspection without paying another inspection fee."

44 Section 5. G.S. 20-183.8 reads as rewritten:

1 "§ 20-183.8. Infractions and criminal offenses for violations of inspection
2 requirements.

3 (a) Infractions. -- A person who does any of the following commits an infraction
4 and, if found responsible, is liable for a penalty of up to fifty dollars (\$50.00):

5 (1) Operates a motor vehicle that is subject to inspection under this
6 Part on a highway or public vehicular area in the State when the
7 vehicle has not been inspected in accordance with this Part, as
8 evidenced by the vehicle's lack of a current inspection sticker or
9 otherwise.

10 (2) Allows an inspection sticker to be put on a vehicle owned or
11 operated by that person, knowing that the vehicle was not
12 inspected before the sticker was attached or was not inspected
13 properly.

14 (3) ~~Attaches~~ Puts an inspection sticker ~~to~~ on a vehicle, knowing or
15 having reasonable grounds to know an inspection of the vehicle
16 was not performed or was performed improperly. A person who is
17 cited for a civil penalty under G.S. 20-183.8B for an emissions
18 violation involving the inspection of a vehicle may not be charged
19 with an infraction under this subdivision based on that same
20 vehicle.

21 (b) Defenses to Infractions. -- Any of the following is a defense to a violation
22 under subsection (a) of this section:

23 (1) The vehicle was continuously out of State for at least the 30 days
24 preceding the date the inspection sticker expired and a current
25 inspection sticker was obtained within 10 days after the vehicle
26 came back to the State.

27 (2) The vehicle displays a dealer license plate or a transporter plate,
28 the dealer repossessed the vehicle or otherwise acquired the
29 vehicle within the last 10 days, and the vehicle is being driven
30 from its place of acquisition to the dealer's place of business or to
31 an inspection station.

32 ~~(3) The vehicle was in a state of disrepair on the date the inspection~~
33 ~~sticker expired, the owner has since repaired the vehicle, the~~
34 ~~vehicle is being driven from the owner's residence or other place~~
35 ~~where the owner repaired the vehicle to an inspection station, and~~
36 ~~the owner has not otherwise driven the vehicle since the inspection~~
37 ~~sticker expired.~~

38 (4) The charged infraction is described in subdivision (a)(1) of this
39 section, the vehicle is subject to a safety-only inspection, and the
40 vehicle owner establishes in court that the vehicle was inspected
41 after the citation was issued and within 30 days of the expiration
42 date of the inspection sticker that was on the vehicle when the
43 citation was issued.

1 (c) Felony. -- A person who ~~forges an inspection sticker commits a Class I felony.~~
2 does any of the following commits a Class I felony:

3 (1) Forges an inspection sticker.

4 (2) Buys, sells, or possesses a forged inspection sticker.

5 (3) Buys, sells, or possesses an inspection sticker other than as the
6 result of either of the following:

7 a. Having a license as an inspection station, a self-inspector, or
8 an inspection mechanic and obtaining the inspection sticker
9 from the Division in the course of business.

10 b. A vehicle inspection in which the vehicle passed the
11 inspection or for which the vehicle received a waiver."

12 Section 6. G.S. 20-183.8B reads as rewritten:

13 "**§ 20-183.8B. Civil penalties against license holders and suspension or revocation of**
14 **license for emissions violations.**

15 (a) Kinds of Violations. -- The civil penalty schedule established in this section
16 applies to emissions self-inspectors, emissions inspection stations, and emissions
17 inspection mechanics. The schedule categorizes emissions violations into serious
18 (Type I), minor (Type II), and technical (Type III) violations.

19 A serious violation is a violation of this Part or a rule adopted to implement this
20 Part that directly affects the emission reduction benefits of the emissions inspection
21 program. A minor violation is a violation of this Part or a rule adopted to implement
22 this Part that reflects negligence or carelessness in conducting an emissions inspection
23 or complying with the emissions inspection requirements but does not directly affect
24 the emission reduction benefits of the emissions inspection program. A technical
25 violation is a violation that is not a serious violation, a minor violation, or another
26 type of offense under this Part.

27 (b) Penalty Schedule. -- The Division must take the following action for a
28 violation:

29 (1) Type I. -- For a first or second Type I violation by an emissions
30 self-inspector or an emissions inspection station, assess a civil
31 penalty of two hundred fifty dollars (\$250.00) and suspend the
32 license of the business for six months. For a third or subsequent
33 Type I violation within ~~seven~~ three years by an emissions self-
34 inspector or an emissions inspection station, assess a civil penalty
35 of one thousand dollars (\$1,000) and revoke the license of the
36 business for two years.

37 For a first or second Type I violation by an emissions
38 inspection mechanic, assess a civil penalty of one hundred dollars
39 (\$100.00) and suspend the mechanic's license for six months. For a
40 third or subsequent Type I violation within seven years by an
41 emissions inspection mechanic, assess a civil penalty of two
42 hundred fifty dollars (\$250.00) and revoke the mechanic's license
43 for two years.

- (2) Type II. -- For a first or second Type II violation by an emissions self-inspector or an emissions inspection station, assess a civil penalty of one hundred dollars (\$100.00). For a third or subsequent Type II violation within ~~seven~~ three years by an emissions self-inspector or an emissions inspection station, assess a civil penalty of two hundred fifty dollars (\$250.00) and suspend the license of the business for 90 days.

For a first or second Type II violation by an emissions inspection mechanic, assess a civil penalty of fifty dollars (\$50.00). For a third or subsequent Type II violation within seven years by an emissions inspection mechanic, assess a civil penalty of one hundred dollars (\$100.00) and suspend the mechanic's license for 90 days.

- (3) Type III. -- For a first or second Type III violation by an emissions self-inspector, an emissions inspection station, or an emissions inspection mechanic, send a warning letter. For a third or subsequent Type III violation within ~~seven~~ three years by the same emissions license holder, assess a civil penalty of twenty-five dollars (\$25.00).

(c) Station or Self-Inspector Responsibility. -- It is the responsibility of an emissions inspection station and an emissions self-inspector to supervise the emissions mechanics it employs. A ~~Type I~~ violation by an emissions inspector mechanic is considered a ~~Type I~~ violation by the station or self-inspector for whom the mechanic is employed. ~~A Type II or III violation by an emissions mechanic is not automatically a Type II or III violation by the station or self-inspector for whom the mechanic is employed. The Division may determine which Type II or Type III violations by an emissions mechanic are also violations by the station or self-inspector.~~

(d) Missing Stickers. -- The Division must assess a civil penalty against an emissions inspection station or an emissions self-inspector that cannot account for an emissions inspection sticker issued to it. A station or a self-inspector cannot account for a sticker when the sticker is missing and the station or self-inspector cannot establish reasonable grounds for believing the sticker was stolen or destroyed by fire or another accident.

The amount of the penalty is twenty-five dollars (\$25.00) for each missing sticker. If a penalty is imposed under subsection (b) of this section as the result of missing stickers, the monetary penalty that applies is the higher of the penalties required under this subsection and subsection (b); the Division may not assess a monetary penalty as a result of missing stickers under both this subsection and subsection (b). Imposition of a monetary penalty under this subsection does not affect suspension or revocation of a license required under subsection (b).

(e) Mechanic Training. -- An emissions inspection mechanic whose license has been suspended or revoked must retake the course required under G.S. 20-183.4A and successfully complete the course before the mechanic's license can be reinstated.

1 Failure to successfully complete this course continues the period of suspension or
2 revocation until the course is completed successfully."

3 Section 7. G.S. 20-183.8C reads as rewritten:

4 "**§ 20-183.8C. Acts that are Type I, II, or III emissions violations.**

5 (a) Type I. -- It is a Type I violation for an emissions self-inspector, an emissions
6 inspection station, or an emissions inspection mechanic to do any of the following:

7 (1) Put an emissions inspection sticker on a vehicle without
8 performing an emissions inspection of the ~~vehicle or after~~
9 ~~performing an emissions inspection in which the vehicle did not~~
10 ~~pass the inspection.~~ vehicle.

11 (1a) Put an emissions inspection sticker on a vehicle after performing
12 an emissions inspection of the vehicle and determining that the
13 vehicle did not pass the inspection.

14 (2) Use a test-defeating strategy when conducting an emissions
15 inspection, such as holding the accelerator pedal down slightly
16 during an idle test, disconnecting or crimping a vacuum hose to
17 effect a passing result, or changing the emission standards for a
18 vehicle by incorrectly entering the vehicle type or model year to
19 achieve a passing result.

20 (3) Allow a person who is not licensed as an emissions inspection
21 mechanic to perform an emissions inspection for a self-inspector or
22 at an emissions station.

23 (4) Sell or otherwise give an inspection sticker to another other than
24 as the result of a vehicle inspection in which the vehicle passed the
25 inspection or for which the vehicle received a waiver.

26 (5) Be unable to account for five or more inspection stickers at any
27 one time upon the request of an auditor of the Division.

28 (6) Perform a safety-only inspection on a vehicle that is subject to both
29 a safety and an emissions inspection.

30 (7) Transfer an inspection sticker from one vehicle to another.

31 (b) Type II. -- It is a Type II violation for an emissions self-inspector, an emissions
32 inspection station, or an emissions inspection mechanic to do any of the following:

33 (1) Use the identification code of another to gain access to an
34 emissions analyzer.

35 (2) Keep inspection stickers and other compliance documents in a
36 manner that makes them easily accessible to individuals who are
37 not inspection mechanics.

38 (3) Put an emissions inspection sticker on a vehicle that is required to
39 have one of the following emissions control devices but does not
40 have it:

41 a. Catalytic converter.

42 b. PCV valve.

43 c. Thermostatic air control.

44 d. Oxygen sensor.

- e. Unleaded gas restrictor.
- f. Gasoline tank cap.
- g. Air injection system.
- h. Evaporative emissions system.
- i. Exhaust gas recirculation (EGR) valve.

(4) Put an emissions inspection sticker on a vehicle without performing a visual inspection of the vehicle's exhaust system and checking the exhaust system for leaks.

(5) Impose no fee for an emissions inspection of a vehicle or the issuance of an emissions inspection sticker or impose a fee for one of these actions in an amount that differs from the amount set in G.S. 20-187.3.

(c) Type III. -- It is a Type III violation for an emissions self-inspector, an emissions inspection station, or an emissions inspection mechanic to do any of the following:

- (1) Fail to post an emissions license issued by the Division.
- (2) Fail to send information on emissions inspections to the Division at the time or in the form required by the Division.
- (3) Fail to post emissions information required by federal law to be posted.
- (4) Fail to put the required information on an inspection sticker in a legible manner using ink.
- (5) Fail to put the required information on an inspection receipt in a legible manner.
- (6) Fail to maintain an emissions analyzer maintenance log.

(d) Other Acts. -- The lists in this section of the acts that are Type I, Type II, or Type III violations are not the only acts that are one of these types of violations. The Division may designate other acts that are a Type I, Type II, or Type III violation."

Section 8. G.S. 20-183.8D reads as rewritten:

"§ 20-183.8D. Suspension or revocation of ~~license for safety violations.~~ license.

(a) Safety. -- The Division may suspend or revoke a safety self-inspector license, a safety inspection station license, and a safety inspection mechanic license issued under this Part if the license holder fails to comply with this Part or a rule adopted by the Commissioner to implement this Part.

(b) Emissions. -- The Division may suspend or revoke an emissions self-inspector license, an emissions inspection station license, and an emissions inspection mechanic license issued under this Part for any of the following reasons:

- (1) The suspension or revocation is imposed under G.S. 20-183.8B.
- (2) Failure to pay a civil penalty imposed under G.S. 20-183.8B within 30 days after it is imposed."

Section 9. Article 3A of Chapter 20 of the General Statutes is amended by inserting a new section between G.S. 20-183.8D and G.S. 20-183.8E to read:

"§ 20-183.8D.1. Requirements for giving certain emissions license holders notice of violations and for taking summary action.

1 (a) Finding of Violation. -- When an auditor of the Division finds that an emissions
2 violation has occurred that could result in the suspension or revocation of an
3 emissions inspection station license, an emissions self-inspector license, or an
4 emissions mechanic license, the auditor must give the affected license holder written
5 notice of the finding. The notice must be given within five business days after the
6 violation occurred. The notice must state the period of suspension or revocation that
7 could apply to the violation and any monetary penalty that could apply to the
8 violation. The notice must also inform the license holder of the right to a hearing if
9 the Division charges the license holder with the violation.

10 (b) Notice of Charges. -- When the Division decides to charge an emissions
11 inspection station, an emissions self-inspector, or an emissions mechanic with a
12 violation that could result in the suspension or revocation of the person's emissions
13 license, an auditor of the Division must deliver a written statement of the charges to
14 the affected license holder. The statement of charges must inform the license holder
15 of this right, instruct the person on how to obtain a hearing, and inform the license
16 holder of the effect of not requesting a hearing. The license holder has the right to a
17 hearing before the license is suspended or revoked. G.S. 20-183.8E sets out the
18 procedure for obtaining a hearing.

19 (c) Exception for Summary Action. -- The right granted by subsection (b) of this
20 section to have a hearing before an emissions license is suspended or revoked does
21 not apply if the Division summarily suspends or revokes the license after a judge has
22 reviewed and authorized the proposed action. A license issued to an emissions
23 inspection station, an emissions self-inspector, or an emissions mechanic is a
24 substantial property interest that cannot be summarily suspended or revoked without
25 judicial review."

26 Section 10. G.S. 20-183.8E reads as rewritten:

27 **"§ 20-183.8E. Administrative and judicial review.**

28 ~~A person whose application for a license or registration is denied, whose license or~~
29 ~~registration is suspended or revoked, who is assessed a civil penalty, or who receives~~
30 ~~a warning letter under this Part may obtain an administrative review of the action by~~
31 ~~the Commissioner by filing with the Division a written request for a hearing before~~
32 ~~the Commissioner. A request for a hearing must be filed within 10 days after the~~
33 ~~person receives written notice of the action for which a hearing is requested.~~

34 ~~If the action that is the subject of a request for a hearing is the suspension or~~
35 ~~revocation of an emissions self-inspector license, an emissions inspection station~~
36 ~~license, or an emissions inspection mechanic license, the Commissioner must hold the~~
37 ~~hearing within 14 days after the Division receives the request. If the action that is the~~
38 ~~subject of a request for a hearing is not one of these actions, the Commissioner must~~
39 ~~hold a hearing within 90 days after the Division receives the request.~~

40 (a) Right to Hearing. -- A person who applies for a license or registration under
41 this Part or who has a license or registration issued under this Part has the right to a
42 hearing when any of the following occurs:

43 (1) The Division denies the person's application for a license or
44 registration.

(2) The Division delivers to the person a written statement of charges of an emissions violation that could result in the suspension or revocation of the person's emissions license.

(3) The Division summarily suspends or revokes the person's license following review and authorization of the proposed adverse action by a judge.

(4) The Division assesses a civil penalty against the person.

(5) The Division issues a warning letter to the person.

(6) The Division cancels the person's registration.

(b) Hearing After Statement of Charges. -- When an emissions license holder receives a statement of charges of an emissions violation that could result in the suspension or revocation of the person's emissions license, the person can obtain a hearing by making a request for a hearing. The person must make the request to the Division within 10 days after receiving the statement of the charges. A person who does not request a hearing within this time limit waives the right to a hearing.

The Division must hold a hearing requested under this subsection within three business days after receiving the request unless the person requesting the hearing asks for additional time to prepare for the hearing. A person may ask for no more than seven additional business days to prepare. If the additional time requested is within this limit, the Division must grant a person the additional time requested. The hearing must be held at the location designated by the Division. Suspension or revocation of the license is stayed until a decision is made following the hearing.

If a person does not request a hearing within the time allowed for making the request, the proposed suspension or revocation becomes effective the day after the time for making the request ends. If a person requests a hearing but does not attend the hearing, the proposed suspension or revocation becomes effective the day after the date set for the hearing.

(c) Hearing After Summary Action. -- When the Division summarily suspends a license issued under this Part after judicial review and authorization of the proposed action, the person whose license was suspended or revoked may obtain a hearing by filing with the Division a written request for a hearing. The request must be filed within 10 days after the person was notified of the summary action. The Division must hold a hearing requested under this subsection within 14 days after receiving the request.

(d) All Other Hearings. -- When this section gives a person the right to a hearing and subsection (b) or (c) of this section do not apply to the hearing, the person may obtain a hearing by filing with the Division a written request for a hearing. The request must be filed within 10 days after the person receives written notice of the action for which a hearing is requested. The Division must hold a hearing within 90 days after the Division receives the request.

(e) Decision. -- After a hearing on the imposition of a monetary penalty against a motorist for an emissions violation or on a Type I, II, or III emissions violation by an emissions license holder, the Commissioner must uphold any monetary penalty, license suspension, license revocation, or warning required by G.S. 20-183.8A or G.S.

1 20-183.8B, respectively, if the Commissioner finds that the motorist or license holder
2 committed the act for which the monetary penalty, license suspension, license
3 revocation, or warning was imposed. After a hearing on any other action, the
4 Commissioner may uphold or modify the action.

5 (f) Judicial Review of Decision. -- Article 4 of Chapter 150B of the General
6 Statutes governs judicial review of an administrative decision by the Commissioner
7 under this section."

8 Section 11. G.S. 20-99(e) reads as rewritten:

9 "(e) The provisions, procedures, and remedies provided in this section ~~shall be~~
10 ~~applicable~~ apply to the collection of penalties imposed under the provisions of Article
11 3A of this Chapter and of G.S. 20-96, G.S. 20-118, or any other provisions of this
12 Chapter imposing a tax or penalty for operation of a vehicle in excess of the weight
13 limits provided in this Chapter and the Commissioner is authorized to collect such
14 taxes or penalties by the use of the procedure established in subsections (a), (b), (c)
15 and (d) of this section."

16 Section 12. G.S. 20-183.8(c), as amended by Section 5 of this act,
17 becomes effective November 1, 1997, and applies to offenses committed on or after
18 that date. The remaining changes made by Section 5 of this act and the other
19 sections of this act become effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 237*

Short Title: Modify Emissions Inspection Laws.

(Public)

Sponsors: Representatives Mitchell; Weatherly and Nichols.

Referred to: Transportation, if favorable, Judiciary I.

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE PENALTY SCHEDULE FOR VIOLATIONS OF THE
VEHICLE EMISSION INSPECTION PROGRAM, TO CLARIFY THE
PROCEDURE FOR IMPOSING THE PENALTIES, AND TO MAKE OTHER
CHANGES TO THE VEHICLE EMISSION INSPECTION LAWS, AS
RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-183.4(b) reads as rewritten:

"(b) Station Qualifications. -- An applicant for a license as a safety inspection station must meet all of the following requirements:

- (1) Have a place of business that has adequate facilities, space, and equipment to conduct a safety inspection. A place of business designated in a station license that has been suspended or revoked cannot be the designated place for any other license applicant during the period of the suspension or revocation, unless the Division finds that operation of the place of business as an inspection station during this period by the license applicant would not defeat the purpose of the suspension or revocation because the license applicant has no connection with the person whose license was suspended or revoked or because of another reason. A finding made by the Division under this subdivision must be set out in a written statement that includes the finding and the reason for the finding.

(2) Regularly employ at least one mechanic who has a safety inspection mechanic license.

(3) Designate the individual who will be responsible for the day-to-day operation of the station. The individual designated must be of good character and have a reputation for honesty."

Section 2. G.S. 20-183.4C reads as rewritten:

"§ 20-183.4C. When a vehicle must be ~~inspected~~; inspected; one-way trip permit.

(a) Inspection. -- A vehicle that is subject to a safety inspection, an emissions inspection, or both must be inspected as follows:

(1) A new vehicle must be inspected before it is ~~offered for sale~~ sold at retail in this State.

(2) A used vehicle must be inspected before it is offered for sale at retail in this State by a dealer at a location other than a public auction.

(3) A used vehicle that is offered for sale at retail in this State by a dealer at a public auction must be inspected before it is offered for sale unless it has an inspection sticker that was put on the vehicle under this Part and does not expire until at least nine months after the date the vehicle is offered for sale at auction.

(4) A used vehicle acquired by a resident of this State from a person outside the State must be inspected within 10 days after the vehicle is registered with the Division.

(5) A vehicle owned by a new resident of this State who transfers the registration of the vehicle from the resident's former home state to this State must be inspected within 10 days after the vehicle is registered with the Division.

(6) A vehicle that has been inspected in accordance with this Part must be inspected by the last day of the month in which the inspection sticker on the vehicle expires, unless another subdivision of this section requires it to be inspected sooner.

(b) Permit. -- The Division may issue a one-way trip permit to a person that authorizes the person to drive to an inspection station a vehicle whose inspection sticker has expired. The permit must describe the vehicle whose inspection sticker has expired. The permit authorizes the person to drive the described vehicle only from the place the vehicle is parked to an inspection station."

Section 3. G.S. 20-183.6 reads as rewritten:

"§ 20-183.6. **Businesses that replace windshields must register with Division to get inspection stickers.**

A person who is engaged in the business of replacing windshields on vehicles that are subject to inspection under this Part may register with the Division to obtain replacement inspection stickers for use on replaced windshields. A replacement inspection sticker put on a windshield that has been replaced must contain the same information and expire at the same time as the inspection sticker it replaces. A person who puts a replacement inspection sticker on a replaced windshield must

1 remove the inspection sticker from the windshield that was ~~replaced~~ replaced, attach
2 the removed inspection sticker to a copy of the statement given the vehicle owner for
3 replacing the windshield, and keep ~~the removed inspection sticker until 30 days after~~
4 ~~it expires~~. that copy of the statement until 18 months after the sticker was removed.

5 A person registered under this section must keep records of replacement stickers
6 put on replaced windshields and must be able to account for all inspection stickers
7 received from the Division. The Division may suspend or revoke the registration of a
8 person under this section if the person fails to keep records required by the Division
9 or is unable to account for inspection stickers received from the Division. An auditor
10 of the Division may review the records of a person registered under this section
11 during normal business hours.

12 A person who is registered under this section and has a safety inspection station
13 license or an emissions inspection station license must keep the records of the
14 inspection stickers used on replaced windshields separate from the records of the
15 inspection stickers used on vehicles inspected. A person who is registered under this
16 section and has an inspection station license may not inspect a vehicle whose
17 windshield is being replaced unless the inspection sticker on the windshield has
18 expired or expires at the end of the month in which the windshield is being replaced
19 and the person has the vehicle owner's permission to inspect the vehicle."

20 Section 4. G.S. 20-183.7(a) reads as rewritten:

21 "(a) Fee Amount. -- When a fee applies to an inspection of a vehicle or the
22 issuance of an inspection sticker, the fee must be collected. The following fees apply
23 to an inspection of a vehicle and the issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
Safety Only, Without		
After-Factory Tinted Window	\$ 8.25	\$1.00
Safety Only, With After-		
Factory Tinted Window	18.25	1.00
Emissions and Safety,		
Without After-Factory Tinted Window	17.00	2.40
Emissions and Safety, With		
After-Factory Tinted Window	27.00	2.40.

33 The fee for performing an inspection of a vehicle applies when an inspection is
34 performed, regardless of whether the vehicle passes the inspection. The fee for an
35 inspection sticker applies when an inspection sticker is put on a vehicle. The fee for
36 performing an inspection of a vehicle with a tinted window applies only to an
37 inspection performed with a light meter after a safety inspection mechanic
38 determined that the window had after-factory tint.

39 A vehicle that is inspected at an inspection station and fails the inspection is
40 entitled to be reinspected at the same station at any time within 30 days of the failed
41 inspection without paying another inspection fee."

42 Section 5. G.S. 20-183.8 reads as rewritten:

43 "**§ 20-183.8. Infractions and criminal offenses for violations of inspection**
44 **requirements.**

1 (a) Infractions. -- A person who does any of the following commits an infraction
2 and, if found responsible, is liable for a penalty of up to fifty dollars (\$50.00):

- 3 (1) Operates a motor vehicle that is subject to inspection under this
4 Part on a highway or public vehicular area in the State when the
5 vehicle has not been inspected in accordance with this Part, as
6 evidenced by the vehicle's lack of a current inspection sticker or
7 otherwise.
8 (2) Allows an inspection sticker to be put on a vehicle owned or
9 operated by that person, knowing that the vehicle was not
10 inspected before the sticker was attached or was not inspected
11 properly.
12 (3) ~~Attaches~~ Puts an inspection sticker ~~to~~ on a vehicle, knowing or
13 having reasonable grounds to know an inspection of the vehicle
14 was not performed or was performed improperly. A person who is
15 cited for a civil penalty under G.S. 20-183.8B for an emissions
16 violation involving the inspection of a vehicle may not be charged
17 with an infraction under this subdivision based on that same
18 vehicle.

19 (b) Defenses to Infractions. -- Any of the following is a defense to a violation
20 under subsection (a) of this section:

- 21 (1) The vehicle was continuously out of State for at least the 30 days
22 preceding the date the inspection sticker expired and a current
23 inspection sticker was obtained within 10 days after the vehicle
24 came back to the State.
25 (2) The vehicle displays a dealer license plate or a transporter plate,
26 the dealer repossessed the vehicle or otherwise acquired the
27 vehicle within the last 10 days, and the vehicle is being driven
28 from its place of acquisition to the dealer's place of business or to
29 an inspection station.
30 (3) ~~The vehicle was in a state of disrepair on the date the inspection~~
31 ~~sticker expired, the owner has since repaired the vehicle, the~~
32 ~~vehicle is being driven from the owner's residence or other place~~
33 ~~where the owner repaired the vehicle to an inspection station, and~~
34 ~~the owner has not otherwise driven the vehicle since the inspection~~
35 ~~sticker expired.~~
36 (4) The charged infraction is described in subdivision (a)(1) of this
37 section, the vehicle is subject to a safety-only inspection, and the
38 vehicle owner establishes in court that the vehicle was inspected
39 after the citation was issued and within 30 days of the expiration
40 date of the inspection sticker that was on the vehicle when the
41 citation was issued.

42 (c) Felony. -- ~~A person who forges an inspection sticker commits a Class I felony.~~
43 does any of the following commits a Class I felony:

- 44 (1) Forges an inspection sticker.

(2) Buys, sells, or possesses a forged inspection sticker.

(3) Buys, sells, or possesses an inspection sticker other than as the result of either of the following:

a. Having a license as an inspection station, a self-inspector, or an inspection mechanic and obtaining the inspection sticker from the Division in the course of business.

b. A vehicle inspection in which the vehicle passed the inspection or for which the vehicle received a waiver."

Section 6. G.S. 20-183.8B reads as rewritten:

"§ 20-183.8B. Civil penalties against license holders and suspension or revocation of license for emissions violations.

(a) Kinds of Violations. -- The civil penalty schedule established in this section applies to emissions self-inspectors, emissions inspection stations, and emissions inspection mechanics. The schedule categorizes emissions violations into serious (Type I), minor (Type II), and technical (Type III) violations.

A serious violation is a violation of this Part or a rule adopted to implement this Part that directly affects the emission reduction benefits of the emissions inspection program. A minor violation is a violation of this Part or a rule adopted to implement this Part that reflects negligence or carelessness in conducting an emissions inspection or complying with the emissions inspection requirements but does not directly affect the emission reduction benefits of the emissions inspection program. A technical violation is a violation that is not a serious violation, a minor violation, or another type of offense under this Part.

(b) Penalty Schedule. -- The Division must take the following action for a violation:

(1) Type I. -- For a first or second Type I violation by an emissions self-inspector or an emissions inspection station, assess a civil penalty of two hundred fifty dollars (\$250.00) and suspend the license of the business for six months. For a third or subsequent Type I violation within ~~seven~~ three years by an emissions self-inspector or an emissions inspection station, assess a civil penalty of one thousand dollars (\$1,000) and revoke the license of the business for two years.

For a first or second Type I violation by an emissions inspection mechanic, assess a civil penalty of one hundred dollars (\$100.00) and suspend the mechanic's license for six months. For a third or subsequent Type I violation within seven years by an emissions inspection mechanic, assess a civil penalty of two hundred fifty dollars (\$250.00) and revoke the mechanic's license for two years.

(2) Type II. -- For a first or second Type II violation by an emissions self-inspector or an emissions inspection station, assess a civil penalty of one hundred dollars (\$100.00). For a third or subsequent Type II violation within ~~seven~~ three years by an

(3) The Division summarily suspends or revokes the person's license following review and authorization of the proposed adverse action by a judge.

(4) The Division assesses a civil penalty against the person.

(5) The Division issues a warning letter to the person.

(6) The Division cancels the person's registration.

(b) Hearing After Statement of Charges. -- When an emissions license holder receives a statement of charges of an emissions violation that could result in the suspension or revocation of the person's emissions license, the person can obtain a hearing by making a request for a hearing. The person must make the request to the Division within three business days after receiving the statement of the charges. A person who does not request a hearing within this time limit waives the right to a hearing.

The Division must hold a hearing requested under this subsection within three business days after receiving the request unless the person requesting the hearing asks for additional time to prepare for the hearing. A person may ask for no more than seven additional business days to prepare. If the additional time requested is within this limit, the Division must grant a person the additional time requested. The hearing must be held at the location designated by the Division. Suspension or revocation of the license is stayed until a decision is made following the hearing.

If a person does not request a hearing within the time allowed for making the request, the proposed suspension or revocation becomes effective the day after the time for making the request ends. If a person requests a hearing but does not attend the hearing, the proposed suspension or revocation becomes effective the day after the date set for the hearing.

(c) Hearing After Summary Action. -- When the Division summarily suspends a license issued under this Part after judicial review and authorization of the proposed action, the person whose license was suspended or revoked may obtain a hearing by filing with the Division a written request for a hearing. The request must be filed within 10 days after the person was notified of the summary action. The Division must hold a hearing requested under this subsection within 14 days after receiving the request.

(d) All Other Hearings. -- When this section gives a person the right to a hearing and subsection (b) or (c) of this section do not apply to the hearing, the person may obtain a hearing by filing with the Division a written request for a hearing. The request must be filed within 10 days after the person receives written notice of the action for which a hearing is requested. The Division must hold a hearing within 90 days after the Division receives the request.

(e) Decision. -- After a hearing on the imposition of a monetary penalty against a motorist for an emissions violation or on a Type I, II, or III emissions violation by an emissions license holder, the Commissioner must uphold any monetary penalty, license suspension, license revocation, or warning required by G.S. 20-183.8A or G.S. 20-183.8B, respectively, if the Commissioner finds that the motorist or license holder committed the act for which the monetary penalty, license suspension, license

1 revocation, or warning was imposed. After a hearing on any other action, the
2 Commissioner may uphold or modify the action.

3 (f) Judicial Review of Decision. -- Article 4 of Chapter 150B of the General
4 Statutes governs judicial review of an administrative decision by the Commissioner
5 under this section."

6 Section 11. G.S. 20-99(e) reads as rewritten:

7 "(e) The provisions, procedures, and remedies provided in this section ~~shall be~~
8 ~~applicable~~ apply to the collection of penalties imposed under the provisions of Article
9 3A of this Chapter and of G.S. 20-96, G.S. 20-118, or any other provisions of this
10 Chapter imposing a tax or penalty for operation of a vehicle in excess of the weight
11 limits provided in this Chapter and the Commissioner is authorized to collect such
12 taxes or penalties by the use of the procedure established in subsections (a), (b), (c)
13 and (d) of this section."

14 Section 12. G.S. 20-183.8(c), as amended by Section 5 of this act,
15 becomes effective November 1, 1997, and applies to offenses committed on or after
16 that date. The remaining changes made by Section 5 of this act and the other
17 sections of this act become effective July 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

S.B. 260 A BILL TO BE ENTITLED AN ACT TO MODIFY THE PENALTY SCHEDULE FOR VIOLATIONS OF THE VEHICLE EMISSION INSPECTION PROGRAM, TO CLARIFY THE PROCEDURE FOR IMPOSING THE PENALTIES, AND TO MAKE OTHER CHANGES TO THE VEHICLE EMISSION INSPECTION LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ ~~With~~ an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 380

Short Title: Highway Bonding Requirements.

(Public)

Sponsors: Representatives Nichols; and Buchanan.

Referred to: Transportation, if favorable, Finance.

March 4, 1997

1

A BILL TO BE ENTITLED

2

AN ACT TO PROVIDE THAT IRREVOCABLE LETTERS OF CREDIT MAY BE

3

SUBSTITUTED FOR REQUIRED BONDS ON HIGHWAY CONTRACTS.

4

The General Assembly of North Carolina enacts:

5

Section 1. G.S. 44A-26 is amended by adding a new subsection to read:

6

"(c) The bonding requirements contained in subsection (a) of this section for highway contracts may be met by posting with the Department of Transportation an irrevocable letter of credit or cash in an amount equal to the amount of the required bonds. The Department of Transportation shall by regulation prescribe the form of the letter of credit and the criteria for the financial institution issuing the letter of credit along with the form of election under this subsection."

10

11

12

Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

H.B. 380 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IRREVOCABLE
LETTERS OF CREDIT MAY BE SUBSTITUTED FOR REQUIRED BONDS ON
HIGHWAY CONTRACTS.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☒ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

COMMITTEE ON TRANSPORTATION

COMMITTEE MEETING

MARCH 26, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES

BILLS TO BE CONSIDERED:

HB-9 REPEAL SAFETY INSPECTIONS - REP. CARPENTER

HB-349 NEW MV SAFETY INSPECTIONS - REP. DICKSON

**HB-344 MOTOR VEHICLE OCCUPANT RESTRAINTS -
REP. CLARY**

FURTHER BUSINESS

ANNOUNCEMENTS

ADJOURN

MINUTES

COMMITTEE ON TRANSPORTATION

WEDNESDAY, MARCH 26, 1997

11:00 A.M.

ROOM 643-LOB

The House Committee on Transportation met on Wednesday, March 26, 1997 at 11:00 a.m. in Room 643-LOB. Rep. Sexton called the meeting to order and introduced the Pages. A silent roll was taken (roll list denotes members present).

HB-9 REPEAL SAFETY INSPECTIONS

Chairman Sexton stated that although there had been lengthy discussions on this bill, he felt the bill still needed work. Therefore, Chairman Sexton assigned the bill to a sub-committee consisting of: Reps. Carpenter (Chairman), Clary, Sherrill, Starnes, Baker, Hunter and Ramsey. The sub-committee would report back to the Transportation Committee.

HB-349 NEW MV SAFETY INSPECTIONS

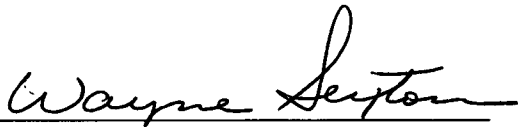
Rep. Dickson explained the bill. Rep. Cole was recognized for a question. Rep. Dickson asked that Major Arrowood, Assistant Director with the Enforcement Section of DMV, respond. Major Arrowood responded. Rep. Baker directs a question to the bill sponsor and he responds. Rep. Baker has a follow-up question which Rep. Dickson directs to staff. Brenda Carter, Research Staff Attorney, answered his question. Rep. Allred moved for a favorable report. The bill passed.

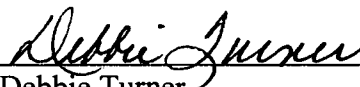
HB-344 MOTOR VEHICLE OCCUPANT RESTRAINTS

Rep. Clary was recognized to explain the bill. In her explanation, Rep. Clary reminded members that they had been given a packet from the Governors' Highway Safety Commission and this would give them quite a bit of substantial information. Rep. Clary directs staff to give further comments on bill if so desired. Brenda Carter, Research Staff Attorney, spoke on the amendment Rep. Clary had requested on the bill. She directed the members attention to a portion of the bill where there seemed to have been a drafting error. This section was determined unnecessary and it was decided to do an amendment and remove it. Lines 20-30 on page 2 would be deleted. There was an additional amendment requested by Rep. Clary that staff, Brenda Carter, explained. Rep. Luebke asked questions on the amendment and Rep. Clary responded. Ms. Carter, staff, was recognized for further comments. Rep. Cunningham asked staff how this bill changes

current law. Staff, Brenda Carter, responds and directs a question to Joe Parker, Director of the Governors' Highway Safety Program. Mr. Parker answered the question. Rep. Cunningham continues to have questions for staff. Ms. Carter, staff, answered his questions. Rep. Ellis asked for the amendment language to be read again for clarity. Ms. Carter responded. Rep. Clary moved for adoption of the amendment. The amendment passed. Rep. Nichols asked questions on the bill. Rep. Clary directs his questions to Mr. Parker, who responds that he doesn't have the information. He agreed to see that the committee members received it. Rep. Nichols asked follow-up questions to Mr. Parker and Rep. Clary. They both respond. Chairman Sexton then directed the attention to the 8th grade class from West Iredell Middle School. Rep. Brawley, being from the same district, was called on to introduce the group. The teacher of the class, Marilyn Hobson, came forward and introduced the first of two students who would speak, Janet Scott. Ms. Scott, a member of the Community Problem Solving Team at West Iredell Middle School in Statesville, spoke in support of the passage of HB-344. Holly Settlemeyer, also a member of the same organization, was the other student that spoke in support of the bill. Rep. Brawley commended the class on the outstanding job they were doing. The next speaker, also supporting the bill, was Mr. Bill Hall with the UNC Highway Safety Research Center. Sergeant J. W. Pyatt, Commander of The Traffic Safety Unit from the Durham Police Department, was the next speaker to add support to the bill. Rep. Ellis was recognized for comments. Rep. Cunningham asked that staff provide additional information before the next meeting. Rep. Wainwright asked Mr. Parker to supply more statistics. Rep. Luebke asked Chairman Sexton to give the students, attending the meeting from West Iredell Middle School, a brief summary. Chairman Sexton informed the students that the amendment sent forth by the bill sponsor, would be rolled into a Committee Substitute, and would be back before the committee the following week.

The meeting was adjourned by Chairman Sexton.


Rep. Wayne Sexton
Presiding Chair


Debbie Turner
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 349

Short Title: New MV Safety Inspections.

(Public)

Sponsors: Representatives Dickson; Eddins, Cole, Rayfield, Culp, and Morris.

Referred to: Transportation.

February 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT NEW MOTOR VEHICLES NEED BE INSPECTED
3 ONLY WHEN THEY ARE SOLD TO THE FIRST PURCHASER.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-183.4C reads as rewritten:

6 "**§ 20-183.4C. When a vehicle must be inspected.**

7 A vehicle that is subject to a safety inspection, an emissions inspection, or both
8 must be inspected as follows:

- 9 (1) A new vehicle must be inspected before it is ~~offered for sale~~ **sold** at
10 retail in this State.
11 (2) A used vehicle must be inspected before it is offered for sale at
12 retail in this State by a dealer at a location other than a public
13 auction.
14 (3) A used vehicle that is offered for sale at retail in this State by a
15 dealer at a public auction must be inspected before it is offered for
16 sale unless it has an inspection sticker that was put on the vehicle
17 under this Part and does not expire until at least nine months after
18 the date the vehicle is offered for sale at auction.
19 (4) A used vehicle acquired by a resident of this State from a person
20 outside the State must be inspected within 10 days after the vehicle
21 is registered with the Division.
22 (5) A vehicle owned by a new resident of this State who transfers the
23 registration of the vehicle from the resident's former home state to

1 this State must be inspected within 10 days after the vehicle is
2 registered with the Division.

- 3 (6) A vehicle that has been inspected in accordance with this Part
4 must be inspected by the last day of the month in which the
5 inspection sticker on the vehicle expires, unless another subdivision
6 of this section requires it to be inspected sooner."

7 Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 349 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT NEW MOTOR
VEHICLES NEED BE INSPECTED ONLY WHEN THEY ARE SOLD TO THE FIRST
PURCHASER.

- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

VISITOR REGISTRATION SHEET

Transportation 3-26-97 11:00 a.m.

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. John Cyrus	NC State Grange
2. [Signature]	nc [Signature]
3. [Signature]	RW Brown
4. Thomas V. Bennett	NCCFTF
5. Gordon Joyner	NCA R VEMS
6. T. May Weston	NCA K & E M S
7. Edward P. DellaCroce	Wayne County Sheriff's Dept
8. Capt. Al King	Goldsboro Police Wayne Co.
9. Erin Horton	WIMS CmPS
10. Rebecca [Signature]	WIMS CmPS
11. Melissa Brotherton	WIMS CmPS
22. Holly Hardin	WIMS CmPS
23. [Signature]	WIMS CmPS
24. Lindsey Weicker	WIMS CmPS
25. Alisha King	WIMS CmPS
26. David E. Clam	Thomas Petroleum Co.
27. Ruth Esappie	NCDOT
28. [Signature]	DMV.
29. Edward [Signature]	Retired DMV officer
30. [Signature]	
31. John F. Long	Martin Marietta

32. FERRY Hensley
33. Sherry Hensley
34. Laird Reed
35. Michael Bost
36. Dustin McGary
37. Tommy Spencer
38. Travis Howell
39. Ben Wooten
40. Travis Reid
41. Eric Savage
42. Jane Pinsky
43. Christina High
44. Amanda Johnson
45. Holly Settlemyre
46. Janet Scott
47. Marilyn Hobson
48. Lawrence Davis
49. Ann Duncan
50. Sgt. J.W. Piatt

ALLYSON TEEM
BILL HALL
SHAMON BULLOCK

LYNN WILSON

Beth Scott
Jonathan Breeden

Greg Boye
Alexandre Williams
Dane Miller

W.I.M.S

W.I.M.S

NCDMV Veh Reg.

WIMS

WIMS

WIMS

WIMS

West Iredell Middle School

West Iredell Middle School

W.I.M.S.

PHSC

WIMS

WIMS

W.I.M.S.

W.I.M.S.

Teacher W.I.M.S

NC Passenger Safety Assn

" " " (Winkle Carlyle)

Durham Police Dept.

Governor's Hwy Safety Program
UNC Highway Safety Research Center
Governor's Highway Safety

SEANC

WIMS.

Citizen

Bove + Assoc / CIADA

NCSFIA

TRANSPORTATION COMMITTEE MEETING

AGENDA

APRIL 2, 1997

CALL MEETING TO ORDER

INTRODUCE PAGES

BILLS TO BE CONSIDERED:

SB 167 - SEN. HOYLE - SIXTY DAYS TO CHANGE DMV INFO

HB - 501 - REP. BROWN - CARTWAYS

HB 518 - FIVE YEAR LICENSE PLATES

**HB 344 - REP. CLARY - MOTOR VEHICLE OCCUPANT
RESTRAINTS**

TRANSPORTATION COMMITTEE MEETING

April 2, 1997

MINUTES

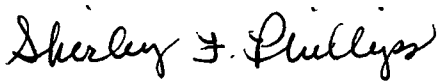
A quorum being present, Rep. Monroe Buchanan called the meeting of the Transportation Committee to order at 11:10 a.m.

The first bill considered was HB 704, AN ACT TO PROVIDE SPECIAL REGISTRATION PLATES FOR SHERIFFS. Rep. Thompson was recognized to explain his bill. Rep. Brown was recognized and made a motion to give the bill a favorable report. After a brief period of questions, the motion was voted on and the bill was given a favorable report and re-referred to Judiciary I.

The second and last bill considered was SB 167, AN ACT TO ESTABLISH A STANDARD TIME PERIOD OF SIXTY DAYS IN WHICH TO OBTAIN OR CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION CARD, OR A VEHICLE REGISTRATION. Senator Hoyle explained the bill. Rep. Clary moved to give the bill a favorable report. The motion carried.

There being no further business before the committee, the meeting was adjourned.

Respectfully submitted,



Shirley F. Phillips, Clerk



Rep. Monroe Buchanan, Chairman

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 704
Senate Finance Committee Substitute Adopted 5/19/97

Short Title: Sheriff's Registration Plates.

(Public)

Sponsors:

Referred to:

March 31, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR
3 CURRENT SHERIFFS AND CERTAIN RETIRED SHERIFFS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-79.4(b) is amended by adding a new subdivision in the
6 appropriate alphabetical order to read:
7 "(22a1) Sheriff. -- Issuable to a current sheriff or to a retired sheriff
8 who served as sheriff for at least 10 years before retiring. A
9 plate issued to a current sheriff shall bear the word 'Sheriff'
10 and the letter 'S' followed by a number that indicates the
11 county the sheriff serves. A plate issued to a retired sheriff
12 shall bear the phrase 'Sheriff, Retired', the letter 'S'
13 followed by a number that indicates the county the sheriff
14 served, and the letter 'X' indicating the sheriff's retired
15 status."
16 Section 2. This act becomes effective December 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **BUCHANAN AND SEXTON** for the Committee on
TRANSPORTATION.

☐ Committee Substitute for

H.B. 704 A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL
REGISTRATION PLATES FOR SHERIFFS.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☒ Appropriations ☐ Finance ☐ to JUDICIARY I.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 167*

Short Title: 60 Days to Change DMV Info.

(Public)

Sponsors: Senators Hoyle; and Carpenter.

Referred to: Transportation.

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A STANDARD TIME PERIOD OF SIXTY DAYS IN WHICH TO OBTAIN OR CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION CARD, OR A VEHICLE REGISTRATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.6 is repealed.

Section 2. G.S. 20-7(a) reads as rewritten:

"(a) License Required. -- To drive a motor vehicle on a highway, a person must be licensed by the Division under this Article or Article 2C of this Chapter to drive the vehicle and must carry the license while driving the vehicle. The Division issues regular drivers licenses under this Article and issues commercial drivers licenses under Article 2C.

A license authorizes the holder of the license to drive any vehicle included in the class of the license and any vehicle included in a lesser class of license, except a vehicle for which an endorsement is required. To drive a vehicle for which an endorsement is required, a person must obtain both a license and an endorsement for the vehicle. A regular drivers license is considered a lesser class of license than its commercial counterpart.

The classes of regular drivers licenses and the motor vehicles that can be driven with each class of license are:

(1) Class A. -- A Class A license authorizes the holder to drive any of the following:

a. A Class A motor vehicle that is exempt under G.S. 20-37.16 from the commercial drivers license requirements.

- 1 b. A Class A motor vehicle that has a combined GVWR of less
2 than 26,001 pounds and includes as part of the combination
3 a towed unit that has a GVWR of at least 10,001 pounds.
- 4 (2) Class B. -- A Class B license authorizes the holder to drive any
5 Class B motor vehicle that is exempt under G.S. 20-37.16 from the
6 commercial drivers license requirements.
- 7 (3) Class C. -- A Class C license authorizes the holder to drive any of
8 the following:
- 9 a. A Class C motor vehicle that is not a commercial motor
10 vehicle.
- 11 b. When operated by a volunteer member of a fire department,
12 a rescue squad, or an emergency medical service (EMS) in
13 the performance of duty, a Class A or Class B fire-fighting,
14 rescue, or EMS motor vehicle or a combination of these
15 vehicles.

16 The Commissioner may assign a unique motor vehicle to a class that is different
17 from the class in which it would otherwise belong.

18 A new resident of North Carolina who has a drivers license issued by another
19 jurisdiction must obtain a license from the Division within ~~30~~ 60 days after becoming
20 a resident."

21 Section 3. G.S. 20-7(f) reads as rewritten:

22 "(f) Expiration and Temporary License. -- The first drivers license the Division
23 issues to a person expires on the person's fourth or subsequent birthday that occurs
24 after the license is issued and on which the individual's age is evenly divisible by five,
25 unless this subsection sets a different expiration date. The first drivers license the
26 Division issues to a person who is at least 17 years old but is less than 18 years old
27 expires on the person's twentieth birthday. The first drivers license the Division
28 issues to a person who is at least 62 years old expires on the person's birthday in the
29 fifth year after the license is issued, whether or not the person's age on that birthday
30 is evenly divisible by five.

31 A drivers license that was issued by the Division and is renewed by the Division
32 expires five years after the expiration date of the license that is renewed. A person
33 may apply to the Division to renew a license during the 60-day period before the
34 license expires. The Division may not accept an application for renewal made before
35 the 60-day period begins.

36 ~~Any person serving in the armed forces of the United States on active duty and~~
37 ~~holding a valid drivers license properly issued under this section and stationed~~
38 ~~outside the State of North Carolina may renew the license by making application to~~
39 ~~the Division by mail. Any other person, except a nonresident, who holds a valid~~
40 ~~drivers license issued under this section and who is temporarily residing outside~~
41 ~~North Carolina, may also renew by making application to the Division by mail. For~~
42 ~~purposes of this section "temporarily" shall mean not less than 30 days continuous~~
43 ~~absence from North Carolina. In either case, the~~

1 The Division may renew by mail a drivers license issued by the Division to a
2 person who meets any of the following descriptions:

3 (1) Is serving on active duty in the armed forces of the United States
4 and is stationed outside this State.

5 (2) Is a resident of this State and has been residing outside the State
6 for at least 30 continuous days.

7 When renewing a license by mail, the Division may waive the examination and
8 color photograph that would otherwise be required for the renewal of a drivers
9 license, for the renewal and may impose in lieu thereof any conditions it considers
10 appropriate to each particular application. finds advisable. A license renewed by
11 mail is a temporary license that expires ~~30~~ 60 days after the person to whom it is
12 issued returns to this State."

13 Section 4. G.S. 20-7.1 reads as rewritten:

14 "§ 20-7.1. Notification Notice of change of address: address or name.

15 ~~Whenever the holder of a license issued under the provision of G.S. 20-7 has a~~
16 ~~change in the address as shown on such license, he or she shall apply for a duplicate~~
17 ~~license within 60 days after such address has been changed. Provided, that if the~~
18 ~~licensee's mailing address has been changed by governmental action and there has~~
19 ~~been no actual change of residence location, upon giving notice in writing to the~~
20 ~~Division of Motor Vehicles in Raleigh within 60 days of this change of address, the~~
21 ~~licensee may use his current license or permit until its expiration or obtain a~~
22 ~~duplicate license or permit showing the new address upon payment of the required~~
23 ~~fee. No person shall be charged with having violated this section when only his~~
24 ~~mailing address has been changed by governmental action.~~

25 (a) Address. -- A person whose address changes from the address stated on a
26 drivers license must notify the Division of the change within 60 days after the change
27 occurs. If the person's address changed because the person moved, the person must
28 obtain a duplicate license within that time limit stating the new address. A person
29 who does not move but whose address changes due to governmental action may not
30 be charged with violating this subsection.

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

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

35 Section 5. G.S. 20-37.12(e) reads as rewritten:

36 "(e) ~~In accordance with G.S. 20-7, G.S. 20-7 sets the time period in which a new~~
37 ~~resident of North Carolina has 30 days to must~~ obtain a license from the Division.
38 The Commissioner may establish by rule the conditions under which the test
39 requirements for a commercial drivers license may be waived for a new resident who
40 is licensed in another state."

41 Section 6. G.S. 20-37.9 reads as rewritten:

42 "§ 20-37.9. Notification Notice of change of address: address or name.

43 ~~Whenever the holder of a special identification card issued under G.S. 20-37.7 has~~
44 ~~a change in the address as shown on the special identification card, he or she shall~~

1 ~~apply for reissuance of a special identification card within 60 days after the address~~
2 ~~has been changed. The fee for reissuance of a special identification card is the same~~
3 ~~as the fee set in G.S. 20-37.7 for issuing a special identification card. If a change of~~
4 ~~address is the result of governmental action and there is no actual change of~~
5 ~~geographical location, the holder of the card is not required to change the address on~~
6 ~~the card until the Division issues the holder another card.~~

7 (a) Address. -- A person whose address changes from the address stated on a
8 special identification card must notify the Division of the change within 60 days after
9 the change occurs. If the person's address changed because the person moved, the
10 person must obtain a new special identification card within that time limit stating the
11 new address. A person who does not move but whose address changes due to
12 governmental action may not be charged with violating this subsection.

13 (b) Name. -- A person whose name changes from the name stated on a special
14 identification card must notify the Division of the change within 60 days after the
15 change occurs and obtain a new special identification card stating the new name.

16 (c) Fee. -- G.S. 20-37.7 sets the fee for a special identification card."

17 Section 7. G.S. 20-67 reads as rewritten:

18 "§ 20-67. Notice of change of address or name.

19 (a) Address. -- Whenever any person, after making application for or obtaining the
20 registration of a vehicle or a certificate of title, shall move from the A person whose
21 address named in the application or shown upon a registration card or certificate of
22 title, such person shall within 30 days thereafter notify the Division in writing of his
23 old and new addresses. changes from the address stated on a certificate of title or
24 registration card must notify the Division of the change within 60 days after the
25 change occurs. The person may obtain a duplicate certificate of title or registration
26 card stating the new address but is not required to do so. A person who does not
27 move but whose address changes due to governmental action may not be charged
28 with violating this subsection.

29 (b) Name. -- Whenever the name of any person who has made application for or
30 obtained the registration of a vehicle or a certificate of title is thereafter changed by
31 marriage or otherwise, such person shall thereafter forward or cause to be forwarded
32 to the Division the certificate of title and to make application for correction of the
33 certificate on forms provided by the Division. A person whose name changes from
34 the name stated on a certificate of title or registration card must notify the Division of
35 the change within 60 days after the change occurs. The person may obtain a
36 duplicate certificate of title or registration card but is not required to do so.

37 (c) Fee. -- G.S. 20-85 sets the fee for a duplicate certificate of title or registration
38 card."

39 Section 8. This act becomes effective December 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **BUCHANAN AND SEXTON** for the Committee on
TRANSPORTATION.

☐ Committee Substitute for

S.B. 167 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STANDARD TIME PERIOD OF SIXTY DAYS IN WHICH TO OBTAIN OR CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION CARD, OR A VEHICLE REGISTRATION.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

COMMITTEE ON TRANSPORTATION

COMMITTEE MEETING

APRIL 9, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES

BILLS TO BE CONSIDERED:

HB-208 NO FEE FOR MAIL-IN REGISTRATION - REP. BOWIE

**HB-207 REDUCE DMV ENFORCEMENT POSITIONS -
REP. BOWIE**

HB-524 UNC ALCOHOL ED. ENDOWMENT FUND - REP. MORRIS

FURTHER BUSINESS

ANNOUNCEMENTS

ADJOURN

MINUTES

COMMITTEE ON TRANSPORTATION

WEDNESDAY, APRIL 9, 1997

11:00 A.M.

ROOM 643-LOB

The House Committee on Transportation met on Wednesday, April 9, 1997 at 11:00 a.m. in Room 643-LOB. Rep. Sexton called the meeting to order and introduced the Pages. He also recognized and extended a warm welcome to members of the N. C. Automobile Dealers Association. A silent roll was taken (roll list denotes members present).

HB-208 NO FEE FOR MAIL-IN REGISTRATION

Chairman Sexton informed the committee that Rep. Bowie, who sponsored the bill, had requested that the bill be postponed indefinitely. Rep. Buchanan moved that HB-208 be postponed indefinitely. Chairman Sexton asked if there were any questions or discussion on the motion. The Motion Carried.

HB-207 REDUCE DMV ENFORCEMENT POSITIONS

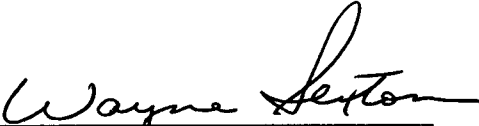
Bill sponsor, Rep. Bowie, had requested that the bill be postponed indefinitely. Rep. Buchanan made the motion to postpone HB-207 indefinitely. Chairman Sexton asked if there was any discussion on the motion. Rep. Ellis asked if this was a bill sponsor request. Chairman Sexton confirmed that it was. The vote was taken and the motion carried.

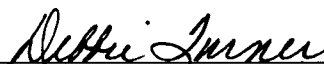
HB-524 UNC ALCOHOL ED. ENDOWMENT FUND

Rep. Morris was recognized to explain her bill. After a brief explanation, Rep. Morris requested support for the bill. Rep. Brawley asked the question, was there any evidence, that the interest off of this fund would go to the study of alcoholism. Rep. Morris responded, and asked if he would like to address his questions, for more clarification, to the representative from the center. Rep. Brawley gave a positive response. Dr. Fulton Crews, Director of the Center for Alcohol Studies, addressed Rep. Brawley's questions. Rep. Morris inserted the fact that the endowment was funded by abuser fees. Rep. Starnes asked Rep. Morris a question. Rep. Morris responded. Rep. Ellis had several questions he wanted directed to Dr. Crews. Dr. Crews answered his questions. Chairman Sexton then requested that staff make some additional comments. Brenda Carter, Research Staff Attorney, gave some statistics for clarification of the funding for this project. Rep. Baker also had questions for the representative from the center. Dr. Crews

responded. Rep. Ramsey had questions about the amount of the budget last year and how, if any, the amount would change this fiscal year. Staff, was recognized to answer his questions. Since Ms. Carter didn't have the information readily available, Dr. Crews responded to Rep. Ramsey's questions. Rep. Morris added additional information and requested that staff clarify the statistics. Ms. Carter responded. Rep. Smith was still confused and felt that Rep. Ramsey's questions still needed clarifying. Rep. Morris expounded further on the information that had been addressed. Rep. Smith had a follow-up question that was answered by Dr. Crews. Rep. Morris added some additional comments. Rep. Starnes was recognized for his question directed to staff. Ms. Carter responded. Chairman Sexton asked staff a question. Ms. Carter said that she could not answer his question. Therefore, he directed it to Rep. Morris and Dr. Crews. Rep. Creech expressed concern about the amount of money that would accumulate in the endowment. He wanted to know how much money was actually needed. Dr. Crews responded. Rep. Creech asked for documentation, breaking down how much money the center received and where the money came from, before voting on the bill. Dr. Crews had in his possession, a booklet with the information contained in it, that he had delivered to Rep. Creech. Rep. Creech requested that all committee members be given the same information, and that everyone would have adequate time to study the contents before a vote would be taken. Rep. Ellis suggested dividing the bill up into it's two components and looking at it from each perspective. Rep. Morris reiterated, that this would be brought before the General Assembly annually, to determine how much of the fees would go into the endowment fund. Rep. Ramsey asked Rep. Morris why the annual report given to the General Assembly, was being discontinued. Rep. Brawley asked permission to respond and was granted permission. After a brief discussion between Rep. Brawley and Rep. Ramsey, staff asked to comment. Ms. Carter explained the portion of the bill that seemed to be confusing to some members of the committee. Rep. Sherrill directed some questions to staff. Ms. Carter responded. Rep. Brawley moved for a favorable report and called the question. A verbal vote was taken, and since it was close, a show of hands was requested. The motion failed. Rep. Nichols had comments that he contributed. Rep. Morris was again recognized to make one more statement on the bill. Rep. Nichols had follow-up questions. Rep. Morris responded. Dr. Crews followed-up with additional comments. Rep. Nichols asked Dr. Crews a follow-up question which he responded to. Rep. Nichols then directed some questions to staff. Ms. Carter answered his questions. Rep. Nichols asked that staff draw up an amendment on the bill. Chairman Sexton asked that the amendment be drawn up before the next meeting.

Chairman Sexton adjourned the meeting.


Rep. Wayne Sexton
Presiding Chair


Debbie Turner
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 208*

Short Title: No Fee for Mail-In Registration.

(Public)

Sponsors: Representatives Bowie; Adams, Hiatt, Sexton, Starnes, and Thompson.

Referred to: Transportation, if favorable, Finance.

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE THE ONE-DOLLAR FEE FOR MAIL-IN VEHICLE
3 REGISTRATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-85.1 reads as rewritten:

6 "**§ 20-85.1. Registration by mail; one-day title service; fees.**

7 (a) The owner of a vehicle registered in North Carolina may renew that vehicle
8 registration by mail. ~~A postage and handling fee of one dollar (\$1.00) per vehicle to~~
9 ~~be registered shall be charged for this service.~~

10 (b) The Commissioner and the employees of the Division designated by the
11 Commissioner may prepare and deliver upon request a certificate of title, charging a
12 fee of fifty dollars (\$50.00) for one-day title service, in lieu of the title fee required by
13 G.S. 20-85(a). The fee for one-day title service must be paid by cash or by certified
14 check. The fee collected under this subsection shall be credited to the Highway Trust
15 Fund.

16 ~~(c) The fee collected under subsection (a) shall be credited to the Highway Fund.~~
17 ~~The fee collected under subsection (b) shall be credited to the Highway Trust Fund."~~

18 Section 2. This act becomes effective December 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 208 A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE ONE-DOLLAR FEE
FOR MAIL-IN VEHICLE REGISTRATION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 207*

Short Title: Reduce DMV Enforcement Positions.

(Public)

Sponsors: Representatives Bowie; and Thompson.

Referred to: Transportation, if favorable, Appropriations.

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE THE NUMBER OF POSITIONS IN THE DIVISION OF
3 MOTOR VEHICLES ENFORCEMENT SECTION.
4 The General Assembly of North Carolina enacts:
5 Section 1. Fifty positions in the Enforcement Section of the Division of
6 Motor Vehicles of the Department of Transportation are eliminated effective July 1,
7 1998.
8 Section 2. This act becomes effective July 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 207 A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF
POSITIONS IN THE DIVISION OF MOTOR VEHICLES ENFORCEMENT SECTION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

VISITOR REGISTRATION SHEET

Transportation 4-9-97 11:00 a.m.

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. Charlie Diehl
2. Bob Spewm
3. JULIAN PHILPOT
4. P. GUPTON
5. Jim Beer
6. John Cyrus
7. Ed Brown
8. Mark Dyer
9. Charles Hall
10. Norwood BRYAN
11. W. C. Dyer
22. Allen N. Brooks
23. JOHN MEAD
24. JOHN D COOK
25. Howard Twinn
26. Leon Adelman
27. Grace Hargrave
28. Susan Cobb
29. Rayan Bruce
30. Linda Powell
31. Daniel Westcott

NCOAA

NC FORESTRY Assoc.

NC FARM BUREAU

"

Textiles

N.C. State Grange

R.W. Brone

NC AUTO DEALERS

Thomasville Ford NC Auto Dealer

NEADA

Staff

NC AUTO DEALERS

BRADSHAW'S Ford Lincoln Center, Inc.

JOHNSON - COOK - INC

AShe Co. Ford-Mer W.J. N.C.

Rep. Luebke's Office

DMV - Veh. Reg.

DMV

Bowles Center & Historic Station

Bowles Center for Old Studies

WESTCOTT Buick - Burlington NC

32. Doug Howey
33. Gary Harris
34. John Long
35. Don Burton
36. David L. Fager
37. Rick Hodges
38. RALPH ABERNETHY
39. JOHN D. GREENE
40. HARRY L. LAND JR.
41. DONALD CLEMENT JR.
42. Donald J. Colclough
43. Nimm S. Eng
44. Tommy Harrison
45. Don McKenney
46. Rick McKeim
47. Wayne J. Beard
48. F. N. K. N. V. D.
49. James H. Smith
50. Roland Shepherd
- Joe Alcock

NCPMA
NCPMA
Marten Marietta
AL Smith Buick RAL. A. E.
FARRIS MTS. Box MT IV. C.
GASTONIA N.C.
ABERNETHY CHEV-OLDS
LIVINGTON N.C.
BOWERS-GREENE MTR Co. MORRANTON
LAND Automotive Durham
SALISBURY MOTOR CO SALISBURY
University Ford Inc Durham NC
Town & Country Toyota, CHARLOTTE, NC
LEAD
McKENNET Family Dealerships
Williamson Meigs
Hemlock Automotive Group
Valley Auto World Fayetteville
Smith INTERNATIONAL TRUCK INC
TEAM Ford-Mercury Sales-Tarboro, N.C.
Joe Alcock Auto & Truck

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. <u>Bruce A. Biggs</u>	<u>Biggs Pontiac Inc</u>
2. <u>Ranall Parker</u>	<u>Parker Pont-Olds-Buick-Gmc.</u>
3. <u>MIKE PORRUCCIO</u>	<u>MANUOTT INT'L</u>
4. <u>CHARLES SNIPES</u>	<u>SNIPES FORD</u>
5. <u>Doug Henry</u>	<u>Doug Henry Chev. Buick Pont. GMC</u>
6. <u>Harry L Folger</u>	<u>HARRY FOLGER chev.</u>
7. <u>Doug George</u>	<u>LARRY JAY IMPORTS, INC</u>
8. <u>Bob Mayberry</u>	<u>Bob Mayberry Chrysler City</u>
9. <u>Pete Williams</u>	<u>FOLGER Buick-SUBARU</u>
10. <u>Tom Broderick</u>	<u>CRYSTAL FORD & Mercury, PLYMOUTH NC</u>
11. <u>PAUL CIENER</u>	<u>Ciener-Woods Ford</u>
22. <u>DON L. COX</u>	<u>Cox TOYOTA. Burlington NC.</u>
23. <u>BEN MYNATT</u>	<u>BEN MYNATT CHEVROLET-OLDS-CAD</u>
24. <u>Cyndie Childress</u>	<u>CONCORD N.C.</u>
25. <u>Randy Mauvi</u>	<u>Ben Mynatt Pontiac-Buick-GMC</u>
26. <u>Grady Shoc</u>	<u>Randy Mauvi Chevrolet Mooresville NC</u>
27. <u>ROBERT GLABEN</u>	<u>Mooresville Ford-Mercury</u>
28. <u>Wayne Thomas</u>	<u>NCADA</u>
29. <u>DAN THOMAS</u>	<u>WAYNE THOMAS CHEVROLET - ASHEBORO</u>
30. <u>Roger Bone</u>	<u>DAN THOMAS BUTLER INC., ASHEBORO</u>
31. <u>Jonathan Breeden</u>	<u>Bone & Assoc / CIADA</u>
	<u>Citizen</u>

32. _____

33. χ _____

34. _____

35. _____

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43. _____

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49. _____

50. _____

HOUSE TRANSPORTATION COMMITTEE

APRIL 16, 1997 MEETING

AGENDA

CALL MEETING TO ORDER

INTRODUCTION OF PAGES

BILLS TO BE CONSIDERED:

**HB 518 - REP. ALLRED
FIVE-YEAR LICENSE PLATES**

**HB 678 - REP. STARNES
DWI BUMPER STICKERS**

**HB 524 - REP. MORRIS
UNC ALCOHOL STUDIES FUND**

**HB 501 - REP. BROWN
CARTWAYS**

**HB 344 - REP. CLARY
MOTOR VEHICLE OCCUPANT RESTRAINTS**

TRANSPORTATION COMMITTEE MEETING

April 16, 1997

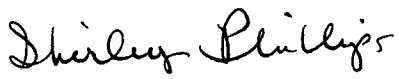
MINUTES

A quorum being present, Rep. Monroe Buchanan, Chairman, called the meeting of the Transportation Committee to order at 11:15 a.m.

The first bill considered was HB 518, AN ACT TO PROVIDE FOR FIVE-YEAR REGISTRATION PLATES. Rep. Allred, the bill sponsor was recognized and said that he had a proposed committee substitute. Rep. Ellis made a motion to adopt the committee substitute. The motion carried. The committee substitute was explained. Several members of the committee had questions concerning the legislation. Rep. Nichols was recognized, asked staff to draft an amendment and then moved for a favorable report. Following further discussion, Rep. Creech was recognized and moved that the bill and committee substitute be sent to a subcommittee for further study. This motion passed. Chairman Buchanan appointed the subcommittee: Rep. Allred, Rep. Nichols, Rep. Creech, Rep. Cole and Rep. Wainwright.

The remainder of the meeting was taken up with HB 678 - DWI Bumper Stickers. Rep. Starnes, sponsor of the legislation submitted a committee substitute and moved its adoption. The committee substitute was before the committee. There was lengthy debate; the main argument being that the intent of the bill could not be enforced. Rep. Ellis made a motion that the bill be sent to a subcommittee. Rep. Sexton, Cochairman of the committee, agreed that the problems could be worked out by a subcommittee. Rep. Cunningham made a substitute motion to give the bill an unfavorable report. Rep. Ellis then made a motion to adjourn. The meeting was adjourned at 11:50 a.m.

Respectfully submitted,


Shirley Phillips, Clerk


Monroe Buchanan, Chairman

MB:sfp

AGENDA

TRANSPORTATION COMMITTEE MEETING

WEDNESDAY, APRIL 23, 1997

**INTRODUCE PAGES: TIFFANY TRAXLER
FORSYTH CO.**

**JONATHAN MARKLEY
HAYWOOD CO.**

BILLS TO BE DISCUSSED:

**HB 967 LIGHT DUTY ROAD USE REP. BUCHANAN
HB 966 TRUCKLOAD FLAG/LIGHT COLORS**

**REP. BUCHANAN
HB 678 DWI BUMPER STICKERS REP. STARNES
SUBCOMMITTEE: REP. CARPENTER, REP. SHERRILL**

HB 524 UNC ALCOHOL ED. ENDOWMENT FUND

**REP. MORRIS
HB 501 CARTWAYS REP. BROWN
HB 344 MOTOR VEHICLE OCCUPANT RESTRAINTS
REP. CLARY**

ADJOURN

MINUTES

COMMITTEE ON TRANSPORTATION

WEDNESDAY, APRIL 23, 1997

11:00 A.M.

ROOM 643-LOB

The House Committee on Transportation met on Wednesday, April 23, 1997 at 11:00 a.m. in Room 643-LOB. Rep. Sexton called the meeting to order and introduced the Pages. A silent roll was taken (roll list denotes members present).

HB-967 LIGHT DUTY ROAD USE

Rep. Buchanan was recognized to explain his bill. After a brief explanation of the bill, Rep. McComas was acknowledged for the first question on the bill. He asked to be excused from voting on the bill. Request was so noted. Rep. Brawley was called on for the next question. Rep. Buchanan responded. Rep. Brawley then made a motion to give the bill a favorable report. Rep. Nichols inserted two questions and Rep. Buchanan answered his questions. Having the motion for a favorable report before them, the committee members voted, and the bill passed.

HB-966 TRUCKLOAD FLAG/LIGHT COLORS

Rep. Buchanan explained his bill. Rep. McComas requested to be excused from voting. Request was so noted. Rep. Ellis then moved for a favorable report for HB-966. The bill passed.

HB-678 DWI BUMPER STICKERS

Chairman Sexton informed Rep. Starnes and the committee members, that this bill would be sent to a sub-committee, and directed that the sub-committee be ready anytime after the following day for the bill to be brought back to a special meeting. He reiterated, that Rep. Starnes needed to get the ball rolling with the sub-committee, and meet, so that the bill could be brought back before the Transportation Committee. The study committee would include Reps. Ellis (Chairman), Starnes, Sherrill and Ramsey.

HB-501 CARTWAYS

Rep. John Brown was recognized to explain his bill. Following a brief explanation, Rep. McComas started the discussion with a question directed to Rep. Brown. Rep. Brown responded. Rep. McComas requested that staff draw up an amendment. Rep. Brown

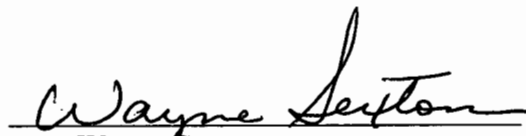
asked Rep. McComas if he would have the amendment drawn up that day, since this was a cross-over bill. Rep. Baker wanted to know which committee would receive the bill once it left the Transportation Committee. Rep. Buchanan informed him that it would be sent to Judiciary II. Rep. Ellis had a question for the bill sponsor, but was answered by Brenda Carter, Research Staff Attorney. Rep. Brown gave a further explanation, and directed Rep. Ellis to the portion of the bill that was being discussed. Rep. Ellis had a follow-up question directed to staff, pertaining to the minimum width of a cartway. Ms. Carter responded. Rep. Ellis continued with questions and staff, Ms. Carter, responded. Rep. Baker also spoke to the committee on the width of a cartway. Rep. Baker requested that the committee have discussion on the amendment proposed by Rep. McComas. Rep. Baker proceeded to speak in opposition to the amendment, and urged committee members not to adopt the amendment. Reps. Brawley and Watson, also spoke against the amendment. Rep. Baker asked to speak a second time on the amendment. Permission was granted. Rep. Brown spoke in favor of the amendment. Rep. McCombs stated that he was against the amendment from a business standpoint. Rep. Ellis requested that the amendment be read again. Rep. Buchanan reciprocated. Rep. Ellis directed staff to the portion of the bill he had questions on. Ms. Carter responded with her interpretations. Rep. McComas commented that he felt enough time had been spent on the discussion of the amendment. He called the question and the vote was taken. Motion carried. The amendment was then voted on, and it failed. Rep. Baker requested an amendment on the bill. After a brief discussion between Chairman Sexton and Rep. Baker, the request for the amendment was withdrawn. Rep. Baker agreed to go with a Proposed Committee Substitute instead, if the Proposed Committee Substitute was as Chairman Sexton represented it. Rep. Baker reserved the right to put the information back in if, in fact, he found it to be otherwise. This was so noted. Rep. Brawley, feeling concern that quite a lengthy discussion might follow, requested that the bill be sent to a sub-committee and move on to other bills. Rep. Brown once again defended his bill and acknowledged he did have supporters of his bill. Chairman Sexton temporarily displaced the bill, and asked Rep. Brown to study the Proposed Committee Substitute, and see what he thought of it. It was left open to possibly bring the Proposed Committee Substitute back up for discussion during the remainder of the meeting or it could be sent to a sub-committee. Chairman Sexton expressed the desire for fairness to Rep. Brown and the entire committee.

HB-344 MOTOR VEHICLE OCCUPANT RESTRAINTS

Chairman Sexton acknowledged amount of time that had already been spent on the bill. Rep. Clary, bill sponsor, reported that she had a Proposed Committee Substitute. Rep. Luebke requested that committee members be given copies of the Proposed Committee Substitute. Request was granted. Rep. Nichols questioned a document that had been passed out to committee members that did not show its' origin. Rep. Nichols asked if that was not improper and Chairman Sexton agreed that it was. It was suggested to Rep. Nichols, that he disregard that document, and look at the Proposed Committee Substitute that had just been passed out to the committee members. Rep. Ellis made the motion to adopt the Proposed Committee Substitute for discussion. This passed. Staff was called

on to explain the new Proposed Committee Substitute. Brenda Carter, Research Staff Attorney, responded. Rep. Nichols was recognized for questions and Ms. Carter responded to each question. Reps. Nichols and Wainwright, both asked for the information they had requested from DMV at the previous meeting. Rep. Sherrill spoke up and wanted to know why the information was being requested from DMV, when she felt it should come from the Highway Patrol Department. Major Arrowood, DMV Assistant Director of the Enforcement Section, responded that he was present at the previous meeting, but that Joe Parker, Director of the Governors' Highway Safety Program, accepted the responsibility of providing the requested materials. Joe Parker was not present to respond, therefore, Lawrence Davis was recognized. Lawrence Davis, representing N. C. Passenger Safety Association, responded that they thought the information had been made available. Chairman Sexton stated that without the requested information, the meeting could not move forward.

Chairman Sexton adjourned the meeting.


Rep. Wayne Sexton
Presiding Chair


Debbie Turner
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 967

Short Title: Light Duty Road Use.

(Public)

Sponsors: Representatives Buchanan; and Church.

Referred to: Transportation.

April 16, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE SELECTION OF EITHER OF THE TWO NEAREST
3 ROUTES TO A NON-LIGHT-TRAFFIC ROAD.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-118(c) reads as rewritten:

6 "(c) Exceptions. -- The following exceptions apply to G.S. 20-118(b) and 20-
7 118(e).

8 (1) Two consecutive sets of tandem axles may carry a gross weight of
9 34,000 pounds each without penalty provided the overall distance
10 between the first and last axles of the consecutive sets of tandem
11 axles is 36 feet or more.

12 (2) When a vehicle is operated in violation of G.S. 20-118(b)(1), 20-
13 118(b)(2), or 20-118(b)(3), but the gross weight of the vehicle or
14 combination of vehicles does not exceed that permitted by G.S. 20-
15 118(b)(3), the owner of the vehicle shall be permitted to shift the
16 load within the vehicle, without penalty, from one axle to another
17 to comply with the weight limits in the following cases:

18 a. Where the single-axle load exceeds the statutory limits, but
19 does not exceed 21,000 pounds.

20 b. Where the vehicle or combination of vehicles has tandem
21 axles, but the tandem-axle weight does not exceed 40,000
22 pounds.

23 (3) When a vehicle is operated in violation of G.S. 20-118(b)(4) the
24 owner of the vehicle shall be permitted, without penalty, to shift

the load within the vehicle from one axle to another to comply with the weight limits where the single-axle weight does not exceed the posted limit by 2,500 pounds.

(4) A truck or other motor vehicle shall be exempt from such light-traffic road limitations provided for pursuant to G.S. 20-118(b)(4), when transporting supplies, material or equipment necessary to carry out a farming operation engaged in the production of meats and agricultural crops and livestock or poultry by-products or a business engaged in the harvest or processing of seafood when the destination of such vehicle and load is located solely upon said light-traffic road.

(5) The light-traffic road limitations provided for pursuant to subdivision (b)(4) of this section do not apply to a vehicle while that vehicle is transporting only the following from its point of origin on a light-traffic road to either one of the two nearest highway highways that is not a light-traffic road:

- a. Processed or unprocessed seafood from boats or any other point of origin to a processing plant or a point of further distribution.
- b. Meats or agricultural crop products originating from a farm to first market.
- c. Unprocessed forest products originating from a farm or from woodlands to first market.
- d. Livestock or poultry from their point of origin to first market.
- e. Livestock by-products or poultry by-products from their point of origin to a rendering plant.
- f. Recyclable material from its point of origin to a scrap-processing facility for processing. As used in this subpart, the terms 'recyclable' and 'processing' have the same meaning as in G.S. 130A-290(a).
- g. Garbage collected by the vehicle from residences or garbage dumpsters if the vehicle is fully enclosed and is designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters. As used in this subpart, the term 'garbage' does not include hazardous waste as defined in G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5, or radioactive material as defined in G.S. 104E-5.

(6) A truck or other motor vehicle shall be exempt from such light-traffic road limitations provided by G.S. 20-118(b)(4) when such motor vehicles are owned, operated by or under contract to a public utility, electric or telephone membership corporation or

1 municipality and such motor vehicles are used in connection with
2 installation, restoration or emergency maintenance of utility
3 services.

4 (7) A wrecker may tow a disabled vehicle or combination of vehicles
5 in an emergency to the nearest feasible point for parking or storage
6 without being in violation of G.S. 20-118 provided that the wrecker
7 and towed vehicle or combination of vehicles otherwise meet all
8 requirements of this section.

9 (8) A firefighting vehicle operated by any member of a municipal or
10 rural fire department in the performance of his duties, regardless of
11 whether members of that fire department are paid or voluntary and
12 any vehicle of a voluntary lifesaving organization, when operated
13 by a member of that organization while answering an official call
14 shall be exempt from such light-traffic road limitations provided by
15 G.S. 20-118(b)(4).

16 (9) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 12.

17 (10) Fully enclosed motor vehicles designed specifically for collecting,
18 compacting and hauling garbage from residences, or from garbage
19 dumpsters shall, when operating for those purposes, be allowed a
20 single axle weight not to exceed 23,500 pounds on the steering axle
21 on vehicles equipped with a boom, or on the rear axle on vehicles
22 loaded from the rear. This exemption shall not apply to vehicles
23 transporting hazardous waste as defined in G.S. 130A-290(a)(8),
24 spent nuclear fuel regulated under G.S. 20-167.1, low-level
25 radioactive waste as defined in G.S. 104E-5(9a), or radioactive
26 material as defined in G.S. 104E-5(14).

27 (11) A truck or other motor vehicle shall be exempt for light-traffic
28 road limitations issued under subdivision (b)(4) of this section
29 when transporting heating fuel for on-premises use at a destination
30 located on the light-traffic road.

31 (12) Subsections (b) and (e) of this section do not apply to a vehicle
32 that meets one of the following descriptions, is hauling agricultural
33 crops from the farm where they were grown to first market, is
34 within 35 miles of that farm, does not operate on an interstate
35 highway while hauling the crops, and does not exceed its registered
36 weight:

37 a. Is a five-axle combination with a gross weight of no more
38 than 88,000 pounds, a single-axle weight of no more than
39 22,000 pounds, a tandem-axle weight of no more than 42,000
40 pounds, and a length of at least 51 feet between the first and
41 last axles of the combination.

42 b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s.
43 13.

- 1 c. Is a four-axle combination with a gross weight that does not
2 exceed the limit set in subdivision (b)(3) of this section, a
3 single-axle weight of no more than 22,000 pounds, and a
4 tandem-axle weight of no more than 42,000 pounds."
5

Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 967

Senate Transportation Committee Substitute Adopted 7/14/97

Short Title: Light Duty Road Use.

(Public)

Sponsors:

Referred to:

April 16, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE SELECTION OF EITHER OF THE TWO NEAREST
3 ROUTES TO A NON-LIGHT-TRAFFIC ROAD, AND TO SPECIFY THAT
4 THE DEPARTMENT OF TRANSPORTATION MAY ADOPT A RULE
5 ALLOWING SPECIAL WEIGHT PERMITS TO BE ISSUED FOR VEHICLES
6 TRANSPORTING WOOD RESIDUALS ON NON-INTERSTATE HIGHWAYS,
7 AS AUTHORIZED BY EXISTING STATE LAW.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 20-118(c) reads as rewritten:

10 "(c) Exceptions. -- The following exceptions apply to G.S. 20-118(b) and 20-
11 118(e).

- 12 (1) Two consecutive sets of tandem axles may carry a gross weight of
13 34,000 pounds each without penalty provided the overall distance
14 between the first and last axles of the consecutive sets of tandem
15 axles is 36 feet or more.
- 16 (2) When a vehicle is operated in violation of G.S. 20-118(b)(1), 20-
17 118(b)(2), or 20-118(b)(3), but the gross weight of the vehicle or
18 combination of vehicles does not exceed that permitted by G.S. 20-
19 118(b)(3), the owner of the vehicle shall be permitted to shift the
20 load within the vehicle, without penalty, from one axle to another
21 to comply with the weight limits in the following cases:
- 22 a. Where the single-axle load exceeds the statutory limits, but
23 does not exceed 21,000 pounds.

- b. Where the vehicle or combination of vehicles has tandem axles, but the tandem-axle weight does not exceed 40,000 pounds.
- (3) When a vehicle is operated in violation of G.S. 20-118(b)(4) the owner of the vehicle shall be permitted, without penalty, to shift the load within the vehicle from one axle to another to comply with the weight limits where the single-axle weight does not exceed the posted limit by 2,500 pounds.
- (4) A truck or other motor vehicle shall be exempt from such light-traffic road limitations provided for pursuant to G.S. 20-118(b)(4), when transporting supplies, material or equipment necessary to carry out a farming operation engaged in the production of meats and agricultural crops and livestock or poultry by-products or a business engaged in the harvest or processing of seafood when the destination of such vehicle and load is located solely upon said light-traffic road.
- (5) The light-traffic road limitations provided for pursuant to subdivision (b)(4) of this section do not apply to a vehicle while that vehicle is transporting only the following from its point of origin on a light-traffic road to either one of the two nearest ~~highway~~ highways that is not a light-traffic road:
- a. Processed or unprocessed seafood from boats or any other point of origin to a processing plant or a point of further distribution.
 - b. Meats or agricultural crop products originating from a farm to first market.
 - c. Unprocessed forest products originating from a farm or from woodlands to first market.
 - d. Livestock or poultry from their point of origin to first market.
 - e. Livestock by-products or poultry by-products from their point of origin to a rendering plant.
 - f. Recyclable material from its point of origin to a scrap-processing facility for processing. As used in this subpart, the terms 'recyclable' and 'processing' have the same meaning as in G.S. 130A-290(a).
 - g. Garbage collected by the vehicle from residences or garbage dumpsters if the vehicle is fully enclosed and is designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters. As used in this subpart, the term 'garbage' does not include hazardous waste as defined in G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as

- 1 defined in G.S. 104E-5, or radioactive material as defined in
2 G.S. 104E-5.
- 3 (6) A truck or other motor vehicle shall be exempt from such light-
4 traffic road limitations provided by G.S. 20-118(b)(4) when such
5 motor vehicles are owned, operated by or under contract to a
6 public utility, electric or telephone membership corporation or
7 municipality and such motor vehicles are used in connection with
8 installation, restoration or emergency maintenance of utility
9 services.
- 10 (7) A wrecker may tow a disabled vehicle or combination of vehicles
11 in an emergency to the nearest feasible point for parking or storage
12 without being in violation of G.S. 20-118 provided that the wrecker
13 and towed vehicle or combination of vehicles otherwise meet all
14 requirements of this section.
- 15 (8) A firefighting vehicle operated by any member of a municipal or
16 rural fire department in the performance of his duties, regardless of
17 whether members of that fire department are paid or voluntary and
18 any vehicle of a voluntary lifesaving organization, when operated
19 by a member of that organization while answering an official call
20 shall be exempt from such light-traffic road limitations provided by
21 G.S. 20-118(b)(4).
- 22 (9) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 12.
- 23 (10) Fully enclosed motor vehicles designed specifically for collecting,
24 compacting and hauling garbage from residences, or from garbage
25 dumpsters shall, when operating for those purposes, be allowed a
26 single axle weight not to exceed 23,500 pounds on the steering axle
27 on vehicles equipped with a boom, or on the rear axle on vehicles
28 loaded from the rear. This exemption shall not apply to vehicles
29 transporting hazardous waste as defined in G.S. 130A-290(a)(8),
30 spent nuclear fuel regulated under G.S. 20-167.1, low-level
31 radioactive waste as defined in G.S. 104E-5(9a), or radioactive
32 material as defined in G.S. 104E-5(14).
- 33 (11) A truck or other motor vehicle shall be exempt for light-traffic
34 road limitations issued under subdivision (b)(4) of this section
35 when transporting heating fuel for on-premises use at a destination
36 located on the light-traffic road.
- 37 (12) Subsections (b) and (e) of this section do not apply to a vehicle
38 that meets one of the following descriptions, is hauling agricultural
39 crops from the farm where they were grown to first market, is
40 within 35 miles of that farm, does not operate on an interstate
41 highway while hauling the crops, and does not exceed its registered
42 weight:
- 43 a. Is a five-axle combination with a gross weight of no more
44 than 88,000 pounds, a single-axle weight of no more than

22,000 pounds, a tandem-axle weight of no more than 42,000 pounds, and a length of at least 51 feet between the first and last axles of the combination.

b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.

c. Is a four-axle combination with a gross weight that does not exceed the limit set in subdivision (b)(3) of this section, a single-axle weight of no more than 22,000 pounds, and a tandem-axle weight of no more than 42,000 pounds."

Section 2. The Department of Transportation may adopt a rule authorizing issuance of special weight permits for vehicles transporting wood residuals on non-interstate highways, as authorized by existing State law, G.S. 20-119.

Section 3. This act constitutes a recent act of the General Assembly within the meaning of G.S. 150B-21.1. The Department may adopt the rule authorized by Section 2 of this act as a temporary rule no later than September 1, 1997.

Section 4. This act is effective when it becomes law.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 967 A BILL TO BE ENTITLED AN ACT TO PROVIDE SELECTION OF EITHER
OF THE TWO NEAREST ROUTES TO A NON-LIGHT-TRAFFIC ROAD.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 966

Short Title: Truckload Flag/Light Colors.

(Public)

Sponsors: Representatives Buchanan; and Church.

Referred to: Transportation.

April 16, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR OPTIONS IN FLAG AND LIGHT COLORS FOR
3 EXTENDED TRUCKLOADS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-117 reads as rewritten:

6 "§ 20-117. Flag or light at end of load.

7 Whenever the load on any vehicle shall extend more than four feet beyond the
8 rear of the bed or body thereof, there shall be displayed at the end of such load, in
9 such position as to be clearly visible at all times from the rear of such load, a red or
10 orange flag not less than 12 inches both in length and width, except that from sunset
11 to sunrise there shall be displayed at the end of any such load a red or amber light
12 plainly visible under normal atmospheric conditions at least 200 feet from the rear of
13 such vehicle."

14 Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 966 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OPTIONS IN FLAG
AND LIGHT COLORS FOR EXTENDED TRUCKLOADS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

H678-CSRV-001

PROPOSED COMMITTEE SUBSTITUTE

H678

THIS IS A DRAFT 15-APR-97 19:03:41

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: DWI Bumper Stickers.

(Public)

Sponsors:

Referred to:

March 31, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE PERSONS CONVICTED OF DRIVING WHILE IMPAIRED TO
3 MARK THEIR MOTOR VEHICLES WITH AN IDENTIFYING BUMPER STICKER.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-179.3 is amended by adding a new
6 subsection to read:
7 "(h1) Mandatory Identifying Bumper Sticker. In a limited
8 driving privilege issued to a person convicted of an impaired
9 driving offense, the court shall include the requirement that the
10 applicant shall have affixed to the rear bumper or rear window of
11 any vehicle driven by him a prominently displayed identifying
12 official bumper sticker stating 'CONVICTED OF DRIVING WHILE
13 IMPAIRED'. The Division of Motor Vehicles shall obtain a
14 sufficient supply to provide bumper stickers to all persons
15 punished pursuant to this section and shall make these bumper
16 stickers available to the convicted person for a fee of five
17 dollars (\$5.00) each."

1 Section 2. G.S. 20-179.3(e) reads as rewritten:
2 "(e) Limited Basis for and Effect of Privilege. -- A limited
3 driving privilege issued under this section authorizes a person
4 to drive if his license is revoked ~~solely~~ under G.S. ~~20-17(2)~~
5 15A-1331A or G.S. 20-17(2), or as a result of a conviction in
6 another jurisdiction substantially equivalent to impaired driving
7 under G.S. 20-138.1; if the person's license is revoked under any
8 other statute, the limited driving privilege is invalid."
9 Section 2. This act becomes effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 678

Short Title: DWI Bumper Stickers.

(Public)

Sponsors: Representatives Starnes; Capps and Wood.

Referred to: Transportation, if favorable, Judiciary I.

March 31, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE PERSONS CONVICTED OF DRIVING WHILE
3 IMPAIRED TO MARK THEIR MOTOR VEHICLES WITH AN IDENTIFYING
4 BUMPER STICKER.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-179.3 is amended by adding a new subsection to read:

7 "(h1) Mandatory Identifying Bumper Sticker. In a limited driving privilege, the
8 court shall include the requirement that the applicant shall have affixed to the rear
9 bumper or rear window of any vehicle driven by him a prominently displayed
10 identifying official bumper sticker stating 'CONVICTED OF DRIVING WHILE
11 IMPAIRED'. The Division of Motor Vehicles shall obtain a sufficient supply to
12 provide bumper stickers to all persons punished pursuant to this section and shall
13 make these bumper stickers available to the convicted person for a fee of five dollars
14 (\$5.00) each."

15 Section 2. This act becomes effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

H501-CSR-001

PROPOSED COMMITTEE SUBSTITUTE

H501

THIS IS A DRAFT 28-APR-97 10:35:33

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Cartways.

(Public)

Sponsors:

Referred to:

March 12, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS RELATING TO THE OPENING OF CARTWAYS.
3 The General Assembly of North Carolina enacts:
4 Section 1. Effective July 1, 1997, G.S. 136-69(a) reads
5 as rewritten:
6 "(a) If any person, firm, association, or corporation shall be
7 engaged in the cultivation of any land or the cutting and
8 removing of any standing timber, or the working of any quarries,
9 mines, or minerals, or the operating of any industrial or
10 manufacturing plants, or public or private cemetery, or taking
11 action preparatory to the operation of any such enterprises, to
12 which there is leading no public road or other adequate means of
13 transportation, other than a navigable waterway, affording
14 necessary and proper means of ingress thereto and egress
15 therefrom, such person, firm, association, or corporation may
16 institute a special proceeding as set out in the preceding
17 section (G.S. 136-68), and if it shall be made to appear to the
18 court necessary, reasonable and just that such person shall have

1 a private way to a public road or watercourse or railroad over
2 the lands of other persons, the court shall appoint a jury of
3 view of three disinterested freeholders to view the premises and
4 lay off a cartway, tramway, or railway of not less than 18 feet
5 in width, or cableways, chutes, and flumes, and assess the
6 damages the owner or owners of the land crossed may sustain
7 thereby, and make report of their findings in writing to the
8 clerk of the superior court. Exceptions to said report may be
9 filed by any interested party and such exceptions shall be heard
10 and determined by the clerk of the superior court. The clerk of
11 the superior court may affirm or modify said report, or set the
12 same aside and order a new jury of view. All damages assessed by
13 a judgment of the clerk, together with the cost of the
14 proceeding, shall be paid into the clerk's office before the
15 petitioners shall acquire any rights under said proceeding. In
16 determining the path of a cartway, tramway or railway the jury of
17 view shall give priority to the location of previously used
18 easements or cartways. Where there exists a private railroad
19 crossing, that private railroad crossing may be used as part of a
20 cartway established under this Article provided the person, firm,
21 association or corporation seeking the cartway agrees to share
22 proportionately with other landowners authorized to use the
23 crossing the cost of maintaining the private crossing and to
24 protect and hold harmless the railroad against all liability
25 associated with the crossing, provided the railroad is being
26 operated in a lawful manner at or in the vicinity of the
27 crossing. Except as herein provided for the establishment of a
28 cartway over an existing private railroad crossing, no real
29 estate, right-of-way, easement, leasehold, or other interest in
30 land which has been condemned by a railroad, or has been obtained
31 for a railroad's use as a right-of-way, depot, or station house
32 shall be used for the establishment of a cartway or other use
33 under this Article except by agreement with the railroad. Should
34 a petitioner seeking a cartway request a new railroad crossing,
35 the railroad shall negotiate in good faith the location of the
36 new crossing at the requested location or some other mutually
37 agreeable location."

38 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 501

Short Title: Cartways.

(Public)

Sponsors: Representatives Brown; Allred, Beall, Berry, Hightower, Hill, Howard, R. Hunter, McComas, Morris, Nichols, Ramsey, and Weatherly.

Referred to: Transportation, if favorable, Judiciary II.

March 12, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS RELATING TO THE OPENING OF
3 CARTWAYS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 136-69(a) reads as rewritten:

6 "(a) In order to ensure that all landowners who do not have a deeded or
7 documented easement or right-of-way to a public road shall have a legal means of
8 obtaining access to that road, if any person, firm, association, or corporation shall be
9 engaged in the cultivation of any land or the cutting and removing of any standing
10 timber, or the working of any quarries, mines, or minerals, or the operating of any
11 industrial or manufacturing plants, or public or private cemetery, or the use of land
12 as a single-family ~~homestead~~, homesteads, or taking action preparatory to the
13 operation of any such enterprises, to which there is leading no public road,
14 reasonable deeded or documented easement or right-of-way to a public road, or other
15 adequate means of transportation, other than a navigable waterway, affording
16 necessary and proper means of ingress thereto and egress therefrom, such person,
17 firm, association, or corporation may institute a special proceeding as set out in G.S.
18 136-68. Should it be made to appear to the court necessary, reasonable and just that
19 such person shall have a private way to a public road or watercourse or railroad over
20 the lands of other persons, the court shall appoint a jury of view of three disinterested
21 freeholders to view the premises and lay off a cartway, tramway, or railway of not
22 more than 18 feet of travel surface or such other minimum width requested in the
23 petition and found necessary and proper by the court, and not more than 30 feet in

1 width for cuts, fills, and ditches or cableways, chutes, and flumes. If a cartway is
2 granted for the use of one or more single-family homesteads, each single-family
3 homestead ~~must~~ shall consist of at least ~~seven~~ two acres of land. Where there exists a
4 private railroad crossing, that private railroad crossing may be used as part of a
5 cartway established under this Article provided the person, firm, association or
6 corporation seeking the cartway agrees to share proportionately with other
7 landowners authorized to use the crossing the cost of maintaining the private crossing
8 and to protect and hold harmless the railroad against all liability associated with the
9 crossing, provided the railroad is being operated in a lawful manner at or in the
10 vicinity of the crossing. Except as herein provided for the establishment of a cartway
11 over an existing private railroad crossing, no real estate, right-of-way, easement,
12 leasehold, or other interest in land which has been condemned by a railroad, or has
13 been obtained for a railroad's use as a right-of-way, depot, or station house shall be
14 used for the establishment of a cartway or other use under this Article except by
15 agreement with the railroad. Should a petitioner seeking a cartway request a new
16 railroad crossing, the railroad shall negotiate in good faith the location of the new
17 crossing at the requested location or some other mutually agreeable location. The
18 jury of view shall assess the damages the owner or owners of the land crossed may
19 sustain thereby, and make report of their findings in writing to the clerk of the
20 superior court. Exceptions to said report may be filed by any interested party and
21 such exceptions shall be heard and determined by the clerk of the superior court.
22 The clerk of the superior court may affirm or modify said report, or set the same
23 aside and order a new jury of view. All damages assessed by a judgment of the clerk,
24 together with the cost of the proceeding, shall be paid into the clerk's office before
25 the petitioners shall acquire any rights under said proceeding."

26 Section 2. Section 4 of Chapter 513 of the 1995 Session Laws reads as
27 rewritten:

28 "Sec. 4. This act is effective upon ~~ratification but sections 2 and 3 shall expire on~~
29 ~~July 1, 1997.~~ ratification. This act applies to actions to establish cartways filed on or
30 after the effective ~~date, but before July 1, 1997.~~ date."

31 Section 3. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 501

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H501-ALK-1

Date _____, 1997

Comm. Sub. []
Amends Title []

Representative Baker

1 moves to amend the bill on page 1, line 5 through page 2, line 31,
2 by rewriting those lines to read:
3 "Section 1. Effective July 1, 1997, G.S. 136-69(a) reads
4 as rewritten:
5 '(a) If any person, firm, association, or corporation shall be
6 engaged in the cultivation of any land or the cutting and removing
7 of any standing timber, or the working of any quarries, mines, or
8 minerals, or the operating of any industrial or manufacturing
9 plants, or public or private cemetery, or taking action preparatory
10 to the operation of any such enterprises, to which there is leading
11 no public road or other adequate means of transportation, other than
12 a navigable waterway, affording necessary and proper means of
13 ingress thereto and egress therefrom, such person, firm,
14 association, or corporation may institute a special proceeding as
15 set out in the preceding section (G.S. 136-68), and if it shall be
16 made to appear to the court necessary, reasonable and just that such
17 person shall have a private way to a public road or watercourse or
18 railroad over the lands of other persons, the court shall appoint a
19 jury of view of three disinterested freeholders to view the premises
20 and lay off a cartway, tramway, or railway of not less than 18 feet



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 501

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of _____

H501-ALK-1

1 in width, or cableways, chutes, and flumes, and assess the damages
2 the owner or owners of the land crossed may sustain thereby, and
3 make report of their findings in writing to the clerk of the
4 superior court. Exceptions to said report may be filed by any
5 interested party and such exceptions shall be heard and determined
6 by the clerk of the superior court. The clerk of the superior court
7 may affirm or modify said report, or set the same aside and order a
8 new jury of view. All damages assessed by a judgment of the clerk,
9 together with the cost of the proceeding, shall be paid into the
10 clerk's office before the petitioners shall acquire any rights under
11 said proceeding. In determining the path of a cartway, tramway or
12 railway the jury of view shall give priority to the location of
13 previously used easements or cartways.'

14 Section 2. This act is effective when it becomes law."

SIGNED *R. H. Behr*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



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Legislative Services Office**

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April 2, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: **HOUSE BILL 501 - CARTWAYS**
Representative Brown

House Bill 501 amends the law regarding the acquisition of an easement by the statutory cartway proceeding set out in G.S. 136-69. The bill would allow cartways to be granted for single-family homesteads of at least 2 acres (currently permitted for a single family homestead of at least 7 acres). The bill also removes a sunset date on a 1995 act that amended the cartway statute.

Background

The stated purpose of the existing law is to ensure that landowners who do not have a deeded or documented easement or right-of-way to a public road shall have a legal means of obtaining access to that road. A landowner is entitled to a cartway across the lands of a neighboring property if the following prerequisites exist:

(1) The landowner is engaged in, or taking action preparatory to engaging in, an activity enumerated in G.S. 136-69. This includes: the cultivation of land, the cutting and removing of standing timber, the working of quarries, mines, or minerals, the operation of industrial or manufacturing plants, operation of public or private cemeteries, a single-family homestead, consisting of at least 7 acres of land;

(2) There is no public road or other adequate means of reasonable access to the landowner's property; and

(3) It is necessary, reasonable, and just that the landowner have a private way.

Under the statute, a landowner must institute a special proceeding to obtain the desired access. If it appears to the court that a cartway is warranted, the Clerk of Superior Court will appoint a jury of 3 disinterested landowners to lay off the cartway and access damages which the petitioner for the cartway must pay to the owner for the establishment of the cartway.

1995 Changes

Prior to 1995, use of property for residential purposes had never been permitted under the cartway statute. Generally cartways were granted to allow the owner to remove products produced or existing on the land to be sold off the lands (i.e. crops, minerals, timber, manufactured items). Chapter 513 of the 1995 Session Laws allows cartways to be granted for single-family homesteads of at least 7 acres, clarifies the size of the cartway from a minimum of 18 feet to a maximum of 18 feet of traveled surface and a maximum of 30 feet total including ditches, eliminates the provision that cartways to remove timber expire after 5 years, and eliminates a permissive use as a bar to the establishment of a cartway. The bill had a sunset because it was perceived by some members as a major departure from traditional use of the cartway statutes, was viewed by some as expanding private condemnation which generally has not be favored under law, and time was insufficient during that session to fully study the issues and the implications of expanding the law in this way. House Bill 501 would repeal the sunset.

The bill would be effective when it becomes law.

Note: If given a favorable report by this Committee, the bill will go to Judiciary II.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

H344-CSRV-003

PROPOSED COMMITTEE SUBSTITUTE

HOUSE BILL 344

THIS IS A DRAFT 15-APR-97 12:05:00

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Motor Vehicle Occupant Restraints. (Public)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 20-135.2A(a) reads as rewritten:
5 "(a) Each ~~front seat~~ occupant who is 16 years of age or older
6 and each driver of a passenger motor vehicle manufactured with
7 seat safety belts ~~in compliance with Federal Motor Vehicle Safety~~
8 ~~Standard No. 208~~ shall have such a safety belt properly fastened
9 about his body at all times when the vehicle is in forward motion
10 on a street or highway in this State. ~~Each driver of a passenger~~
11 ~~motor vehicle manufactured with seat safety belts in compliance~~
12 ~~with Federal Motor Vehicle Safety Standard No. 208, who is~~
13 ~~transporting in the front seat a person who is (1) under 16 years~~
14 ~~of age and (2) not required to be restrained in accordance with~~
15 ~~G.S. 20-137.1, shall have the person secured by such a safety~~
16 ~~belt at all times when the vehicle is operated in forward motion~~
17 ~~on a street or highway in this State. Persons required to be~~

1 ~~restrained in accordance with G.S. 20-137.1 shall be secured as~~
2 ~~required by that section."~~

3 Section 2. G.S. 20-135.2A(e) reads as rewritten:

4 "(e) ~~Any person violating this section during the period from~~
5 ~~October 1, 1985, to December 31, 1986, shall be given a warning~~
6 ~~of violation only. Thereafter, any person violating~~ Any driver or
7 ~~passenger who fails to wear a seat belt as required by this~~
8 ~~section shall have committed an infraction and shall pay a fine~~
9 ~~penalty of twenty-five dollars (\$25.00). fifty dollars (\$50.00).~~
10 ~~An infraction is an unlawful act that is not a crime. The~~
11 ~~procedure for charging and trying an infraction is the same as~~
12 ~~for a misdemeanor, but conviction of an infraction has no~~
13 ~~consequence other than payment of a fine. A person convicted of~~
14 ~~an infraction found responsible for a violation of this section~~
15 ~~may not be assessed court costs."~~

16 Section 3. G.S. 20-135.2A(f) reads as rewritten:

17 "(f) ~~No drivers license points or insurance points or insurance~~
18 ~~surcharge shall be assessed on account of violation of this~~
19 ~~section. A driver's failure to wear a seat belt as required by~~
20 ~~this section while operating a passenger motor vehicle shall be~~
21 ~~considered a moving violation for purposes of G.S. 20-16(c), but~~
22 ~~shall not be considered a moving violation for purposes of G.S.~~
23 ~~20-28.21, G.S. 58-36-65, or G.S. 58-36-75."~~

24 Section 4. G.S. 20-135.2A(h) is repealed.

25 Section 5. G.S. 20-135.2B(c) reads as rewritten:

26 "(c) Any person violating this section shall have committed an
27 infraction and shall pay a fine penalty of twenty-five dollars
28 (\$25.00). ~~An infraction is an unlawful act that is not a crime.~~
29 ~~The procedure for charging and trying an infraction is the same~~
30 ~~as for a misdemeanor, but conviction of an infraction has no~~
31 ~~consequence other than payment of a fine. A person convicted of~~
32 ~~an infraction found responsible for a violation of this section~~
33 ~~may not be assessed court costs."~~

34 Section 6. G.S. 20-135.2B(d) reads as rewritten:

35 "(d) ~~No drivers license points or insurance points or~~
36 ~~insurance surcharge shall be assessed on account of violation of~~
37 ~~this section. A violation of this section shall be considered a~~
38 ~~moving violation for purposes of G.S. 20-16(c), but shall not be~~
39 ~~considered a moving violation for purposes of G.S. 20-28.21, G.S.~~
40 ~~58-36-65, or G.S. 58-36-75."~~

1 Section 7. Section 3 of Chapter 672 of the 1993 Session
2 Laws is repealed.

3 Section 8. G.S. 20-137.1(a) reads as rewritten:

4 "(a) Every driver who is transporting a child of less than 12
5 16 years of age shall have the child properly secured in ~~a child~~
6 an age-appropriate passenger restraint system ~~(car safety seat)~~
7 ~~which meets federal standards applicable at the time of its~~
8 ~~manufacture. The requirements of this section may be met when~~
9 ~~the child is four years of age or older by securing the child in~~
10 ~~a seat safety belt. system.~~

11 When a child is less than five years of age and less than 60
12 pounds in weight, the requirements of this section shall be met
13 by securing the child in a car safety seat which meets federal
14 standards applicable at the time of its manufacture.

15 When a child is five years of age or older or is 60 pounds or
16 more in weight, the requirements of this section may be met by
17 securing the child in a seat safety belt."

18 Section 9. G.S. 20-137.1(d) reads as rewritten:

19 "(d) No ~~driver license points or~~ insurance points shall be
20 assessed for a violation of this section; nor shall a violation
21 constitute negligence per se or contributory negligence per se
22 nor shall it be evidence of negligence or contributory
23 negligence. A violation of this section shall be considered a
24 moving violation for purposes of G.S. 20-16(c), but shall not be
25 considered a moving violation for purposes of G.S. 20-28.21, G.S.
26 58-36-65, or G.S. 58-36-75."

27 Section 10. This act becomes effective July 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

H344-CSRV-004

PROPOSED COMMITTEE SUBSTITUTE

HOUSE BILL 344

THIS IS A DRAFT 28-APR-97 10:15:57

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Motor Vehicle Occupant Restraints.

(Public)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 20-135.2A(a) reads as rewritten:
5 "(a) Each front seat occupant who is 16 years of age or older
6 and each driver of a passenger motor vehicle manufactured with
7 seat safety belts ~~in compliance with Federal Motor Vehicle Safety~~
8 ~~Standard No. 208~~ shall have such a safety belt properly fastened
9 about his body at all times when the vehicle is in forward motion
10 on a street or highway in this State. ~~Each driver of a passenger~~
11 ~~motor vehicle manufactured with seat safety belts in compliance~~
12 ~~with Federal Motor Vehicle Safety Standard No. 208, who is~~
13 ~~transporting in the front seat a person who is (1) under 16 years~~
14 ~~of age and (2) not required to be restrained in accordance with~~
15 ~~G.S. 20-137.1, shall have the person secured by such a safety~~
16 ~~belt at all times when the vehicle is operated in forward motion~~
17 ~~on a street or highway in this State. Persons required to be~~

1 ~~restrained in accordance with G.S. 20-137.1 shall be secured as~~
2 ~~required by that section."~~

3 Section 2. G.S. 20-135.2A(e) reads as rewritten:

4 "(e) ~~Any person violating this section during the period from~~
5 ~~October 1, 1985, to December 31, 1986, shall be given a warning~~
6 ~~of violation only. Thereafter, any person violating~~ Any driver or
7 passenger who fails to wear a seat belt as required by this
8 section shall have committed an infraction and shall pay a fine
9 penalty of twenty-five dollars (\$25.00). fifty dollars (\$50.00).
10 ~~An infraction is an unlawful act that is not a crime. The~~
11 ~~procedure for charging and trying an infraction is the same as~~
12 ~~for a misdemeanor, but conviction of an infraction has no~~
13 ~~consequence other than payment of a fine. A person convicted of~~
14 an infraction found responsible for a violation of this section
15 may not be assessed court costs."

16 Section 3. G.S. 20-137.1(a) reads as rewritten:

17 "(a) Every driver who is transporting a child of less than 12
18 16 years of age shall have the child properly secured in a child
19 an age-appropriate passenger restraint system (car safety seat)
20 which meets federal standards applicable at the time of its
21 manufacture. The requirements of this section may be met when
22 the child is four years of age or older by securing the child in
23 a seat safety belt. system.

24 When a child is less than five years of age and less than 60
25 pounds in weight, the requirements of this section shall be met
26 by securing the child in a car safety seat which meets federal
27 standards applicable at the time of its manufacture.

28 When a child is five years of age or older or is 60 pounds or
29 more in weight, the requirements of this section may be met by
30 securing the child in a seat safety belt."

31 Section 4. This act becomes effective July 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 344*

Short Title: Motor Vehicle Occupant Restraints.

(Public)

Sponsors: Representatives Clary, Alexander; Adams, Cole, Dockham, Easterling, Hill, Hurley, Rayfield, Saunders, Watson, and Yongue.

Referred to: Transportation, if favorable, Judiciary I.

February 26, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.

2 The General Assembly of North Carolina enacts:

3 Section 1. G.S. 20-135.2A(a) reads as rewritten:

4 "(a) Each ~~front seat~~ occupant who is 16 years of age or older and each driver of a
5 passenger motor vehicle manufactured with seat safety belts ~~in compliance with~~
6 ~~Federal Motor Vehicle Safety Standard No. 208~~ shall have such a safety belt properly
7 fastened about his body at all times when the vehicle is in forward motion on a street
8 or highway in this State. ~~Each driver of a passenger motor vehicle manufactured with~~
9 ~~seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208,~~
10 ~~who is transporting in the front seat a person who is (1) under 16 years of age and (2)~~
11 ~~not required to be restrained in accordance with G.S. 20-137.1, shall have the person~~
12 ~~secured by such a safety belt at all times when the vehicle is operated in forward~~
13 ~~motion on a street or highway in this State. Persons required to be restrained in~~
14 ~~accordance with G.S. 20-137.1 shall be secured as required by that section."~~

15 Section 2. G.S. 20-135.2A(e) reads as rewritten:

16 "(e) ~~Any person violating this section during the period from October 1, 1985, to~~
17 ~~December 31, 1986, shall be given a warning of violation only. Thereafter, any~~ Any
18 person violating this section shall have committed an infraction and shall pay a fine
19 of ~~twenty-five dollars (\$25.00).~~ fifty dollars (\$50.00). ~~An infraction is an unlawful act~~
20 ~~that is not a crime. The procedure for charging and trying an infraction is the same as~~
21 ~~for a misdemeanor, but conviction of an infraction has no consequence other than~~

1 ~~payment of a fine. A person convicted of an infraction found responsible for a~~
2 ~~violation of this section may not be assessed court costs."~~

3 Section 3. G.S. 20-135.2A(f) reads as rewritten:

4 "(f) No ~~drivers license points or~~ insurance surcharge shall be assessed on account
5 of violation of this section. Drivers license points shall be assigned for a violation of
6 this section."

7 Section 4. G.S. 20-135.2A(h) is repealed.

8 Section 5. G.S. 20-135.2B (b)(6) is repealed.

9 Section 6. G.S. 20-135.2B(c) reads as rewritten:

10 "(c) Any person violating this section shall have committed an infraction and shall
11 pay a fine penalty of twenty-five dollars (\$25.00). ~~An infraction is an unlawful act~~
12 ~~that is not a crime. The procedure for charging and trying an infraction is the same as~~
13 ~~for a misdemeanor, but conviction of an infraction has no consequence other than~~
14 ~~payment of a fine. A person convicted of an infraction found responsible for a~~
15 ~~violation of this section may not be assessed court costs."~~

16 Section 7. G.S. 20-135.2B(d) reads as rewritten:

17 "(d) No ~~drivers license points or~~ insurance surcharge shall be assessed on account
18 of violation of this section. Drivers license points shall be assigned for a violation of
19 this section."

20 Section 8. G.S. 20-135.3 reads as rewritten:

21 "**§ 20-135.3. Seat belt anchorages for rear seats of motor vehicles.**

22 Every new motor vehicle registered in this State and manufactured, assembled or
23 sold after July 1, 1966, shall be equipped with sufficient anchorage units at the
24 attachment points for attaching at least two sets of seat safety belts for the rear seat of
25 the motor vehicle. Such anchorage units at the attachment points shall be of such
26 construction, design and strength to support a loop load strength of not less than
27 5,000 pounds for each belt.

28 The provisions of this section shall apply to passenger vehicles of nine-passenger
29 capacity or less, except motorcycles. A conviction of violating this section shall be
30 considered a moving violation."

31 Section 9. Section 3 of Chapter 672 of the 1993 Session Laws is repealed.

32 Section 10. G.S. 20-137.1(a) reads as rewritten:

33 "(a) Every driver who is transporting a child of less than ~~42~~ 16 years of age shall
34 have the child properly secured in a child passenger restraint system (car safety seat)
35 which meets federal standards applicable at the time of its manufacture. The
36 requirements of this section may be ~~met when the child is four years of age or older~~
37 ~~by securing the child in a seat safety belt. met:~~

38 (1) When a child is less than five years of age and less than 60
39 pounds in weight by securing the child in an approved safety seat;
40 and

41 (2) When a child is five years of age or older or 60 or more pounds
42 by securing the child in a seat safety belt."

43 Section 11. G.S. 20-137.1(d) reads as rewritten:

1 "(d) No ~~driver license points or~~ insurance points shall be assessed for a violation
2 of this section; nor shall a violation constitute negligence per se or contributory
3 negligence per se nor shall it be evidence of negligence or contributory negligence.
4 Drivers license points shall be assigned for a violation of this section."

5 Section 12. This act becomes effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

4

HOUSE BILL 344*
Committee Substitute Favorable 4/29/97
Committee Substitute #2 Favorable 4/30/97
Senate Transportation Committee Substitute Adopted 7/14/97

Short Title: Motor Vehicle Occupant Restraints.

(Public)

Sponsors:

Referred to:

February 26, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 20-135.2A(a) reads as rewritten:
5 "(a) Each ~~front seat~~ occupant who is 16 years of age or older and each driver of a
6 passenger motor vehicle manufactured with seat safety belts ~~in compliance with~~
7 ~~Federal Motor Vehicle Safety Standard No. 208~~ shall have such a safety belt properly
8 fastened about his body at all times when the vehicle is in forward motion on a street
9 or highway in this State. ~~Each driver of a passenger motor vehicle manufactured with~~
10 ~~seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208,~~
11 ~~who is transporting in the front seat a person who is (1) under 16 years of age and (2)~~
12 ~~not required to be restrained in accordance with G.S. 20-137.1, shall have the person~~
13 ~~secured by such a safety belt at all times when the vehicle is operated in forward~~
14 ~~motion on a street or highway in this State. Persons required to be restrained in~~
15 ~~accordance with G.S. 20-137.1 shall be secured as required by that section."~~
16 Section 2. G.S. 20-135.2A(e) reads as rewritten:
17 "(e) ~~Any person violating this section during the period from October 1, 1985, to~~
18 ~~December 31, 1986, shall be given a warning of violation only. Thereafter, any person~~
19 ~~violating~~ Any driver or passenger who fails to wear a seat belt as required by this
20 section shall have committed an infraction and shall pay a fine penalty of twenty-five
21 dollars (\$25.00). fifty dollars (\$50.00). ~~An infraction is an unlawful act that is not a~~

1 ~~crime. The procedure for charging and trying an infraction is the same as for a~~
2 ~~misdemeanor, but conviction of an infraction has no consequence other than payment~~
3 ~~of a fine. A person convicted of an infraction found responsible for a violation of~~
4 ~~this section may not be assessed court costs."~~

5 Section 3. G.S. 20-137.1(a) reads as rewritten:

6 "(a) Every driver who is transporting a child passenger of less than ~~12~~ 16 years of
7 age shall have the child passenger properly secured in a ~~child~~ an age-appropriate
8 child passenger restraint system (car safety seat) which meets federal standards
9 ~~applicable at the time of its manufacture. The requirements of this section may be~~
10 ~~met when the child is four years of age or older by securing the child in a seat safety~~
11 ~~belt system.~~

12 When a child is less than five years of age and less than 60 pounds in weight, the
13 requirements of this section shall be met by securing the child in a car safety seat
14 which meets federal standards applicable at the time of its manufacture. The car
15 safety seat shall be secured in a rear seat of the vehicle if the vehicle has a rear seat
16 that will accommodate a car safety seat.

17 When a child is five years of age or older or is 60 pounds or more in weight, the
18 requirements of this section may be met by securing the child in a seat safety belt."

19 Section 4. This act becomes effective July 1, 1998.



**North Carolina General Assembly
Legislative Services Office**

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March 27, 1997

MEMORANDUM

TO: Representative Buchanan

FROM: Brenda J. Carter, Committee Counsel

RE: **HOUSE BILL 344 - MOTOR VEHICLE OCCUPANT RESTRAINTS**
Proposed Committee Substitute
Representative Clary

House Bill 344 would make various changes to the laws pertaining to seat belts and safety seats. The bill would become effective July 1, 1997.

Mandatory Seat Belt Use.

Section 1 of the bill amends G.S. 20-135.2A (Seat belt use mandatory) to require all occupants age 16 or older of a passenger motor vehicle to wear seat belts. Under current law, passengers age 16 or older are required to wear seat belts only if they are in the front seat. Section 1 also deletes the provisions regarding passengers between the ages of 12 and 16; all passengers under 16 will now be covered by G.S. 20-137.1 (Child restraint systems required).

Section 2 of the bill increases the penalty for a violation of the mandatory seat belt law from \$25 to \$50, and makes other clarifying changes. This penalty will apply to the driver if the driver is not wearing a seat belt. It will also apply to any passenger over the age of 16 who is not wearing a seat belt.

Section 3 provides that a driver who is not wearing a seat belt can be assigned drivers license points for the violation. Treating the seat belt violation as a moving violation for purposes of G.S.20-16(c) means that the driver will be assigned 2 points against his driving record. A passenger who is not wearing a seat belt will not be assigned points, nor will the driver be assigned points for the failure of a passenger 16 or over to buckle up.

Section 4 repeals an obsolete provision that required a report on the effectiveness of the mandatory seat belt law by October 1, 1988.

Transporting a child under 12 in the open cargo area of a pick-up

Section 5 amends the law regarding transporting a child under 12 in the open cargo area of a pick-up. It repeals the exception for counties that have no incorporated area with a population over 3,500. Section 6 increases the penalty for a violation from \$25 to \$50, and makes other clarifying changes. Section 7 provides that drivers license points will be assigned for violations. Since the driver has the responsibility to comply with the law, the drivers license points and the penalty are against the driver. Section 8 repeals an evaluation and reporting requirement on the effectiveness of this law.

Child Restraint Systems

Section 9 amends G.S. 20-137.1 to require that all children who are between the ages of 5 and 16 years old or weigh 60 pounds or more must wear a seat belt. Children who are under five and weigh less than 60 pounds must be in an approved safety seat. Section 10 requires that drivers license points be assigned against the driver for a violation of the requirement.

Note: The bill was serially referred. If it receives a favorable report in this committee, it will go to Judiciary I.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.
GOVERNOR

GOVERNOR'S HIGHWAY SAFETY PROGRAM
215 EAST LANE STREET, RALEIGH, N.C. 27601

GARLAND B. GARRETT JR.
SECRETARY

MEMORANDUM

TO: Rep. Monroe Buchanan
Rep. Wayne Sexton
Chairs, House Transportation Committee

FROM: Joe Parker, Director *[Signature]*
Governor's Highway Safety Program

RE: Question on HB 344

DATE: 1 Apr 97

At your meeting March 26, I was asked to provide the Committee information on three questions. In addition to the brief response which follows, there is attached a more detailed response to each question:

a. How many states cover back seat occupants with their seat belt law?

10 states currently have seat belt laws that cover all occupants, all positions as proposed in HB 344. These states contain 20 per cent of the US population. If North Carolina becomes the 11th state to cover all occupants, all seating positions, 23 per cent of the national population will be covered by enhanced occupant protection laws.

b. How many passengers received citations for failure to wear seat belt last year?

Total statewide statistics do not exist to fully answer this question. Local police agencies issue many seat belt citations, especially since the advent of "Click It or Ticket" beginning in 1993. There is currently no tracking system for these citations. The driver license points proposed in HB 344 will rectify this deficiency.

The State Highway Patrol does track passenger seat belt citations issued by its officers. In 1996 1,445 front seat adult passengers received citations for not wearing a



safety belt. In addition 1,936 drivers received citations for failure to have passengers under age 16 properly secured by either a seat belt or child safety seat.

Both of these type citations have declined since the advent of "Click It or Ticket" and the great public awareness of North Carolina's occupant restraint laws which have resulted. In 1994, for instance, 2,072 adult front seat passengers were cited and 2,193 drivers were cited for failure to have their under 16 passengers properly secured.

c. What are the statistics on lives saved and lost from wearing seat belt in the back seat?

National Highway Traffic Safety Administration estimates that, if back seat belt usage in the United States was 100 per cent, 660 lives would be saved annually and over 10,000 serious injuries prevented.

In North Carolina in 1995, 66 back seat occupants not covered by the seat belt law were killed and 580 seriously injured. UNC Highway Safety Research Center estimates that if the provisions of HR344 had been in place 16 of these lives could have been saved and 110 serious injuries prevented.

1996 National Restraint Law Facts

- 49 States and the District of Columbia have Mandatory Seat Belt Laws.
- 50 States and the District of Columbia have Child Restraint Laws.
- 10 States have Seat Belt Laws That Cover All Occupants, All Positions.
 1. Alaska
 2. California
 3. Kentucky
 4. Massachusetts
 5. Montana
 6. Nevada
 7. Oregon
 8. Rhode Island
 9. Vermont
 10. Washington

03/27/97
14.40.40
(DYCSEAT)

N. C. HIGHWAY PATROL
CITATION SAFETY BELT CHARGES 1994 THROUGH 1996

YEAR	CHARGE	TALLY
94	4414 NO CHILD RESTRAINT SYSTEM	9378
94	4470 FAIL TO WEAR SEAT BELT-DRIVER	111309
94	4472 FAIL TO SECURE PASSEN UNDER 16	2193
94	4473 FAIL WEAR SEAT BELT-PASSENGER	2072
YEAR TOTAL		124952
95	4414 NO CHILD RESTRAINT SYSTEM	11129
95	4470 FAIL TO WEAR SEAT BELT-DRIVER	115923
95	4472 FAIL TO SECURE PASSEN UNDER 16	2225
95	4473 FAIL WEAR SEAT BELT-PASSENGER	1878
YEAR TOTAL		131155
96	4414 NO CHILD RESTRAINT SYSTEM	11418
96	4470 FAIL TO WEAR SEAT BELT-DRIVER	114203
96	4472 FAIL TO SECURE PASSEN UNDER 16	1936
96	4473 FAIL WEAR SEAT BELT-PASSENGER	1445
YEAR TOTAL		129002
TOTAL		385109

Fatalities and Serious Injuries to Rear-Seat Occupants in 1995 NC Crashes

Table 1 Reported Fatalities, and Injuries for Rear-Seat Occupants: 1995 North Carolina Crashes					
Covered by Belt or CPS Law	Number Involved	Number Seriously Injured	Percent Seriously Injured	Number Killed	Percent Killed
Yes	24,847	107	0.4%	16	0.06%
No (1)	40,922	580	1.4%	66	0.20%

(1) Not covered and restraint use not required if in the rear seat and age was six or older through June, 1995. Not covered if 12 or older after July 1, 1995.

Table 1 shows the number and percent of occupants killed and seriously injured for rear-seat occupants in the 1995 North Carolina Department of Transportation, Division of Motor Vehicles accident files. As shown in Table 1, in 1995:

The serious injury rate (percent of occupants receiving serious injuries) for non-covered rear-seat occupants was more than triple than that for the covered occupants.

The fatality rate (percent of occupants killed) for non-covered rear-seat occupants was also more than triple than that for the covered occupants.

Table 2
Reported Seat Belt/Safety Seat Use, Fatalities, and
Injuries for
Rear-Seat Occupants: 1995 North Carolina Crashes

Covered by Belt or CPS Law	Percent Reported to be Restrained	Number Involved	Reported Restraint Use	Number Seriously Injured	Percent Seriously Injured	Number Killed	Percent Killed
Yes	92%	22,976	Yes	66	0.3%	8	0.03%
		1,871	No	41	2.2%	8	0.40%
No	63%	25,728	Yes	182	0.7%	9	0.03%
		15,194	No	398	2.6%	57	0.40%

(1) Not covered and restraint use not required if in the rear seat and age was six or older through June, 1995. Not covered if 12 or older after July 1, 1995.

Table 2 shows the level of police-reported restraint use as well as the number and percent of occupants killed and seriously injured for rear-seat occupants in the 1995 North Carolina Department of Transportation, Division of Motor Vehicles accident files. It should be noted that the restraint use figures should not be viewed as an accurate representation of restraint usage rates for children or adults due to over-reporting of seat belt and safety seat use by crash-involved drivers and occupants. Self-reported belt use in crashes is much higher than what is seen in observational surveys.

Keeping this in mind, a total of 17,065 (1871 + 15,194) persons were reported not to have been restrained in these crashes. Out of these persons there were 439 serious injuries and 65 were killed. Based on the estimate of 25% effectiveness of lap belts in reducing fatalities and serious injuries, the use of seat belts by all of these persons could have prevented:

- 16 fatalities
- 110 serious injuries

Since actual seat belt use is certainly lower than the self-reported use and since lap/shoulder belt combinations are more effective than lap belts and vehicles are now required to have rear-seat lap shoulder belts, the above reductions are conservative estimates.



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April 28, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: **HOUSE BILL 344 - MOTOR VEHICLE OCCUPANT RESTRAINTS**
Proposed Committee Substitute #4
Representative Clary

Section 1 of the bill amends G.S. 20-135.2A (Seat belt use mandatory) Under current law, passengers age 16 or older are required to wear seat belts only if they are in the front seat. Section 1 makes no change to the current law regarding adult passengers. It deletes obsolete language and also deletes the provisions regarding passengers between the ages of 12 and 16; all passengers under 16 will now be covered by G.S. 20-137.1 as set out in Section 3 of the bill.

Section 2 of the bill increases the penalty for a violation of the mandatory seat belt law from \$25 to \$50, and makes other clarifying changes. Other than increasing the penalty, this section of the bill makes no substantive changes to existing law. It simply makes it clear that any *driver or passenger* who fails to wear a seat belt will be found to have committed an infraction, and will be subject to a \$50.00 penalty. As under current law, the driver is not responsible for the failure of an adult passenger to wear a seat belt.

Section 3 of the bill amends G.S. 20-137.1 to require that all children who are between the ages of 5 and 16 years old or weigh 60 pounds or more must wear a seat belt. Children who are under five and weigh less than 60 pounds must be in a car safety seat.

Section 4 provides that the bill would become effective July 1, 1998.

Note: The bill was serially referred. If it receives a favorable report in this committee, it will go to Judiciary I.

Upgrading North Carolina's Occupant Restraint Laws

◇ Occupant Restraint Laws Save Lives

North Carolina's seat belt and child passenger safety laws have been saving lives and preventing injuries for many years. According to the Highway Safety Research Center, seat belts have saved more than 1,700 lives in North Carolina since October, 1985, when the belt law went into effect. In an effort to further increase the savings in lives, injuries and money, the Governor's Highway Safety Commission and the Child Fatality Task Force are proposing that North Carolina strengthen its occupant restraint laws.

◇ What's Being Proposed?

Seat Belt Law

- ◆ Assess 2 driver license points for a driver failing to use a seat belt.
- ◆ Increase fine to \$50.
- ◆ Cover rear seating positions for vehicles carrying 10 passengers or fewer.

Child Restraint Law

- ◆ Assess 2 driver license points for failure to have children under 16 properly restrained in child safety seat or seat belt.
- ◆ Raise age from 4-years-old to 5-years-old for mandatory use of a child restraint system.

Pick-up Truck Open Cargo Bed

- ◆ Assess 2 driver license points for transporting children under 12 in the back of a pick-up truck.
- ◆ No change in counties exempt from pick-up truck law.

◇ Why Are Tougher Laws Needed?

- ◆ Increasing seat belt use from 80% to 90% should lead to an estimated 79 lives saved and 784 serious injuries prevented per year in North Carolina.
- ◆ Increasing rear seat belt use from 50% to 80% should lead to an estimated 4 lives saved and 32 serious injuries prevented per year.
- ◆ Belt nonusers in NC are more often involved in high risk behaviors such as drinking and driving, are less likely to have health care coverage, and are up to 35% more likely to be involved in crashes.
- ◆ Increasing seat belt use from 80% to 90% should lead to an additional cost saving, including lost productivity, of \$65,500,000 for fatality and \$33,923,000 for serious injuries per year in North Carolina.

VISITOR REGISTRATION SHEET

Transportation 4-23-97 11:00 a.m.

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	BILL SCOGGIN	NCBA
2.	Dan Currie	Visitor
3.	Otis Carter	Carter & Assoc
4.	Rick Davis	RMAAC
5.	John Cyrus	N.C. State Grange
6.	W. M. Brice	NCOT
7.	Lynny Rogers	BentSouth
8.	R. Paul Williams	NCHBA
9.	James E. Lee	IP
10.	KORTH HUNDLEY	WOODHACHSD
11.	Bob Sproun	NC Forestry Association
22.	Long Spence	DOT/DMV
23.	Patrick Simmons	NC DOT - RAIL
24.	R. Wills	N.C. State Co. Admin
25.	G. Walker	ALLTEL
26.	JERRY SCHILL	NC Fisheries ASSOC.
27.	Gene Deane	Sh. Hwy Safety
28.	Lawrence Davis	NC Passenger Safety Admin
29.	Shannon Bullock	GHSB
30.	Michelle Cook	Weyerhaeuser
31.	JD	NC TB

32. John Henderson

33. Jerry Arrowood

34. John Miller

35. Don Riden

36. Porsha Wooten

37. Paganda Herring

38. Zuleta Jones

39. LaMice Shepard

40. Alicia Sutton

41. Amber Simmons

42. Jillie Hill

43. Aisha Slade

44. Lashonda Stallings

45. Lashonda Harris

46. Ariel Wynn

47. LARRY COOPER

48. Rosina Knockett

49. Wendla Hicks

50. Jennifer Powell

51. Hanna Robinson

52. Latoria Chapman

53. Hurst Eaddy

54. Justin Gould

55. Matt Powell

56. Tamara Camady

57. Daniel Archer

58. Tamara Carter

59. Kandice Dudding

60. Ashley Gray

C.A.C. of N.C.

DMV

Mary, Alex + Skinn PA

UPA

New Bern, N.C.

New Bern, NC

New Bern, NC

New Bern, N.C.

New Bern, N.C.

New Bern, NC

New Bern, NC

New Bern, NC

New Bern, NC

Cove City, NC

Fort Bernwell N.C.

Cove City, NC

Fort Bernwell N.C.

New Bern, N.C.

Cove City, N.C.

Uanceboro N.C.

CRASTON N.C.

New Bern N.C.

New Bern N.C.

New Bern N.C.

New Bern, N.C.

Cove City, N.C.

New Bern NC

Uanceboro NC

New Bern NC

HOUSE TRANSPORTATION COMMITTEE

MEETING - APRIL 28, 1997 - 3:00 PM

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES

BILLS ON THE AGENDA:

**HB 1039 - REP. WEATHERLY - MCV CLAIMS/SALVAGE
HISTORY**

**HB 1073 - REP. COLE & REP. HIATT - MB APPLICATIONS
AND FEES FROM
DEALER**

**HB 1094 - REP. CULPEPPER - REPEAL/RECODIFY
RAILROAD LAWS**

**HB 1106 - REP. CULPEPPER - FOREST PRODUCT TRUCK
WEIGHT EXEMPTION**

**HB 1095 - REP. GAMBLE - DEALER PLATE FOR BUSINESS
ONLY**

**HB 1143 - REP. DECKER - HANDICAPPED PLATE
RECERTIFICATION**

HB 1144 - REP. WOOD - SPEEDING IN SCHOOL ZONES

**HB 344 - REP. CLARY - MOTOR VEHICLE OCCUPANT
RESTRAINTS (Committee sub.)**

HB 501 - REP. BROWN - CARTWAYS (Committee sub.)

ANNOUNCEMENTS

TRANSPORTATION COMMITTEE MEETING

April 28, 1997

MINUTES

The House Transportation Committee was called to order at 3:00 p.m. A quorum was present. Chairman Buchanan stated that some changes had been made to the printed Agenda. The first bill considered by was HB 1137, Soil and Water Conservation Plates. Rep. Culp submitted a committee substitute, which was adopted. The bill was given a favorable report, unfavorable to original bill and recommended the committee substitute be re-referred to the Committee on Finance.

HB 1073, MB Applications and Fees from Dealer. Rep. Cole explained the bill. A motion to made to give the bill a favorite report; the motion carried.

The next bill considered was HB 1094, Repeal/Recodify Railroad Laws. Rep. Culpepper explained the bill. An amendment was adopted and the bill was give a favorable report, as amended.

HB 1095, Dealer Plate For Business Only, was explained by Rep. Gamble. There was lengthy discussion and Rep. Sherril made a motion to send the bill to subcommittee to make technical changes. Rep. Sherrill, Rep. Brawley and Rep. Cole were named to serve on this subcommittee.

HB 1143, Handicapped Plate Recertification, was explained by Rep. Decker. Rep. Nichols made a motion to give the bill a favorable report and re-refer to Judiciary I. The motion carried.

HB 344, Motor Vehicle Occupant Restraints was discussed by Rep. Clary who introduced a committee substitute. The substitute bill was given a favorable report and unfavorable to original bill.

HB 501, Cartways , introduced by Rep. Brown was discussed. Rep. Sexton was recognized to explain the last action on HB 501 at last week's meeting. The bill was withdrawn and referred to Judiciary I.

There being no further business, the meeting was adjourned.

Respectively submitted,

Shirley Phillips
Shirley Phillips, Clerk

Monroe Buchanan
Monroe Buchanan, Chairman

7 am.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1137

H1137-CSLK-1

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Soil and Water Conservation Plates. (Public)

Sponsors:

Referred to: Transportation, if favorable, Finance

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A SPECIAL LICENSE PLATE TO PROMOTE SOIL AND
3 WATER CONSERVATION AND TO PROVIDE THAT A PORTION OF THE SALES
4 REVENUE GOES TO FUND WATER QUALITY AND ENVIRONMENTAL EDUCATION.
5 The General Assembly of North Carolina enacts:

6
7 Section 1. G.S. 20-79.4 is amended by adding a new
8 subdivision to read:

9 "(22a1) Soil and Water Conservation. -- Issuable to
10 the registered owner of a motor vehicle in
11 accordance with G.S. 20-81.12. The plate
12 shall bear a picture appropriate to the
13 subject of water quality and environmental
14 protection in North Carolina and the letters
15 'WQ'."

16 Section 2. G.S. 20-79.7(a) reads as rewritten:
17 "(a) Fees. -- Upon request, the Division shall provide and
18 issue free of charge one registration plate to a recipient of the
19 Congressional Medal of Honor, a 100% disabled veteran, and an ex-
20 prisoner of war. All other special registration plates are
21 subject to the regular motor vehicle registration fee in G.S. 20-
22 87 or G.S. 20-88 plus an additional fee in the following amount:

23 Special Plate Additional Fee Amount

1	Historical Attraction	\$30.00		
2	State Attraction	\$30.00		
3	Collegiate Insignia	\$25.00		
4	Olympic Games	\$25.00		
5	Special Olympics	\$25.00		
6	Wildlife Resources	\$20.00		
7	<u>Soil and Water Conservation</u>	<u>\$20.00</u>		
8	Personalized	\$20.00		
9	Active Member of the National Guard	None		
10	All Other Special Plates	\$10.00."		
11		Section 3.	G.S.	20-
12		79.7(b)	reads	as
13		rewritten:		

14 "(b) Distribution of Fees. -- The Special Registration Plate
 15 Account and the Collegiate and Cultural Attraction Plate Account
 16 are established within the Highway Fund. The Division must
 17 credit the additional fee imposed for the special registration
 18 plates listed in subsection (a) among the Special Registration
 19 Plate Account (SRPA), the Collegiate and Cultural Attraction
 20 Plate Account (CCAPA), and the Natural Heritage Trust Fund
 21 (NHTF), which is established under G.S. 113-77.7, as follows:

22	<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
23	Historical Attraction	\$10	\$20	0
24	In-State Collegiate Insignia	\$10	\$15	0
25	Out-of-state Collegiate Insignia	\$10	0	\$15
26	Personalized	\$10	0	\$10
27	Special Olympics	\$10	\$15	0
28	Olympic Games	\$10	\$15	0
29	State Attraction	\$10	\$20	0
30	Wildlife Resources	\$10	\$10	0
31	<u>Soil and Water Conservation</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
32	All other Special Plates	\$10	0	0."

33 Section 4. G.S. 20-81.12 is amended by adding a new
 34 subsection to read:

35 "(b5) Soil and Water Conservation Plates. -- The Division must
 36 receive 300 or more applications for a soil and water
 37 conservation plate before the plate may be developed. The
 38 Division shall transfer, quarterly, the money in the Collegiate
 39 and Cultural Attraction Plate Account derived from the sale of
 40 the water quality plates to the Soil and Water Conservation
 41 Account established by G.S. 143B-297.1."

42 Section 5. Part 7 of Article 7 of Chapter 143B is
 43 amended by adding a new section to read:

44 "§ 143B-297.1. Soil and Water Conservation Account."

1 The Soil and Water Conservation Account is established as a
2 nonreverting fund and is subject to the oversight of the State
3 Auditor pursuant to Article 5A of Chapter 147 of the General
4 Statutes. Revenue derived from the sale of water quality license
5 plates is credited to the account. The Commission shall use the
6 revenue from the account to fund environmental education and
7 water quality education in North Carolina."

8 Section 6. This act becomes effective July 1, 1997.

Brenda Carter

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1137

Short Title: Soil and Water Conservation Plates.

(Public)

Sponsors: Representative Culp.

Referred to: Transportation, if favorable, Finance.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A SPECIAL LICENSE PLATE TO PROMOTE WATER
3 AND SOIL CONSERVATION AND TO PROVIDE THAT A PORTION OF
4 THE SALES REVENUE GOES TO FUND WATER QUALITY AND
5 ENVIRONMENTAL EDUCATION.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 20-79.4 is amended by adding a new subdivision to read:
8 "(22a1) Water and Soil Conservation. -- Issuable to the registered
9 owner of a motor vehicle in accordance with G.S. 20-81.12.
10 The plate shall bear a picture appropriate to the subject of
11 water quality and environmental protection in North
12 Carolina and the letters 'WSC'." WQ

13 Section 2. G.S. 20-79.7(a) reads as rewritten:
14 "(a) Fees. -- Upon request, the Division shall provide and issue free of charge one
15 registration plate to a recipient of the Congressional Medal of Honor, a 100%
16 disabled veteran, and an ex-prisoner of war. All other special registration plates are
17 subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus
18 an additional fee in the following amount:

19 <u>Special Plate</u>	<u>Additional Fee Amount</u>
20 Historical Attraction	\$30.00
21 State Attraction	\$30.00
22 Collegiate Insignia	\$25.00
23 Olympic Games	\$25.00
24 Special Olympics	\$25.00

1	Wildlife Resources	\$20.00
2	<u>Water and Soil Conservation</u>	<u>\$20.00</u>
3	<u>Personalized</u>	\$20.00
4	Active Member of the National Guard	None
5	All Other Special Plates	\$10.00."

6 Section 3. G.S. 20-79.7(b) reads as rewritten:

7 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
8 Collegiate and Cultural Attraction Plate Account are established within the Highway
9 Fund. The Division must credit the additional fee imposed for the special
10 registration plates listed in subsection (a) among the Special Registration Plate
11 Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA),
12 and the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-
13 77.7, as follows:

14	<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
15	Historical Attraction	\$10	\$20	0
16	In-State Collegiate Insignia	\$10	\$15	0
17	Out-of-state Collegiate Insignia	\$10	0	\$15
18	Personalized	\$10	0	\$10
19	Special Olympics	\$10	\$15	0
20	Olympic Games	\$10	\$15	0
21	State Attraction	\$10	\$20	0
22	Wildlife Resources	\$10	\$10	0
23	<u>Water and Soil Conservation</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
24	All other Special Plates	\$10	0	0."

25 Section 4. G.S. 20-81.12 is amended by adding a new subsection to read:

26 "(b5) Water and Soil Conservation Plates. -- The Division must receive 300 or
27 more applications for a water and soil conservation plate before the plate may be
28 developed. The Division shall transfer, quarterly, the money in the Collegiate and
29 Cultural Attraction Plate Account derived from the sale of the water quality plates to
30 the Soil and Water Conservation Account established by G.S. 143B-297.1."

31 Section 5. Part 7 of Article 7 of Chapter 143B is amended by adding a
32 new section to read:

33 "§ 143B-297.1. Soil and Water Conservation Account.

34 The Soil and Water Conservation Account is established as a nonreverting fund
35 and is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter
36 147 of the General Statutes. Revenue derived from the sale of water quality license
37 plates is credited to the account. The Commission shall use the revenue from the
38 account to fund environmental education and water quality education in North
39 Carolina."

40 Section 6. This act becomes effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1137

Short Title: Soil and Water Conservation Plates.

(Public)

Sponsors: Representative Culp.

Referred to: Transportation, if favorable, Finance.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A SPECIAL LICENSE PLATE TO PROMOTE WATER
3 AND SOIL CONSERVATION AND TO PROVIDE THAT A PORTION OF
4 THE SALES REVENUE GOES TO FUND WATER QUALITY AND
5 ENVIRONMENTAL EDUCATION.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 20-79.4 is amended by adding a new subdivision to read:
8 "(22a1) Water and Soil Conservation. -- Issuable to the registered
9 owner of a motor vehicle in accordance with G.S. 20-81.12.
10 The plate shall bear a picture appropriate to the subject of
11 water quality and environmental protection in North
12 Carolina and the letters 'WSC'."

13 Section 2. G.S. 20-79.7(a) reads as rewritten:

14 "(a) Fees. -- Upon request, the Division shall provide and issue free of charge one
15 registration plate to a recipient of the Congressional Medal of Honor, a 100%
16 disabled veteran, and an ex-prisoner of war. All other special registration plates are
17 subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus
18 an additional fee in the following amount:

19 <u>Special Plate</u>	<u>Additional Fee Amount</u>
20 Historical Attraction	\$30.00
21 State Attraction	\$30.00
22 Collegiate Insignia	\$25.00
23 Olympic Games	\$25.00
24 Special Olympics	\$25.00

1	Wildlife Resources	\$20.00
2	<u>Water and Soil Conservation</u>	<u>\$20.00</u>
3	Personalized	\$20.00
4	Active Member of the National Guard	None
5	All Other Special Plates	\$10.00."

6 Section 3. G.S. 20-79.7(b) reads as rewritten:

7 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
8 Collegiate and Cultural Attraction Plate Account are established within the Highway
9 Fund. The Division must credit the additional fee imposed for the special
10 registration plates listed in subsection (a) among the Special Registration Plate
11 Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA),
12 and the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-
13 77.7, as follows:

14 <u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
15 Historical Attraction	\$10	\$20	0
16 In-State Collegiate Insignia	\$10	\$15	0
17 Out-of-state Collegiate Insignia	\$10	0	\$15
18 Personalized	\$10	0	\$10
19 Special Olympics	\$10	\$15	0
20 Olympic Games	\$10	\$15	0
21 State Attraction	\$10	\$20	0
22 Wildlife Resources	\$10	\$10	0
23 <u>Water and Soil Conservation</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
24 All other Special Plates	\$10	0	0."

25 Section 4. G.S. 20-81.12 is amended by adding a new subsection to read:

26 "(b5) Water and Soil Conservation Plates. -- The Division must receive 300 or
27 more applications for a water and soil conservation plate before the plate may be
28 developed. The Division shall transfer, quarterly, the money in the Collegiate and
29 Cultural Attraction Plate Account derived from the sale of the water quality plates to
30 the Soil and Water Conservation Account established by G.S. 143B-297.1."

31 Section 5. Part 7 of Article 7 of Chapter 143B is amended by adding a
32 new section to read:

33 "§ 143B-297.1. Soil and Water Conservation Account.

34 The Soil and Water Conservation Account is established as a nonreverting fund
35 and is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter
36 147 of the General Statutes. Revenue derived from the sale of water quality license
37 plates is credited to the account. The Commission shall use the revenue from the
38 account to fund environmental education and water quality education in North
39 Carolina."

40 Section 6. This act becomes effective July 1, 1997.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan & Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

H.B. 1137 A BILL TO BE ENTITLED AN ACT TO PROMOTE WATER AND SOIL
CONSERVATION AND TO PROVIDE THAT A PORTION OF THE SALES REVENUE
GOES TO FUND WATER QUALITY AND ENVIRONMENTAL EDUCATION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill (#), ~~which changes the title,~~
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on Finance.)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1073

Short Title: MV Applications and Fees From Dealers.

(Public)

Sponsors: Representatives Cole, Hiatt; and Buchanan.

Referred to: Transportation, if favorable, Finance.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT DEALERS HAVE TEN WORKING DAYS TO
3 SEND MOTOR VEHICLE TITLE APPLICATIONS AND FEES TO THE
4 STATE.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 20-79.1(d) reads as rewritten:
7 ~~"(d) A dealer shall not issue, assign, transfer, or deliver temporary registration~~
8 ~~plates or markers to anyone other than a bona fide purchaser or owner of a vehicle~~
9 ~~being sold by such dealer, nor shall a dealer issue a temporary registration plate or~~
10 ~~marker without first obtaining from said purchaser or owner a written application for~~
11 ~~the titling and registration of the purchased vehicle with the prescribed fees therefor,~~
12 ~~which application and fees the said dealer shall immediately forward to the Division~~
13 ~~by mail or messenger or by messenger to a local license agency; nor shall a dealer~~
14 ~~issue a temporary registration plate to anyone purchasing a vehicle that has unexpired~~
15 ~~registration plates, which registration plates are to be transferred to such purchaser;~~
16 ~~nor shall a dealer lend to anyone or use on any vehicle that he may own, temporary~~
17 ~~registration plates or markers. Provided that dealers are hereby authorized to issue~~
18 ~~temporary markers to nonresidents for the purpose of removing a vehicle purchased~~
19 ~~in this State, without collecting a registration fee or requiring an application for~~
20 ~~titling and registration. It shall be unlawful for any person to issue any temporary~~
21 ~~registration plate or marker containing any misstatement of fact or knowingly insert~~
22 ~~any false information upon the face thereof.~~
23 (d) A dealer shall:

- (1) Not issue, assign, transfer, or deliver temporary registration plates or markers to anyone other than a bona fide purchaser or owner of a vehicle which he has sold.
- (2) Not issue a temporary registration plate or marker without first obtaining from the purchaser or owner a written application for titling and registration of the vehicle and the applicable fees.
- (3) Within 10 working days, mail or deliver the application and fees to the Division or deliver the application and fees to a local license agency for processing. Delivery need not be made if the contract for sale has been rescinded in writing by all parties to the contract.
- (4) Not deliver a temporary registration plate to anyone purchasing a vehicle that has an unexpired registration plate that is to be transferred to the purchaser.
- (5) Not lend to anyone, or use on any vehicle that he may own, any temporary registration plates or markers.

A dealer may issue temporary markers, without obtaining the written application for titling and registration or collecting the applicable fees, to nonresidents for the purpose of removing the vehicle from the State."

Section 2. G.S. 20-79.1(e) reads as rewritten:

"(e) Every dealer who issues temporary plates or markers shall ~~insert~~ write clearly and indelibly on the face of ~~each~~ the temporary registration plate or ~~marker~~ marker:

- (1) ~~the date~~ The dates of issuance and expiration; expiration;
- (2) ~~the~~ The make, motor number, and serial numbers of the vehicle for which issued and vehicle; and
- (3) ~~such~~ Any other information as that the Division may require.

It shall be unlawful for any person to issue a temporary registration plate or marker containing any misstatement of fact or to knowingly write any false information on the face of the plate or marker."

Section 3. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan & Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

H.B. 1073 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEALERS HAVE
TEN WORKING DAYS TO SEND MOTOR VEHICLE TITLE APPLICATIONS AND
FEES TO THE STATE.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☒ .

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1094

Short Title: Repeal/Recodify Railroad Laws.

(Public)

Sponsors: Representative Culpepper.

Referred to: Transportation, if favorable, Finance.

April 21, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL OBSOLETE OR PREEMPTED PROVISIONS OF THE
3 GENERAL STATUTES AFFECTING RAILROADS, TO RECODIFY CERTAIN
4 RAILROAD STATUTES, AND TO MAKE CONFORMING CHANGES AND
5 CLARIFYING CHANGES.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 62-3(6) reads as rewritten:
8 "(6) 'Common carrier' means any ~~person~~ person, other than a carrier
9 by rail, which holds itself out to the general public to engage in
10 transportation of persons or household goods for compensation,
11 including transportation by ~~train~~, bus, truck, boat or other
12 conveyance, except as exempted in G.S. 62-260."
13 Section 2. G.S. 62-3(22) reads as rewritten:
14 "(22) 'Private carrier' means any ~~person~~ person, other than a carrier by
15 rail, not included in the definitions of common carrier, which
16 transports in intrastate commerce in its own vehicle or vehicles
17 property of which such person is the owner, lessee, or bailee, when
18 such transportation is for the purpose of sale, lease, rent, or
19 bailment, or when such transportation is purely an incidental
20 adjunct to some other established private business owned and
21 operated by such person other than the transportation of
22 household goods for compensation."
23 Section 3. G.S. 62-3(23) reads as rewritten:

1 "(23) a. 'Public utility' means a person, whether organized under the
2 laws of this State or under the laws of any other state or
3 country, now or hereafter owning or operating in this State
4 equipment or facilities for:

- 5 1. Producing, generating, transmitting, delivering or
6 furnishing electricity, piped gas, steam or any other
7 like agency for the production of light, heat or power
8 to or for the public for compensation; provided,
9 however, that the term 'public utility' shall not
10 include persons who construct or operate an electric
11 generating facility, the primary purpose of which
12 facility is for such person's own use and not for the
13 primary purpose of producing electricity, heat, or
14 steam for sale to or for the public for compensation;
- 15 2. Diverting, developing, pumping, impounding,
16 distributing or furnishing water to or for the public
17 for compensation, or operating a public sewerage
18 system for compensation; provided, however, that the
19 term 'public utility' shall not include any person or
20 company whose sole operation consists of selling
21 water to less than 10 residential customers, except
22 that any person or company which constructs a water
23 system in a subdivision with plans for 10 or more lots
24 and which holds itself out by contracts or other
25 means at the time of said construction to serve an
26 area containing more than 10 residential building lots
27 shall be a public utility at the time of such planning
28 or holding out to serve such 10 or more building lots,
29 without regard to the number of actual customers
30 connected;
- 31 3. Transporting persons or household goods by street,
32 suburban or interurban bus or railways for the public
33 for compensation;
- 34 4. Transporting persons or household goods by ~~railways~~
35 or motor ~~vehicles~~, vehicle or any other form of
36 transportation for the public for compensation, except
37 motor carriers exempted in G.S. 62-260, ~~and except~~
38 carriers by rail, or carriers by air;
- 39 5. Transporting or conveying gas, crude oil or other
40 fluid substance by pipeline for the public for
41 compensation;
- 42 6. Conveying or transmitting messages or
43 communications by telephone or telegraph, or any

- 1 other means of transmission, where such service is
2 offered to the public for compensation.
- 3 b. The term 'public utility' shall for rate-making purposes
4 include any person producing, generating or furnishing any
5 of the foregoing services to another person for distribution
6 to or for the public for compensation.
- 7 c. The term 'public utility' shall include all persons affiliated
8 through stock ownership with a public utility doing business
9 in this State as parent corporation or subsidiary corporation
10 as defined in G.S. 55-2 to such an extent that the
11 Commission shall find that such affiliation has an effect on
12 the rates or service of such public utility.
- 13 d. The term 'public utility,' except as otherwise expressly
14 provided in this Chapter, shall not include a municipality,
15 an authority organized under the North Carolina Water and
16 Sewer Authorities Act, electric or telephone membership
17 corporation or nonprofit water membership or consumer-
18 owned corporations financed by the Farmers Home
19 Administration, the United States Department of Housing
20 and Urban Development, or any similar or successor federal
21 financing agency, provided, that (i) any such financing
22 administration, department or agency exercise substantial
23 control over and regulation of any such corporation's rates
24 and terms and conditions of service, and (ii) the members or
25 consumer-owners of any such corporation, pursuant to the
26 corporation's articles of incorporation and bylaws, shall elect
27 the governing board of the corporation; or any person not
28 otherwise a public utility who furnishes such service or
29 commodity only to himself, his employees or tenants when
30 such service or commodity is not resold to or used by
31 others; provided, however, that any person other than a
32 nonprofit organization serving only its members, who
33 distributes or provides utility service to his employees or
34 tenants by individual meters or by other coin-operated
35 devices with a charge for metered or coin-operated utility
36 service shall be a public utility within the definition and
37 meaning of this Chapter with respect to the regulation of
38 rates and provisions of service rendered through such meter
39 or coin-operated device imposing such separate metered
40 utility charge. If any person conducting a public utility shall
41 also conduct any enterprise not a public utility, such
42 enterprise is not subject to the provisions of this Chapter. A
43 water or sewer system owned by a homeowners' association
44 that provides water or sewer service only to members or

1 leaseholds of members is not subject to the provisions of this
2 Chapter.

3 e. The term 'public utility' shall include the University of
4 North Carolina insofar as said University supplies telephone
5 service, electricity or water to the public for compensation
6 from the University Enterprises defined in G.S. 116-41.1(9).

7 f. The term 'public utility' shall include the Town of Pineville
8 insofar as said town supplies telephone services to the public
9 for compensation. The territory to be served by the Town of
10 Pineville in furnishing telephone services, subject to the
11 Public Utilities Act, shall include the town limits as they
12 exist on May 8, 1973, and shall also include the area
13 proposed to be annexed under the town's ordinance
14 adopted May 3, 1971, until January 1, 1975.

15 g. The term 'public utility' shall not include a hotel, motel,
16 time share or condominium complex operated primarily to
17 serve transient occupants, which imposes charges to
18 occupants for local, long-distance, or wide area
19 telecommunication services when such calls are completed
20 through the use of facilities provided by a public utility, and
21 provided further that the local services received are rated in
22 accordance with the provisions of G.S. 62-110(d) and the
23 applicable charges for telephone calls are prominently
24 displayed in each area where occupant rooms are located.

25 h. The term 'public utility' shall not include the resale of
26 electricity by (i) a campground operated primarily to serve
27 transient occupants, or (ii) a marina; provided that (i) the
28 campground or marina charges no more than the actual cost
29 of the electricity supplied to it, (ii) the amount of electricity
30 used by each campsite or marina slip occupant is measured
31 by an individual metering device, (iii) the applicable rates
32 are prominently displayed at or near each campsite or
33 marina slip, and (iv) the campground or marina only resells
34 electricity to campsite or marina slip occupants.

35 i. The term 'public utility' shall not include the State, the
36 Office of the State Controller, or the Microelectronics
37 Center of North Carolina in the provision or sharing of
38 switched broadband telecommunications services with non-
39 State entities or organizations of the kind or type set forth in
40 G.S. 143B-426.39.

41 j. The term 'public utility' shall not include any person, not
42 otherwise a public utility, conveying or transmitting
43 messages or communications by mobile radio
44 communications service. Mobile radio communications

1 service includes one-way or two-way radio service provided
2 to mobile or fixed stations or receivers using mobile radio
3 service frequencies."

4 Section 4. G.S. 62-300(a) reads as rewritten:

5 "(a) The Commission shall receive and collect the following fees and charges in
6 accordance with the classification of utilities as provided in rules and regulations of
7 the Commission, and no others:

8 (1) Twenty-five dollars (\$25.00) with each notice of appeal to the
9 Court of Appeals or the Supreme Court, and with each notice of
10 application for a writ of certiorari.

11 (2) With each application for a new certificate for motor ~~and rail~~
12 carrier rights, the fee shall be two hundred fifty dollars (\$250.00)
13 when filed by Class 1 motor ~~and rail~~ carriers, one hundred dollars
14 (\$100.00) when filed by Class 2 motor ~~and rail~~ carriers, and
15 twenty-five dollars (\$25.00) when filed by Class 3 motor ~~and rail~~
16 carriers, and twenty-five dollars (\$25.00) as filing fee for any
17 amendment thereto so as to extend or enlarge the scope of
18 operations thereunder, and twenty-five dollars (\$25.00) for each
19 broker who applies for a brokerage license under the provisions of
20 this Chapter.

21 (3) With each application for a general increase in rates, fares and
22 charges and for each filing of a tariff which seeks general increases
23 in rates, fares and charges, the fee will be five hundred dollars
24 (\$500.00) for Class A utilities and Class 1 motor ~~and rail~~ carriers,
25 two hundred fifty dollars (\$250.00) for Class B utilities and Class 2
26 motor ~~and rail~~ carriers, one hundred dollars (\$100.00) for Class C
27 utilities and twenty-five dollars (\$25.00) for Class D utilities and
28 Class 3 motor ~~and rail~~ carriers; provided that in the case of an
29 application or tariff for a general increase in rates filed by a tariff
30 agent for more than one carrier, the applicable fee shall be the
31 highest fee prescribed for any motor carrier included in the
32 application or tariff. This fee shall not apply to applications for
33 adjustments in particular rates, fares, or charges for the purpose of
34 eliminating inequities, preferences or discriminations or to
35 applications to adjust rates and charges based solely on the
36 increased cost of fuel used in the generation or production of
37 electric power.

38 (4) One hundred dollars (\$100.00) with each application by motor
39 carrier of passengers for the abandonment or permanent or
40 temporary discontinuance of transportation service previously
41 authorized in a certificate.

42 (4a) Two hundred fifty dollars (\$250.00) with each application for
43 discontinuance of train service, or for a change in or
44 discontinuance of station facilities.

- 1 (5) With each application for a certificate of public convenience and
2 necessity or for any amendment thereto so as to extend or enlarge
3 the scope of operations thereunder, the fee shall be two hundred
4 fifty dollars (\$250.00) for Class A utilities, one hundred dollars
5 (\$100.00) for Class B utilities, and twenty-five dollars (\$25.00) for
6 Class C and D utilities and twenty-five dollars (\$25.00) for any
7 other person seeking a certificate of public convenience and
8 necessity.
- 9 (5a) With each application by a bus company for an original certificate
10 of authority or for any amendment thereto or to an existing
11 certificate of public convenience and necessity so as to extend or
12 enlarge the scope of operations thereunder the fee shall be two
13 hundred fifty dollars (\$250.00).
- 14 (6) With each application for approval of the issuance of securities or
15 for the approval of any sale, lease, hypothecation, lien, or other
16 transfer of any household goods or operating rights of any carrier
17 or public utility over which the Commission has jurisdiction, the
18 fee shall be two hundred fifty dollars (\$250.00) for Class A utilities
19 and Class 1 motor ~~and-rail~~ carriers, one hundred dollars (\$100.00)
20 for Class B utilities and Class 2 motor ~~and-rail~~ carriers, and
21 twenty-five dollars (\$25.00) for Class C and D utilities and Class 3
22 motor ~~and-rail~~ carriers; provided, that in the case of sales, leases
23 and transfers between two or more carriers or utilities, the
24 applicable fee shall be the highest fee prescribed for any party to
25 the transaction.
- 26 (7) Ten dollars (\$10.00) with each application, petition, or complaint
27 not embraced in (2) through (6) of this section, wherein such
28 application, petition, or complaint seeks affirmative relief against a
29 carrier or public utility over which the Commission has
30 jurisdiction. This fee shall not apply to applications for adjustments
31 in particular rates, fares or charges for the purpose of eliminating
32 inequities, preferences or discriminations; nor shall this fee apply
33 to applications, petitions, or complaints made by any county, city
34 or town; nor shall this fee apply to applications or petitions made
35 by individuals seeking service or relief from a public utility.
- 36 (8) Repealed by Session Laws 1985, c. 454, s. 18.
- 37 (9) One dollar (\$1.00) for each page (8 1/2 x 11 inches) of transcript of
38 testimony, but not less than five dollars (\$5.00) for any such
39 transcript.
- 40 (10) Twenty cents (20¢) for each page of copies of papers, orders,
41 certificates or other records, but not less than one dollar (\$1.00) for
42 any such order or record, plus five dollars (\$5.00) for formal
43 certification of any such paper, order or record.
- 44 (11), (12) Repealed by Session Laws 1985, c. 454, s. 18.

1 (13) Two hundred fifty dollars (\$250.00) with each application for a
2 certificate of public convenience and necessity to construct a
3 transmission line.

4 (14) Twenty-five dollars (\$25.00) with each filing by a person otherwise
5 exempt from Commission regulation under Public Law 103-305 to
6 participate in standard transportation practices as set out by the
7 Commission."

8 Section 5. G.S. 62-192, 62-207, 62-222, 62-227, 62-228, 62-229, 62-230, 62-
9 231, 62-232, 62-233, 62-234, 62-238, 62-238.1, 62-239, 62-242, 62-245, 62-246, and 62-
10 247 are repealed.

11 Section 6. Article 11 of Chapter 62 of the General Statutes, as amended
12 by Section 5 of this act, G.S. 62-220, 62-221, 62-223, 62-224, 62-225, 62-226, 62-237,
13 62-240, 62-241, 62-243, and 62-244, is recodified as Article 15 of Chapter 136 of the
14 General Statutes, G.S. 136-190 through G.S. 136-200.

15 Section 7. G.S. 62-237, recodified as G.S. 136-196 by Section 6 of this act,
16 reads as rewritten:

17 **"§ 136-196. To regulate crossings and to abolish grade crossings.**

18 The ~~Commission~~ Department may require the raising or lowering of any tracks or
19 roadway at any grade crossing in a road or street not forming a link in or part of the
20 State highway system and designate who shall pay for the same by partitioning the
21 cost of said work and the maintenance of such crossing among the railroads and
22 municipalities interested in accordance with the formula provided for grade crossing
23 alterations or eliminations on the State highway system in G.S. 136-20(b)."

24 Section 8. G.S. 62-243, recodified as G.S. 136-199 by Section 6 of this act,
25 reads as rewritten:

26 **"§ 136-199. Violation of rules causing injury; damages.**

27 If any railroad company doing business in this State shall, in violation of any rule
28 or regulation provided by the ~~Commission~~, Department, inflict any wrong or injury
29 on any person, such person shall have a right of action and recovery for such wrong
30 or injury, in any court having jurisdiction thereof, and the damages to be recovered
31 shall be the same as in an action between individuals, except that in case of willful
32 violation of law such railroad company shall be liable to exemplary damages:
33 Provided, that all suits under this Chapter shall be brought within one year after the
34 commission of the alleged wrong or injury."

35 Section 9. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan & Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

H.B. 1094 A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR
PREEMPTED PROVISIONS OF THE GENERAL STATUTES AFFECTING
RAILROADS, TO RECODIFY CERTAIN RAILROAD STATUTES, AND TO MAKE
CONFORMING CHANGES AND CLARIFYING CHANGES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill (#), ~~which changes the title,~~
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on Finance.)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

Debbie Turner (Rep. Sexton)

From: Shirley Phillips (Rep. Buchanan)
Sent: Monday, April 28, 1997 5:05 PM
To: Rep. Wilma Sherrill; Rep. Robert Brawley; Rep. Nelson Cole
Cc: Rep. Wayne Sexton; Debbie Turner (Rep. Sexton); Rep. Monroe Buchanan
Subject: Subcommittee on HB 1095

The following members of the House Transportation Committee are appointed to serve on a subcommittee to study HB 1095 - Dealer Plate for Business Only.

Rep. Sherrill, Ch.
Rep. Brawley
Rep. Cole

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1095*

Short Title: Dealer Plate For Business Only.

(Public)

Sponsors: Representatives Gamble; Hensley and Hill.

Referred to: Transportation, if favorable, Judiciary I.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE THAT DEALER PLATES ARE USED ONLY ON
3 VEHICLES DRIVEN FOR A BUSINESS PURPOSE OF THE DEALERSHIP.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-79 reads as rewritten:

6 "§ 20-79. Dealer license plates.

7 (a) How to Get a Dealer Plate. -- A dealer licensed under Article 12 of this
8 Chapter may obtain a dealer license plate by filing an application with the Division
9 and paying the required fee. An application must be filed on a form provided by the
10 Division. The required fee is the amount set by G.S. 20-87(7).

11 (b) Number of Plates. -- A dealer who was licensed under Article 12 of this
12 Chapter for the previous 12-month period ending April 30 may obtain the number of
13 dealer license plates allowed by the following table; the number allowed is based on
14 the number of motor vehicles the dealer sold during the relevant 12-month period
15 and the average number of qualifying sales representatives the dealer employed
16 during that same 12-month period:

<u>Vehicles Sold In Relevant</u>	<u>Maximum Number of Plates</u>
<u>12-Month Period</u>	
17 Fewer than 12	1
20 At least 12 but less than 25	4
21 At least 25 but less than 37	5
22 At least 37 but less than 49	6

1 49 or more At least 6, but no more than 4 times the
2 average number of qualifying sales
3 representatives employed by the dealer during
4 the relevant 12-month period.

5 A dealer who was not licensed under Article 12 of this Chapter for part or all of
6 the previous 12-month period ending April 30 may obtain the number of dealer
7 license plates that equals four times the number of qualifying sales representatives
8 employed by the dealer on the date the dealer files the application. A 'qualifying
9 sales representative' is a sales representative who works for the dealer at least 25
10 hours a week on a regular basis and is compensated by the dealer for this work.

11 A dealer who sold fewer than 49 motor vehicles the previous 12-month period
12 ending April 30 but has sold at least that number since May 1 may apply for
13 additional dealer license plates at any time. The maximum number of dealer license
14 plates the dealer may obtain is the number the dealer could have obtained if the
15 dealer had sold at least 49 motor vehicles in the previous 12-month period ending
16 April 30.

17 A dealer who applies for a dealer license plate must certify to the Division the
18 number of motor vehicles the dealer sold in the relevant period. Making a material
19 misstatement in an application for a dealer license plate is grounds for the denial,
20 suspension, or revocation of a dealer's license under G.S. 20-294.

21 (c) Form and Duration. -- A dealer license plate is subject to G.S. 20-63, except
22 for the requirement that the plate display the registration number of a motor vehicle
23 and the requirement that the plate be a "First in Flight" plate. In addition, a dealer
24 license plate must have a distinguishing symbol identifying the plate as a dealer
25 license plate. A dealer license plate must be attached to a vehicle by a means that
26 enables the plate to be removed readily and cannot be attached by screws or another
27 similar means.

28 A dealer license plate is issued for a fiscal year beginning July 1 and ending June
29 30. During the fiscal year for which it is issued, a dealer may transfer a dealer license
30 plate from one vehicle to another. When one of the following occurs, a dealer must
31 surrender to the Division all dealer license plates issued to the dealer:

- 32 (1) The dealer surrenders the license issued to the dealer under
33 Article 12 of this Chapter.
34 (2) The Division suspends or revokes the license issued to the dealer
35 under Article 12 of this Chapter.
36 (3) The Division rescinds the dealer license plates because of a
37 violation of the restrictions on the use of a dealer license plate.

38 To obtain a dealer license plate after it has been surrendered, the dealer must file a
39 new application for a dealer license plate and pay the required fee for the plate.

40 (d) Restrictions on Use. -- A dealer license plate may be displayed only on a
41 motor vehicle that meets all of the following requirements:

- 42 (1) Is part of the inventory of the dealer.
43 (2) Is not consigned to the dealer.

- 1 (3) Is covered by liability insurance that meets the requirements of
2 Article 9A of this Chapter.
- 3 (4) Is not used by the dealer in another business in which the dealer is
4 engaged.
- 5 (5) Is driven on a highway by a person who ~~meets the following~~
6 ~~requirements and who~~ carries a copy of the registration card for
7 the dealer plates issued to the dealer ~~and any demonstration permit~~
8 ~~issued to that person while driving the motor vehicle.~~ vehicle and
9 who meets one of the following descriptions:
- 10 a. ~~Is an officer of the dealer, an employee of the dealer, or a~~
11 ~~person to whom the dealer has issued a demonstration~~
12 ~~permit.~~
- 13 b. ~~Is at least 18 years old unless the person is test-driving the~~
14 ~~vehicle and has a demonstration permit or is an employee of~~
15 ~~the dealer and regularly works for the dealer at least 15~~
16 ~~hours a week.~~
- 17 a. Has a demonstration permit to test-drive the motor vehicle
18 and carries the demonstration permit while driving the
19 motor vehicle.
- 20 b. Is an officer of the dealer and is driving the vehicle for a
21 business purpose of the dealer.
- 22 c. Is an employee of the dealer and is driving the vehicle in
23 the course of employment.

24 A dealer may issue a demonstration permit for a motor vehicle to a person
25 licensed to drive that type of motor vehicle. A demonstration permit authorizes each
26 person named in the permit to drive the motor vehicle described in the permit for up
27 to 96 hours after the time the permit is issued. A dealer may, for good cause, renew a
28 demonstration permit for one additional 96-hour period.

29 A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the
30 disposal of a person except as authorized by this subsection.

31 (e) Sanctions. -- The following sanctions apply when a motor vehicle displaying a
32 dealer license plate is driven in violation of the restrictions on the use of the plate:

- 33 (1) The individual driving the motor vehicle is responsible for an
34 infraction and is subject to a penalty of fifty dollars (\$50.00).
- 35 (2) The dealer to whom the plate is issued is subject to a civil penalty
36 imposed by the Division of two hundred dollars (\$200.00).
- 37 (3) The Division may rescind all dealer license plates issued to the
38 dealer whose plate was displayed on the motor vehicle.

39 A penalty imposed under subdivision (1) of this subsection is payable to the county
40 where the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed
41 under subdivision (2) of this subsection shall be credited to the Highway Fund as
42 nontax revenue.

43 (f) Transfer of Dealer Registration. -- No change in the name of a firm,
44 partnership or corporation, nor the taking in of a new partner, nor the withdrawal of

1 one or more of the firm, shall be considered a new business; but if any one or more
2 of the partners remain in the firm, or if there is change in ownership of less than a
3 majority of the stock, if a corporation, the business shall be regarded as continuing
4 and the dealers' plates originally issued may continue to be used."

5 Section 2. This act becomes effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1143

Short Title: Handicapped Plate Recertification.

(Public)

Sponsors: Representative Decker.

Referred to: Transportation, if favorable, Judiciary II.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT PERMANENTLY DISABLED DRIVERS DO NOT
3 HAVE TO BE MEDICALLY RECERTIFIED WHEN RENEWING
4 HANDICAPPED PLACARDS OR REGISTRATION PLATES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-37.6(c1) reads as rewritten:

7 "(c1) Application and Renewal; Physician's Certification. -- The initial application
8 for a permanent distinguishing license plate, removable windshield placard, or
9 temporary removable windshield placard shall be accompanied by a certification of a
10 licensed physician, ophthalmologist, or optometrist or of the Division of Services for
11 the Blind that the applicant is handicapped. The certification shall state whether or
12 not the disability is permanent. The application for a temporary removable
13 windshield placard shall contain additional certification to include the period of time
14 the certifying authority determines the applicant will have the disability.
15 Distinguishing license plates shall be renewed annually, but subsequent applications
16 shall not require a medical certification that the applicant is handicapped.
17 Removable windshield placards shall be renewed every five years, and renewal shall
18 not require a medical recertification that the person is ~~handicapped~~. handicapped if
19 the disability is permanent. Temporary removable windshield placards shall expire
20 no later than six months after issuance."

21 Section 2. This act is effective when it becomes law.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan & Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

H.B. 1143 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERMANENTLY
DISABLED DRIVERS DO NOT HAVE TO BE MEDICALLY RECERTIFIED WHEN
RENEWING HANDICAPPED PLACARDS OR REGISTRATION PLATES.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on

☐ Appropriations ☐ Finance ☐ **JUDICIARY II**

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.
GOVERNOR

GOVERNOR'S HIGHWAY SAFETY PROGRAM
215 EAST LANE STREET, RALEIGH, N.C. 27601

GARLAND B. GARRETT JR.
SECRETARY

MEMORANDUM

TO: Rep. Monroe Buchanan
Rep. Wayne Sexton
Chairs, House Transportation Committee

FROM: Joe Parker, Director *JMP*
Governor's Highway Safety Program

RE: Question on HB 344

DATE: 1 Apr 97

At your meeting March 26, I was asked to provide the Committee information on three questions. In addition to the brief response which follows, there is attached a more detailed response to each question:

a. How many states cover back seat occupants with their seat belt law?

10 states currently have seat belt laws that cover all occupants, all positions as proposed in HB 344. These states contain 20 per cent of the US population. If North Carolina becomes the 11th state to cover all occupants, all seating positions, 23 per cent of the national population will be covered by enhanced occupant protection laws.

b. How many passengers received citations for failure to wear seat belt last year?

Total statewide statistics do not exist to fully answer this question. Local police agencies issue many seat belt citations, especially since the advent of "Click It or Ticket" beginning in 1993. There is currently no tracking system for these citations. The driver license points proposed in HB 344 will rectify this deficiency.

The State Highway Patrol does track passenger seat belt citations issued by its officers. In 1996 1,445 front seat adult passengers received citations for not wearing a



safety belt. In addition 1,936 drivers received citations for failure to have passengers under age 16 properly secured by either a seat belt or child safety seat.

Both of these type citations have declined since the advent of "Click It or Ticket" and the great public awareness of North Carolina's occupant restraint laws which have resulted. In 1994, for instance, 2,072 adult front seat passengers were cited and 2,193 drivers were cited for failure to have their under 16 passengers properly secured.

c. What are the statistics on lives saved and lost from wearing seat belt in the back seat?

National Highway Traffic Safety Administration estimates that, if back seat belt usage in the United States was 100 per cent, 660 lives would be saved annually and over 10,000 serious injuries prevented.

In North Carolina in 1995, 66 back seat occupants not covered by the seat belt law were killed and 580 seriously injured. UNC Highway Safety Research Center estimates that if the provisions of HR344 had been in place 16 of these lives could have been saved and 110 serious injuries prevented.

1996 National Restraint Law Facts

- 49 States and the District of Columbia have Mandatory Seat Belt Laws.
- 50 States and the District of Columbia have Child Restraint Laws.
- 10 States have Seat Belt Laws That Cover All Occupants, All Positions.
 1. Alaska
 2. California
 3. Kentucky
 4. Massachusetts
 5. Montana
 6. Nevada
 7. Oregon
 8. Rhode Island
 9. Vermont
 10. Washington

27/97
4.40.40
(DYCSEAT)

N. C. HIGHWAY PATROL
CITATION SAFETY BELT CHARGES 1994 THROUGH 1996

YEAR	CHARGE	TALLY
94	4414 NO CHILD RESTRAINT SYSTEM	9378
94	4470 FAIL TO WEAR SEAT BELT-DRIVER	111309
94	4472 FAIL TO SECURE PASSEN UNDER 16	2193
94	4473 FAIL WEAR SEAT BELT-PASSENGER	2072
YEAR TOTAL		124952
95	4414 NO CHILD RESTRAINT SYSTEM	11129
95	4470 FAIL TO WEAR SEAT BELT-DRIVER	115923
95	4472 FAIL TO SECURE PASSEN UNDER 16	2225
95	4473 FAIL WEAR SEAT BELT-PASSENGER	1878
YEAR TOTAL		131155
96	4414 NO CHILD RESTRAINT SYSTEM	11418
96	4470 FAIL TO WEAR SEAT BELT-DRIVER	114203
96	4472 FAIL TO SECURE PASSEN UNDER 16	1936
96	4473 FAIL WEAR SEAT BELT-PASSENGER	1445
YEAR TOTAL		129002
TOTAL		385109

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

H344-CSRV-004

PROPOSED COMMITTEE SUBSTITUTE

HOUSE BILL 344

THIS IS A DRAFT 28-APR-97 10:15:57

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Motor Vehicle Occupant Restraints.

(Public)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 20-135.2A(a) reads as rewritten:
5 "(a) Each front seat occupant who is 16 years of age or older
6 and each driver of a passenger motor vehicle manufactured with
7 seat safety belts ~~in compliance with Federal Motor Vehicle Safety~~
8 ~~Standard No. 208~~ shall have such a safety belt properly fastened
9 about his body at all times when the vehicle is in forward motion
10 on a street or highway in this State. ~~Each driver of a passenger~~
11 ~~motor vehicle manufactured with seat safety belts in compliance~~
12 ~~with Federal Motor Vehicle Safety Standard No. 208, who is~~
13 ~~transporting in the front seat a person who is (1) under 16 years~~
14 ~~of age and (2) not required to be restrained in accordance with~~
15 ~~G.S. 20-137.1, shall have the person secured by such a safety~~
16 ~~belt at all times when the vehicle is operated in forward motion~~
17 ~~on a street or highway in this State. Persons required to be~~

1 ~~restrained in accordance with G.S. 20-137.1 shall be secured as~~
2 ~~required by that section."~~

3 Section 2. G.S. 20-135.2A(e) reads as rewritten:

4 "(e) ~~Any person violating this section during the period from~~
5 ~~October 1, 1985, to December 31, 1986, shall be given a warning~~
6 ~~of violation only. Thereafter, any person violating Any driver or~~
7 ~~passenger who fails to wear a seat belt as required by this~~
8 ~~section shall have committed an infraction and shall pay a fine~~
9 ~~penalty of twenty-five dollars (\$25.00). fifty dollars (\$50.00).~~
10 ~~An infraction is an unlawful act that is not a crime. The~~
11 ~~procedure for charging and trying an infraction is the same as~~
12 ~~for a misdemeanor, but conviction of an infraction has no~~
13 ~~consequence other than payment of a fine. A person convicted of~~
14 ~~an infraction found responsible for a violation of this section~~
15 ~~may not be assessed court costs."~~

16 Section 3. G.S. 20-137.1(a) reads as rewritten:

17 "(a) Every driver who is transporting a child of less than 12
18 16 years of age shall have the child properly secured in a child
19 an age-appropriate passenger restraint system (car safety seat
20 which meets federal standards applicable at the time of its
21 manufacture. The requirements of this section may be met when
22 the child is four years of age or older by securing the child in
23 a seat safety belt system.

24 When a child is less than five years of age and less than 60
25 pounds in weight, the requirements of this section shall be met
26 by securing the child in a car safety seat which meets federal
27 standards applicable at the time of its manufacture.

28 When a child is five years of age or older or is 60 pounds or
29 more in weight, the requirements of this section may be met by
30 securing the child in a seat safety belt."

31 Section 4. This act becomes effective July 1, 1998.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan & Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

H.B. 344 A BILL TO BE ENTITLED AN ACT TO ENHANCE MOTOR VEHICLE
OCCUPANT RESTRAINT SAFETY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (~~Committee Substitute Bill~~ #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on Judiciary I.)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

HOUSE TRANSPORTATION COMMITTEE

MEETING - APRIL 30, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES

ANNOUNCEMENTS:

HB 501 - CARTWAYS - HAS BEEN RE-REFERRED TO JUDICIARY

**HB 524 - UNC ALCOHOL STUDIES FUND HAS BEEN REFERRED
TO APPROPRIATIONS**

BILL TO BE CONSIDERED:

HB 1144 - REP. WOOD - SPEEDING IN SCHOOL ZONES

HOUSE TRANSPORTATION COMMITTEE

MEETING - APRIL 30, 1997

MINUTES

A quorum being present, Rep. Buchanan called the Transportation Committee meeting to order at 11:05 a.m.

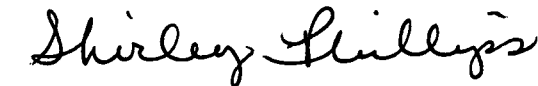
Rep. Buchanan announced that the Agenda had been changed. HB501 - Cartways - had been re-referred to Judiciary I Committee and HB 524 - UNC Alcohol Studies Fund - had been re-referred to the Appropriations Committee. The remaining bill on the Agenda was HB 1144 - Speeding in School Zones. Rep. Wood was recognized to explain his bill. He also asked that Gary Thomas, Clerk of the Superior Court in Forsyth County be recognized for a statement. Mr. Thomas stated that he had no argument with the bill; however, he reminded the Committee that there would be some costs involved.

Following brief discussion, Rep. Brown made a motion to give the bill a favorable report and recommended it be re-referred to Judiciary I committee. The motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Rep. Monroe Buchanan, Ch.


Shirley Phillips, Comm. Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 501

Short Title: Cartways.

(Public)

Sponsors: Representatives Brown; Allred, Beall, Berry, Hightower, Hill, Howard, R. Hunter, McComas, Morris, Nichols, Ramsey, and Weatherly.

Referred to: Transportation, if favorable, Judiciary II.

March 12, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS RELATING TO THE OPENING OF
3 CARTWAYS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 136-69(a) reads as rewritten:
6 "(a) In order to ensure that all landowners who do not have a deeded or
7 documented easement or right-of-way to a public road shall have a legal means of
8 obtaining access to that road, if any person, firm, association, or corporation shall be
9 engaged in the cultivation of any land or the cutting and removing of any standing
10 timber, or the working of any quarries, mines, or minerals, or the operating of any
11 industrial or manufacturing plants, or public or private cemetery, or the use of land
12 as a single-family ~~homestead~~, homesteads, or taking action preparatory to the
13 operation of any such enterprises, to which there is leading no public road,
14 reasonable deeded or documented easement or right-of-way to a public road, or other
15 adequate means of transportation, other than a navigable waterway, affording
16 necessary and proper means of ingress thereto and egress therefrom, such person,
17 firm, association, or corporation may institute a special proceeding as set out in G.S.
18 136-68. Should it be made to appear to the court necessary, reasonable and just that
19 such person shall have a private way to a public road or watercourse or railroad over
20 the lands of other persons, the court shall appoint a jury of view of three disinterested
21 freeholders to view the premises and lay off a cartway, tramway, or railway of not
22 more than 18 feet of travel surface or such other minimum width requested in the
23 petition and found necessary and proper by the court, and not more than 30 feet in

1 width for cuts, fills, and ditches or cableways, chutes, and flumes. If a cartway is
2 granted for the use of one or more single-family homesteads, each single-family
3 homestead ~~must~~ shall consist of at least ~~seven~~ two acres of land. Where there exists a
4 private railroad crossing, that private railroad crossing may be used as part of a
5 cartway established under this Article provided the person, firm, association or
6 corporation seeking the cartway agrees to share proportionately with other
7 landowners authorized to use the crossing the cost of maintaining the private crossing
8 and to protect and hold harmless the railroad against all liability associated with the
9 crossing, provided the railroad is being operated in a lawful manner at or in the
10 vicinity of the crossing. Except as herein provided for the establishment of a cartway
11 over an existing private railroad crossing, no real estate, right-of-way, easement,
12 leasehold, or other interest in land which has been condemned by a railroad, or has
13 been obtained for a railroad's use as a right-of-way, depot, or station house shall be
14 used for the establishment of a cartway or other use under this Article except by
15 agreement with the railroad. Should a petitioner seeking a cartway request a new
16 railroad crossing, the railroad shall negotiate in good faith the location of the new
17 crossing at the requested location or some other mutually agreeable location. The
18 jury of view shall assess the damages the owner or owners of the land crossed may
19 sustain thereby, and make report of their findings in writing to the clerk of the
20 superior court. Exceptions to said report may be filed by any interested party and
21 such exceptions shall be heard and determined by the clerk of the superior court.
22 The clerk of the superior court may affirm or modify said report, or set the same
23 aside and order a new jury of view. All damages assessed by a judgment of the clerk,
24 together with the cost of the proceeding, shall be paid into the clerk's office before
25 the petitioners shall acquire any rights under said proceeding."

26 Section 2. Section 4 of Chapter 513 of the 1995 Session Laws reads as
27 rewritten:

28 "Sec. 4. This act is effective upon ~~ratification but sections 2 and 3 shall expire on~~
29 ~~July 1, 1997.~~ ratification. This act applies to actions to establish cartways filed on or
30 after the effective ~~date, but before July 1, 1997.~~ date."

31 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 524*

Short Title: UNC Alcohol Ed. Endowment Fund.

(Public)

Sponsors: Representatives Morris; Brawley, Carpenter, Gulley, Rayfield, and Starnes.

Referred to: Transportation, if favorable, Finance.

March 17, 1997

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE CAP ON THE AMOUNT OF DRIVERS LICENSE RESTORATION FEES THAT ARE DEPOSITED IN A FUND FOR ALCOHOL STUDIES ENDOWMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-7(i1) reads as rewritten:

"(i1) Restoration Fee. -- Any person whose drivers license has been revoked pursuant to the provisions of this Chapter, other than G.S. 20-17(2), shall pay a restoration fee of twenty-five dollars (\$25.00). A person whose drivers license has been revoked under G.S. 20-17(2) shall pay a restoration fee of fifty dollars (\$50.00) until the end of the fiscal year in which the cumulative total amount of fees deposited under this subsection in the General Fund exceeds five million dollars (\$5,000,000), and shall pay a restoration fee of twenty-five dollars (\$25.00) thereafter. (\$50.00).

The fee shall be paid to the Division prior to the issuance to ~~such~~ the person of a new drivers license or the restoration of the drivers license. The restoration fee shall be paid to the Division in addition to any and all fees which may be provided by law. This restoration fee shall not be required from any licensee whose license was revoked or voluntarily surrendered for medical or health reasons whether or not a medical evaluation was conducted pursuant to this Chapter. The twenty-five dollar (\$25.00) fee, and the first twenty-five dollars (\$25.00) of the fifty-dollar (\$50.00) fee, shall be deposited in the Highway Fund. The remaining twenty-five dollars (\$25.00) of the fifty-dollar (\$50.00) fee shall be deposited in the General Fund of the State.

~~1 The Office of State Budget and Management shall certify to the Department of~~
~~2 Transportation and the General Assembly when the cumulative total amount of fees~~
~~3 deposited in the General Fund under this subsection exceeds five million dollars~~
~~4 (\$5,000,000), and shall annually report to the General Assembly the amount of fees~~
~~5 deposited in the General Fund under this subsection.~~
6 It is the intent of the General Assembly to annually appropriate the funds
7 deposited in the General Fund under this subsection to the Board of Governors of
8 The University of North Carolina to be used for the Center for Alcohol Studies
9 Endowment at The University of North Carolina at Chapel Hill, but not to exceed
10 this cumulative total of five million dollars (\$5,000,000). Hill."

11 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 524*
Committee Substitute Favorable 6/23/97

Short Title: UNC Alcohol Ed. Endowment Fund.

(Public)

Sponsors:

Referred to:

March 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE CAP ON THE AMOUNT OF DRIVERS LICENSE
3 RESTORATION FEES THAT ARE DEPOSITED IN A FUND FOR ALCOHOL
4 STUDIES ENDOWMENT AT THE UNIVERSITY OF NORTH CAROLINA AT
5 CHAPEL HILL.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 20-7(i1) reads as rewritten:

8 "(i1) Restoration Fee. -- Any person whose drivers license has been revoked
9 pursuant to the provisions of this Chapter, other than G.S. 20-17(2), shall pay a
10 restoration fee of twenty-five dollars (\$25.00). A person whose drivers license has
11 been revoked under G.S. 20-17(2) shall pay a restoration fee of fifty dollars (\$50.00)
12 until the end of the fiscal year in which the cumulative total amount of fees deposited
13 under this subsection in the General Fund exceeds ~~five~~ ten million dollars
14 ~~(\$5,000,000), (\$10,000,000)~~, and shall pay a restoration fee of twenty-five dollars
15 (\$25.00) thereafter. The fee shall be paid to the Division prior to the issuance to such
16 person of a new drivers license or the restoration of the drivers license. The
17 restoration fee shall be paid to the Division in addition to any and all fees which may
18 be provided by law. This restoration fee shall not be required from any licensee
19 whose license was revoked or voluntarily surrendered for medical or health reasons
20 whether or not a medical evaluation was conducted pursuant to this Chapter. The
21 twenty-five dollar (\$25.00) fee, and the first twenty-five dollars (\$25.00) of the fifty-
22 dollar (\$50.00) fee, shall be deposited in the Highway Fund. The remaining twenty-
23 five dollars (\$25.00) of the fifty-dollar (\$50.00) fee shall be deposited in the General

1 Fund of the State. The Office of State Budget and Management shall certify to the
2 Department of Transportation and the General Assembly when the cumulative total
3 amount of fees deposited in the General Fund under this subsection exceeds ~~five~~ ten
4 million dollars ~~(\$5,000,000)~~, (\$10,000,000), and shall annually report to the General
5 Assembly the amount of fees deposited in the General Fund under this subsection.
6 It is the intent of the General Assembly to annually appropriate the funds
7 deposited in the General Fund under this subsection to the Board of Governors of
8 The University of North Carolina to be used for the Center for Alcohol Studies
9 Endowment at The University of North Carolina at Chapel Hill, but not to exceed
10 this cumulative total of ~~five~~ ten million dollars ~~(\$5,000,000)~~, (\$10,000,000)."

11 Section 2. This act is effective when it becomes law.



**North Carolina General Assembly
Legislative Services Office**

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April 9, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: **HOUSE BILL 524 - UNC ALCOHOL ED. ENDOWMENT FUND**
Representative Morris

House Bill 524 would remove the cap on the amount of drivers license restoration fees that are deposited in a fund for alcohol studies endowment at UNC-Chapel Hill. The restoration fee is paid to DMV before a new license is issued to a driver whose license has been revoked, and is in addition to any other fees that may be required by law.

G.S. 20-7(i1) provides that, except for persons convicted of impaired driving, any person whose drivers license has been revoked must pay a restoration fee of \$25 in order to receive a new license. A person whose license has been revoked for an impaired driving offense must pay a restoration fee of \$50 *until the end of the fiscal year in which the cumulative total amount of such fees deposited in the General Fund reaches \$5 million*. Under current law, after the \$5 million cap has been met, the restoration fee for impaired driving offenders will be lowered to \$25. The regular \$25 restoration fee, and the first \$25 of the \$50 fee are deposited in the Highway Fund. The additional \$25 restoration fee imposed on impaired driving offenders is deposited in the General Fund, with the intention that it be appropriated to the Board of Governors of UNC to be used for the Center for Alcohol Studies Endowment at UNC-Chapel Hill.

House Bill 524 would provide that the restoration fee for persons with impaired driving revocations be permanently set at \$50; the additional \$25 would still be deposited in the General Fund for the benefit of the Center for Alcohol Studies. Since the bill removes the \$5 million cap, it also eliminates annual reporting requirements regarding the status of the DWI restoration fees deposited in the General Fund.

The bill would be effective when it becomes law. If given a favorable report in this Committee, the bill must go to finance.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1144

Short Title: Speeding in School Zones.

(Public)

Sponsors: Representatives Wood; and Hightower.

Referred to: Transportation, if favorable, Judiciary I.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL
3 ENTER RECORDS OF SPEEDING IN SCHOOL ZONES CHARGED AS
4 VIOLATIONS OF LOCAL ORDINANCES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-141.1 reads as rewritten:

7 "**§ 20-141.1. Speed limits in school zones.**

8 The Board of Transportation or local authorities within their respective
9 jurisdictions may, by ordinance, set speed limits lower than those designated in G.S.
10 20-141 for areas adjacent to or near a public, private or parochial school. Limits set
11 pursuant to this section shall become effective when signs are erected giving notice of
12 the school zone, the authorized speed limit, and the days and hours when the lower
13 limit is effective, or by erecting signs giving notice of the school zone, the authorized
14 speed limit and which indicate the days and hours the lower limit is effective by an
15 electronic flasher operated with a time clock. Limits set pursuant to this section may
16 be enforced only on days when school is in session, and no speed limit below 20
17 miles per hour may be set under the authority of this section.

18 The clerk of court shall send to the Division a record of a conviction for violation
19 of State law or local ordinance prohibiting speeding in a school zone in excess of the
20 posted school zone speed limit. The Division shall enter the conviction on the
21 driving record of the person who is convicted of the violation and shall assign to the
22 record of that person the number of points provided in G.S. 20-16(c) for conviction
23 of that violation."

24 Section 2. This act becomes effective December 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

H.B. 1144 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF
MOTOR VEHICLES SHALL ENTER RECORDS OF SPEEDING IN SCHOOL ZONES
CHARGED AS VIOLATIONS OF LOCAL ORDINANCES.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☒ Judiciary I.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

AGENDA

TRANSPORTATION COMMITTEE MEETING

May 14, 1997

CALL MEETING TO ORDER

INTRODUCE PAGES:

LAURA ELIZABETH OLIVER ALAMANCE CO.

JOSEPH TYLER PATRICK CLEVELAND CO.

THE FOLLOWING BILLS WILL BE CONSIDERED:

HB 804 LINCOLN LOCAL ROADS REP. KISER

HB 1082 NATIVE AMERICAN SPECIAL PLATES

REP. SUTTON

HB 1156 MARCH OF DIMES LICENSE PLATES

REP. MORRIS

HB 982 TAX VEHICLE ONLY UPON SALE REP. HARDY

ADJOURN

MINUTES

COMMITTEE ON TRANSPORTATION

WEDNESDAY, MAY 14, 1997

11:00 A.M.

ROOM 643-LOB

The House Committee on Transportation met on Wednesday, May 14, 1997 at 11:00 a.m. in Room 643-LOB. Rep. Sexton called the meeting to order and introduced the Pages. A silent roll was taken (roll list denotes members present).

HB-804 LINCOLN LOCAL ROADS

Rep. Kiser explained the bill. Following a brief explanation of the bill, Rep. Brawley asked Rep. Kiser a question. Rep. Kiser responded. Rep. Brawley asked if Iredell County could be added to the bill. Rep. Kiser gave a positive response. Rep. Luebke directed two questions to Rep. Kiser and he responded. Rep. Nichols spoke in favor of the bill, and stated he wished it was a statewide bill, instead of just Lincoln County. Rep. Starnes wanted to know what would prevent Rep. Kiser from having it rewritten to be a statewide bill. He felt every county would be affected by this. Rep. Kiser responded, that someone who had more expertise in the area of bill writing, would have to answer the question. Therefore, Rep. Starnes addressed the question to staff. Brenda Carter, Research Staff Attorney, responded. Rep. Kiser added his thoughts about the possibility of making this a statewide bill. Rep. Nye was recognized to ask staff two questions. Ms. Carter responded to each. Rep. Allred reiterated, that the minor changes be done at the present time, to make this bill statewide. Chairman Sexton asked Rep. Kiser if he would have a problem with this. Rep. Kiser responded that he did not have a problem with it, but he did not want to force it on others. Rep. Smith continued the discussions with additional comments. Rep. Kiser expounded further on details pertaining to his bill. Rep. Cunningham expressed some concern and advised the committee members not to move too fast. He suggested that the members talk to their county commissioners. Rep. Cole suggested that someone with DOT address the committee about the bill. Don Goins, Chief Engineer for DOT, stated that the bill did not affect DOT except for the bill that was already in existence. Rep. Cunningham had follow-up questions for Mr. Goins. Mr. Goins responded. Rep. Sherrill asked a series of questions. Chairman Sexton answered her questions. Rep. Sherrill expressed that she felt the bill should be passed in its' current form, and give other members of the General Assembly time to talk to their county commissioners. If they wanted to be included, this could be done on the House Floor. Rep. Hunter had a question for Mr. Goins. Mr. Goins responded. Rep. Allred made a motion to give HB-804 a favorable report. The motion carried.

HB-1082 NATIVE AMERICAN SPECIAL PLATES

Rep. Sutton explained his bill. Rep. Wainwright made the motion, that at the appropriate time, the bill be given a favorable report. Motion was so noted. Reps. Allred and Nichols asked bill sponsor questions. Rep. Sutton responded to each. Rep. Nichols expressed some concern and felt that the bill should go to Appropriations before going to Finance. Rep. Hunter stated that he felt once the bill got to Finance, they would re-refer it to Appropriations. Rep. Nichols suggested making the bill proper while it was in the Transportation Committee. He made the motion that the bill be given a favorable report and sent to Finance and then on to Appropriations. Rep. Cunningham asked the bill sponsor and Rep. Nichols questions. They both responded. Rep. Ellis requested that the motion be clarified. His request was granted. Rep. Cunningham asked Rep. Nichols a question. He responded. Reps. Ellis and Sherrill spoke in support of the motion made by Rep. Nichols. Rep. Carpenter gave informative remarks about the process of the bill going to Finance and then on to Appropriations. Rep. Nichols' motion was voted on. Motion carried. Rep. Wainwright moved that HB-1082 be given a favorable report. HB-1082 was given a favorable report and re-referred to Finance and then to go to Appropriations.

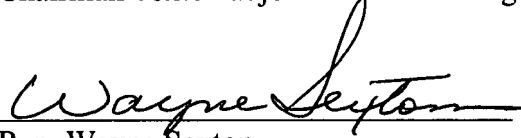
HB-1156 MARCH OF DIMES/SCHOOL TECH. PLATES

Rep. Morris explained her bill. Rep. Ellis moved for a favorable report and to be re-referred to Finance and then to Appropriations. He also expressed some concern about so many different license plate bills. Rep. Wainwright asked if DOT would be able to handle the production of all of the special license plates, for the bills that were being passed. Ruth Sappie, Legislative Liaison for DOT, responded. Chairman Sexton remarked that this issue would have to be studied closely. He suggested finding an easier way of addressing the special plates, than the present system. Rep. Starnes asked a question that Brenda Carter, Research Staff Attorney, responded to. Rep. Wainwright had a question that Ruth Sappie did not have the information for that day, but she promised to provide it for him. Reps. Allred and Cole made statements on the bill. At this time Rep. Ellis' motion was voted on, and HB-1156 was given a favorable report and re-referred to Finance and then to Appropriations.

HB-982 TAX VEHICLE ONLY UPON SALE

Chairman Sexton advised the committee members that he had been asked to displace the bill.

Chairman Sexton adjourned the meeting.


Rep. Wayne Sexton
Presiding Chair


Debbie Turner
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 804
Committee Substitute Favorable 4/28/97

Short Title: Lincoln Local Roads.

(Local)

Sponsors:

Referred to:

April 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO GIVE LINCOLN COUNTY AUTHORITY TO BUILD AND
3 IMPROVE ROADS WITHIN LINCOLN COUNTY THAT ARE NOT PART OF
4 THE STATE HIGHWAY SYSTEM.

5 The General Assembly of North Carolina enacts:

6 Section 1. A county may build, construct, improve, reconstruct, widen,
7 pave, install curbs and gutters, and otherwise build and improve roads and streets
8 that are located in the county and outside a city and that are not part of the State
9 highway system and may advertise, accept bids, enter into contracts, and undertake
10 any other action reasonably necessary to carry out the powers granted by this act. A
11 county shall make special assessments against benefitted property to pay for any work
12 in accordance with the procedures set forth in this act. The authority granted by this
13 act shall include the authority to make any improvements necessary to bring roads up
14 to State standards so that they may be accepted into the State highway system.

15 Section 2. Before a county may finance all or a portion of the cost of
16 improvements to a subdivision or residential street, it must receive a petition for the
17 improvements signed by at least seventy-five percent (75%) of the owners of property
18 to be assessed, who must represent at least seventy-five percent (75%) of all the lineal
19 feet of frontage of the lands abutting on the street or portion thereof to be improved.
20 The petition shall state that portion of the cost of the improvement to be assessed,
21 which shall be the local share required by policies of the Secondary Roads Council.
22 A county may treat as a unit and consider as one street two or more connecting
23 State-maintained subdivision or residential streets in a petition filed under this

1 subsection calling for the improvement of subdivision or residential streets subject to
2 property owner sharing in the cost of improvement under policies of the Department
3 of Transportation.

4 Property owned by the United States shall not be included in determining
5 the lineal feet of frontage on the improvement, nor shall the United States be
6 included in determining the number of owners of property abutting the improvement.
7 Property owned by the State of North Carolina shall be included in determining
8 frontage and the number of owners only if the State has consented to assessment as
9 provided in G.S. 153A-189. Property owned, leased, or controlled by railroad
10 companies shall be included in determining frontage and the number of owners to
11 the extent the property is subject to assessment under G.S. 160A-222. Property
12 owned, leased, or controlled by railroad companies that is not subject to assessment
13 shall not be included in determining frontage or the number of owners.

14 No right of action or defense asserting the invalidity of street assessments
15 on grounds that the county did not comply with this subsection in securing a valid
16 petition may be asserted except in an action or proceeding begun within 90 days after
17 the day of publication of the notice of adoption of the preliminary assessment
18 resolution.

19 Section 3. This act is intended to provide a means of assisting in
20 financing improvements to streets and roads that are not on the State highway system.
21 By financing improvements under this act, a county does not acquire or assume any
22 responsibility for the streets or roads involved, and a county has no liability arising
23 from the construction of an improvement to a road or the maintenance of the street
24 or road.

25 Section 4. A county may make assessments against benefitted property to
26 recoup all or part of the costs of the work authorized in this act on the basis of:

- 27 (1) The frontage abutting on the project, at an equal rate per foot of
28 frontage; or
29 (2) The street frontage of the lots served, or subject to being served, by
30 the project, at an equal rate per foot of frontage; or
31 (3) The area of land served, or subject to being served, by the project,
32 at an equal rate per unit of area; or
33 (4) The valuation of land served, or subject to being served, by the
34 project, being the value of the land without improvements as
35 shown on the tax records of the county, at an equal rate per dollar
36 of valuation; or
37 (5) A combination of two or more of these bases. For each project,
38 the Board of Commissioners shall endeavor to establish an
39 assessment method from among the bases set out in this section
40 that will most accurately assess each lot or parcel of land according
41 to the benefit conferred upon it by the project. The Board's
42 decision as to the method of assessment is final and not subject to
43 further review and challenge.

1 Section 5. The Board of Commissioners shall develop guidelines for
2 determining which projects, authorized by this act, to pursue and in what order. The
3 Board of Commissioners may consider, among other reasonable factors:

- 4 (1) The chronological order in which it receives petitions as provided
5 for in this act;
6 (2) The number of citizens to be served per mile by the proposed
7 project;
8 (3) The severity of the need to be alleviated by the proposed project
9 relative to other similar situations in the county; or
10 (4) Funds advanced, if any, by the citizens to be served by the
11 proposed project to participate in paying for the project.

12 Section 6. Except as otherwise provided in this act, a county shall follow
13 the procedures set forth in Article 9 of Chapter 153A of the General Statutes in
14 making, giving notice of, providing for payment of, and enforcing assessments for
15 projects authorized in this act.

16 Section 7. This act applies to Lincoln County only.

17 Section 8. This act is effective when it becomes law.



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May 14, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: HOUSE BILL 804 - LINCOLN LOCAL ROADS
Representative Kiser

House Bill 804 is a local bill that would give Lincoln County the authority to build and improve roads within Lincoln County that are not part of the state highway system. The provisions of the bill mirror the provisions in Chapter 153A regarding other special assessments by counties.

Section 1 of the bill would allow the county to make special assessments against benefited properties to pay for the work. It provides that a county has the authority to make any improvements necessary to bring roads up to State standards so they can be brought into the State system.

Section 2 of the bill requires that before a county may finance improvements to a subdivision or residential street, it must receive a petition from at least 75% of the owners of the property to be assessed (who must represent at least 75% of the lineal feet of frontage of the lands abutting the improvement). Property owned by State is included in determining frontage and the number of owners only if the State consents to assessment as provided by statute, and property owned by railroad companies is included to the extent that the property is subject to assessment.

Section 3 of the bill is a disclaimer of the county's liability arising from the construction or maintenance of the road.

Section 4 of the bill sets out the basis for assessments against benefited property, which may be any or all of the following: frontage abutting on the project, street frontage of lots served by the project, area of land served by the project, valuation of land served by the project (based on tax record), or any combination thereof.

Section 5 of the bill requires the Board of Commissioners to develop guidelines for determining which projects to pursue, and in what order.

Section 6 of the bill requires the county to follow the procedures set out in the current law regarding special assessments by counties.

Section 7 of the bill specifies that the act is applicable only to Lincoln County. Section 8 makes the bill effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 804 A BILL TO BE ENTITLED AN ACT TO GIVE LINCOLN COUNTY
AUTHORITY TO BUILD AND IMPROVE ROADS WITHIN LINCOLN COUNTY THAT
ARE NOT PART OF THE STATE HIGHWAY SYSTEM.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1082

Short Title: Native American Special Plates.

(Public)

Sponsors: Representatives Sutton; and Buchanan.

Referred to: Transportation, if favorable, Finance.

April 21, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE
2 A "NATIVE AMERICAN" REGISTRATION PLATE WITH THE NET
3 PROCEEDS FROM THE SALE OF THE PLATES TO BE TRANSFERRED TO
4 THE NORTH CAROLINA COMMISSION ON INDIAN AFFAIRS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-81.12 is amended by adding a new subsection to read:
7 "(b5) Native American Plates. -- The Division shall receive 300 or more
8 applications for a Native American plate with words and a picture approved by the
9 North Carolina Commission on Indian Affairs before the plate may be developed.
10 The Division shall transfer quarterly the money in the Collegiate and Cultural
11 Attraction Plate Account derived from the sale of Native American plates to the
12 Department of Administration for operational expenses of the North Carolina
13 Commission on Indian Affairs."

14 Section 2. G.S. 20-79.4(a) reads as rewritten:

15 "(a) Fees. -- Upon request, the Division shall provide and issue free of charge one
16 registration plate to a recipient of the Congressional Medal of Honor, a 100%
17 disabled veteran, and an ex-prisoner of war. All other special registration plates are
18 subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus
19 an additional fee in the following amount:

20	<u>Special Plate</u>	<u>Additional Fee Amount</u>
21	Historical Attraction	\$30.00
22	State Attraction	\$30.00
23	Collegiate Insignia	\$25.00

1	Olympic Games	\$25.00
2	Special Olympics	\$25.00
3	Wildlife Resources	\$20.00
4	<u>Native American</u>	<u>\$20.00</u>
5	Personalized	\$20.00
6	Active Member of the National Guard	None
7	All Other Special Plates	\$10.00."

8 Section 3. G.S. 20-79.7(b) reads as rewritten:

9 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
 10 Collegiate and Cultural Attraction Plate Account are established within the Highway
 11 Fund. The Division must credit the additional fee imposed for the special
 12 registration plates listed in subsection (a) among the Special Registration Plate
 13 Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA),
 14 and the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-
 15 77.7, as follows:

16	<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
17	Historical Attraction	\$10	\$20	0
18	In-State Collegiate Insignia	\$10	\$15	0
19	Out-of-state Collegiate Insignia	\$10	0	\$15
20	Personalized	\$10	0	\$10
21	Special Olympics	\$10	\$15	0
22	Olympic Games	\$10	\$15	0
23	State Attraction	\$10	\$20	0
24	Wildlife Resources	\$10	\$10	0
25	<u>Native American</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
26	All other Special Plates	\$10	0	0."

27 Section 4. This act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 1082
Committee Substitute Favorable 5/21/97
Senate Transportation Committee Substitute Adopted 7/14/97

Short Title: Native American Special Plates.

(Public)

Sponsors:

Referred to: Finance.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE
3 A NATIVE AMERICAN REGISTRATION PLATE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-79.4(b) is amended by adding a new subdivision to
6 read:
7 "(17a) Native American. -- Issuable to the registered owner of a motor
8 vehicle. The plate may bear a phrase or an insignia representing
9 Native Americans. The Division must receive 300 or more
10 applications for the plate before it may be developed."
11 Section 2. G.S. 20-79.4(b)(17a) reads as rewritten:
12 "(17a)(17b) Olympic Games. -- Issuable to the registered owner of a
13 motor vehicle in accordance with G.S. 20-81.12. The plate may
14 bear a phrase or insignia representing the Olympic Games."
15 Section 3. This act is effective when it becomes law.



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May 7, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: HOUSE BILL 1082 - NATIVE AMERICAN PLATES
Representative Sutton

House Bill 1082 authorizes the Division of Motor Vehicles to issue Native American Special Registration Plates. The plates would bear words and a picture approved by the N. C. Commission on Indian Affairs, and would be issuable only if DMV receives at least 300 applications for the plate.

If this bill is enacted, the Native American special registration plates would be subject to the regular annual motor vehicle registration fees plus an additional fee of \$20.00. Ten dollars of the additional fee would be credited to the Special Registration Plate Account, and the remaining ten dollars would be credited to the Collegiate and Cultural Attraction Plate Account (CCAPA). The portion of the fee that is credited to the CCAPA will be transferred quarterly to the Department of Administration for operational expenses of the N. C. Commission on Indian Affairs.

The bill would become effective October 1, 1997. The bill was serially referred, and will go to Finance if given a favorable report by this Committee.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 1082 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF
MOTOR VEHICLES TO ISSUE A "NATIVE AMERICAN" REGISTRATION PLATE
WITH THE NET PROCEEDS FROM THE SALE OF THE PLATES TO BE
TRANSFERRED TO THE NORTH CAROLINA COMMISSION ON INDIAN AFFAIRS.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☒ Finance ☐ .

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1156

Short Title: March of Dimes License Plates.

(Public)

Sponsors: Representative Morris.

Referred to: Transportation, if favorable, Finance.

April 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A SPECIAL LICENSE PLATE TO PROMOTE THE
3 "MARCH OF DIMES" TO PROVIDE THAT A PORTION OF THE SALES
4 REVENUE GOES TO MARCH OF DIMES BIRTH DEFECTS FOUNDATION.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-79.4 is amended by adding a new subdivision to read:
7 "(14a) 'March of Dimes'. -- Issuable to the registered owner of a motor
8 vehicle in accordance with G.S. 20-81.12. The plate shall bear
9 the words 'March of Dimes' and the letters 'MOD.'"

10 Section 2. G.S. 20-79.7(a) reads as rewritten:

11 "(a) Fees. -- Upon request, the Division shall provide and issue free of charge one
12 registration plate to a recipient of the Congressional Medal of Honor, a 100%
13 disabled veteran, and an ex-prisoner of war. All other special registration plates are
14 subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus
15 an additional fee in the following amount:

16 <u>Special Plate</u>	<u>Additional Fee Amount</u>
17 Historical Attraction	\$30.00
18 State Attraction	\$30.00
19 Collegiate Insignia	\$25.00
20 Olympic Games	\$25.00
21 Special Olympics	\$25.00
22 <u>March of Dimes</u>	<u>\$20.00</u>
23 Wildlife Resources	\$20.00
24 Personalized	\$20.00

1 Active Member of the National Guard None
2 All Other Special Plates \$10.00."

3 Section 3. G.S. 20-79.7(b) reads as rewritten:

4 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
5 Collegiate and Cultural Attraction Plate Account are established within the Highway
6 Fund. The Division must credit the additional fee imposed for the special
7 registration plates listed in subsection (a) among the Special Registration Plate
8 Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA),
9 and the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-
10 77.7, as follows:

11 <u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
12 Historical Attraction	\$10	\$20	0
13 In-State Collegiate Insignia	\$10	\$15	0
14 Out-of-state Collegiate Insignia	\$10	0	\$15
15 Personalized	\$10	0	\$10
16 Special Olympics	\$10	\$15	0
17 Olympic Games	\$10	\$15	0
18 State Attraction	\$10	\$20	0
19 Wildlife Resources	\$10	\$10	0
20 <u>March of Dimes</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
21 All other Special Plates	\$10	0	0."

22 Section 4. G.S. 20-81.12 is amended by adding a new subsection to read:

23 "(b5) 'March of Dimes'. -- The Division must receive 300 or more applications for
24 a water quality plate before the plate may be developed. The Division shall transfer
25 quarterly the money in the Collegiate and Cultural Attraction Plate Account derived
26 from the sale of the 'March of Dimes' plates to the March of Dimes Birth Defects
27 Foundation for use in programs in North Carolina."

28 Section 5. This act becomes effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

4

HOUSE BILL 1156

Committee Substitute Favorable 5/21/97

Senate Finance Committee Substitute Adopted 8/4/97

Fourth Edition Engrossed 8/14/97

Short Title: March of Dimes/School Tech. Plates.

(Public)

Sponsors:

Referred to:

April 24, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEVELOPMENT OF SPECIAL
REGISTRATION PLATES FOR SUPPORTERS OF THE MARCH OF DIMES,
SCHOOL TECHNOLOGY, AND SCENIC RIVERS AND TO AUTHORIZE
THE DEVELOPMENT OF A REGISTRATION PLATE FOR WAR
VETERANS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-79.4(b) is amended by adding a new subdivision to
read:

"(14a) March of Dimes. -- Issuable to the registered owner of a motor
vehicle in accordance with G.S. 20-81.12. The plate may bear a
phrase or an insignia representing the March of Dimes
Foundation."

Section 2. G.S. 20-79.4(b) is amended by adding a new subdivision, to be
inserted by the Revisor of Statutes in the appropriate alphabetical place, to read:

"() School Technology. -- Issuable to the registered owner of a
motor vehicle in accordance with G.S. 20-81.12. The plate may
bear a phrase or an insignia representing the public school
system in North Carolina."

Section 2.1. G.S. 20-79.4(b) is amended by adding a new subdivision, to
be inserted by the Revisor of Statutes in the appropriate alphabetical place to read:

"() Scenic Rivers. -- Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall bear the words 'Scenic Rivers' and a picture representing the unique beauty of the scenic rivers of North Carolina."

Section 3. G.S. 20-79.4(b) is amended by adding a new subdivision to read:

"(28a) War Veteran. -- Issuable to a veteran of the armed forces of the United States who served in active federal service during a period of war and who was separated from the armed forces under conditions other than dishonorable. The Division may not issue the plate authorized by this subdivision for a period of war unless it receives at least 300 applications for a plate for that period. A 'period of war' is any of the following:

- a. World War I, which began April 16, 1917, and ended November 11, 1918.
- b. World War II, which began December 7, 1941, and ended December 31, 1946.
- c. The Korean Conflict, which began June 27, 1950, and ended January 31, 1955.
- d. The Vietnam Era, which began August 5, 1964, and ended May 7, 1975.
- e. The Persian Gulf War.
- f. Any other campaign, expedition, or engagement for which the United States Department of Defense authorizes a campaign badge or medal."

Section 4. G.S. 20-79.7(a) reads as rewritten:

"(a) Fees. -- Upon request, the Division shall provide and issue free of charge one registration plate to a recipient of the Congressional Medal of Honor, a 100% disabled veteran, and an ex-prisoner of war. All other special registration plates are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
Historical Attraction	\$30.00
State Attraction	\$30.00
Collegiate Insignia	\$25.00
Olympic Games	\$25.00
Special Olympics	\$25.00
<u>March of Dimes</u>	<u>\$20.00</u>
<u>Scenic Rivers</u>	<u>\$20.00</u>
<u>School Technology</u>	<u>\$20.00</u>
Wildlife Resources	\$20.00
Personalized	\$20.00
Active Member of the National Guard	None
All Other Special Plates	\$10.00."

1 Section 5. G.S. 20-79.7(b) reads as rewritten:

2 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
3 Collegiate and Cultural Attraction Plate Account are established within the Highway
4 Fund. The Division must credit the additional fee imposed for the special
5 registration plates listed in subsection (a) among the Special Registration Plate
6 Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA),
7 and the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-
8 77.7, as follows:

9 <u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
10 Historical Attraction	\$10	\$20	0
11 In-State Collegiate Insignia	\$10	\$15	0
12 Out-of-state Collegiate Insignia	\$10	0	\$15
13 Personalized	\$10	0	\$10
14 Special Olympics	\$10	\$15	0
15 Olympic Games	\$10	\$15	0
16 State Attraction	\$10	\$20	0
17 <u>March of Dimes</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
18 <u>Scenic Rivers</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
19 <u>School Technology</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
20 Wildlife Resources	\$10	\$10	0
21 All other Special Plates	\$10	0	0."

22 Section 6. G.S. 20-81.12 is amended by adding three new subsections to
23 read:

24 "(b5) March of Dimes Plates. -- The Division must receive 300 or more
25 applications for a March of Dimes plate before the plate may be developed. The
26 Division shall transfer quarterly the money in the Collegiate and Cultural Attraction
27 Plate Account derived from the sale of March of Dimes plates to the Eastern
28 Carolina Chapter of the March of Dimes Birth Defects Foundation. The Eastern
29 Carolina Chapter shall disperse the revenue proportionately among the Eastern
30 Carolina Chapter, the Western Carolina Chapter, the Greater Triad Chapter, and the
31 Greater Piedmont Chapter of the March of Dimes Birth Defects Foundation based
32 upon the population of the area each Chapter represents. The money must be used
33 for the prevention of birth defects through local community services and educational
34 programs and through research and development.

35 (b6) School Technology Plates. -- The Division must receive 300 or more
36 applications for a School Technology plate before the plate may be developed. The
37 Division shall transfer quarterly the money in the Collegiate and Cultural Attraction
38 Plate Account derived from the sale of School Technology plates to the State School
39 Technology Fund, which is established under G.S. 115C-102.6D.

40 (b7) Scenic Rivers Plates. -- The Division must receive 300 or more applications
41 for a Scenic Rivers plate before the plate may be developed. The Division shall
42 transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account
43 derived from the sale of Scenic Rivers plates to the Clean Water Management Trust
44 Fund established in G.S. 113-45.3."

- 1 Section 7. G.S. 115C-102.6D(a) reads as rewritten:
2 "(a) There is established under the control and direction of the State Board of
3 Education the State School Technology Fund. This fund shall be a nonreverting
4 special revenue fund consisting of any monies appropriated to it by the General
5 ~~Assembly.~~ Assembly and any monies credited to it under G.S. 20-81.12 from the sale
6 of School Technology special license plates."
7 Section 8. S.L. 1997-339 is repealed.
8 Section 9. This act is effective when it becomes law.



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May 7, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: HOUSE BILL 1156 - MARCH OF DIMES LICENSE PLATES
Representative Morris

House Bill 1156 authorizes the Division of Motor Vehicles to issue March of Dimes Special Registration Plates. The plates would bear the words "March of Dimes" and the letters "MOD", and would be issuable only if DMV receives at least 300 applications for the plate.

If this bill is enacted, the March of Dimes special registration plates would be subject to the regular annual motor vehicle registration fees plus an additional fee of \$20.00. Ten dollars of the additional fee would be credited to the Special Registration Plate Account, and the remaining ten dollars would be credited to the Collegiate and Cultural Attraction Plate Account (CCAPA). The portion of the fee that is credited to the CCAPA will be transferred quarterly to the March of Dimes Birth Defects Foundation for use in programs in North Carolina.

The bill would become effective July 1, 1997. The bill was serially referred, and will go to Finance if given a favorable report by this Committee.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 1156 A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL LICENSE
PLATE TO PROMOTE THE "MARCH OF DIMES" TO PROVIDE THAT A PORTION
OF THE SALES REVENUE GOES TO MARCH OF DIMES BIRTH DEFECTS
FOUNDATION.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☒ Finance ☐ .

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 982

Short Title: Tax Vehicle Only Upon Sale.

(Public)

Sponsors: Representatives Hardy; Hall, Davis, Gulley, Morris, Starnes, and Hill.

Referred to: Transportation, if favorable, Finance.

April 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE HIGHWAY USE TAX ON MOTOR
3 VEHICLES APPLIES ONLY WHEN THE CERTIFICATE OF TITLE IS ISSUED
4 BECAUSE OF A SALE OF THE MOTOR VEHICLE.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 5A of Chapter 105 of the General Statutes reads as
7 rewritten:

8 "ARTICLE 5A.
9 "North Carolina Highway Use Tax.

10 "§ 105-187.1. Definitions.

11 The following definitions and the definitions in G.S. 105-164.3 apply to this
12 Article:

- 13 (1) ~~'Commissioner' means the~~ Commissioner. -- The Commissioner of
14 Motor Vehicles.
15 (2) ~~'Division' means the~~ Division. -- The Division of Motor Vehicles,
16 Department of Transportation.
17 (3) ~~'Long-term lease or rental' means a~~ Long-term lease or rental. -- A
18 lease or rental made under a written agreement to lease or rent
19 property to the same person for a period of at least 365 continuous
20 days.
21 (4) ~~'Short-term lease or rental' means a~~ Short-term lease or rental. --
22 A lease or rental that is not a long-term lease or rental.

23 "§ 105-187.2. Highway use tax imposed.

1 A tax is imposed on the privilege of using the highways of this State. This tax is in
2 addition to all other taxes and fees imposed. The tax applies to the issuance of a
3 certificate of title because of the sale of a motor vehicle.

4 "**§ 105-187.3. Rate of tax.**

5 (a) Amount. -- The rate of the use tax imposed by this Article is three percent
6 (3%) of the retail value of a motor vehicle for which a certificate of title is ~~issued~~
7 issued because of a sale. The tax is payable as provided in G.S. 105-187.4. The tax
8 may not be more than one thousand dollars (\$1,000) for each certificate of title issued
9 for a Class A or Class B motor vehicle that is a commercial motor vehicle, as defined
10 in G.S. 20-4.01. The tax may not be more than one thousand five hundred dollars
11 (\$1,500) for each certificate of title issued for any other motor vehicle.

12 (b) Retail Value. -- The retail value of a motor vehicle for which a certificate of
13 title is issued because of a sale of the motor vehicle by a retailer is the sales price of
14 the motor vehicle, including all accessories attached to the vehicle when it is
15 delivered to the purchaser, less the amount of any allowance given by the retailer for
16 a motor vehicle taken in trade as a full or partial payment for the purchased motor
17 vehicle. The retail value of a motor vehicle for which a certificate of title is issued
18 because of a sale of the motor vehicle by a seller who is not a retailer is the market
19 value of the vehicle, less the amount of any allowance given by the seller for a motor
20 vehicle taken in trade as a full or partial payment for the purchased motor vehicle. A
21 transaction in which two parties exchange motor vehicles is considered a sale
22 regardless of whether either party gives additional consideration as part of the
23 transaction. ~~The retail value of a motor vehicle for which a certificate of title is issued~~
24 ~~because of a reason other than the sale of the motor vehicle is the market value of~~
25 ~~the vehicle. The market value of a vehicle is presumed to be the value of the vehicle~~
26 ~~set in a schedule of values adopted by the Commissioner.~~

27 ~~(c) Schedules. -- In adopting a schedule of values for motor vehicles, the~~
28 ~~Commissioner shall adopt a schedule whose values do not exceed the wholesale~~
29 ~~values of motor vehicles as published in a recognized automotive reference manual.~~

30 "**§ 105-187.4. Payment of tax.**

31 (a) Method. The tax imposed by this Article must be paid to the Commissioner
32 when applying for a certificate of title for a motor vehicle. The Commissioner may
33 not issue a certificate of title for a vehicle that has been sold until the tax imposed by
34 this Article has been paid. The tax may be paid in cash or by check.

35 (b) Sale by Retailer. When a certificate of title for a motor vehicle is issued
36 because of a sale of the motor vehicle by a retailer, the applicant for the certificate of
37 title must attach a copy of the bill of sale for the motor vehicle to the application. A
38 retailer who sells a motor vehicle may collect from the purchaser of the vehicle the
39 tax payable upon the issuance of a certificate of title for the vehicle, apply for a
40 certificate of title on behalf of the purchaser, and remit the tax due on behalf of the
41 purchaser. If a check submitted by a retailer in payment of taxes collected under this
42 section is not honored by the financial institution upon which it is drawn because the
43 retailer's account did not have sufficient funds to pay the check or the retailer did

1 not have an account at the institution, the Division may suspend or revoke the license
2 issued to the retailer under Article 12 of Chapter 20 of the General Statutes.

3 **"§ 105-187.5. Alternate tax for those who rent or lease motor vehicles.**

4 (a) Election. -- A retailer who is engaged in the business of leasing or renting
5 motor vehicles may elect not to pay the tax imposed by this Article at the rate set in
6 G.S. 105-187.3 when applying for a certificate of title for a motor vehicle purchased
7 by the retailer for lease or rental. A retailer who makes this election shall pay a tax
8 on the gross receipts of the lease or rental of the vehicle. Like the tax imposed by
9 G.S. 105-187.3, this alternate tax is a tax on the privilege of using the highways of this
10 State. The tax is imposed on a retailer, but is to be added to the lease or rental price
11 of a motor vehicle and thereby be paid by the person who leases or rents the vehicle.

12 (b) Rate. -- The tax rate on the gross receipts from the short-term lease or rental
13 of a motor vehicle is eight percent (8%) and the tax rate on the gross receipts from
14 the long-term lease or rental of a motor vehicle is three percent (3%). Gross receipts
15 does not include the amount of any allowance given for a motor vehicle taken in
16 trade as a partial payment on the lease or rental price. The maximum tax in G.S. 105-
17 187.3(a) applies to a continuous lease or rental of a motor vehicle to the same person.

18 (c) Method. -- A retailer who elects to pay tax on the gross receipts of the lease or
19 rental of a motor vehicle shall make this election when applying for a certificate of
20 title for the vehicle. To make the election, the retailer shall complete a form provided
21 by the Division giving information needed to collect the alternate tax based on gross
22 receipts. Once made, an election is irrevocable.

23 (d) Administration. -- The Division shall notify the Secretary of Revenue of a
24 retailer who makes the election under this section. A retailer who makes this election
25 shall report and remit to the Secretary the tax on the gross receipts of the lease or
26 rental of the motor vehicle. The Secretary shall administer the tax imposed by this
27 section on gross receipts in the same manner as the tax levied under G.S. 105-
28 164.4(a)(2). The administrative provisions and powers of the Secretary that apply to
29 the tax levied under G.S. 105-164.4(a)(2) apply to the tax imposed by this section. In
30 addition, the Division may request the Secretary to audit a retailer who elects to pay
31 tax on gross receipts under this section. When the Secretary conducts an audit at the
32 request of the Division, the Division shall reimburse the Secretary for the cost of the
33 audit, as determined by the Secretary. In conducting an audit of a retailer under this
34 section, the Secretary may audit any sales of motor vehicles made by the retailer.

35 **"§ 105-187.6. Exemptions from highway use tax.**

36 (a) Full Exemptions. -- The tax imposed by this Article does not apply when a
37 certificate of title is issued as the result of a transfer of a motor vehicle:

- 38 (1) To the insurer of the motor vehicle under G.S. 20-109.1 because
39 the vehicle is a salvage vehicle.
- 40 (2) To either a manufacturer, as defined in G.S. 20-286, or a motor
41 vehicle retailer for the purpose of resale.
- 42 (3) ~~That is not a sale. To the same owner to reflect a change or~~
43 ~~correction in the owner's name.~~
- 44 (4) ~~By will or intestacy.~~

- 1 (5) ~~By a gift between a husband and wife, a parent and child, or a~~
2 ~~stepparent and a stepchild.~~
3 (6) ~~By a distribution of marital property as a result of a divorce.~~
4 (7) To a handicapped person from the Department of Human
5 Resources after the vehicle has been equipped by the Department
6 for use by the handicapped.
7 (8) To a local board of education for use in the driver education
8 program of a public school when the motor vehicle is transferred:
9 a. By a retailer and is to be transferred back to the retailer
10 within 300 days after the transfer to the local board.
11 b. By a local board of education.

12 (b) Partial Exemptions. -- A maximum tax of forty dollars (\$40.00) applies when a
13 certificate of title is issued as the result of a transfer of a motor vehicle:

- 14 (1) To a secured party who has a perfected security interest in the
15 motor vehicle.
16 (2) To a partnership or corporation as an incident to the formation of
17 the partnership or corporation and no gain or loss arises on the
18 transfer under section 351 or section 721 of the Internal Revenue
19 Code, or to a corporation by merger or consolidation in
20 accordance with G.S. 55-11-06.

21 ~~(c) Out-of-state Vehicles. -- A maximum tax of one hundred fifty dollars (\$150.00)~~
22 ~~applies when a certificate of title is issued for a motor vehicle that, at the time of~~
23 ~~applying for a certificate of title, is and has been titled in another state for at least 90~~
24 ~~days.~~

25 "~~§ 105-187.7. Credits.~~

26 ~~(a) Tax Paid in Another State. -- A person who, within 90 days before applying~~
27 ~~for a certificate of title for a motor vehicle on which the tax imposed by this Article~~
28 ~~is due, has paid a sales tax, an excise tax, or a tax substantially equivalent to the tax~~
29 ~~imposed by this Article on the vehicle to a taxing jurisdiction outside this State is~~
30 ~~allowed a credit against the tax due under this Article for the amount of tax paid to~~
31 ~~the other jurisdiction.~~

32 ~~(b) Tax Paid Within One Year. -- A person who applies for a certificate of title~~
33 ~~for a motor vehicle that is titled in another state but was formerly titled in this State~~
34 ~~is allowed a credit against the tax due under this Article for the amount of tax paid~~
35 ~~under this Article by that person on the same vehicle within one year before the~~
36 ~~application for a certificate of title.~~

37 "**§ 105-187.8. Refund for return of purchased motor vehicle.**

38 When a purchaser of a motor vehicle returns the motor vehicle to the seller of the
39 motor vehicle within 90 days after the purchase and receives a vehicle replacement
40 for the returned vehicle or a refund of the price paid the seller, whether from the
41 seller or the manufacturer of the vehicle, the purchaser may obtain a refund of the
42 privilege tax paid on the certificate of title issued for the returned motor vehicle.

43 To obtain a refund, the purchaser must apply to the Division for a refund within
44 30 days after receiving the replacement vehicle or refund of the purchase price. The

1 application must be made on a form prescribed by the Commission and must be
2 supported by documentation from the seller of the returned vehicle.

3 **"§ 105-187.9. Disposition of tax proceeds.**

4 Taxes collected under this Article at the rate of eight percent (8%) shall be
5 credited to the General Fund. Taxes collected under this Article at the rate of three
6 percent (3%) shall be credited to the North Carolina Highway Trust Fund. In each
7 fiscal year the State Treasurer shall transfer the sum of one hundred seventy million
8 dollars (\$170,000,000) of the taxes deposited in the Trust Fund to the General Fund.
9 The transfer of funds authorized by this section may be made by transferring
10 one-fourth of the amount at the end of each quarter in the fiscal year or by
11 transferring the full amount annually on July 1 of each fiscal year, subject to the
12 availability of revenue.

13 **"§ 105-187.10. Penalties and remedies.**

14 (a) Penalties. The penalty for bad checks in G.S. 105-236(1) applies to a check
15 offered in payment of the tax imposed by this Article. In addition, if a check offered
16 to the Division in payment of the tax imposed by this Article is returned unpaid and
17 the tax for which the check was offered, plus the penalty imposed under G.S. 105-
18 236(1), is not paid within 30 days after the Commissioner demands its payment, the
19 Commissioner may revoke the registration plate of the vehicle for which a certificate
20 of title was issued when the check was offered.

21 (b) Unpaid Taxes. The remedies for collection of taxes in G.S. 20-99 apply to the
22 taxes levied by this Article and collected by the Commissioner.

23 ~~(c) Appeals. A taxpayer who disagrees with the presumed value of a motor~~
24 ~~vehicle must pay the tax based on the presumed value, but may appeal the value to~~
25 ~~the Commissioner. A taxpayer who appeals the value must provide two estimates of~~
26 ~~the value of the vehicle to the Commissioner. If the Commissioner finds that the~~
27 ~~value of the vehicle is less than the presumed value of the vehicle, the Commissioner~~
28 ~~shall refund any overpayment of tax made by the taxpayer with interest at the rate~~
29 ~~specified in G.S. 105-241.1 from the date of the overpayment.~~

30 **"§ 105-187.11. Transition from sales tax to highway use tax for lessors and renters of**
31 **motor vehicles.**

32 A tax at the rate set in G.S. 105-187.5(b) is levied on the gross receipts derived by
33 a retailer from the lease or rental of a motor vehicle owned by the retailer before
34 October 1, 1989, and leased or rented on or after that date. A retailer subject to this
35 tax may elect to pay highway use tax at the rate set in G.S. 105-187.3(a) on a motor
36 vehicle owned by the retailer before October 1, 1989, and leased or rented on or after
37 that date. The retail value of a motor vehicle for which a retailer makes an election
38 under this section is the value of the motor vehicle that would apply under G.S. 105-
39 187.3(b) if the retailer received the vehicle because of a reason other than the sale of
40 the motor vehicle on the date the retailer makes the election.

41 To make the election allowed by this section, a retailer shall complete a form
42 provided by the Division, pay the tax due, and pay the fee set in G.S. 20-85(a)(9). A
43 retailer who makes this election may not receive credit for any tax paid on the motor
44 vehicle under Article 5 of this Chapter or for any tax on gross receipts paid under

1 this Article. The Division shall notify the Secretary of Revenue of a retailer who
2 makes an election under this section. Notwithstanding G.S. 105-187.9, the taxes
3 collected under this section shall be credited to the General Fund."

4 Section 2. This act becomes effective January 1, 1998, and applies to
5 certificates of title issued on or after that date.

VISITOR REGISTRATION SHEET

Transportation 5-14-97 11:00 a.m.

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. Mary Carmelia	Mecklenburg County
2. Kim Smith	NCLM
3. John Cyrus	nc state exchange
4. Larry Peters	DOT
5. Don Hoins	DOT
6. David King	DOT
7. Lois Creek	DOT/DW
8. Danny Rogers	NCDOT
9. Patty Berry	CNC
10. Jeff Saffer	
11. Ed Bone	RW Bone
22. Mike Smith	NCSA
23. Ruth Sappie	NCDOT
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HOUSE TRANSPORTATION COMMITTEE MEETING

MAY 21, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES:

BILLS ON THE AGENDA:

HB 54 - Purple Heart Spouse Plates - Rep. Warner

SB 465 - NCDOT Engineering/Design Contract - Sen. Larry Shaw

SB 884 - DOT Infrastructure Bank Program - Sen. Rand

FURTHER BUSINESS OR ANNOUNCEMENTS

ADJOURN

HOUSE TRANSPORTATION COMMITTEE

MEETING - MAY 21, 1997

MINUTES

The Committee on Transportation met at 11:00 a.m. Wednesday, May 21 in Room 643 of the Legislative Office Building. Rep. Buchanan, Co-Chairman, presided and a quorum was present.

Chairman Buchanan introduced the Pages; Aaron George and Chris Giles of Wake County.

The first bill on the Agenda was HB 54 - Purple Heart Spouse Plates. Rep. Charlotte Gardner was recognized. Mrs. Gardner explained that Rep. Warner let her use a blank bill he was not using and she submitted a committee substitute for HB 54. Rep. Carpenter moved to adopt the committee substitute. The motion carried. Following a brief explanation, Rep. Brown made a motion to give the committee substitute for HB 54 a favorable report and an unfavorable report to the original bill. The motion carried.

SB 465 - NCDOT Engineering/Design Contract. Sen. Larry Shaw was recognized to explain the bill. Mr. Barry Jenkins with the Dept. of Highway Administration was called on to answer questions concerning the legislation. Rep. Cunningham made a motion to give the bill a favorable report. The motion passed.

The last bill on the Agenda was SB 884 - DOT Infrastructure Bank Program. Sen. Shaw submitted a committee substitute for the bill. Rep. Cunningham moved to adopt the committee substitute. The motion carried. Sen. Shaw briefly explained the bill. Rep. Nichols was recognized and made a motion to give the Committee Substitute a favorable report and unfavorable report to original bill. The motion passed.

There being no further business, the meeting adjourned at 11:25 a.m.

Respectfully submitted,


Monroe Buchanan, CoChairman


Shirley Phillips, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 54
Proposed Committee Substitute H54-PCS6231

Short Title: No Add'l Fee for Legion of Valor Plate.

(Public)

Sponsors:

Referred to:

February 5, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE ADDITIONAL FEE IMPOSED FOR A LEGION OF
3 VALOR SPECIAL PLATE.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-79.7(a) reads as rewritten:

6 "(a) Fees. -- Upon request, the Division shall ~~provide and~~ issue free of charge
7 one registration plate to a recipient of the Congressional Medal of Honor, a 100%
8 disabled veteran, and an ex-prisoner of war. All other special registration plates are
9 subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus
10 an additional fee in the following amount:

11 <u>Special Plate</u>	<u>Additional Fee Amount</u>
12 Historical Attraction	\$30.00
13 State Attraction	\$30.00
14 Collegiate Insignia	\$25.00
15 Special Olympics	\$25.00
16 Wildlife Resources	\$20.00
17 Personalized	\$20.00
18 Active Member of the National Guard	None
19 <u>Legion of Valor</u>	<u>None</u>
20 All Other Special Plates	\$10.00."

21 Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **BUCHANAN & SEXTON** for the Committee on
TRANSPORTATION.

☐ Committee Substitute for

H.B. 54 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPOUSES OF
PURPLE HEART PLATE HOLDERS MAY CONTINUE TO BE ISSUED THOSE
PLATES

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill (#), ☒ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on FINANCE.)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 465

Short Title: NCDOT Engineering/Design Contracts.

(Public)

Sponsors: Senator Shaw of Cumberland.

Referred to: Commerce.

March 24, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO
3 ESTABLISH FISCAL POLICIES FOR ENGINEERING AND DESIGN
4 CONTRACTS WHICH WILL PROMOTE ENGINEERING AND DESIGN
5 QUALITY AND ENSURE MAXIMUM COMPETITION AMONG COMPETING
6 PROFESSIONAL FIRMS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 136-28.1(f) reads as rewritten:

9 "(f) The Notwithstanding any other provision of law, the Department of
10 Transportation is required to may solicit proposals under rules and regulations
11 published adopted by the Department of Transportation for all contracts for
12 professional engineering services and other kinds of professional or specialized
13 services necessary in connection with highway construction, maintenance, or ~~repair~~
14 ~~that are over ten thousand dollars (\$10,000).~~ repair. In order to promote engineering
15 and design quality and ensure maximum competition by professional firms of all
16 sizes, the Department may establish fiscal guidelines and limitations necessary to
17 promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The
18 right to reject any and all proposals is reserved to the Board of Transportation, but
19 ~~the Board of Transportation may consult with the Advisory Budget Commission~~
20 ~~before awarding any such contract.~~ Transportation."

21 Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **BUCHANAN & SEXTON** for the Committee on
TRANSPORTATION.

☐ Committee Substitute for

S.B. 465 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH FISCAL POLICIES FOR ENGINEERING AND DESIGN CONTRACTS WHICH WILL PROMOTE ENGINEERING AND DESIGN QUALITY AND ENSURE MAXIMUM COMPETITION AMONG COMPETING PROFESSIONAL FIRMS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐ .

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 884

Short Title: DOT Infrastructure Bank Program.

(Public)

Sponsors: Senators Rand, Shaw of Cumberland, Weinstein; and Lucas.

Referred to: Transportation.

April 15, 1997

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO
3 ESTABLISH A STATE INFRASTRUCTURE BANK.

4 Whereas, the General Assembly finds that the improvement,
5 rehabilitation, expansion, and construction of transportation facilities by
6 governmental units contributes to the economic welfare of the State by enhancing
7 economic development, providing employment opportunities, and improving
8 transportation systems; and

9 Whereas, additional financial assistance is required to support the
10 improvement, rehabilitation, expansion, and construction of transportation facilities
11 by governmental units; and

12 Whereas, the Federal Intermodal Transportation Efficiency Act of 1991,
13 Pub. L. No. 102-240, as amended, and the National Highway System Designation Act
14 of 1995, Pub. L. 104-59, as amended, make federal funds available to provide such
15 financial assistance through infrastructure banking programs; and

16 Whereas, the General Assembly finds it to be in the State's best interest
17 to utilize available federal funds to assist governmental units in the improvement,
18 rehabilitation, expansion, and construction of transportation facilities through the
19 establishment of a State infrastructure banking program within the Department of
20 Transportation; Now, therefore,

21 The General Assembly of North Carolina enacts:

22 Section 1. G.S. 136-18 is amended by adding a new section to read:

23 "(12a) The Department of Transportation shall have such powers as are
24 necessary to establish, administer, and receive federal funds for a

transportation infrastructure banking program as authorized by the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, as amended, and the National Highway System Designation Act of 1995, Pub. L. 104-59, as amended. The Department of Transportation is authorized to apply for, receive, administer, and comply with all conditions and requirements related to federal financial assistance necessary to fund the infrastructure banking program. The infrastructure banking program established by the Department of Transportation may utilize federal and available State funds for the purpose of providing loans or other financial assistance to governmental units, including toll authorities, to finance the costs of transportation projects authorized by the above federal aid acts. Such loans or other financial assistance shall be subject to repayment and conditioned upon the establishment of such security and the payment of such fees and interest rates as the Department of Transportation may deem necessary. The Department of Transportation is authorized to apply a municipality's share of funds allocated under G.S. 136-41.1 or G.S. 136-44.20 as necessary to ensure repayment of funds advanced under the infrastructure banking program. The Department of Transportation shall establish jointly, with the State Treasurer, a separate infrastructure banking account with necessary fiscal controls and accounting procedures. The Department of Transportation may establish such rules and policies as are necessary to establish and administer the infrastructure banking program. The infrastructure banking program authorized under this provision shall not modify the regional distribution formula for the distribution of funds established by G.S. 136-17.2A."

Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

S884-CSRV-001

PROPOSED HOUSE COMMITTEE SUBSTITUTE

S884

THIS IS A DRAFT 20-MAY-97 19:38:39

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: DOT Infrastructure Bank Program.

(Public)

Sponsors:

Referred to:

April 15, 1997

1 A BILL TO BE ENTITLED

2 AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH
3 A STATE INFRASTRUCTURE BANK.

4 Whereas, the General Assembly finds that the
5 improvement, rehabilitation, expansion, and construction of
6 transportation facilities by governmental units contributes to
7 the economic welfare of the State by enhancing economic
8 development, providing employment opportunities, and improving
9 transportation systems; and

10 Whereas, additional financial assistance is required to
11 support the improvement, rehabilitation, expansion, and
12 construction of transportation facilities by governmental units;
13 and

14 Whereas, the Federal Intermodal Transportation
15 Efficiency Act of 1991, Pub. L. No. 102-240, as amended, and the
16 National Highway System Designation Act of 1995, Pub. L. 104-59,

1 as amended, make federal funds available to provide such
2 financial assistance through infrastructure banking programs; and

3 Whereas, the General Assembly finds it to be in the
4 State's best interest to utilize available federal funds to
5 assist governmental units in the improvement, rehabilitation,
6 expansion, and construction of transportation facilities through
7 the establishment of a State infrastructure banking program
8 within the Department of Transportation; Now, therefore,
9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 136-18 is amended by adding a new
11 section to read:

12 "(12a) The Department of Transportation shall have
13 such powers as are necessary to establish,
14 administer, and receive federal funds for a
15 transportation infrastructure banking program
16 as authorized by the Intermodal Surface
17 Transportation Efficiency Act of 1991, Pub. L.
18 102-240, as amended, and the National Highway
19 System Designation Act of 1995, Pub. L. 104-
20 59, as amended. The Department of
21 Transportation is authorized to apply for,
22 receive, administer, and comply with all
23 conditions and requirements related to federal
24 financial assistance necessary to fund the
25 infrastructure banking program. The
26 infrastructure banking program established by
27 the Department of Transportation may utilize
28 federal and available State funds for the
29 purpose of providing loans or other financial
30 assistance to governmental units, including
31 toll authorities, to finance the costs of
32 transportation projects authorized by the
33 above federal aid acts. Such loans or other
34 financial assistance shall be subject to
35 repayment, and conditioned upon the
36 establishment of such security and the payment
37 of such fees and interest rates as the
38 Department of Transportation may deem
39 necessary. The Department of Transportation
40 is authorized to apply a municipality's share

of funds allocated under G.S. 136-41.1 or G.S. 136-44.20 as necessary to ensure repayment of funds advanced under the infrastructure banking program. The Department of Transportation shall establish jointly, with the State Treasurer, a separate infrastructure banking account with necessary fiscal controls and accounting procedures. The Department of Transportation may establish such rules and policies as are necessary to establish and administer the infrastructure banking program. The infrastructure banking program authorized under this provision shall not modify the regional distribution formula for the distribution of funds established by G.S. 136-17.2A. Governmental units may apply for loans and execute debt instruments payable to the State in order to obtain loans or other financial assistance provided for in this subsection. The Department of Transportation shall require that applicants shall pledge as security for such obligations revenues derived from operation of the benefited facilities or systems, other sources of revenue, or their faith and credit, or any combination thereof. The faith and credit of such governmental units shall not be pledged or be deemed to have been pledged unless the requirements of Article 4, Chapter 159 of the General Statutes have been met. The State Treasurer, with the assistance of the Local Government Commission, shall develop and adopt appropriate debt instruments for use under this subsection. The Local Government Commission shall develop and adopt appropriate procedures for the delivery of debt instruments to the State without any public bidding therefor. The Local Government Commission shall review and approve proposed loans to applicants pursuant to this subsection under the provisions of

1 Articles 4 and 5, Chapter 159 of the General
2 Statutes, as if the issuance of bonds was
3 proposed, so far as those provisions are
4 applicable. Loans authorized by this
5 subsection shall be outstanding debt for the
6 purpose of Article 10, Chapter 159 of the
7 General Statutes."

8 Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **BUCHANAN & SEXTON** for the Committee on
TRANSPORTATION.

☐ Committee Substitute for

S.B. 884 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF
TRANSPORTATION TO ESTABLISH A STATE INFRASTRUCTURE BANK.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

TRANSPORTATION COMMITTEE MEETING

MAY 28, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES:

BILLS TO BE CONSIDERED:

HB-518 FIVE-YEAR LICENSE PLATES - REP. ALLRED

**SB-417 HIGHWAY CONTRACT BONDING REQ'MENTS -
SEN. SHAW**

**SB-1059 DEALER/TRANSPORTER PLATE CHANGES -
SEN. KERR**

FURTHER BUSINESS

ANNOUNCEMENTS

ADJOURN

MINUTES

COMMITTEE ON TRANSPORTATION

WEDNESDAY, MAY 28, 1997

11:00 A.M.

ROOM 643-LOB

The House Committee on Transportation met on Wednesday, May 28, 1997 at 11:00 a.m. in Room 643-LOB. Rep. Sexton called the meeting to order and introduced the Pages. A silent roll was taken (roll list denotes members present).

HB-518 FIVE-YEAR LICENSE PLATES

Chairman Sexton made the motion to adopt the Proposed Committee Substitute for discussion. Motion carried. Rep. Allred explained the Proposed Committee Substitute. Rep. Luebke asked questions and Rep. Allred responded. Rep. Luebke asked to have an amendment drawn up. Request was granted. Rep. Ellis spoke against having an amendment. Staff was asked to comment. Brenda Carter, Research Staff Attorney, responded. Carol Howard, Director of Vehicle Registration at DMV, was recognized to respond. She agreed to get the information requested and make it available. Again, Reps. Ellis and Baker spoke in opposition of the amendment. Rep. Allred inserted comments about the amendment. Rep. Brawley offered a substitute amendment. Chairman Sexton advised the committee members, that a study bill was being prepared, that would address some of their questions. Rep. Luebke expressed support for Rep. Brawleys' substitute amendment. Brenda Carter made clarifying remarks. Rep. Wainwright asked if the chairman had ruled that the amendment and substitute amendment were out of order. Chairman Sexton stated that Rep. Wainwright was correct, and that discussion of the bill was now before them. Rep. Ellis was recognized for questions. Ms. Carter was asked to respond. Rep. Sherrill asked if anyone from County Commissioners Association was present. Jim Blackburn, with the N. C. County Commissioners Association, responded. Rep. Baker directed a question to staff. Ms. Carter responded. Rep. Baker stated that he felt the bill should be voted on in its' present form. Rep. Starnes moved for a favorable report for the committee substitute, unfavorable to the original bill, and be re-referred to Finance. The bill passed.

SB-417 HIGHWAY CONTRACT BONDING REQUIREMENTS

Chairman Sexton asked for motion to adopt committee substitute for discussion. Motion carried. Sen. Shaw explained the committee substitute for his bill. Rep. Ellis commented on a change, within the bill, that he thought might be made. Sen. Shaw responded. Rep.

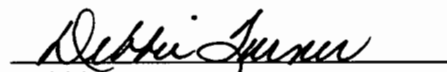
Carpenter asked bill sponsor questions. Sen. Shaw answered each question. Rep. Carpenter proceeded to address the members with his thoughts. Sen. Shaw followed with his interpretations and requested the members' support. Rep. Baker asked staff for an explanation. Brenda Carter, Research Staff Attorney, responded. Sen. Shaw inserted additional comments. Rep. Baker wanted to know if there was anyone present at the meeting from Purchase and Contracts to respond to questions. No representative was in attendance. Rep. Buchanan stated that it was his understanding that DOT had signed off on it. Rep. Brawley continued with remarks in support of the bill. He said that at the appropriate time, he would like to move for a favorable report for committee substitute, unfavorable to the original bill. Rep. Starnes asked Sen. Shaw questions, and he responded to each. Rep. Brawleys' motion was then voted on. Committee Substitute for SB-417 was given a favorable report, unfavorable to the original bill, and re-referred to State Government.

SB-1059 DEALER/TRANSPORTER PLATE CHANGES

Rep. Brown made motion to adopt Proposed Committee Substitute for discussion. Adoption passed. Sen. Kerr explained his bill. Major Arrowood, Assistant Director with the Enforcement Section of DMV, spoke briefly on the Proposed Committee Substitute. Sen. Kerr responded with additional comments and asked members for their support. Rep. Cole sent forth an amendment, and gave explanation. A vote was taken and the amendment was adopted. Rep. Luebke commented on the bill, and moved for a favorable report for the Proposed Committee Substitute, unfavorable as to the original bill. Rep. Brown inserted questions to Sen. Kerr and he responded. Major Arrowood expounded further on the provisions. Sen. Kerr inserted questions to Major Arrowood, and he responded. Rep. Sherrill spoke in support of the bill. Rep. Starnes requested that Bob Glaser, with the Automobile Dealers Association, speak. Mr. Glaser added the Associations' support for the bill. Roger Bone, representative of the independent dealers in the State, likewise joined the other supporters. Rep. Baker made a comment and expressed some concern. He proposed an amendment. Sen. Kerr responded. Rep. Baker followed-up with comments. Ms. Faires, with staff, was asked to give a response. Sen. Kerr asked Ms. Faires a question, and she responded. In the interest of time, Rep. Baker withdrew his amendment. Rep. Ellis directed questions to Sen. Kerr. Sen. Kerr responded to each. Rep. Cole also responded. Rep. Luebkes' motion for a favorable report for the Proposed Committee Substitute, unfavorable as to the original bill, was voted on and passed.

Chairman Sexton adjourned the meeting.


Rep. Wayne Sexton
Presiding Chair


Debbie Turner
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 518

Short Title: Five-Year License Plates.

(Public)

Sponsors: Representatives Allred; Berry, Cole, Creech, Eddins, Gulley, Howard, Justus, McComas, Sexton, Starnes, C. Wilson, and Wood.

Referred to: Transportation, if favorable, Finance.

March 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR FIVE-YEAR REGISTRATION PLATES.
3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 20-87(5) reads as rewritten:

5 "(5) Private Passenger Vehicles. -- There shall be paid to the Division
6 annually, as of the first day of January, for the registration and
7 licensing of private passenger vehicles, fees according to the
8 following classifications and schedules:

9 Private passenger vehicles of not more than fifteen
10 passengers\$20.00

11 Private passenger vehicles over fifteen passengers 23.00

12 Provided, that a fee of only one dollar (\$1.00) shall be charged for
13 any vehicle given by the federal government to any veteran on
14 account of any disability suffered during war so long as such
15 vehicle is owned by the original donee or other veteran entitled to
16 receive such gift under Title 38, section 252, United States Code
17 Annotated.

18 Provided, further, that the Division shall provide registration
19 plates, with appropriate expiration stickers, for any number of
20 years up to five-year renewals and charge multiples of the above
21 fees for the registration plates. There shall be no refunds for
22 licenses returned to the Division prior to the scheduled expiration
23 date of the multiple-year plates."

1 Section 2. G.S. 20-95(b) reads as rewritten:

2 "(b) Scope. -- This section does not apply to license plates issued pursuant to G.S.
3 20-79.1, 20-79.2, 20-84, 20-84.1, 20-87(9) or ~~(10), and 20-88(c)~~. (10), 20-88(c), or to
4 registration plates issued for up to five years pursuant to G.S. 20-87(5)."

5 Section 3. G.S. 20-79.7 is amended by adding a new subsection to read:

6 "(d) Historic Vehicle Owner Plates. -- Notwithstanding any other provision of this
7 section, historic vehicle owner plates, issued pursuant to G.S. 20-79.4(b)(11), shall be
8 issued to the owner of a qualifying vehicle upon the payment of a fee of ten dollars
9 (\$10.00) per year. The owner may purchase the plate that is valid for up to five
10 years."

11 Section 4. This act becomes effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 518
Committee Substitute Favorable 6/2/97

Short Title: Two-Year License Plates.

(Public)

Sponsors:

Referred to:

March 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR TWO-YEAR REGISTRATION PLATES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 20-87(5) reads as rewritten:

5 "(5) Private Passenger Vehicles. -- There shall be paid to the Division
6 annually, as of the first day of January, for the registration and
7 licensing of private passenger vehicles, fees according to the
8 following classifications and schedules:

9 Private passenger vehicles of not more than fifteen
10 passengers\$20.00

11 Private passenger vehicles over fifteen
12 passengers 23.00

13 Provided, that a fee of only one dollar (\$1.00) shall be charged for
14 any vehicle given by the federal government to any veteran on
15 account of any disability suffered during war so long as such
16 vehicle is owned by the original donee or other veteran entitled to
17 receive such gift under Title 38, section 252, United States Code
18 Annotated.

19 Provided, further, that the Division shall provide all registration
20 plates, including special registration plates, with appropriate
21 expiration stickers for either one-year or two-year renewals and
22 charge multiples of the above fees for the registration plates.
23 Commission contracts entered into pursuant to G.S. 20-63(h) shall

1 provide for payment of the transaction rate for each year of the
2 two-year renewals. There shall be no refunds for licenses returned
3 to the Division prior to the scheduled expiration date of the
4 multiple-year plates."

5 Section 2. G.S. 20-95(b) reads as rewritten:

6 "(b) Scope. -- This section does not apply to license plates issued pursuant to G.S.
7 20-79.1, 20-79.2, 20-84, 20-84.1, 20-87(9) or ~~(10)~~, and ~~20-88(e)~~. (10), 20-88(c), or to
8 registration plates issued for up to two years pursuant to G.S. 20-87(5)."

9 Section 3. This act becomes effective December 1, 1997.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 518 (Proposed Substitute H518-CSR-V-002)

SHORT TITLE: Two-year License Plates

SPONSOR(S): Representative Allred

FISCAL IMPACT

	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
REVENUES					
Highway Fund	\$11,494,968	-3,284,277	\$11,494,968	-3,284,277	\$11,494,968
Special Plate Account	246,077	-70,308	246,077	-70,308	246,077
Collegiate and Cultural					
Attraction Plate Account	15,278	-4,365	15,278	-4,365	15,278
Natural Heritage Trust Fund	204,808	-58,517	204,808	-58,517	204,808
EXPENDITURES					
Highway Fund					
DMV Branch Agent Fees	\$689,698	-\$197,057	\$689,698	-\$197,057	\$689,698

**PRINCIPAL DEPARTMENT(S) &
PROGRAM(S) AFFECTED:** Division of Motor Vehicles

EFFECTIVE DATE: December 1, 1997

BILL SUMMARY: The proposed act would allow owners of private passenger vehicles, except those for which registration fees are charged according to vehicle weight, to register their vehicles for two years and pay double the annual fees for registration and special plates. Branch agents performing a two year registration transaction would be compensated at double the rate for a one year registration.

ASSUMPTIONS AND METHODOLOGY: Fees paid for the basic registration fee of \$20 are deposited in the Highway Fund. Fees paid for special plates are paid into three accounts. For each special plate, \$10 is paid to the Special Registration Plate Account, from which funds are used to cover DMV expenses of special plate registration, for payments to visitor centers, for the

DOT wildflower program, and for travel and tourism programs in the Departments of Commerce and Human Resources. Certain plates carry additional charges that are deposited in either the Collegiate and Cultural Attraction Plate Account or the Natural Heritage Trust Fund.

The Division of Motor Vehicles expects that approximately 20 percent of vehicle owners will take advantage of the opportunity to have a two year registration. The fiscal effect of the proposed act is 1) the additional revenue from the double fees paid by this 20 percent of owners during the first year of the two year license period; and 2) the loss of revenues during the second year when the annual renewal fees are not paid. The first double fees are paid starting when the act takes effect in December 1997 and continue being paid through November 1998. From December 1998 to December 1999 no fees would be paid by the 20 percent of vehicles owners electing the two year option. The cycle would then repeat itself every two years. Revenue gain and loss as a result of this cycle is based on the current number and type of plates issued to vehicle owners. Expenditures for branch agent commissions would increase and decrease based on the number of two year registration transactions in each year.

TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Karl Knapp

APPROVED BY: Tom Covington

DATE: April 9, 1997

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 518 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FIVE-YEAR
REGISTRATION PLATES.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☒ With a favorable report as to committee substitute bill ☒ which changes the title,
unfavorable as to original bill (and recommendation that the committee substitute bill be re-
referred to the Committee on Finance.)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 417

Commerce Committee Substitute Adopted 4/29/97
Proposed House Committee Substitute S417-PCS2761

Short Title: Highway Contract Bonding Req'ments.

(Public)

Sponsors:

Referred to:

March 18, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW GOVERNING HIGHWAY SMALL PROJECT
3 BIDDING AND TO PROVIDE AN ALTERNATIVE PROCEDURE FOR
4 RESOLVING STATE CONTRACT DISPUTES.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 136-28.10 reads as rewritten:
7 "**§ 136-28.10. Highway Fund and Highway Trust Fund Small Project Bidding.**
8 (a) Notwithstanding the provisions of G.S. 136-28.4(b), for Highway Fund or
9 Highway Trust Fund projects of ~~three hundred thousand dollars (\$300,000)~~ five
10 hundred thousand dollars (\$500,000) or less, the Board of Transportation may, after
11 soliciting at least three informal bids in writing from Small Business Enterprises,
12 award contracts to the lowest responsible bidder. The Department of Transportation
13 may identify projects likely to attract increased participation by Small Business
14 Enterprises, and restrict the solicitation and award to those bidders. The Board of
15 Transportation may delegate full authority to award contracts, adopt necessary rules,
16 and administer the provisions of this section to the Secretary of Transportation.
17 (b) The letting of contracts under this section is not subject to any of the
18 provisions of G.S. 136-28.1 relating to the letting of contracts. The Department may
19 waive the bonding requirements of Chapter 44A of the General Statutes and the
20 licensing requirements of Chapter 87 for contracts awarded under this section.
21 (c) The Secretary of Transportation shall report quarterly to the Joint Legislative
22 Transportation Oversight Committee on the implementation of this section."

Section 2. G.S. 143-135.3 reads as rewritten:

"§ 143-135.3. Adjustment and resolution of State ~~board construction~~ contract claim.

(a) Definitions. -- The following definitions apply in this section:

(1) Board. -- ~~The word 'board' as used in this section shall mean the State of North Carolina~~ The State or any board, bureau, commission, institution, or other agency of the State, as distinguished from a board or governing body of a subdivision of the State.

(2) Construction contract. -- A contract for any of the following:

a. The construction or repair of buildings and appurtenances thereto, including, utilities, plumbing, heating, electrical, air conditioning, elevator, excavation, grading, paving, roofing, masonry work, tile work, and painting.

b. The construction or repair of airport runways, taxiways and parking aprons, sewer and water mains, power lines, docks, wharves, dams, drainage canals, telephone lines, streets, site preparation, parking areas, and other capital improvement.

c. Architectural, engineering, or other professional services in connection with a contract described in this subdivision.

(3) Contract. -- A contract for goods, services, construction, or repair administered by the Department of Administration.

(4) Contractor. -- A person who submits a bid on or enters into a contract with a board.

~~"A contract for construction or repair work," as used in this section, is defined as any contract for the construction of buildings and appurtenances thereto, including, but not by way of limitation, utilities, plumbing, heating, electrical, air conditioning, elevator, excavation, grading, paving, roofing, masonry work, tile work and painting, and repair work as well as any contract for the construction of airport runways, taxiways and parking aprons, sewer and water mains, power lines, docks, wharves, dams, drainage canals, telephone lines, streets, site preparation, parking areas and other types of construction on which the Department of Administration enters into contracts.~~

~~"Contractor" as used in this section includes any person, firm, association or corporation which has contracted with a State board for architectural, engineering or other professional services in connection with construction or repair work as well as those persons who have contracted to perform such construction or repair work.~~

(b) Uncompleted Construction Contract. -- A contractor who has not completed a construction contract with a board ~~for construction or repair work~~ and who has not received the amount ~~he~~ the contractor claims is due under the contract may submit a verified written claim to the Director of the Office of State Construction of the Department of Administration for the amount the contractor claims is due. The Director may deny, allow, or compromise the claim, in whole or in part. ~~A~~ The Director's decision is not a final decision of the Department of Administration under

1 subsection (d) of this section and a claim under this subsection is not a contested case
2 under Chapter 150B of the General Statutes.

3 (c) Completed Construction Contract. -- A contractor who has completed a
4 construction contract with a board for construction or repair work and who has not
5 received the amount ~~he~~ the contractor claims is due under the contract may submit a
6 verified written claim to the Director of the Office of State Construction of the
7 Department of Administration for the amount the contractor claims is due. The
8 claim shall be submitted within 60 days after the contractor receives a final statement
9 of the board's disposition of ~~his~~ the contractor's claim and shall state the factual basis
10 for the claim.

11 The Director shall investigate a submitted claim within 90 days of receiving the
12 claim, or within any longer time period upon which the Director and the contractor
13 agree. The contractor may appear before the Director, either in person or through
14 counsel, to present facts and arguments in support of his claim. The Director may
15 allow, deny, or compromise the claim, in whole or in part. The Director shall give
16 the contractor a written statement of the Director's decision on the contractor's
17 claim.

18 A contractor who is dissatisfied with the Director's decision on a claim submitted
19 under this subsection may commence a contested case on the claim under Chapter
20 150B of the General Statutes. The contested case shall be commenced within 60 days
21 of receiving the Director's written statement of the decision.

22 ~~(c1) A contractor who is dissatisfied with the Director's decision on a claim~~
23 ~~submitted under subsection (c) of this section may commence a contested case on the~~
24 ~~claim under Chapter 150B of the General Statutes. The contested case shall be~~
25 ~~commenced within 60 days of receiving the Director's written statement of the~~
26 ~~decision.~~

27 (d) Alternate Procedure. -- Notwithstanding the provisions of subsection (c) of this
28 section and of Chapter 150B of the General Statutes, in the case of any contract
29 dispute between a board and a contractor, if the contractor and the Department of
30 Administration cannot agree to a resolution through informal procedures, the
31 contractor may, in lieu of filing a petition for a contested case under Article 3 of
32 Chapter 150B of the General Statutes, As to any portion of a claim that is denied by
33 the Director, the contractor may, in lieu of the procedures set forth in the preceding
34 subsection of this section, within six months of receipt of the Director's final decision,
35 after a final decision by the Department of Administration, institute a civil action for
36 the sum he claims to be entitled to to determine the contractor's rights, duties, or
37 privileges under the contract by filing a verified complaint and the issuance of a
38 summons in the Superior Court of Wake County or in the superior court of any
39 county where the work under the contract was performed. The procedure shall be
40 the same as in all civil actions except that all issues shall be tried by the judge,
41 without a jury.

42 (e) Incorporation in Contracts. -- The provisions of this section are part of every
43 contract ~~for construction or repair work~~ made by a board and a contractor. A
44 provision in a contract that conflicts with this section is invalid."

1 Section 3. Section 2 of this act becomes effective January 1, 1998, and
2 applies to contract disputes arising on or after that date. The remainder of this act is
3 effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

S

2

SENATE BILL 417
Commerce Committee Substitute Adopted 4/29/97

Short Title: Highway Contract Bonding Req'ments.

(Public)

Sponsors:

Referred to:

March 18, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW GOVERNING HIGHWAY SMALL PROJECT
3 BIDDING.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 136-28.10 reads as rewritten:
6 "**§ 136-28.10. Highway Fund and Highway Trust Fund Small Project Bidding.**
7 (a) Notwithstanding the provisions of G.S. 136-28.4(b), for Highway Fund or
8 Highway Trust Fund projects of ~~three hundred thousand dollars (\$300,000)~~ five
9 hundred thousand dollars (\$500,000) or less, the Board of Transportation may, after
10 soliciting at least three informal bids in writing from Small Business Enterprises,
11 award contracts to the lowest responsible bidder. The Department of Transportation
12 may identify projects likely to attract increased participation by Small Business
13 Enterprises, and restrict the solicitation and award to those bidders. The Board of
14 Transportation may delegate full authority to award contracts, adopt necessary rules,
15 and administer the provisions of this section to the Secretary of Transportation.
16 (b) The letting of contracts under this section is not subject to any of the
17 provisions of G.S. 136-28.1 relating to the letting of contracts. The Department may
18 waive the bonding requirements of Chapter 44A of the General Statutes and the
19 licensing requirements of Chapter 87 for contracts awarded under this section.
20 (c) The Secretary of Transportation shall report quarterly to the Joint Legislative
21 Transportation Oversight Committee on the implementation of this section."
22 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

S

3

SENATE BILL 417
Commerce Committee Substitute Adopted 4/29/97
House Committee Substitute Favorable 5/28/97

Short Title: Highway Contract Bonding Req'ments.

(Public)

Sponsors:

Referred to:

March 18, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW GOVERNING HIGHWAY SMALL PROJECT
BIDDING AND TO PROVIDE AN ALTERNATIVE PROCEDURE FOR
RESOLVING STATE CONTRACT DISPUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-28.10 reads as rewritten:

"§ 136-28.10. Highway Fund and Highway Trust Fund Small Project Bidding.

(a) Notwithstanding the provisions of G.S. 136-28.4(b), for Highway Fund or Highway Trust Fund projects of ~~three hundred thousand dollars (\$300,000)~~ five hundred thousand dollars (\$500,000) or less, the Board of Transportation may, after soliciting at least three informal bids in writing from Small Business Enterprises, award contracts to the lowest responsible bidder. The Department of Transportation may identify projects likely to attract increased participation by Small Business Enterprises, and restrict the solicitation and award to those bidders. The Board of Transportation may delegate full authority to award contracts, adopt necessary rules, and administer the provisions of this section to the Secretary of Transportation.

(b) The letting of contracts under this section is not subject to any of the provisions of G.S. 136-28.1 relating to the letting of contracts. The Department may waive the bonding requirements of Chapter 44A of the General Statutes and the licensing requirements of Chapter 87 for contracts awarded under this section.

(c) The Secretary of Transportation shall report quarterly to the Joint Legislative Transportation Oversight Committee on the implementation of this section."

Section 2. G.S. 143-135.3 reads as rewritten:

"§ 143-135.3. Adjustment and resolution of State ~~board construction~~ contract claim.

(a) Definitions. -- The following definitions apply in this section:

(1) Board. -- The word 'board' as used in this section shall mean the State of North Carolina. The State or any board, bureau, commission, institution, or other agency of the State, as distinguished from a board or governing body of a subdivision of the State.

(2) Construction contract. -- A contract for any of the following:

a. The construction or repair of buildings and appurtenances thereto, including, utilities, plumbing, heating, electrical, air conditioning, elevator, excavation, grading, paving, roofing, masonry work, tile work, and painting.

b. The construction or repair of airport runways, taxiways and parking aprons, sewer and water mains, power lines, docks, wharves, dams, drainage canals, telephone lines, streets, site preparation, parking areas, and other capital improvement.

c. Architectural, engineering, or other professional services in connection with a contract described in this subdivision.

(3) Contract. -- A contract for goods, services, construction, or repair administered by the Department of Administration.

(4) Contractor. -- A person who submits a bid on or enters into a contract with a board.

~~"A contract for construction or repair work," as used in this section, is defined as any contract for the construction of buildings and appurtenances thereto, including, but not by way of limitation, utilities, plumbing, heating, electrical, air conditioning, elevator, excavation, grading, paving, roofing, masonry work, tile work and painting, and repair work as well as any contract for the construction of airport runways, taxiways and parking aprons, sewer and water mains, power lines, docks, wharves, dams, drainage canals, telephone lines, streets, site preparation, parking areas and other types of construction on which the Department of Administration enters into contracts.~~

~~"Contractor" as used in this section includes any person, firm, association or corporation which has contracted with a State board for architectural, engineering or other professional services in connection with construction or repair work as well as those persons who have contracted to perform such construction or repair work.~~

(b) Uncompleted Construction Contract. -- A contractor who has not completed a construction contract with a board for construction or repair work and who has not received the amount he the contractor claims is due under the contract may submit a verified written claim to the Director of the Office of State Construction of the Department of Administration for the amount the contractor claims is due. The Director may deny, allow, or compromise the claim, in whole or in part. A The Director's decision is not a final decision of the Department of Administration under

1 subsection (d) of this section and a claim under this subsection is not a contested case
2 under Chapter 150B of the General Statutes.

3 (c) Completed Construction Contract. -- A contractor who has completed a
4 construction contract with a board for construction or repair work and who has not
5 received the amount ~~he~~ the contractor claims is due under the contract may submit a
6 verified written claim to the Director of the Office of State Construction of the
7 Department of Administration for the amount the contractor claims is due. The
8 claim shall be submitted within 60 days after the contractor receives a final statement
9 of the board's disposition of ~~his~~ the contractor's claim and shall state the factual basis
10 for the claim.

11 The Director shall investigate a submitted claim within 90 days of receiving the
12 claim, or within any longer time period upon which the Director and the contractor
13 agree. The contractor may appear before the Director, either in person or through
14 counsel, to present facts and arguments in support of his claim. The Director may
15 allow, deny, or compromise the claim, in whole or in part. The Director shall give
16 the contractor a written statement of the Director's decision on the contractor's
17 claim.

18 A contractor who is dissatisfied with the Director's decision on a claim submitted
19 under this subsection may commence a contested case on the claim under Chapter
20 150B of the General Statutes. The contested case shall be commenced within 60 days
21 of receiving the Director's written statement of the decision.

22 ~~(e1) A contractor who is dissatisfied with the Director's decision on a claim~~
23 ~~submitted under subsection (e) of this section may commence a contested case on the~~
24 ~~claim under Chapter 150B of the General Statutes. The contested case shall be~~
25 ~~commenced within 60 days of receiving the Director's written statement of the~~
26 ~~decision.~~

27 (d) Alternate Procedure. -- Notwithstanding the provisions of subsection (c) of this
28 section and of Chapter 150B of the General Statutes, in the case of any contract
29 dispute between a board and a contractor, if the contractor and the Department of
30 Administration cannot agree to a resolution through informal procedures, the
31 contractor may, in lieu of filing a petition for a contested case under Article 3 of
32 Chapter 150B of the General Statutes, As to any portion of a claim that is denied by
33 the Director, the contractor may, in lieu of the procedures set forth in the preceding
34 subsection of this section, within six months of receipt of the Director's final decision,
35 after a final decision by the Department of Administration, institute a civil action for
36 the sum he claims to be entitled to to determine the contractor's rights, duties, or
37 privileges under the contract by filing a verified complaint and the issuance of a
38 summons in the Superior Court of Wake County or in the superior court of any
39 county where the work under the contract was performed. The procedure shall be
40 the same as in all civil actions except that all issues shall be tried by the judge,
41 without a jury.

42 (e) Incorporation in Contracts. -- The provisions of this section are part of every
43 contract ~~for construction or repair work~~ made by a board and a contractor. A
44 provision in a contract that conflicts with this section is invalid."

1 Section 3. Section 2 of this act becomes effective January 1, 1998, and
2 applies to contract disputes arising on or after that date. The remainder of this act is
3 effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **SEXTON AND BUCHANAN** for the Committee on
TRANSPORTATION.

☒ Committee Substitute for

S.B. 417 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING
HIGHWAY SMALL PROJECT BIDDING.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill ~~(#)~~; ☒ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 1059*
Transportation Committee Substitute Adopted 4/30/97

Short Title: Dealer/Transporter Plate Changes.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE THAT DEALER PLATES ARE USED ONLY ON
3 VEHICLES DRIVEN FOR A BUSINESS PURPOSE OF THE DEALERSHIP
4 AND TO LIMIT THE NUMBER OF TRANSPORTER PLATES THAT MAY BE
5 ISSUED TO A DEALER.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 20-79(d) reads as rewritten:

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

- 10 (1) Is part of the inventory of the dealer.
- 11 (2) Is not consigned to the dealer.
- 12 (3) Is covered by liability insurance that meets the requirements of
13 Article 9A of this Chapter.
- 14 (4) Is not used by the dealer in another business in which the dealer is
15 engaged.
- 16 (5) Is driven on a highway by a person who ~~meets the following~~
17 ~~requirements and who~~ carries a copy of the registration card for
18 the dealer plates issued to the dealer ~~and any demonstration permit~~
19 ~~issued to that person~~ while driving the motor ~~vehicle~~; vehicle and
20 who meets one of the following descriptions:
 - 21 a. ~~Is an officer of the dealer, an employee of the dealer, or a~~
22 ~~person to whom the dealer has issued a demonstration~~
23 ~~permit.~~

- 1 b. ~~Is at least 18 years old unless the person is test-driving the~~
2 ~~vehicle and has a demonstration permit or is an employee of~~
3 ~~the dealer and regularly works for the dealer at least 15~~
4 ~~hours a week.~~
5 a. Has a demonstration permit to test-drive the motor vehicle
6 and carries the demonstration permit while driving the
7 motor vehicle.
8 b. Is an officer of the dealer and is driving the vehicle for a
9 business purpose of the dealer.
10 c. Is an employee of the dealer and is driving the vehicle in
11 the course of employment.

12 A dealer may issue a demonstration permit for a motor vehicle to a person
13 licensed to drive that type of motor vehicle. A demonstration permit authorizes each
14 person named in the permit to drive the motor vehicle described in the permit for up
15 to 96 hours after the time the permit is issued. A dealer may, for good cause, renew a
16 demonstration permit for one additional 96-hour period.

17 A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the
18 disposal of a person except as authorized by this subsection."

19 Section 2. G.S. 20-79.2 reads as rewritten:

20 "**§ 20-79.2. Transporter plates.**

21 (a) Who Can Get a Plate. -- A person engaged in a business requiring the limited
22 operation of a motor vehicle for any of the following purposes may obtain a
23 transporter plate authorizing the movement of the vehicle for the specific purpose:

- 24 (1) To facilitate the manufacture, construction, rebuilding, or delivery
25 of new or used truck cabs or bodies between manufacturer, dealer,
26 seller, or purchaser.
27 (2) To repossess a motor vehicle.
28 (3) To pick up a motor vehicle that is to be repaired or otherwise
29 prepared for sale by a dealer, to road-test the vehicle, if it is
30 repaired, within a 10-mile radius of the place where it is repaired,
31 and to deliver the vehicle to the dealer.
32 (4) To move a motor vehicle that is owned by the business and is a
33 replaced vehicle offered for sale.
34 (5) To take a motor vehicle either to or from a motor vehicle auction
35 where the vehicle will be or was offered for sale.
36 (6) To road-test a repaired truck whose GVWR is at least 15,000
37 pounds when the test is performed within a 10-mile radius of the
38 place where the truck was repaired and the truck is owned by a
39 person who has a fleet of at least five trucks whose GVWRs are at
40 least 15,000 pounds and who maintains the place where the truck
41 was repaired.
42 (7) To move a mobile office, a mobile classroom, or a mobile or
43 manufactured home.

- 1 (8) To drive a motor vehicle that is at least 25 years old to and from a
2 parade or another public event and to drive the motor vehicle in
3 that event. A person who owns a motor vehicle that is at least 25
4 years old is considered to be in the business of collecting those
5 vehicles.
- 6 (9) To drive a motor vehicle that is part of the inventory of a dealer to
7 and from a motor vehicle trade show or exhibition or to, during,
8 and from a parade in which the motor vehicle is used.
- 9 (10) To drive special mobile equipment in any of the following
10 circumstances:
- 11 a. From the manufacturer of the equipment to a facility of a
12 dealer.
- 13 b. From one facility of a dealer to another facility of a dealer.
- 14 c. From a dealer to the person who buys the equipment from
15 the dealer.
- 16 (b) How to Get a Plate. -- A person may obtain a transporter plate by filing an
17 application with the Division and paying the required fee. An application must be on
18 a form provided by the Division and contain the information required by the
19 Division. The fee for a transporter plate is one-half the fee set in G.S. 20-87(5) for a
20 passenger motor vehicle of not more than 15 passengers.
- 21 (b1) Number of Plates. -- The number of transporter plates issued to a dealer may
22 not exceed the number of dealer plates that can be issued to the dealer under G.S.
23 20-79(b). This restriction does not apply to a person who is not a dealer.
- 24 (c) Form, Duration, and Transfer. -- A transporter plate is a type of commercial
25 license plate. A transporter plate issued to a dealer is issued on a fiscal-year basis. A
26 transporter plate issued to a person who is not a dealer is issued on a calendar-year
27 basis. During the calendar year for which it is issued, a person may transfer a
28 transporter plate from one vehicle to another as long as the vehicle is driven only for
29 a purpose authorized by subsection (a) of this section. The Division may rescind a
30 transporter plate that is displayed on a motor vehicle driven for a purpose that is not
31 authorized by subsection (a) of this section."
- 32 Section 3. Notwithstanding G.S. 20-79.2(c), as amended by this act, a
33 transporter plate issued to a dealer for the 1997 calendar year expires June 30, 1998.
- 34 Section 4. This act becomes effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 1059*
Transportation Committee Substitute Adopted 4/30/97
House Committee Substitute Favorable 6/2/97

Short Title: Dealer/Transporter Plate Changes.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE THAT DEALER PLATES ARE USED ONLY ON
3 VEHICLES DRIVEN FOR A BUSINESS PURPOSE OF THE DEALERSHIP
4 AND TO LIMIT THE NUMBER OF TRANSPORTER PLATES THAT MAY BE
5 ISSUED TO A DEALER.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 20-79(d) reads as rewritten:

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

- 10 (1) Is part of the inventory of the dealer.
- 11 (2) Is not consigned to the dealer.
- 12 (3) Is covered by liability insurance that meets the requirements of
13 Article 9A of this Chapter.
- 14 (4) Is not used by the dealer in another business in which the dealer is
15 engaged.
- 16 (5) Is driven on a highway by a person who ~~meets the following~~
17 ~~requirements and who~~ carries a copy of the registration card for
18 the dealer plates issued to the dealer ~~and any demonstration permit~~
19 ~~issued to that person while driving the motor vehicle.~~ vehicle and
20 who meets one of the following descriptions:

- 1 a. ~~Is an officer of the dealer, an employee of the dealer, or a~~
2 ~~person to whom the dealer has issued a demonstration~~
3 ~~permit.~~
4 b. ~~Is at least 18 years old unless the person is test driving the~~
5 ~~vehicle and has a demonstration permit or is an employee of~~
6 ~~the dealer and regularly works for the dealer at least 15~~
7 ~~hours a week.~~
8 a. Has a demonstration permit to test-drive the motor vehicle
9 and carries the demonstration permit while driving the
10 motor vehicle.
11 b. Is an officer or sales representative of the dealer and is
12 driving the vehicle for a business purpose of the dealer.
13 c. Is an employee of the dealer and is driving the vehicle in
14 the course of employment.

15 A dealer may issue a demonstration permit for a motor vehicle to a person
16 licensed to drive that type of motor vehicle. A demonstration permit authorizes each
17 person named in the permit to drive the motor vehicle described in the permit for up
18 to 96 hours after the time the permit is issued. A dealer may, for good cause, renew a
19 demonstration permit for one additional 96-hour period.

20 A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the
21 disposal of a person except as authorized by this subsection."

22 Section 2. G.S. 20-79.2 reads as rewritten:

23 "**§ 20-79.2. Transporter plates.**

24 (a) Who Can Get a Plate. -- A person engaged in a business requiring the limited
25 operation of a motor vehicle for any of the following purposes may obtain a
26 transporter plate authorizing the movement of the vehicle for the specific purpose:

- 27 (1) To facilitate the manufacture, construction, rebuilding, or delivery
28 of new or used truck cabs or bodies between manufacturer, dealer,
29 seller, or purchaser.
30 (2) To repossess a motor vehicle.
31 (3) To pick up a motor vehicle that is to be repaired or otherwise
32 prepared for sale by a dealer, to road-test the vehicle, if it is
33 repaired, within a 10-mile radius of the place where it is repaired,
34 and to deliver the vehicle to the dealer.
35 (4) To move a motor vehicle that is owned by the business and is a
36 replaced vehicle offered for sale.
37 (5) To take a motor vehicle either to or from a motor vehicle auction
38 where the vehicle will be or was offered for sale.
39 (6) To road-test a repaired truck whose GVWR is at least 15,000
40 pounds when the test is performed within a 10-mile radius of the
41 place where the truck was repaired and the truck is owned by a
42 person who has a fleet of at least five trucks whose GVWRs are at
43 least 15,000 pounds and who maintains the place where the truck
44 was repaired.

- 1 a. ~~Is an officer of the dealer, an employee of the dealer, or a~~
2 ~~person to whom the dealer has issued a demonstration~~
3 ~~permit.~~
4 b. ~~Is at least 18 years old unless the person is test driving the~~
5 ~~vehicle and has a demonstration permit or is an employee of~~
6 ~~the dealer and regularly works for the dealer at least 15~~
7 ~~hours a week.~~
8 a. Has a demonstration permit to test-drive the motor vehicle
9 and carries the demonstration permit while driving the
10 motor vehicle.
11 b. Is an officer or sales representative of the dealer and is
12 driving the vehicle for a business purpose of the dealer.
13 c. Is an employee of the dealer and is driving the vehicle in
14 the course of employment.

15 A dealer may issue a demonstration permit for a motor vehicle to a person
16 licensed to drive that type of motor vehicle. A demonstration permit authorizes each
17 person named in the permit to drive the motor vehicle described in the permit for up
18 to 96 hours after the time the permit is issued. A dealer may, for good cause, renew a
19 demonstration permit for one additional 96-hour period.

20 A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the
21 disposal of a person except as authorized by this subsection."

22 Section 2. G.S. 20-79.2 reads as rewritten:

23 "**§ 20-79.2. Transporter plates.**

24 (a) Who Can Get a Plate. -- A person engaged in a business requiring the limited
25 operation of a motor vehicle for any of the following purposes may obtain a
26 transporter plate authorizing the movement of the vehicle for the specific purpose:

- 27 (1) To facilitate the manufacture, construction, rebuilding, or delivery
28 of new or used truck cabs or bodies between manufacturer, dealer,
29 seller, or purchaser.
30 (2) To repossess a motor vehicle.
31 (3) To pick up a motor vehicle that is to be repaired or otherwise
32 prepared for sale by a dealer, to road-test the vehicle, if it is
33 repaired, within a 10-mile radius of the place where it is repaired,
34 and to deliver the vehicle to the dealer.
35 (4) To move a motor vehicle that is owned by the business and is a
36 replaced vehicle offered for sale.
37 (5) To take a motor vehicle either to or from a motor vehicle auction
38 where the vehicle will be or was offered for sale.
39 (6) To road-test a repaired truck whose GVWR is at least 15,000
40 pounds when the test is performed within a 10-mile radius of the
41 place where the truck was repaired and the truck is owned by a
42 person who has a fleet of at least five trucks whose GVWRs are at
43 least 15,000 pounds and who maintains the place where the truck
44 was repaired.

- 1 (7) To move a mobile office, a mobile classroom, or a mobile or
2 manufactured home.
- 3 (8) To drive a motor vehicle that is at least 25 years old to and from a
4 parade or another public event and to drive the motor vehicle in
5 that event. A person who owns a motor vehicle that is at least 25
6 years old is considered to be in the business of collecting those
7 vehicles.
- 8 (9) To drive a motor vehicle that is part of the inventory of a dealer to
9 and from a motor vehicle trade show or exhibition or to, during,
10 and from a parade in which the motor vehicle is used.
- 11 (10) To drive special mobile equipment in any of the following
12 circumstances:
- 13 a. From the manufacturer of the equipment to a facility of a
14 dealer.
- 15 b. From one facility of a dealer to another facility of a dealer.
- 16 c. From a dealer to the person who buys the equipment from
17 the dealer.

18 (b) How to Get a Plate. -- A person may obtain a transporter plate by filing an
19 application with the Division and paying the required fee. An application must be on
20 a form provided by the Division and contain the information required by the
21 Division. The fee for a transporter plate is one-half the fee set in G.S. 20-87(5) for a
22 passenger motor vehicle of not more than 15 passengers.

23 (b1) Number of Plates. -- The total number of transporter and dealer plates issued
24 to a dealer may not exceed the number of dealer plates that can be issued to the
25 dealer under G.S. 20-79(b). This restriction does not apply to a person who is not a
26 dealer. Transporter plates issued to a dealer shall bear the words 'Dealer-
27 Transporter.'

28 (b2) Sanctions. -- The following sanctions apply when a motor vehicle displaying
29 a 'Dealer-Transporter' license plate is driven in violation of the restrictions on the
30 use of the plate:

- 31 (1) The individual driving the motor vehicle is responsible for an
32 infraction and is subject to a penalty of fifty dollars (\$50.00).
- 33 (2) The dealer to whom the plate is issued is subject to a civil penalty
34 imposed by the Division of two hundred dollars (\$200.00).
- 35 (3) The Division may rescind all dealer license plates issued to the
36 dealer whose plate was displayed on the motor vehicle.

37 A penalty imposed under subdivision (1) of this subsection is payable to the county
38 where the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed
39 under subdivision (2) of this subsection shall be credited to the Highway Fund as
40 nontax revenue.

41 (c) Form, Duration, and Transfer. -- A transporter plate is a type of commercial
42 license plate. A transporter plate issued to a dealer is issued on a fiscal-year basis. A
43 transporter plate issued to a person who is not a dealer is issued on a calendar-year
44 basis. During the calendar year for which it is issued, a person may transfer a

1 transporter plate from one vehicle to another as long as the vehicle is driven only for
2 a purpose authorized by subsection (a) of this section. The Division may rescind a
3 transporter plate that is displayed on a motor vehicle driven for a purpose that is not
4 authorized by subsection (a) of this section."

5 Section 3. Notwithstanding G.S. 20-79.2(c), as amended by this act, a
6 transporter plate issued to a dealer for the 1997 calendar year expires June 30, 1998.

7 Section 4. This act becomes effective January 1, 1998.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

S. B. No. 1059

COMMITTEE SUBSTITUTE ☒

DATE 5/28/07

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.) Cole
Sen.) _____

1 moves to amend the bill on page 2, line 12

2 () WHICH CHANGES THE TITLE

3 by inserting after the word "officer" and before the
4 word "of" the phrase "or licensed sales
5 representative"

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED [Signature]

ADOPTED ☒ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE 5/28/97

S. B. No. 1059

Amendment No. _____

COMMITTEE SUBSTITUTE ☒

(to be filled in by
Principal Clerk)

Rep.) Cole
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1 moves to amend the bill on page 2, line 12

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4 word "of" the phrase "or licensed sales
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6 _____
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19 _____

SIGNED [Signature]

ADOPTED ☒ FAILED _____ TABLED _____

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☒ Committee Substitute for

S.B. 1059 A BILL TO BE ENTITLED AN ACT TO ENSURE THAT DEALER PLATES ARE USED ONLY ON VEHICLES DRIVEN FOR A BUSINESS PURPOSE OF THE DEALERSHIP AND TO LIMIT THE NUMBER OF TRANSPORTER PLATES THAT MAY BE ISSUED TO A DEALER.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill unfavorable as to Senate committee substitute bill (and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.)

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

VISITOR REGISTRATION SHEET

Transportation 5-28-97 11:00 a.m.

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. <u>Ed Bone</u>	<u>R.V. Bone</u>
2. <u>BERRY JONES</u>	<u>NC DOT</u>
3. <u>C.A. GARDNER</u>	<u>NC DOT</u>
4. <u>Graysen Kelley</u>	<u>AG- DOT</u>
5. <u>Robert Willett</u>	<u>N&S</u>
6. <u>John Cyrus</u>	<u>N.C. state Grange</u>
7. <u>Tyrus Raymond Cobb</u>	<u>Detroit, MI</u>
8. <u>Mark Fountain</u>	<u>DMV - SBTG</u>
9. <u>Ruth Sappire</u>	<u>NC DOT</u>
10. <u>Robert Glaser</u>	<u>NCA & A</u>
11. <u>Levinston Lewis</u>	<u>Town of Bladenboro</u>
22. <u>Ed Shipman</u>	<u>Town of Bladenboro, N.C.</u>
23. <u>Mitchell Hight</u>	<u>Town of Bladenboro, N.C.</u>
24. <u>Ben Bayley</u>	<u>Town of Bladenboro</u>
25. <u>Will Stry</u>	<u>NCAHE</u>
26. <u>Harry Edwards</u>	<u>Town of Bladenboro N.C.</u>
27. <u>Robert</u>	<u>Severance Residents of N.C.</u>
28. <u>Maele A. Stephenson</u>	<u>Town of Lenoir-Vance</u>
29. _____	_____
30. _____	_____
31. _____	_____

32. _____

33. _____

34. _____

35. _____

36. _____

37. _____

38. _____

39. _____

40. _____

41. _____

42. _____

43. _____

44. _____

45. _____

46. _____

47. _____

48. _____

49. _____

50. _____

TRANSPORTATION COMMITTEE MEETING

June 4, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES:

BILLS TO BE CONSIDERED:

HB 9 - REPEAL SAFETY INSPECTIONS - REP. CARPENTER

**HB 993 - REGIONAL TRANSPORTATION AUTHORITIES -
REP. GRAY**

HB 1039 - MV CLAIMS/SALVAGE HISTORY - REP. WEATHERLY

**SB 426 - MAGISTRATES/ TRUCK SPECIAL PLATES -
SEN. HOYLE**

SB 570 - CLEAN WATER LICENSE PLATE - SEN. DALTON

SB 812 - SMOKY MOUNTAINS SPECIAL PLATE - SEN. JENKINS

FURTHER BUSINESS

ANNOUNCEMENTS

ADJOURN

HOUSE TRANSPORTATION COMMITTEE

MEETING - June 4, 1997

MINUTES

The Committee on Transportation met at 11:00 a.m., Wednesday, June 4, 1997 in Room 643 of the Legislative Office Building. Rep. Monroe Buchanan chaired the meeting.

The Pages were introduced: John Crossman from Cumberland Co. and Ben Wood from Durham, Co.

HB 9 - REPEAL SAFETY INSPECTIONS was the first bill on the Agenda. The bill had been referred to a subcommittee and the Subcommittee recommended a committee substitute. Rep. Carpenter submitted the committee substitute and moved its adoption and explained the bill. Following his explanation he made a motion that the committee substitute for HB 9 be given a favorable report, unfavorable to bill and re-referred to the Committee on Rules.

Rep. Ramsey was recognized and submitted an amendment. The amendment was explained and was adopted. Rep. Ellis was recognized and stated that he wanted to amend the bill by deleting all of Section 1. There was considerable discussion concerning the amendment. Rep. Cunningham stated that the amendment had not be sent up. Chairman Buchanan said there was a motion on the floor. The main question was put. The motion carried. Rep. Luebke had made a motion to adjourn. Chairman Buchanan refused to accept the motion hearing no second. Rep. Luebke withdrew his motion.

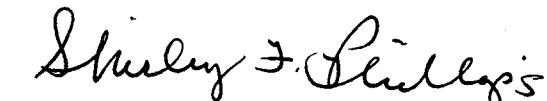
Rep. Gray was recognized to explain a substitute bill for HB 993. The committee substitute was adopted. Rep. Cunningham made a motion to give the committee substitute a favorable report; unfavorable to bill and re-refer the bill to Finance.

HB 1039 was discussed by Rep. Weatherly. He presented a committee substitute for HB 1039 and the substitute was adopted. The time allotment for the committee meeting was met and the meeting was adjourned without action on the bill.

There being no further business, the meeting adjourned at noon.

Respectfully submitted,


Monroe Buchanan, Co-Chairman


Shirley F. Phillips, Clerk



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE JAMES C. CARPENTER
53RD DISTRICT

OFFICE ADDRESS: 537 LEGISLATIVE OFFICE BUILDING
RALEIGH, N.C. 27601-1096

TELEPHONE: (919) 733-5777
FAX: (919) 856-0894

COMMITTEES:

AGRICULTURE - VICE CHAIR
APPROPRIATIONS
FINANCE
LOCAL & REGIONAL GOVERNMENT I
TRANSPORTATION
PENSIONS & RETIREMENT
SUBCOMMITTEES:
NATURAL & ECONOMIC RESOURCES - CHAIR
STATE PARKS, FACILITIES & PROPERTY

To: Standing Committee on Transportation

From: Special Transportation Sub-committee on HB 9

Subject: Recommendation on HB 9

The Sub-committee on House Bill 9 of the standing Committee on Transportation met Tuesday, May 3, 1997 at 12:00 PM in Room 605 of the Legislative Office Building. Rep. Jim Carpenter presided. Members present were Representatives Baker, Clary, H. Hunter, and Sherrill. The meeting was adjourned at 12:05 PM.

A motion was made by Rep. Baker to amend the Proposed Committee Substitute to include a study of motorcycle helmet laws, comparing North Carolina's law with other states. A voice vote was taken and the motion carried. Rep. Sherrill then made a motion to amend the Proposed Committee Substitute to make the agent of study a Legislative Research Commission rather than the Transportation Oversight Committee. A voice vote was taken and the motion carried. The committee then voted to give a favorable recommendation to the Proposed Committee Substitute as amended for House Bill 9. The special sub-committee of House Bill 9 therefore recommends that the Standing Committee on Transportation give a favorable recommendation to the Proposed Committee Substitute for House Bill 9 as amended, unfavorable to the original bill.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

H9-CSRV-001

PROPOSED COMMITTEE SUBSTITUTE

HOUSE BILL 9

THIS IS A DRAFT 12-MAR-97 10:30:17

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Repeal Safety Inspections.

(Public)

Sponsors:

Referred to:

January 30, 1997

1 <LR= A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE MOTOR VEHICLE SAFETY INSPECTION.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 20-183.2 reads as rewritten:
5 "\$ 20-183.2. Description of vehicles subject to ~~safety or~~
6 ~~emissions inspection; definitions.~~
7 ~~(a) Safety. A motor vehicle is subject to a safety~~
8 ~~inspection in accordance with this Part if it meets all of the~~
9 ~~following requirements:~~
10 (1) ~~It is subject to registration with the Division~~
11 ~~under Article 3 of this Chapter.~~
12 (2) ~~It is not subject to inspection under 49 C.F.R.~~
13 ~~Part 396, the federal Motor Carrier Safety~~
14 ~~Regulations.~~
15 (3) ~~It is not a trailer whose gross weight is less than~~
16 ~~4,000 pounds or a house trailer.~~

1 (b) ~~Emissions~~ Requirements for Inspection -- A motor vehicle
2 is subject to an emissions inspection in accordance with this
3 Part if it meets all of the following requirements:

- 4 (1) It is subject to registration with the Division
5 under Article 3 of this Chapter.
- 6 (2) It is not a trailer whose gross weight is less than
7 4,000 pounds, a house trailer, or a motorcycle.
- 8 (3) It is a 1975 or later model.
- 9 (4) It is powered or designed so that it could be
10 powered by gasoline.
- 11 (5) It meets any of the following descriptions:
 - 12 a. It is required to be registered in an
13 emissions county.
 - 14 b. It is part of a fleet that is operated
15 primarily in an emissions county.
 - 16 c. It is offered for rent in an emissions county.
 - 17 d. It is offered for sale by a dealer in an
18 emissions county and is not a new vehicle that
19 has not been titled.
 - 20 e. It is operated on a federal installation
21 located in an emissions county and it is not a
22 tactical military vehicle. Vehicles operated
23 on a federal installation include those that
24 are owned or leased by employees of the
25 installation and are used to commute to the
26 installation and those owned or operated by
27 the federal agency that conducts business at
28 the installation.
 - 29 f. It is otherwise required by 40 C.F.R. Part 51
30 to be subject to an emissions inspection.

31 (c) Definitions. -- The following definitions apply in this
32 Part:

- 33 (1) Emissions county. -- A county in which the State
34 either is required by federal law to conduct
35 emissions testing or has agreed in its State
36 Implementation Plan submitted to the federal
37 Environmental Protection Agency to conduct
38 emissions testing. The State Environmental
39 Management Commission establishes the emission

1 counties pursuant to rules adopted under G.S. 143-
2 215.107(a)(6).

3 (2) Federal installation. -- An installation that is
4 owned by, leased to, or otherwise regularly used as
5 the place of business of a federal agency."

6 Section 2. G.S. 20-183.3 reads as rewritten:

7 "§ 20-183.3. Scope of ~~safety inspection and emissions~~
8 ~~inspection.~~

9 ~~(a) Safety. -- A safety inspection of a motor vehicle consists~~
10 ~~of an inspection of the following equipment to determine if the~~
11 ~~vehicle has the equipment required by Part 9 of Article 3 of this~~
12 ~~Chapter and if the equipment is in a safe operating condition:~~

13 (1) ~~Brakes, as required by G.S. 20-124.~~

14 (2) ~~Lights, as required by G.S. 20-129 or G.S.~~
15 ~~20-129.1.~~

16 (3) ~~Horn, as required by G.S. 20-125(a).~~

17 (4) ~~Steering mechanism, as required by G.S. 20-123.1.~~

18 (5) ~~Windows and windshield wipers, as required by G.S.~~
19 ~~20-127. To determine if a vehicle window meets the~~
20 ~~window tinting restrictions, a safety inspection~~
21 ~~mechanic must first determine, based on use of an~~
22 ~~automotive film check card or knowledge of window~~
23 ~~tinting techniques, if after-factory tint has been~~
24 ~~applied to the window. If after-factory tint has~~
25 ~~been applied, the mechanic must use a light meter~~
26 ~~approved by the Commissioner to determine if the~~
27 ~~window meets the window tinting restrictions.~~

28 (6) ~~Directional signals, as required by G.S. 20-125.1.~~

29 (7) ~~Tires, as required by G.S. 20-122.1.~~

30 (8) ~~Mirrors, as required by G.S. 20-126.~~

31 (9) ~~Exhaust system, as required by G.S. 20-128. For a~~
32 ~~vehicle that is subject to an emissions inspection~~
33 ~~in addition to a safety inspection, a visual~~
34 ~~inspection of the vehicle's emission-control~~
35 ~~devices is included in the emissions inspection~~
36 ~~rather than the safety inspection.~~

37 (b) ~~Emissions.~~ Emissions Inspection -- An emissions inspection
38 of a motor vehicle consists of a visual inspection of the
39 vehicle's emission control devices to determine if the devices
40 are present, are properly connected, and are the correct type for

1 the vehicle and an analysis of the exhaust emissions of the
2 vehicle to determine if the exhaust emissions meet the standards
3 for the model year of the vehicle set by the Environmental
4 Management Commission. To pass an emissions inspection a vehicle
5 ~~must~~ shall pass both the visual inspection and the exhaust
6 emissions analysis. ~~When an emissions inspection is performed~~
7 ~~on a vehicle, a safety inspection must be performed on the~~
8 ~~vehicle as well.~~

9 (c) Reinspection After Failure. -- The scope of a reinspection
10 of a vehicle that has been repaired after failing an inspection
11 is the same as the original inspection unless the vehicle is
12 presented for reinspection within 30 days of failing the original
13 inspection. If the vehicle is presented for reinspection within
14 this time limit ~~and the inspection the vehicle failed was a~~
15 ~~safety inspection, the reinspection is limited to an inspection~~
16 ~~of the equipment that failed the original inspection. If the~~
17 ~~vehicle is presented for reinspection within this time limit and~~
18 the inspection the vehicle failed was an emissions inspection
19 the reinspection is limited to the portion of the inspection the
20 vehicle failed and any other portion of the inspection that would
21 be affected by repairs made to correct the failure."

22 Section 3. G.S. 20-183.4 is repealed.

23 Section 4. G.S. 20-183.4A reads as rewritten:

24 "§ 20-183.4A. License required to perform emissions inspection;
25 qualifications for license.

26 (a) License Required. -- An emissions inspection must be
27 performed by one of the following methods:

28 (1) At a station that has an emissions inspection
29 station license issued by the Division and by a
30 mechanic who is employed by the station and has an
31 emissions inspection mechanic license issued by the
32 Division.

33 (2) At a place of business of a person who has an
34 emissions self-inspector license issued by the
35 Division and by an individual who has an emissions
36 inspection mechanic license.

37 (b) Station Qualifications. -- An applicant for a license as
38 an emissions inspection station must meet all of the following
39 requirements:

- 1 (1) ~~Have a license as a safety inspection station. Have~~
2 a place of business that has adequate facilities,
3 space, and equipment to conduct an emissions
4 inspection.
- 5 (2) Have an emissions analyzer approved by the
6 Environmental Management Commission.
- 7 (3) Have equipment to transfer information on emissions
8 inspections to the Division by electronic means.
- 9 (4) Regularly employ at least one mechanic who has an
10 emissions inspection mechanic license.
- 11 (c) Mechanic Qualifications. -- An applicant for a license as
12 an emissions inspection mechanic must meet all of the following
13 requirements:
- 14 (1) ~~Have a license as a safety inspection mechanic.~~
15 Have a drivers license.
- 16 (1.1) Be of good character and have a reputation for
17 honesty.
- 18 (2) Have successfully completed an eight-hour course
19 approved by the Division that teaches students
20 about the causes and effects of the air pollution
21 problem, the purpose of the emissions inspection
22 program, the vehicle emission standards established
23 by the federal Environmental Protection Agency, the
24 emission control devices on vehicles, how to
25 conduct an emissions inspection using an emissions
26 analyzer approved by the Environmental Management
27 Commission, and any other topic required by 40
28 C.F.R. § 51.367 to be included in the course.
29 Successful completion requires a passing score on a
30 written test and on a hands-on test in which the
31 student is required to conduct an emissions
32 inspection of a motor vehicle.
- 33 (d) Self-Inspector Qualifications. -- An applicant for a
34 license as an emissions self-inspector must meet all of the
35 following requirements:
- 36 ~~(1) Have a license as a safety self-inspector.~~
- 37 (2) Operate a fleet of at least 10 vehicles that are
38 subject to an emissions inspection.

1 (3) Have, or have a contract with a person who has, an
2 emissions analyzer approved by the Environmental
3 Management Commission.

4 (4) Regularly employ or contract with an individual who
5 has an emissions inspection mechanic license and
6 who will perform an emissions inspection on the
7 vehicles that are part of the self-inspector's
8 fleet."

9 Section 5. G.S. 20-183.4B reads as rewritten:

10 "§ 20-183.4B. Application for license; duration of license;
11 renewal of mechanic license.

12 (a) Application. -- An applicant for a license issued under
13 this Part must complete an application form provided by the
14 Division. The application must contain the applicant's name and
15 address and any other information needed by the Division to
16 determine whether the applicant is qualified for the license. The
17 Division must review an application for a license to determine if
18 the applicant qualifies for the license. If the applicant meets
19 the qualifications, the Division must issue the license. If the
20 applicant does not meet the qualifications, the Division must
21 deny the application and notify the applicant in writing of the
22 reason for the denial.

23 (b) Duration of License. -- ~~A safety inspection mechanic~~
24 ~~license expires four years after the date it is issued.~~ An
25 emissions inspection mechanic license expires two years after the
26 date it is issued. ~~A safety inspection station license, an An~~
27 emissions inspection station license, license and a self-
28 inspector license are effective until surrendered by the license
29 holder or suspended or revoked by the Division.

30 (c) Renewal of Emissions Inspection Mechanic License. -- A
31 ~~safety or an An~~ emissions inspection mechanic may apply to renew
32 a license by filing an application with the Division on a form
33 provided by the Division. To renew an emissions inspection
34 mechanic license, an applicant must have successfully completed a
35 four-hour emissions refresher course approved by the Division
36 within nine months of applying for renewal. Successful completion
37 requires a passing score on a written test and on a hands-on test
38 in which the student is required to conduct an emissions
39 inspection of a motor vehicle."

40 Section 6. G.S. 20-183.4C reads as rewritten:

1 "§ 20-183.4C. When a vehicle must be inspected.

2 A vehicle that is subject to a ~~safety inspection~~, an emissions
3 ~~inspection, or both inspection~~ must be inspected as follows:

- 4 (1) A new vehicle must be inspected before it is
5 offered for sale at retail in this State.
- 6 (2) A used vehicle must be inspected before it is
7 offered for sale at retail in this State by a
8 dealer at a location other than a public auction.
- 9 (3) A used vehicle that is offered for sale at retail
10 in this State by a dealer at a public auction must
11 be inspected before it is offered for sale unless
12 it has an inspection sticker that was put on the
13 vehicle under this Part and does not expire until
14 at least nine months after the date the vehicle is
15 offered for sale at auction.
- 16 (4) A used vehicle acquired by a resident of this State
17 from a person outside the State must be inspected
18 within 10 days after the vehicle is registered with
19 the Division.
- 20 (5) A vehicle owned by a new resident of this State who
21 transfers the registration of the vehicle from the
22 resident's former home state to this State must be
23 inspected within 10 days after the vehicle is
24 registered with the Division.
- 25 (6) A vehicle that has been inspected in accordance
26 with this Part must be inspected by the last day of
27 the month in which the inspection sticker on the
28 vehicle expires, unless another subdivision of this
29 section requires it to be inspected sooner."

30 Section 7. G.S. 20-183.4D reads as rewritten:

31 § 20-183.4D. Procedure when a vehicle is inspected.

32 (a) Receipt. -- When a ~~safety inspection mechanic~~ or an
33 emissions inspection mechanic inspects a vehicle, the mechanic
34 must give the person who brought the vehicle in for inspection an
35 inspection receipt. The inspection receipt must state the date
36 of the inspection, identify the mechanic performing the
37 inspection, identify the station or self-inspector where the
38 inspection was performed, and list the components of the
39 inspection performed and indicate for each component whether the
40 vehicle passed or failed. A vehicle that fails a component of an

1 inspection may be repaired at any repair facility chosen by the
2 owner or operator of the vehicle.

3 (b) Sticker. -- ~~When a vehicle that is subject to a safety~~
4 ~~inspection only passes the safety inspection, the safety~~
5 ~~inspection mechanic who performed the inspection must put an~~
6 ~~inspection sticker on the windshield of the vehicle at the place~~
7 ~~designated by the Division.~~ When a vehicle that is subject to
8 both a safety inspection and an emissions inspection ~~passes both~~
9 ~~inspections or passes the safety inspection and has a waiver for~~
10 the emissions inspection, the emissions mechanic performing the
11 inspection must put an inspection sticker on the windshield of
12 the vehicle at the place designated by the Division.

13 (c) Content of Sticker. -- ~~An inspection sticker issued for a~~
14 ~~vehicle that is subject to a safety inspection only must be a~~
15 ~~different color from an inspection sticker issued for a vehicle~~
16 ~~that is subject to both a safety and an emissions inspection.~~ An
17 inspection sticker must indicate when it expires, must be printed
18 with a unique serial number and an official program seal, and
19 must be counterfeit resistant. The side of an inspection sticker
20 that is readable from the interior of a vehicle must contain the
21 following information:

- 22 (1) The date the inspection was performed.
- 23 (2) The odometer reading when the inspection was
24 performed.
- 25 (3) The signature, initials, or other identification of
26 the mechanic who performed the inspection and put
27 the sticker on the windshield.

28 (d) When Sticker Expires. -- An inspection sticker put on a
29 vehicle that did not have an inspection sticker issued under this
30 Part when it was brought in for inspection expires at midnight on
31 the last day of the twelfth month after the month the inspection
32 sticker is put on the vehicle. An inspection sticker put on a
33 vehicle that had an inspection sticker that was put on under this
34 Part when it was brought in for inspection expires as follows:

- 35 (1) If the expiration date of the inspection sticker
36 the vehicle had when it was brought in for
37 inspection is less than 12 full months from the
38 date of the inspection, the inspection sticker
39 expires at midnight on the last day of the twelfth

1 month after the month the inspection sticker is put
2 on the vehicle.

3 (2) If the expiration date of the inspection sticker
4 the vehicle had when it was brought in for
5 inspection is 12 or more months from the date of
6 the inspection, the inspection sticker expires one
7 year after the expiration date of the inspection
8 sticker the vehicle had when it was brought in for
9 inspection, regardless of whether there are 12
10 months in this period."

11 Section 8. G.S. 20-183.6A(a) reads as rewritten:

12 " (a) Division. -- The Division is responsible for administering
13 the ~~safety inspection and the emissions inspection programs-~~
14 program. In exercising this responsibility, the Division must:

15 (1) Conduct performance audits, record audits, and
16 equipment audits of those licensed to perform
17 inspections to ensure that inspections are
18 performed properly.

19 (2) Ensure that Division personnel who audit license
20 holders are knowledgeable about audit procedures
21 and about the requirements of ~~both the safety~~
22 ~~inspection and the emissions inspection programs-~~
23 program.

24 (3) Perform an emissions inspection on a vehicle when
25 requested to do so by a vehicle owner so the owner
26 can compare the result of the inspection performed
27 by the Division with the result of an inspection
28 performed at an emissions inspection station.

29 (4) Investigate complaints about a person licensed to
30 perform inspections and reports of irregularities
31 in performing inspections.

32 (5) Establish written procedures for the issuance of
33 inspection stickers to persons licensed to perform
34 inspections.

35 (6) Submit information and reports to the federal
36 Environmental Protection Agency as required by 40
37 C.F.R. Part 51."

38 Section 9. G.S. 20-183.7 reads as rewritten:

39 "\$ 20-183.7. Fees for performing an inspection and putting an
40 inspection sticker on a vehicle; use of civil penalties.

1 (a) Fee Amount. -- ~~The following fees apply to an inspection~~
 2 ~~of a vehicle and the issuance of an inspection sticker:~~

3 <u>Type</u>	<u>Inspection</u>	<u>Sticker</u>
4 ~~Safety Only, Without After-~~		
5 ~~Factory Tinted Window~~	~~\$ 8.25~~	~~\$ 1.00~~
6 ~~Safety Only, With After-Factory~~		
7 ~~Tinted Window~~	~~18.25~~	~~1.00~~
8 ~~Emissions and Safety, Without~~		
9 ~~After-Factory Tinted Window~~	~~17.00~~	~~2.40~~
10 ~~2.40.~~		
11 ~~Emissions and Safety, With~~		
12 ~~After-Factory Tinted Window~~	~~27.00~~	~~2.40.~~

13 The fee for an emissions inspection of a vehicle is \$17.00. The
 14 fee for performing an inspection of a vehicle That fee applies
 15 when an inspection is performed, regardless of whether the
 16 vehicle passes the inspection. The fee for an emissions
 17 inspection sticker is \$2.40. That fee The fee for an inspection
 18 sticker applies when an inspection sticker is put on a vehicle.
 19 ~~The fee for performing an inspection of a vehicle with a tinted~~
 20 ~~window applies only to an inspection performed with a light meter~~
 21 ~~after a safety inspection mechanic determined that the window had~~
 22 ~~after-factory tint.~~

23 A vehicle that is inspected at an inspection station and fails
 24 the inspection is entitled to be reinspected at the same station
 25 at any time within 30 days of the failed inspection without
 26 paying another inspection fee.

27 (b) Self-Inspector. -- The fee for an inspection does not
 28 apply to an inspection performed by a self-inspector. The fee for
 29 putting an inspection sticker on a vehicle applies to an
 30 inspection performed by a self-inspector.

31 (c) Fee Distribution. -- Fees collected for inspection
 32 stickers are payable to the Division of Motor Vehicles. The
 33 amount of each fee listed in the table below shall be credited to
 34 ~~the Highway Fund~~, the Emissions Program Account established in
 35 subsection (d) of this section, the Volunteer Rescue/EMS Fund
 36 established in G.S. 58-87-5, the Rescue Squad Workers' Relief
 37 Fund established in G.S. 58-88-5, and the Division of Air Quality
 38 of the Department of Environment, Health, and Natural Resources:

39 <u>Recipient</u>	<u>Safety Only</u>	<u>Emissions and</u>
40	<u>Sticker</u>	<u>Safety Sticke</u>

1 Highway Fund	-75	-00
2 Emissions Program Account	-00	1.80
3 Volunteer Rescue/EMS Fund	-15	.15
4 Rescue Squad Workers' Relief		
5 Fund	-10	.10
6 Division of Air Quality	-00	.35.

7 (d) Account. -- The Emissions Program Account is created as a
 8 nonreverting account within the Highway Fund. The Division shall
 9 administer the Account. Revenue in the Account may be used only
 10 to fund the vehicle emissions inspection and maintenance program.

11 (e) Civil Penalties. -- Civil penalties collected under this
 12 Part shall be credited to the Highway Fund as nontax revenue."

13 Section 10. G.S. 20-183.8(b) reads as rewritten:

14 "(b) Defenses to Infractions. -- Any of the following is a
 15 defense to a violation under subsection (a) of this section:

16 (1) The vehicle was continuously out of State for at
 17 least the 30 days preceding the date the inspection
 18 sticker expired and a current inspection sticker
 19 was obtained within 10 days after the vehicle came
 20 back to the State.

21 (2) The vehicle displays a dealer license plate or a
 22 transporter plate, the dealer repossessed the
 23 vehicle or otherwise acquired the vehicle within
 24 the last 10 days, and the vehicle is being driven
 25 from its place of acquisition to the dealer's place
 26 of business or to an inspection station.

27 (3) The vehicle was in a state of disrepair on the date
 28 the inspection sticker expired, the owner has since
 29 repaired the vehicle, the vehicle is being driven
 30 from the owner's residence or other place where the
 31 owner repaired the vehicle to an inspection
 32 station, and the owner has not otherwise driven the
 33 vehicle since the inspection sticker expired.

34 ~~(4) The charged infraction is described in subdivision~~
 35 ~~(a)(1) of this section, the vehicle is subject to a~~
 36 ~~safety only inspection, and the vehicle owner~~
 37 ~~establishes in court that the vehicle was inspected~~
 38 ~~after the citation was issued and within 30 days of~~
 39 ~~the expiration date of the inspection sticker that~~
 40 ~~was on the vehicle when the citation was issued."~~

1 Sec. 11. G.S. 20-183.8D is repealed.

2 Sec. 12. G.S. 20-87 reads as rewritten:

3 "§ 20-87. Passenger vehicle registration fees.

4 (a) Regular Fees. -- These shall be paid to the Division
5 annually, as of the first day of January, for the registration
6 and licensing of passenger vehicles, fees according to the
7 following classifications and schedules:

8 (1) For-Hire Passenger Vehicles. -- The fee for a
9 passenger vehicle that is operated for compensation
10 and has a capacity of 15 passengers or less is
11 seventy-eight dollars (\$78.00). The fee for a
12 passenger vehicle that is operated for compensation
13 and has a capacity of more than 15 passengers is
14 three dollars (\$3.00), plus one dollar and forty
15 cents (\$1.40) per hundred pounds of empty weight of
16 the vehicle.

17 (2) U-Drive-It Passenger Vehicles. -- U-drive-it
18 passenger vehicles shall pay the following tax:

19 Motorcycles: 1-passenger capacity.....\$18.00
20 2-passenger capacity.....22.00
21 3-passenger capacity.....26.00

22 Automobiles: Forty-one dollars (\$41.00) per year
23 for each vehicle of fifteen-passenger capacity or
24 less, and vehicles of over fifteen-passenger
25 capacity shall be classified as buses and shall
26 pay three dollars (\$3.00), plus one dollar and
27 forty cents (\$1.40) per hundred pounds empty
28 weight of each vehicle.

29 (3) Repealed by Session Laws 1981, c. 976, s. 3.

30 (4) Limousine Vehicles. -- For-hire passenger vehicles
31 on call or demand which do not solicit passengers
32 indiscriminately for hire between points along
33 streets or highways, shall be taxed at the same
34 rate as for-hire passenger vehicles under G.S.
35 20-87(1) but shall be issued appropriate
36 registration plates to distinguish such vehicles
37 from taxicabs.

38 (5) Private Passenger Vehicles. -- There shall be paid
39 to the Division annually, as of the first day of
40 January, for the registration and licensing of

private passenger vehicles, fees according to the following classifications and schedules:

Private passenger vehicles of not more than fifteen passengers.....\$20.00
Private passenger vehicles over fifteen passengers.....23.00

Provided, that a fee of only one dollar (\$1.00) shall be charged for any vehicle given by the federal government to any veteran on account of any disability suffered during war so long as such vehicle is owned by the original donee or other veteran entitled to receive such gift under Title 38, section 252, United States Code Annotated.

(6) Private Motorcycles. -- The base tax on private passenger motorcycles shall be nine dollars (\$9.00); except that when a motorcycle is equipped with an additional form of device designed to transport persons or property, the base tax shall be sixteen dollars (\$16.00). A tax of three dollars (\$3.00) is imposed on each private motorcycle registered under this subdivision in addition to the base tax. The revenue from the additional tax shall be deposited in the General Fund.

(7) Dealer License Plates. -- The fee for a dealer license plate is the regular fee for each of the first five plates issued to the same dealer and is one-half the regular fee for each additional dealer license plate issued to the same dealer. The "regular fee" is the fee set in subdivision (5) of this section for a private passenger motor vehicle of not more than 15 passengers.

(8) Driveaway Companies. -- Any person engaged in the business of driving new motor vehicles from the place of manufacture to the place of sale in this State for compensation shall pay a fee of one-half of the amount that would otherwise be payable under this section for each set of plates.

(9) House Trailers. -- In lieu of other registration and license fees levied on house trailers under

this section or G.S. 20-88, the registration and license fee on house trailers shall be seven dollars (\$7.00) for the license year or any portion thereof.

(10) Special Mobile Equipment. -- The fee for special mobile equipment for the license year or any part of the license year is the same as the fee in subdivision (5) for a private passenger motor vehicle of not more than 15 passengers.

~~(11) Any vehicle fee determined under this section according to the weight of the vehicle shall be increased by the sum of three dollars (\$3.00) to arrive at the total fee.~~

(b) Additional Fee. -- Each vehicle included in subdivisions (1), (2), (4), (5), (6), (7), or (8) of subsection (a) of this section must pay an additional tax of one dollar (\$1.00). Seventy-five cents (75¢) of each dollar is credited to the Highway Fund, fifteen cents (15¢) is credited to the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, and ten cents (10¢) is credited to the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5."

Sec. 13. G.S. 20-88(b) reads as rewritten:

" (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	\$0.23
4,001 to 9,000 pounds inclusive	.29
9,001 to 13,000 pounds inclusive	.37
13,001 to 17,000 pounds inclusive	.51
Over 17,000 pounds	.58

SCHEDULE OF WEIGHTS AND RATES

Rates Per Hundred Pound Gross Weight

	General Rate
Not over 4,000 pounds	\$0.46

1	4,001 to 9,000 pounds inclusive	.63
2	9,001 to 13,000 pounds inclusive	.78
3	13,001 to 17,000 pounds inclusive	1.06
4	Over 17,000 pounds	1.20
- 5 (1) The minimum fee for a vehicle licensed under this
6 subsection is seventeen dollars and fifty cents
7 (\$17.50) at the farmer rate and twenty-one dollars
8 and fifty cents (\$21.50) at the general rate.
- 9 (2) The term "farmer" as used in this subsection means
10 any person engaged in the raising and growing of
11 farm products on a farm in North Carolina not less
12 than 10 acres in area, and who does not engage in
13 the business of buying products for resale.
- 14 (3) License plates issued at the farmer rate shall be
15 placed upon trucks and truck-tractors that are
16 operated exclusively in the carrying or
17 transportation of applicant's farm products, raised
18 or produced on his farm, and farm supplies and not
19 operated in hauling for hire.
- 20 (4) "Farm products" means any food crop, livestock,
21 poultry, dairy products, flower bulbs, or other
22 nursery products and other agricultural products
23 designed to be used for food purposes, including in
24 the term "farm products" also cotton, tobacco,
25 logs, bark, pulpwood, tannic acid wood and other
26 forest products grown, produced, or processed by
27 the farmer.
- 28 (5) The Division shall issue necessary rules and
29 regulations providing for the recall, transfer,
30 exchange or cancellation of "farmer" plates, when
31 vehicle bearing such plates shall be sold or
32 transferred.
- 33 (5a) Notwithstanding any other provision of this
34 Chapter, license plates issued pursuant to this
35 subsection at the farmer rate may be purchased for
36 any three-month period at one fourth of the annual
37 fee.
- 38 (6) There shall be paid to the Division annually as of
39 the first of January, the following fees for
40 "wreckers" as defined under G.S. 20-4.01(50): a

wrecker fully equipped weighing 7,000 pounds or less, seventy-five dollars (\$75.00); wreckers weighing in excess of 7,000 pounds shall pay one hundred forty-eight dollars (\$148.00). Fees to be prorated quarterly. Provided, further, that nothing herein shall prohibit a licensed dealer from using a dealer's license plate to tow a vehicle for a customer."

(7) A vehicle that is taxed under this section and whose gross vehicle weight rating is 10,000 pounds or less must pay an additional tax of one dollar (\$1.00) Seventy-five cents (75¢) of each dollar is credited to the Highway Fund, fifteen cents (15¢) is credited to the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, and ten cents (10¢) is credited to the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5."

Sec. 14. G.S. 20-122.1 reads as rewritten:

"§20-122.1. Motor vehicles to be equipped with safe tires.

(a) Every motor vehicle ~~subject to safety equipment inspection in this State and~~ operated on the streets and highways of this State ~~shall~~ must be equipped with tires ~~which that~~ are safe for the operation of the motor vehicle and ~~which that~~ do not expose the public to needless hazard.

(a1) Tires shall be A tire is considered unsafe if any of the following conditions exist:

(1) The tire is either cut so as to expose tire cord, cracked so as to expose tire cord, or worn so as to expose tire cord or there cord.

(2) There is a visible tread separation or chunking or the chunking.

(3) The tire has less than two thirty-seconds inch tread depth at two or more locations around the circumference of the tire in two adjacent major tread grooves, or if the grooves. This requirement does not apply to dual wheel trailers.

(4) The tread wear indicators are in contact with the roadway at two or more locations around the circumference of the tire in two adjacent major tread grooves: grooves.

1 ~~Provided, the two thirty seconds tread depth requirements of~~
2 ~~this section shall not apply to dual wheel trailers. Provided~~
3 ~~further that as to trucks owned by farmers and operated~~
4 ~~exclusively in the carrying and transportation of the owner's~~
5 ~~farm products which are approved for daylight use only and which~~
6 ~~are equipped with dual wheels, the tread depth requirements of~~
7 ~~this section shall not apply to more than one wheel in each set~~
8 ~~of dual wheels.~~

9 None of the tread depth requirements of this section apply to
10 more than one wheel in each set of dual wheels of trucks that are
11 owned by a farmer and operated exclusively in the carrying and
12 transportation of the owner's farm products, that are approved
13 for daylight use only, and that are equipped with dual wheels.

14 (a2) For the purpose of this section, the following definitions
15 shall apply: The following definitions apply in this section:

16 (1) "Chunking" -- separation Chunking. -- Separation of the
17 tread from the carcass in particles which that may range
18 from very small size to several square inches in area.

19 (2) "Cord" -- strands Cord. -- Strands forming a ply in a
20 tire.

21 (3) "Tread" -- portion Tread. -- The portion of tire which
22 that comes in contact with the road.

23 (4) "Tread depth" -- the Tread depth. -- The distance from
24 the base of the tread design to the top of the tread.

25 (b) The driver of any vehicle who is charged with a violation
26 of this section shall be allowed has 15 calendar days within
27 which to bring the tires of such the vehicle in conformance with
28 the requirements of this section. It shall be is a defense to any
29 such the charge that the person arrested produce in court, or
30 submit to the prosecuting attorney prior to trial, a certificate
31 from an official safety inspection equipment station the Division
32 showing that within 15 calendar days after such the arrest, the
33 tires on such the vehicle had been made to conform with the
34 requirements of this section or that such the vehicle had been
35 sold, destroyed, or permanently removed from the highways.
36 Violation A violation of this section shall not constitute
37 negligence per se."

38 Sec. 15. G.S. 20-127(d) reads as rewritten:

39 "(d) Violations. -- A person who does any of the following
40 commits a misdemeanor of the class set in G.S. 20-176:

1 (1) Applies tinting to the window of a vehicle ~~that is~~
2 ~~subject to a safety inspection in this State~~ and
3 the resulting tinted window does not meet the
4 window tinting restrictions set in this section.

5 (2) Drives on a highway or a public vehicular area a
6 vehicle that has a window that does not meet the
7 window tinting restrictions set in this section."

8 Sec. 16. G.S. 20-137.7 reads as rewritten:

9 "§20-137.7. Definitions of words and phrases.

10 ~~The following words and phrases when used in this Part shall~~
11 ~~for the purpose of this Part have the meaning respectively~~
12 ~~prescribed to them in this Part, except in those instances where~~
13 ~~the context clearly indicates a different meaning. The following~~
14 ~~definitions apply in this Part:~~

15 (1) ~~"Abandoned vehicle" means a~~ Abandoned vehicle. -- A motor
16 vehicle that has remained illegally on private or public
17 property for a period of more than 10 days without the
18 consent of the owner or person in control of the
19 property.

20 (2) ~~"Demolisher" means any~~ Demolisher. -- Any person, firm or
21 corporation whose business is to convert a motor vehicle
22 into processed scrap or scrap metal or otherwise to
23 wreck, or dismantle, such a vehicle.

24 (3) ~~"Department" means the~~ Department. -- The North Carolina
25 Department of Transportation.

26 (4) ~~"Derelict vehicle" means a motor vehicle.~~ Derelict
27 vehicle. -- A motor vehicle that meets one or more of the
28 following conditions:

29 a. ~~Whose~~ Its certificate of registration has expired and
30 the registered and legal owner no longer resides at
31 the address listed on the last certificate of
32 registration on record with the North Carolina
33 Department of ~~Transportation;~~ or Transportation.

34 b. ~~Whose~~ Its major parts have been removed so as to
35 render the vehicle ~~inoperable and incapable of~~
36 ~~passing inspection as required under existing~~
37 ~~standards;~~ inoperable.

38 c. ~~Whose~~ Its manufacturer's serial plates, vehicle
39 identification numbers, license number plates and any
40 other means of identification have been removed so a

1 to nullify efforts to locate or identify the
2 registered and legal ~~owner; or owner.~~
3 d. ~~Whose~~ Its registered and legal owner of record
4 disclaims ownership or releases ~~his rights thereto;~~
5 ~~or those ownership rights.~~

6 e. ~~Which~~ It is more than 12 years old and does not bear
7 a current license as required by the Department.

8 (5) ~~"Officer" means any Officer.~~ -- Any law-enforcement
9 officer of the State, of any county or of any
10 municipality including county sanitation officers.

11 (6) ~~"Salvage yard" means a Salvage yard.~~ -- A business or a
12 person who possesses five or more derelict ~~vehicles,~~
13 vehicles and regularly engages in buying and selling used
14 vehicle parts.

15 (7) ~~"Secretary" means the Secretary.~~ -- The Secretary of the
16 North Carolina Department of Transportation.

17 (8) ~~"Tag" means any Tag.~~ -- Any type of notice affixed to an
18 abandoned or derelict motor vehicle ~~advising that~~ advises
19 the owner or the person in possession that the ~~same~~
20 vehicle has been declared an abandoned or derelict
21 vehicle and will be treated as such, ~~which tag shall be~~
22 that is of sufficient size as to be easily ~~discernible~~
23 ~~and contain such information as~~ discernible, and that
24 contains information that the Secretary deems necessary
25 to enforce this Part.

26 (9) ~~"Vehicle" means every device in, upon, or by which any~~
27 ~~person or property is or may be transported or drawn upon~~
28 ~~a highway by mechanical means.~~

29 (10) ~~"Vehicle recycling" means the Vehicle recycling.~~ -- The
30 process whereby discarded vehicles (abandoned, derelict
31 or wrecked) are collected and then processed by
32 shredding, bailing or shearing to produce processed scrap
33 iron and steel ~~which that~~ is then remelted by steel mills
34 and foundries to make raw materials ~~which that~~ are
35 subsequently used to manufacture new metal-based products
36 for the consumer."

37 Sec. 17. G.S. 20-358 reads as rewritten:

38 "§ 20-358. Qualifications to become licensed.

39 The Department shall issue annual printed licenses to
40 applicants meeting the following conditions:

(1) The applicant must be at least 18 years of ~~age;~~
age, present acceptable evidence of good ~~character~~
character, and show sufficient housemoving
experience on the application form furnished by the
Department. Housemoving experience means extensive
and responsible training gained by the applicant
while engaged actively and directly on a full-time
basis in the moving of houses and structures on
public roads and highways with at least 24 months
experience. Examples of the capacity in which a
person may work in gaining experience include the
following in building moving operations:

- a. Moving superintendent,
- b. Moving foreman, and
- c. General mechanic and helper in the housemoving
profession or trade.

(2) Repealed by Session Laws 1981, c. 818, s. 3,
effective August 1, 1981.

(3) The applicant must furnish proof that all of the
vehicles, excluding 'beams and dollies' and
'hauling units,' to be used in the movement of
buildings, structures, or other extraordinary
objects wider than 14 feet have met the
~~requirements of G.S. 20-183.2 pertaining to the~~
~~equipment inspection of motor vehicles; provided~~
~~that the 'beams and dollies' and 'hauling units'~~
~~are excluded from inspection under G.S. 20-183.2~~
~~and, further, are not required to be equipped with~~
~~brakes.~~ standards for motor vehicle equipment set
forth in G.S. 20-122.1, G.S. 20-123.1, G.S. 20-124,
G.S. 20-125(a), G.S. 20-125.1, G.S. 20-126, G.S.
20-127, G.S. 20-128, and G.S. 20-129 or G.S. 20-
129.1,

(4) The applicant must exhibit ~~his~~ the applicant's
federal employer's identification number.

(5) The applicant must pay an annual license fee of one
hundred dollars (\$100.00)."

Sec. 18. G.S. 58-57-100(a)(1) is repealed.

Sec. 19. G.S. 110-91(13) reads as rewritten:

"(13) Transportation. -- All child day care facilities shall abide by North Carolina law regulating the use of seat belts and child passenger restraint devices. All vehicles operated by any facility staff person or volunteer to transport children shall be properly equipped with appropriate seat belts or child restraint devices as approved by the Commissioner of Motor Vehicles. Each adult and child shall be restrained by an appropriate seat safety belt or restraint device when the vehicle is in motion. These restraint regulations do not apply to vehicles not required by federal law to be equipped with seat restraints. All vehicles used to transport children shall ~~meet and maintain the safety inspection standards of the Division of Motor Vehicles of the Department of Transportation~~ meet the standards for motor vehicle equipment set forth in G.S. 20-122.1, G.S. 20-123.1, G.S. 20-124, G.S. 20-125(a), G.S. 20-125.1, G.S. 20-126, G.S. 20-127, G.S. 20-128, and G.S. 20-129 or G.S. 20-129.1, and the facility shall comply with all other applicable State and federal laws and regulations concerning the operation of a motor vehicle. Children may never be left unattended in a vehicle.

The ratio of adults to children in child day care vehicles may not be less than the staff/child ratios prescribed by G.S. 110-91(7). The Commission shall adopt standards for transporting children under the age of two, including standards addressing this particular age's staff/child ratio during transportation."

Sec. 20. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 9

Short Title: Repeal Safety Inspections.

(Public)

Sponsors: Representatives Carpenter; Cansler and Rayfield.

Referred to: Transportation.

January 30, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE MOTOR VEHICLE SAFETY INSPECTION.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 20-183.2 reads as rewritten:
5 "§ 20-183.2. Description of vehicles subject to ~~safety or~~ emissions inspection;
6 definitions.
7 ~~(a) Safety. -- A motor vehicle is subject to a safety inspection in accordance with~~
8 ~~this Part if it meets all of the following requirements:~~
9 ~~(1) It is subject to registration with the Division under Article 3 of this~~
10 ~~Chapter.~~
11 ~~(2) It is not subject to inspection under 49 C.F.R. Part 396, the federal~~
12 ~~Motor Carrier Safety Regulations.~~
13 ~~(3) It is not a trailer whose gross weight is less than 4,000 pounds or a~~
14 ~~house trailer.~~
15 (b) Emissions. -- A motor vehicle is subject to an emissions inspection in
16 accordance with this Part if it meets all of the following requirements:
17 (1) It is subject to registration with the Division under Article 3 of this
18 Chapter.
19 (2) It is not a trailer whose gross weight is less than 4,000 pounds, a
20 house trailer, or a motorcycle.
21 (3) It is a 1975 or later model.
22 (4) It is powered or designed so that it could be powered by gasoline.
23 (5) It meets any of the following descriptions:
24 a. It is required to be registered in an emissions county.

- 1 b. It is part of a fleet that is operated primarily in an emissions
2 county.
3 c. It is offered for rent in an emissions county.
4 d. It is offered for sale by a dealer in an emissions county and
5 is not a new vehicle that has not been titled.
6 e. It is operated on a federal installation located in an
7 emissions county and it is not a tactical military vehicle.
8 Vehicles operated on a federal installation include those that
9 are owned or leased by employees of the installation and are
10 used to commute to the installation and those owned or
11 operated by the federal agency that conducts business at the
12 installation.
13 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to
14 an emissions inspection.

15 (c) Definitions. -- The following definitions apply in this Part:

- 16 (1) Emissions county. -- A county in which the State either is required
17 by federal law to conduct emissions testing or has agreed in its
18 State Implementation Plan submitted to the federal Environmental
19 Protection Agency to conduct emissions testing. The State
20 Environmental Management Commission establishes the emissions
21 counties pursuant to rules adopted under G.S. 143-215.107(a)(6).
22 (2) Federal installation. -- An installation that is owned by, leased to,
23 or otherwise regularly used as the place of business of a federal
24 agency."

25 Section 2. G.S. 20-183.3 reads as rewritten:

26 "§ 20-183.3. Scope of ~~safety inspection and~~ emissions inspection.

27 ~~(a) Safety. A safety inspection of a motor vehicle consists of an inspection of the~~
28 ~~following equipment to determine if the vehicle has the equipment required by Part 9~~
29 ~~of Article 3 of this Chapter and if the equipment is in a safe operating condition:~~

- 30 (1) ~~Brakes, as required by G.S. 20-124.~~
31 (2) ~~Lights, as required by G.S. 20-129 or G.S. 20-129.1.~~
32 (3) ~~Horn, as required by G.S. 20-125(a).~~
33 (4) ~~Steering mechanism, as required by G.S. 20-123.1.~~
34 (5) ~~Windows and windshield wipers, as required by G.S. 20-127. To~~
35 ~~determine if a vehicle window meets the window tinting~~
36 ~~restrictions, a safety inspection mechanic must first determine,~~
37 ~~based on use of an automotive film check card or knowledge of~~
38 ~~window tinting techniques, if after factory tint has been applied to~~
39 ~~the window. If after factory tint has been applied, the mechanic~~
40 ~~must use a light meter approved by the Commissioner to~~
41 ~~determine if the window meets the window tinting restrictions.~~
42 (6) ~~Directional signals, as required by G.S. 20-125.1.~~
43 (7) ~~Tires, as required by G.S. 20-122.1.~~
44 (8) ~~Mirrors, as required by G.S. 20-126.~~

1 (9) ~~Exhaust system, as required by G.S. 20-128. For a vehicle that is~~
2 ~~subject to an emissions inspection in addition to a safety~~
3 ~~inspection, a visual inspection of the vehicle's emission control~~
4 ~~devices is included in the emissions inspection rather than the~~
5 ~~safety inspection.~~

6 (b) Emissions. -- An emissions inspection of a motor vehicle consists of a visual
7 inspection of the vehicle's emission control devices to determine if the devices are
8 present, are properly connected, and are the correct type for the vehicle and an
9 analysis of the exhaust emissions of the vehicle to determine if the exhaust emissions
10 meet the standards for the model year of the vehicle set by the Environmental
11 Management Commission. To pass an emissions inspection a vehicle ~~must~~ shall pass
12 both the visual inspection and the exhaust emissions analysis. ~~When an emissions~~
13 ~~inspection is performed on a vehicle, a safety inspection must be performed on the~~
14 ~~vehicle as well.~~

15 (c) Reinspection After Failure. -- The scope of a reinspection of a vehicle that has
16 been repaired after failing an inspection is the same as the original inspection unless
17 the vehicle is presented for reinspection within 30 days of failing the original
18 inspection. If the vehicle is presented for reinspection within this time limit ~~and the~~
19 ~~inspection the vehicle failed was a safety inspection, the reinspection is limited to an~~
20 ~~inspection of the equipment that failed the original inspection. If the vehicle is~~
21 ~~presented for reinspection within this time limit and the inspection the vehicle failed~~
22 was an emissions inspection, the reinspection is limited to the portion of the
23 inspection the vehicle failed and any other portion of the inspection that would be
24 affected by repairs made to correct the failure."

25 Section 3. G.S. 20-183.4 is repealed.

26 Section 4. G.S. 20-183.4C reads as rewritten:

27 "**§ 20-183.4C. When a vehicle ~~must~~ shall be inspected.**

28 A vehicle that is subject to ~~a safety inspection, an emissions inspection, or both~~
29 ~~must~~ inspection shall be inspected as follows:

30 (1) A new vehicle ~~must~~ shall be inspected before it is offered for sale
31 at retail in this State.

32 (2) A used vehicle ~~must~~ shall be inspected before it is offered for sale
33 at retail in this State by a dealer at a location other than a public
34 auction.

35 (3) A used vehicle that is offered for sale at retail in this State by a
36 dealer at a public auction ~~must~~ shall be inspected before it is
37 offered for sale unless it has an inspection sticker that was put on
38 the vehicle under this Part and does not expire until at least nine
39 months after the date the vehicle is offered for sale at auction.

40 (4) A used vehicle acquired by a resident of this State from a person
41 outside the State ~~must~~ shall be inspected within 10 days after the
42 vehicle is registered with the Division.

43 (5) A vehicle owned by a new resident of this State who transfers the
44 registration of the vehicle from the resident's former home state to

1 this State ~~must~~ shall be inspected within 10 days after the vehicle is
2 registered with the Division.

- 3 (6) A vehicle that has been inspected in accordance with this Part
4 ~~must~~ shall be inspected by the last day of the month in which the
5 inspection sticker on the vehicle expires, unless another subdivision
6 of this section requires it to be inspected sooner."

7 Section 5. G.S. 20-183.4D reads as rewritten:

8 **§ 20-183.4D. Procedure when a vehicle is inspected.**

9 (a) Receipt. -- When ~~a safety inspection mechanic or~~ an emissions inspection
10 mechanic inspects a vehicle, the mechanic ~~must~~ shall give the person who brought
11 the vehicle in for inspection an inspection receipt. The inspection receipt ~~must~~ shall
12 state the date of the inspection, identify the mechanic performing the inspection,
13 identify the station or self-inspector where the inspection was performed, and list the
14 components of the inspection performed and indicate for each component whether
15 the vehicle passed or failed. A vehicle that fails a component of an inspection may
16 be repaired at any repair facility chosen by the owner or operator of the vehicle.

17 (b) Sticker. -- ~~When a vehicle that is subject to a safety inspection only passes the~~
18 ~~safety inspection, the safety inspection mechanic who performed the inspection must~~
19 ~~put an inspection sticker on the windshield of the vehicle at the place designated by~~
20 ~~the Division. When a vehicle that is subject to both a safety inspection and an~~
21 ~~emissions inspection passes both inspections or passes the safety inspection and~~ has a
22 waiver for the emissions inspection, the emissions mechanic performing the
23 inspection ~~must~~ shall put an inspection sticker on the windshield of the vehicle at the
24 place designated by the Division.

25 (c) Content of Sticker. -- ~~An inspection sticker issued for a vehicle that is subject~~
26 ~~to a safety inspection only must be a different color from an inspection sticker issued~~
27 ~~for a vehicle that is subject to both a safety and an emissions inspection. An~~
28 inspection sticker ~~must~~ shall:

29 (1) ~~indicate~~ Indicate when it expires, ~~must~~ expires;

30 (2) ~~be~~ Be printed with a unique serial number and an official program
31 seal, ~~seal~~; and

32 (3) ~~must be~~ Be counterfeit resistant.

33 The side of an inspection sticker that is readable from the interior of a vehicle ~~must~~
34 shall contain the following information:

35 (1) The date the inspection was performed.

36 (2) The odometer reading when the inspection was performed.

37 (3) The signature, initials, or other identification of the mechanic who
38 performed the inspection and put the sticker on the windshield.

39 (d) When Sticker Expires. -- An inspection sticker put on a vehicle that did not
40 have an inspection sticker issued under this Part when it was brought in for
41 inspection expires at midnight on the last day of the twelfth month after the month
42 the inspection sticker is put on the vehicle. An inspection sticker put on a vehicle
43 that had an inspection sticker that was put on under this Part when it was brought in
44 for inspection expires as follows:

(1) If the expiration date of the inspection sticker the vehicle had when it was brought in for inspection is less than 12 full months from the date of the inspection, the inspection sticker expires at midnight on the last day of the twelfth month after the month the inspection sticker is put on the vehicle.

(2) If the expiration date of the inspection sticker the vehicle had when it was brought in for inspection is 12 or more months from the date of the inspection, the inspection sticker expires one year after the expiration date of the inspection sticker the vehicle had when it was brought in for inspection, regardless of whether there are 12 months in this period."

Section 6. G.S. 20-183.7 reads as rewritten:

"§ 20-183.7. Fees for performing an inspection and putting an inspection sticker on a vehicle; use of civil penalties.

(a) Fee Amount. -- The following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

Type	Inspection	Sticker
~~Safety Only, Without After-Factory Tinted Window~~	~~\$ 8.25~~	~~\$ 1.00~~
~~Safety Only, With After-Factory Tinted Window~~	~~18.25~~	~~1.00~~
~~Emissions and Safety, Without After-Factory Tinted Window~~	~~17.00~~	~~2.40~~
~~Emissions and Safety, With After-Factory Tinted Window~~	~~27.00~~	~~2.40~~

The fee for performing an inspection of a vehicle applies when an inspection is performed, regardless of whether the vehicle passes the inspection. The fee for an inspection sticker applies when an inspection sticker is put on a vehicle. ~~The fee for performing an inspection of a vehicle with a tinted window applies only to an inspection performed with a light meter after a safety inspection mechanic determined that the window had after factory tint.~~

A vehicle that is inspected at an inspection station and fails the inspection is entitled to be reinspected at the same station at any time within 30 days of the failed inspection without paying another inspection fee.

(b) Self-Inspector. -- The fee for an inspection does not apply to an inspection performed by a self-inspector. The fee for putting an inspection sticker on a vehicle applies to an inspection performed by a self-inspector.

(c) Fee Distribution. -- Fees collected for inspection stickers are payable to the Division of Motor Vehicles. The amount of each fee listed in the table below shall be credited to the Highway Fund, the Emissions Program Account established in subsection (d) of this section, the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the

1	Division of ~~Environmental Management~~ <u>Air Quality</u> of the Department of		
2	Environment, Health, and Natural Resources:		
3	<u>Recipient</u>	<u>Safety Only</u>	<u>Emissions and</u>
4		<u>-Sticker</u>	<u>Safety Sticker</u>
5	~~Highway Fund~~	.75	.00
6	Emissions Program Account	.00	1.80
7	Volunteer Rescue/EMS Fund	.15	.15
8	Rescue Squad Workers' Relief		
9	Fund	.10	.10
10	Division of ~~Environmental~~		
11	~~Management~~ <u>Air Quality</u>	.00	.35.
12	(d) Account. -- The Emissions Program Account is created as a nonreverting		
13	account within the Highway Fund. The Division shall administer the Account.		
14	Revenue in the Account may be used only to fund the vehicle emissions inspection		
15	and maintenance program.		
16	(e) Civil Penalties. -- Civil penalties collected under this Part shall be credited to		
17	the Highway Fund as nontax revenue."		
18	Section 7. G.S. 20-183.8D is repealed.		
19	Section 8. This act is effective when it becomes law.		

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 9
Committee Substitute Favorable 6/5/97

Short Title: Repeal Safety Inspections.

(Public)

Sponsors:

Referred to:

January 30, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
3 STUDY THE ISSUES OF MOTOR VEHICLE SAFETY INSPECTION,
4 MOTORCYCLE HELMET LAWS, SPECIAL REGISTRATION PLATES, AND
5 PUBLIC VERSUS PRIVATE TRANSPORTATION SYSTEMS.
6 The General Assembly of North Carolina enacts:
7 Section 1. The Legislative Research Commission may:
8 (1) Study the effectiveness of the motor vehicle safety inspection
9 program required by Article 3A of Chapter 20 of the General
10 Statutes. The study may include, among other issues, the impact of
11 the motor vehicle safety inspection program on highway safety, the
12 cost effectiveness of the program, and the probable impact of
13 eliminating part or all of the program.
14 (2) Study the effectiveness of motorcycle helmet laws. The study may
15 include, among other issues, the impact of North Carolina's
16 statutory requirement of safety helmets for motorcyclists. The
17 study may also include a survey of relevant laws in other states and
18 a comparison of those laws with the current North Carolina statute.
19 (3) Study the number and types of special registration plates issued by
20 the Division of Motor Vehicles and the amount and distribution of
21 funds derived from the issuance of those plates.
22 (4) Make a comparative study of public-supported versus private
23 transportation systems. The study may include a survey of

1 applicable state and federal laws and a review of current practices
2 that impact the relationship between the public and private sectors.

3 Section 2. The Legislative Research Commission shall report the results
4 of these studies, including any legislative recommendations, to the 1998 Regular
5 Session of the 1997 General Assembly.

6 Section 3. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **BUCHANAN AND SEXTON** for the Committee on
TRANSPORTATION.

☐ Committee Substitute for

H.B. 9 A BILL TO BE ENTITLED AN ACT TO REPEAL THE MOTOR VEHICLE
SAFETY INSPECTION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill (# _____), ☒ which changes the title,
unfavorable as to original bill (~~Committee Substitute Bill # _____~~), (and recommendation
that the committee substitute bill # _____) be re-referred to the Committee on RULES.)

☐ With a favorable report as to House committee substitute bill (# _____), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

H9-CSRV-003

PROPOSED COMMITTEE SUBSTITUTE

H9

THIS IS A DRAFT 3-JUN-97 14:49:36

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Repeal Safety Inspections. (Public)

Sponsors:

Referred to:

January 30, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE
3 ISSUES OF MOTOR VEHICLE SAFETY INSPECTION, MOTORCYCLE HELMET
4 LAWS, SPECIAL REGISTRATION PLATES, AND PUBLIC VERSUS PRIVATE
5 TRANSPORTATION SYSTEMS.

6 The General Assembly of North Carolina enacts:

7 Section 1. The Legislative Research Commission shall:

8 (1) Study the effectiveness of the motor vehicle safety
9 inspection program required by Article 3A of Chapter 20 of the
10 General Statutes. The study shall include, among other issues,
11 the impact of the motor vehicle safety inspection program on
12 highway safety, the cost effectiveness of the program, and the
13 probable impact of eliminating part or all of the program.

14 (2) Study the effectiveness of motorcycle helmet laws. The
15 study shall include, among other issues, the impact of North

1 Carolina's statutory requirement of safety helmets for
2 motorcyclists. The study shall also include a survey of relevant
3 laws in other states and a comparison of those laws with the
4 current North Carolina statute.

5 (3) Study the number and types of special registration plates
6 issued by the Division of Motor Vehicles and the amount and
7 distribution of funds derived from the issuance of those plates.

8 (4) Make a comparative study of public-supported versus
9 private transportation systems. The study shall include a survey
10 of applicable state and federal laws and a review of current
11 practices that impact the relationship between the public and
12 private sectors.

13 Section 2. The Legislative Research Commission shall
14 report the results of these studies, including any legislative
15 recommendations, to the 1998 Regular Session of the 1997 General
16 Assembly.

17 Section 3. This act is effective when it becomes law.



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TO: Members of the House Transportation Committee

FROM: Karl Knapp
Fiscal Research

SUBJECT: Proposed Committee Substitute for HB 9

This memorandum provides information on the fiscal impact of the proposed committee substitute for HB 9 (H9-CSR-001).

FISCAL IMPACT

	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
HIGHWAY FUND					
Revenues					
Safety Inspection Stickers	-\$3,407,589	-\$3,458,703	-\$3,510,584	-\$3,563,243	-\$3,616,691
Vehicle Registration	<u>5,241,853</u>	<u>5,357,173</u>	<u>5,475,032</u>	<u>5,595,482</u>	<u>5,718,582</u>
Net Change	1,834,264	1,897,470	1,964,448	2,032,239	2,101,891
Expenditures					
DMV Enforcement	-1,772,831	-1,830,060	-1,889,672	-1,953,124	-2,021,223
Highway Fund Availability	\$3,607,095	\$3,728,530	\$3,854,120	\$3,985,363	\$4,123,114
GENERAL FUND					
Revenues					
Volunteer Rescue/EMS Fund					
Safety Inspection Stickers	-681,518	-691,741	-702,117	-712,649	-723,338
Vehicle Registration	<u>1,048,371</u>	<u>1,071,435</u>	<u>1,095,006</u>	<u>1,119,097</u>	<u>1,143,717</u>
Net Change	\$366,853	\$379,694	\$392,889	\$406,448	\$420,379
Rescue Squad Relief Fund					
Safety Inspection Stickers	-454,345	-461,160	-468,078	-475,099	-482,226
Vehicle Registration	<u>698,914</u>	<u>714,290</u>	<u>730,004</u>	<u>746,064</u>	<u>762,478</u>
Net Change	\$244,569	\$253,130	\$261,926	\$270,965	\$280,252

POSITIONS: Reduction of 31 FTE in DMV Enforcement



BILL SUMMARY: The proposed act eliminates the requirement that motor vehicles undergo an annual safety inspection, including the inspection of window tinting, and eliminates the fees associated with safety inspections. An additional fee of \$1.00 per registration transaction is established with the revenues apportioned to the Highway Fund, Volunteer Rescue/EMS Fund, and the Rescue Squad Workers' Relief Fund in the same manner as \$1.00 of revenue from the sale of a safety inspection sticker is now apportioned. The proposed act does not affect the emissions inspection program. Emissions inspections continue to be required in the nine designated counties, and DMV oversight of the emissions program continues to be funded by fees charged for emissions inspections.

ASSUMPTIONS AND METHODOLOGY: The proposed act is effective upon becoming law. For the purposes of this note, it is assumed that the proposed act would become effective on July 1, 1997

HIGHWAY FUND

Revenues

Discontinuation of the safety inspection program would eliminate Highway Fund revenues generated by the sale of safety inspection stickers to inspection stations. Based upon collections through December 31, 1996, the Highway Fund is projected to receive \$3,357,231 from the sale of inspection stickers in FY1996-97. Between 1993 and 1996, revenues from sticker sales have grown at a rate of 2% per year. Revenue growth for 1996-97 is projected at 1%. For this fiscal note, it is assumed that inspection sticker revenues would increase 1.5% per year.

The addition of a \$1.00 fee to the cost of vehicle registration transactions would increase Highway Fund revenue from vehicle registrations. DMV reports that 6,989,138 transactions would be covered by the proposed \$1.00 fee. The Highway Fund would receive \$0.75 from each \$1.00 charged per transaction. The number of vehicles registered is projected to increase by 2.2 percent each year after 1997-98. The number of transactions subject to the \$1.00 fee is projected to grow by the same rate.

Expenditures

The estimated annual cost of the Safety Inspection Program is \$1,772,831. This cost would be eliminated if the safety inspection program were discontinued. The Division of Motor Vehicles reports that \$278,465 is spent for supplies (inspection stickers, forms, receipts books) related to the program, and estimates that \$245,117 is spent for transportation, postage and other expenses. The personnel cost of the program is based on the following:

Inspectors - DMV Enforcement has 133 Inspectors who perform safety inspection enforcement duties. These Inspectors perform approximately 7,812 investigations of safety inspection stations per year. Investigations take an average of two hours to perform, for a total of 15,624 hours spent on investigations. Inspectors also perform an annual audit of each of the 5,520 safety inspection stations. Audits also take an average of two hours to perform,

for a total of 11,040 hours spent on audits. Inspectors also process the sale of safety inspection stickers to safety inspections stations. Each station makes monthly purchases of stickers. Each sale of stickers to an inspections station takes approximately fifteen minutes to perform, for a total of 16,560 hours spent on sticker sales. In total, Inspectors spend 43,224 hours annually on the safety inspection program.

Each Inspector has approximately 1,880 hours available for work duties each year after leave and training are taken into account. Dividing the number of hours spent on safety inspection work by the number of available hours per Inspector indicates that 23 Inspector FTE are required to perform safety inspection program duties. The average pay of a DMV Inspector is \$35,118. Accounting for State-paid benefits, the total average cost of an Inspector position is \$46,186. The average cost multiplied by the 23 FTE devoted to the program yields and annual personnel cost of \$1,039,281 for DMV Inspectors devoted to the safety inspection program.

Clerical - This proposed act would allow DMV to abolish six clerical positions at the Raleigh headquarters office that do only safety inspection work. The actual salary and benefit cost of these positions is \$161,268. In addition, two of the eight District clerical positions could be abolished. Each of the eight positions spend one fourth of their time on safety inspections. Two times the average \$32,200 salary and fringe for these positions is \$64,400.

The outyear growth for these costs that would occur if the program were continued is based on the wage and general inflation projections used in the General Assembly's General Fund Financial Model.

GENERAL FUND

In addition to the amounts received by the Highway Fund from the sale of safety inspection stickers, amounts are received by the Volunteer Rescue/EMS Fund and the Rescue Squad Workers' Relief Fund. For each dollar received by the State from the sale of an inspection sticker, \$0.75 goes to the Highway Fund, \$0.15 goes to the Volunteer Rescue/EMS Fund, and \$0.10 goes to the Rescue Squad Workers' Relief Fund. The amount of revenue loss shown for these funds from the elimination of safety inspection fees is proportional to the revenue loss for the Highway Fund.

A portion of the additional \$1.00 fee for vehicle registration transactions would go to these funds as well. DMV reports that 6,989,138 transactions would be covered by the proposed \$1.00 fee. The Volunteer Rescue/EMS Fund would receive \$0.15 from each \$1.00 charged per transaction and the Rescue Squad Workers' Relief Fund would receive \$0.10. The number of vehicles registered is projected to increase by 2.2 percent each year after 1997-98. . The number of transactions subject to the \$1.00 fee is projected to grow by the same rate.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 9 (1st Edition)

SHORT TITLE: Repeal Safety Inspections

SPONSOR(S): Representative Carpenter

FISCAL IMPACT

	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
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GENERAL FUND					
Revenues					
Department of Insurance					
Volunteer Rescue/					
EMS Fund	-681,518	-691,741	-702,117	-712,649	-723,338
Rescue Squad Worker's					
Relief Fund	-454,345	-461,160	-468,078	-475,099	-482,226

POSITIONS: 31 FTE in DMV Enforcement

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: DMV Enforcement

Volunteer Rescue/EMS Fund

Rescue Squad Worker's Relief Fund

EFFECTIVE DATE: Upon becoming law.

BILL SUMMARY: The proposed act eliminates the requirement that motor vehicles undergo an annual safety inspection, including the inspection of window tinting, and eliminates the fees associated with safety inspections. The proposed act does not affect the emissions inspection

program. Emissions inspections continue to be required in the nine designated counties, and DMV oversight of the program continues to be funded by fees charged for emissions inspections.

ASSUMPTIONS AND METHODOLOGY:

The proposed act is effective upon becoming law. For the purposes of this note, it is assumed that the proposed act would become effective on July 1, 1997. The assumptions and methodology for each portion of the fiscal estimate are discussed below:

HIGHWAY FUND

Revenues

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The outyear growth for these costs that would occur if the program were continued is based on the wage and general inflation projections used in the General Assembly's General Fund Financial Model.

GENERAL FUND

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TECHNICAL CONSIDERATIONS: The bill fails to eliminate references to the safety inspection program in the following statutes: GS 20-183.4A, GS 20-183.4B, GS 20-183.6A(a), GS 20-183.8(b), GS 20-122.1, GS 20-127(d), GS 20-137.7, GS 20-358, GS 58-57-100(a)(1), and G.S. 110-91(13).

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Karl Knapp

APPROVED BY: Tom Covington

DATE: February 17, 1997



**North Carolina General Assembly
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March 12, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Staff Attorney, Research Division

RE: House Bill 9: Repeal Safety Inspections
Proposed Committee Substitute H9-CSR-001
Section-by-Section Analysis

In 1965, the General Assembly enacted an act to provide for annual safety equipment inspection of motor vehicles. The act made the Department of Motor Vehicles responsible for administering the inspection program, with the actual inspection conducted by private business firms licensed by DMV. The first date for inspections was February 16, 1966.

House Bill 9 repeals the motor vehicle safety inspection program. It eliminates the requirement that motor vehicles undergo an annual safety inspection, but does not affect the emissions inspection program.

Sec. 1: Deletes requirement that certain motor vehicles get safety inspections.

Sec. 2: Deletes scope of safety inspections.

Sec. 3: Deletes G.S. 20-183.4 (License required to perform safety inspection; qualifications for license).

Sec. 4: Deletes requirement that emissions inspection station have license as safety inspection station and incorporates requirement that business have adequate facilities, space, and equipment to conduct an inspection (currently, requirement for safety inspection station). Deletes requirement that mechanic have license as safety inspection mechanic and incorporates requirement that the mechanic have a drivers license and be of good character (currently, requirement for safety inspection mechanic). Deletes requirement that self-inspector have license as safety self-inspector.

Sec. 5: Deletes references to safety inspection mechanic license and safety inspection station license.

Sec. 6: Deletes reference to safety inspection.



MEMORANDUM

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Sec. 7: Deletes references to safety inspection mechanic, safety inspection, and safety inspection sticker.

Sec. 8: Deletes references to safety inspection program.

Sec. 9: Deletes references to fees for safety inspections and window tinting inspections. Deletes references to fees for safety inspection stickers.

Sec. 10: Deletes reference to a defense to the infraction of operating a vehicle that has not had a safety inspection.

Sec. 11: Repeals G.S. 20-183.8D (Suspension or revocation of license for safety violation).

Sec. 12: Subsection (b) is added. This would add an additional fee of \$1.00 to each passenger vehicle currently subject to a safety inspection, to be credited to the Highway Fund, Volunteer Rescue/EMS Fund and the Rescue Squad Workers' Relief Fund. Subsection (a) is a technical change, moving a fee from one subdivision to the two subdivisions that it references. It deletes subdivision (11), which imposes a \$3 fee onto each vehicle whose fee is determined by its weight, and adds that \$3 fee to subdivisions (1) and (2) to each vehicle whose fee is determined by its weight.

Sec. 13: Subsection (b) is added. This would add an additional fee of \$1.00 cents to each property-hauling vehicle currently subject to a safety inspection, to be credited to the Highway Fund, Volunteer Rescue/EMS Fund and the Rescue Squad Workers' Relief Fund.

Sec. 14: Deletes references to safety inspections. Deletes provision allowing driver with an unsafe tire to get certificate from an official inspection station within 15 days showing that the problem has been corrected; replaces it with provision that driver can get certificate from DMV. Makes technical changes.

Sec. 15: Deletes reference to safety inspection in window tinting statute.

Sec. 16: Deletes reference in definition of "derelict vehicle" to safety inspection. A derelict vehicle would include one whose major parts have been removed so as to render it inoperable (now, inoperable and incapable of passing inspection). Deletes definition of "vehicle", which is already defined in Chapter 20. Makes other technical changes.

Sec. 17: Deletes language that a housemover's equipment must meet safety inspection requirements for the housemover to be licensed and replaces it with language requiring that the equipment meet standards set forth in the particular statutes governing brakes, lights, horns, steering mechanisms, windows and windshield wipers, turn signals, tires, mirrors, and exhaust systems.

Sec. 18: Repeals G.S. 58-57-100(a)(1), which provides that physical damage insurance written on private passenger motor vehicles used as collateral for loans may be written only on motor vehicles with valid inspection stickers.

MEMORANDUM

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Sec. 19: Deletes language that vehicles used for day care transportation meet safety inspection standards and replaces it with language that they meet standards set forth in the particular statutes governing brakes, lights, horns, steering mechanisms, windows and windshield wipers, turn signals, tires, mirrors, and exhaust systems.



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June 4, 1997

MEMORANDUM

TO: Members of the House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: **HOUSE BILL 9 - REPEAL SAFETY INSPECTIONS**
Subcommittee Report - Proposed Committee Substitute
Representative Carpenter

House Bill 9 as introduced would have repealed the motor vehicle safety inspection program. It eliminated the requirement that motor vehicles undergo an annual safety inspection, but did not affect the emissions inspection program. The bill was discussed before the Committee, and a subcommittee was appointed to further review the issue. The subcommittee met on Tuesday, June 3 and adopted a proposed committee substitute for its report to the full House Transportation Committee.

The subcommittee recommends that the Legislative Research Commission study the effectiveness of the motor vehicle safety inspection program. They recommend that the study examine the impact of the inspection program on highway safety, along with the probable impact of eliminating part or all of the program.

The subcommittee also recommends that the Legislative Research Commission study motorcycle helmet laws, special registration plates, and public versus private transportation systems.

The bill requires that the Legislative Research Commission report the results of these studies, including any legislative recommendations, to the 1998 Regular Session. The act would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 993
Proposed Committee Substitute H993-PCS8247

Short Title: Regional Transportation Authorities.

(Public)

Sponsors:

Referred to:

April 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CREATION OF ADDITIONAL REGIONAL
3 TRANSPORTATION AUTHORITIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 160A of the General Statutes is amended by adding a
6 new Article to read:

7 "ARTICLE 27.
8 "Regional Transportation Authority.

9 "§ 160A-630. Title.
10 This Article shall be known and may be cited as the 'Regional Transportation
11 Authority Act.'

12 "§ 160A-631. Definitions.

13 As used in this Article, unless the context otherwise requires:

- 14 (1) 'Authority' means a Regional Transportation Authority as defined
15 by subdivision (6) of this section.
16 (2) 'Board of Trustees' means the governing board of the Authority, in
17 which the general legislative powers of the Authority are vested.
18 (3) 'Population' means the number of persons residing in respective
19 areas as defined and enumerated in the most recent decennial
20 federal census.
21 (4) 'Public transportation' means transportation of passengers whether
22 or not for hire by any means of conveyance, including, but not
23 limited to, a street or elevated railway or guideway, subway, motor

1 vehicle or motor bus, carpool or vanpool, either publicly or
2 privately owned and operated, holding itself out to the general
3 public for the transportation of persons within or working within
4 the territorial jurisdiction of the Authority, excluding charter, tour,
5 or sight-seeing service.

6 (5) 'Public transportation system' means, without limitation, a
7 combination of real and personal property, structures,
8 improvements, buildings, equipment, vehicle parking, or other
9 facilities, railroads and railroad rights-of-way whether held in fee
10 simple by quitclaim or easement, and rights-of-way, or any
11 combination thereof, used or useful for the purposes of public
12 transportation. 'Public transportation system' however, does not
13 include streets, roads, or highways except those for ingress and
14 egress to vehicle parking.

15 (6) 'Regional Transportation Authority,' means a body corporate and
16 politic organized in accordance with the provisions of this Article
17 for the purposes, with the powers and subject to the restrictions
18 hereinafter set forth.

19 (7) 'Unit of local government' means any county, city, town or
20 municipality of this State, and any other political subdivision,
21 public corporation, Authority, or district in this State, which is or
22 may be authorized by law to acquire, establish, construct, enlarge,
23 improve, maintain, own, and operate public transportation systems.

24 (8) 'Unit of local government's chief administrative official' means the
25 county manager, city manager, town manager, or other person, by
26 whatever title he shall be known, in whom the responsibility for
27 the unit of local government's administrative duties is vested.

28 **"§ 160A-632. Definition of territorial jurisdiction of Authority.**

29 An authority may be created for the area of any Metropolitan Planning
30 Organization of the State that, at the time of creation of the authority, meets the
31 following criteria, such area being the initial territorial jurisdiction of the Authority:

32 (1) The area consists of all or part of five counties, all five counties of
33 which form a contiguous territory;

34 (2) At least two of those counties are contiguous to each other and
35 each have a population of 250,000 or over; and

36 (3) The other three counties each have a population of 100,000 or
37 over.

38 **"§ 160A-633. Creation of Authority.**

39 (a) The city councils of the four largest cities within an area for which an
40 authority may be created as defined in G.S. 160A-632 may by resolution signify their
41 determination to organize an authority under the provisions of this Article. Each of
42 such resolutions shall be adopted after a public hearing thereon, notice of which
43 hearing shall be given by publication at least once, not less than 10 days prior to the
44 date fixed for such hearing, in a newspaper having a general circulation in the

1 county. Such notice shall contain a brief statement of the substance of the proposed
2 resolution, shall set forth the proposed articles of incorporation of the Authority and
3 shall state the time and place of the public hearing to be held thereof. No city shall
4 be required to make any other publication of such resolution under the provisions of
5 any other law.

6 (b) Each such resolution shall include articles of incorporation which shall set
7 forth:

8 (1) The name of the authority;

9 (2) A statement that such authority is organized under this Article;
10 and

11 (3) The names of the four organizing cities.

12 (c) A certified copy of each of such resolutions signifying the determination to
13 organize an authority under the provisions of this Article shall be filed with the
14 Secretary of State, together with proof of publication of the notice of hearing on each
15 of such resolutions. If the Secretary of State finds that the resolutions, including the
16 articles of incorporation, conform to the provisions of this Article and that the notices
17 of hearing were properly published, he shall file such resolutions and proofs of
18 publication in his office and shall issue a certificate of incorporation under the seal of
19 the State and shall record the same in an appropriate book of record in his office.
20 The issuance of such certificate of incorporation by the Secretary of State shall
21 constitute the Authority, a public body and body politic and corporate of the State of
22 North Carolina. Said certificate of incorporation shall be conclusive evidence of the
23 fact that such authority has been duly created and established under the provisions of
24 this Article.

25 (d) When the Authority has been duly organized and its officers elected as herein
26 provided, the secretary of the Authority shall certify to the Secretary of State the
27 names and addresses of such officers as well as the address of the principal office of
28 the Authority.

29 (e) The Authority may become a Designated Recipient pursuant to the Urban
30 Mass Transportation Act of 1964, as amended.

31 "§ 160A-634. Territorial jurisdiction and service area of the Authority.

32 The territorial jurisdiction and service area of the Authority shall be as determined
33 by the Board of Trustees consistent with its purpose, but shall initially consist of those
34 areas included within the Metropolitan Planning Organization boundaries. With the
35 consent by resolution of the affected board of county commissioners, the jurisdiction
36 and area may be expanded to include contiguous areas, but the total jurisdiction and
37 service area shall not exceed part or all of 12 counties.

38 (b) Except as provided by this Article, the jurisdiction of the Authority may
39 include all local public passenger transportation operating within the territorial
40 jurisdiction of the Authority, but the Authority may not take over the operation of
41 any existing public transportation without the consent of the owner.

42 (c) The Authority shall not have jurisdiction over public transportation subject to
43 the jurisdiction of and regulated by the United States Department of Transportation,

1 nor shall it have jurisdiction over intrastate public transportation classified as
2 common carriers of passengers by the North Carolina Utilities Commission.

3 **"§ 160A-635. Membership; officers; compensation.**

4 (a) The governing body of an authority is the Board of Trustees. The Board of
5 Trustees shall consist of:

6 (1) The mayor of the four cities within the service area that have the
7 largest population, or a member of the city council designated by
8 the city council to serve in the absence of the mayor.

9 (2) Two members of the Board of Transportation appointed by the
10 Secretary of Transportation, to serve as ex officio nonvoting
11 members.

12 (3) The chair of each Metropolitan Planning Organization in the
13 territorial jurisdiction.

14 (4) The chair of the board of commissioners of any county within the
15 territorial jurisdiction or a member of the board of commissioners
16 designated by the board to serve in the absence of the chair, but
17 only if the Board of Trustees by resolution has expanded the Board
18 of Trustees to include the chair of the board of commissioners of
19 that county and the board of commissioners of that county has
20 consented by resolution.

21 (b) The members appointed by the Secretary of Transportation shall serve at the
22 pleasure of the Secretary.

23 (c) Service on the Board of Trustees may be in addition to any other office which
24 a person is entitled to hold. Each voting member of the Board of Trustees may hold
25 elective public office as defined by G.S. 128-1.1(d).

26 (d) Members of the Board of Trustees shall reside within the territorial
27 jurisdiction of the Authority as defined by G.S. 160A-634.

28 (e) The Board of Trustees shall annually elect from its membership a Chairperson,
29 and a Vice-Chairperson, and shall annually elect a Secretary, and a Treasurer.

30 (f) Members of the Board of Trustees shall receive the sum of fifty dollars (\$50.00)
31 as compensation for attendance at each duly conducted meeting of the Authority.

32 **"§ 160A-636. Voting.**

33 A majority of the members of the Board of Trustees shall constitute a quorum for
34 the transaction of business. Except as provided by G.S. 160A-635(a)(2), each
35 member shall have one vote.

36 **"§ 160A-637. Advisory committees.**

37 The Board of Trustees may provide for the selection of such advisory committees
38 as it may find appropriate, which may or may not include members of the Board of
39 Trustees.

40 **"§ 160A-638. Purpose of the Authority.**

41 The purpose of the authority is to enhance the quality of life in its territorial
42 jurisdiction by promoting the development of sound transportation systems which
43 provide transportation choices, enhance mobility, accessibility, and safety, encourage

1 economic development and sound growth patterns, and protect the man-made and
2 natural environments of the region.

3 **"§ 160A-639. General powers of the Authority.**

4 The general powers of the Authority shall include any or all of the following:

- 5 (1) To sue and be sued;
- 6 (2) To have a seal;
- 7 (3) To make rules and regulations, not inconsistent with this Chapter,
8 for its organization and internal management;
- 9 (4) To employ persons deemed necessary to carry out the functions
10 and duties assigned to them by the Authority and to fix their
11 compensation, within the limit of available funds;
- 12 (5) With the approval of the unit of local government's chief
13 administrative official, to use officers, employees, agents, and
14 facilities of the unit of local government for such purposes and
15 upon such terms as may be mutually agreeable;
- 16 (6) To retain and employ counsel, auditors, engineers, and private
17 consultants on an annual salary, contract basis, or otherwise for
18 rendering professional or technical services and advice;
- 19 (7) To acquire, lease as lessee with or without option to purchase,
20 hold, own, and use any franchise, property, real or personal,
21 tangible or intangible, or any interest therein, and to sell, lease as
22 lessor with or without option to purchase, transfer (or dispose
23 thereof) whenever the same is no longer required for purposes of
24 the Authority, or exchange same for other property or rights which
25 are useful for the Authority's purposes, including but not
26 necessarily limited to parking facilities;
- 27 (8) To acquire by gift, purchase, lease as lessee with or without option
28 to purchase or otherwise to construct, improve, maintain, repair,
29 operate, or administer any component parts of a public
30 transportation system or to contract for the maintenance, operation
31 or administration thereof, or to lease as lessor the same for
32 maintenance, operation, or administration by private parties,
33 including, but not necessarily limited to, parking facilities;
- 34 (9) To make or enter into contracts, agreements, deeds, leases with or
35 without option to purchase, conveyances or other instruments,
36 including contracts and agreements with the United States, the
37 State of North Carolina, and units of local government;
- 38 (10) To surrender to the State of North Carolina any property no
39 longer required by the Authority;
- 40 (11) To develop and make data, plans, information, surveys and studies
41 of public transportation facilities within the territorial jurisdiction
42 of the Authority, to prepare and make recommendations in regard
43 thereto;

- (12) To enter in a reasonable manner lands, waters, or premises for the purpose of making surveys, soundings, drillings, and examinations whereby such entry shall not be deemed a trespass except that the Authority shall be liable for any actual and consequential damages resulting from such entries;
- (13) To develop and carry out demonstration projects;
- (14) To make, enter into, and perform contracts with private parties, and public transportation companies with respect to the management and operation of public passenger transportation;
- (15) To make, enter into, and perform contracts with any public utility, railroad or transportation company for the joint use of property or rights, for the establishment of through routes, joint fares, or transfer of passengers;
- (16) To make, enter into, and perform agreements with governmental entities for payments to the Authority for the transportation of persons for whom the governmental entities desire transportation;
- (17) With the consent of the unit of local government which would otherwise have jurisdiction to exercise the powers enumerated in this subdivision: to issue certificates of public convenience and necessity; and to grant franchises and enter into franchise agreements, and in all respects to regulate the operation of buses, taxicabs, and other methods of public passenger transportation which originate and terminate within the territorial jurisdiction of the Authority as fully as the unit of local government is now or hereafter empowered to do within the territorial jurisdiction of the unit of local government;
- (18) To operate public transportation systems and to enter into and perform contracts to operate public transportation services and facilities, and to own or lease property, facilities and equipment necessary or convenient therefor, and to rent, lease or otherwise sell the right to do so to any person, public or private; further, to obtain grants, loans, and assistance from the United States, the State of North Carolina, any public body, or any private source whatsoever, but may not operate or contract for the operation of public transportation systems outside the territorial jurisdiction of the Authority except as provided by subdivision (20) of this section;
- (19) To enter into and perform contracts and agreements with other public transportation authorities, regional public transportation authorities, or units of local government pursuant to the provisions of G.S. 160A-460 through 160A-464 (Part 1 of Article 20 of Chapter 160A of the General Statutes); further to enter into contracts and agreements with private transportation companies, but this subdivision does not authorize the operation of, or

- 1 contracting for the operation of, service of a public transportation
2 system outside the service area of the Authority;
- 3 (20) To operate public transportation systems extending service into any
4 political subdivision of the State of North Carolina unless a
5 particular unit of local government operating its own public
6 transportation system or franchising the operation of a public
7 transportation system by majority vote of its governing board, shall
8 deny consent, but such service may not extend more than 10 miles
9 outside of the territorial jurisdiction of the authority, except that
10 vanpool and carpool service shall not be subject to that mileage
11 limitation;
- 12 (21) Except as restricted by covenants in bonds, notes, or equipment
13 trust certificates, to set in its sole discretion rates, fees, and charges
14 for use of its public transportation system;
- 15 (22) To do all things necessary or convenient to carry out its purpose
16 and to exercise the powers granted to the Authority;
- 17 (23) To facilitate the coordination of transportation plans in the service
18 area and the activities of the member Metropolitan Planning
19 Organizations;
- 20 (24) To maintain databases for the projection of future travel demands
21 in the region;
- 22 (25) To provide and operate regional ridesharing and vanpool
23 operations;
- 24 (26) To provide and operate regional transportation services for the
25 elderly and handicapped;
- 26 (27) To provide other transportation related services, including air
27 quality monitoring and analysis, as determined by the Board of
28 Trustees;
- 29 (28) To issue bonds or other obligations of the Authority as provided by
30 law and apply the proceeds thereof to the financing of any public
31 transportation system or any part thereof and to refund, whether or
32 not in advance of maturity or the earliest redemption date, any
33 such bonds or other obligations; and
- 34 (29) To contract for, or to provide and maintain, with respect to the
35 facilities and property owned, leased with or without option to
36 purchase, operated or under the control of the Authority, and
37 within the territory thereof, a security force to protect persons and
38 property, dispense unlawful or dangerous assemblages and
39 assemblages which obstruct full and free passage, control
40 pedestrian and vehicular traffic, and otherwise preserve and
41 protect the public peace, health, and safety; for these purposes a
42 member of such force shall be a peace officer and, as such, shall
43 have authority equivalent to the authority of a police officer of the

1 city or county in which said member of such force is discharging
2 such duties.

3 **"§ 160A-640. Authority of Utilities Commission not affected.**

4 (a) Except as otherwise provided in this Article, nothing in this Article shall be
5 construed to limit or otherwise affect the power or authority of the North Carolina
6 Utilities Commission or the right of appeal to the North Carolina Utilities
7 Commission as provided by law.

8 (b) The North Carolina Utilities Commission shall not have jurisdiction over rates,
9 fees, charges, routes, and schedules of an Authority for service within its territorial
10 jurisdiction.

11 **"§ 160A-641. Fiscal accountability.**

12 An Authority is a public authority subject to the provisions of Chapter 159 of the
13 General Statutes.

14 **"§ 160A-642. Funds.**

15 The establishment and operation of an Authority are governmental functions and
16 constitute a public purpose, and the State of North Carolina and any unit of local
17 government may appropriate funds to support the establishment and operation of the
18 Authority. The State of North Carolina and any unit of local government may also
19 dedicate, sell, convey, donate, or lease any of their interests in any property to the
20 Authority. An Authority may apply for grants from the State of North Carolina, or
21 from the United States or any department, agency, or instrumentality thereof. The
22 Department of Transportation may allocate to an Authority any funds appropriated
23 for transportation, or any funds whose use is not restricted by law.

24 **"§ 160A-643. Competition.**

25 No equipment of the Authority may be used for charter, tour, or sight-seeing
26 service.

27 **"§ 160A-644. Effect on existing franchises and operations.**

28 Creation of the Authority shall not have an effect on any existing franchises
29 granted by any unit of local government; such existing franchises shall continue in full
30 force and effect until legally terminated; further, all ordinances and resolutions of the
31 unit of local government regulating local public transportation systems, bus
32 operations, and taxicabs shall continue in full force and effect now and in the future,
33 unless superseded by regulations of the Authority; such superseding, if any, may
34 occur only on the basis of prior mutual agreement between the Authority and the
35 respective unit of local government.

36 **"§ 160A-645. Termination.**

37 The Board of Trustees may terminate the existence of the Authority at any time
38 when it has no outstanding indebtedness. In the event of such termination, all
39 property and assets of the Authority not otherwise encumbered shall automatically
40 become the property of the State of North Carolina, and the State of North Carolina
41 shall succeed to all rights, obligations, and liabilities of the Authority.

42 **"§ 160A-646. Controlling provisions.**

43 Insofar as the provisions of this Article are not consistent with the provisions of
44 any other law, public or private, the provisions of this Article shall be controlling.

1 **"§ 160A-647. Bonds and notes authorized.**

2 In addition to the powers granted by this Article, the Authority may issue bonds
3 and notes pursuant to the provisions of the Local Government Revenue Bond Act for
4 the purpose of financing public transportation systems or any part thereof and to
5 refund such bonds and notes, whether or not in advance of their maturity or earliest
6 redemption date.

7 **"§ 160A-648. Equipment trust certificates.**

8 In addition to the powers here and before granted, the Authority shall have
9 continuing power to purchase equipment, and in connection therewith execute
10 agreements, leases with or without option to purchase, or equipment trust certificates.
11 All money required to be paid by the Authority under the provisions of such
12 agreements, leases with or without option to purchase, and equipment trust
13 certificates shall be payable solely from the fares, fees, rentals, charges, revenues, and
14 earnings of the Authority, monies derived from the sale of any surplus property of the
15 Authority and gifts, grants, and contributions from any source whatever. Payment for
16 such equipment or rentals therefore, may be made in installments; the deferred
17 installments may be evidenced by equipment trust certificates payable solely from the
18 aforesaid revenues or receipts, and title to such equipment may or may not vest in the
19 Authority until the equipment trust certificates are paid.

20 **"§ 160A-649. Power of eminent domain.**

21 (a) The Authority shall have continuing power to acquire, by gift, grant, devise,
22 bequest, exchange, purchase, lease with or without option to purchase, or any other
23 lawful method, including, but not limited to, the power of eminent domain, the fee or
24 any lesser interest in real or personal property for use by the Authority.

25 (b) Exercise of the power of eminent domain by the Authority shall be in
26 accordance with Chapter 40A of the General Statutes.

27 **"§ 160A-650. Tax exemption.**

28 The property of the Authority, both real and personal, its acts, activities, and
29 income shall be exempt from any tax or tax obligation; in the event of any lease of
30 Authority property, or other arrangement which amounts to a leasehold interest, to a
31 private party, this exemption shall not apply to the value of such leasehold interest
32 nor shall it apply to the income of the lessee. Otherwise, however, for the purpose of
33 taxation, when property of the Authority is leased to private parties solely for the
34 purpose of the Authority, the acts and activities of the lessee shall be considered as
35 the acts and activities of the Authority and the exemption. The interest on bonds or
36 obligations issued by the Authority shall be exempt from State taxes.

37 **"§ 160A-651. Removal and relocation of utility structures.**

38 (a) The Authority shall have the power to require any public utility, railroad, or
39 other public service corporation owning or operating any installations, structures,
40 equipment, apparatus, appliances, or facilities in, upon, under, over, across or along
41 any ways on which the Authority has the right to own, construct, operate, or maintain
42 its public transportation system, to relocate such installation, structures, equipment,
43 apparatus, appliances, or facilities from their locations, or, in the sole discretion of
44 the affected public utility, railroad, or other public service corporation, to remove

1 such installations, structures, equipment, apparatus, appliances, or facilities from their
2 locations.

3 (b) If the owner or operator thereof fails or refuses to relocate them, the Authority
4 may proceed to do so.

5 (b1) The Authority shall provide any necessary new locations and necessary real
6 estate interests for such relocation, and for that purpose the power of eminent
7 domain as provided in G.S. 160A-649 may be exercised provided the new locations
8 shall not be in, on or above, a public highway; the Authority may also acquire the
9 necessary new locations by purchase or otherwise.

10 (b2) Any affected public utility, railroad, or other public service corporation shall
11 be compensated for any real estate interest taken in a manner consistent with G.S.
12 160A-649, subject to the right of the Authority to reduce the compensation due by
13 the value of any property exchanged under this section.

14 (b3) The method and procedures of a particular adjustment to the facilities of a
15 public utility, railroad, or other public service corporation shall be covered by an
16 agreement between the Authority and the affected party or parties.

17 (c) The Authority shall reimburse the public utility, railroad, or other public
18 service corporation, for the cost of relocations or removals which shall be the entire
19 amount paid or incurred by the utility properly attributable thereto after deducting
20 the cost of any increase in the service capacity of the new installations, structures,
21 equipment, apparatus, appliances, or facilities and any salvage value derived from the
22 old installations, structures, equipment, apparatus or appliances."

23 Section 2. G.S. 105-164.14(c)(15) reads as rewritten:

24 "(15) A regional public transportation authority created pursuant to
25 Article 26 of Chapter 160A of the General Statutes. Statutes, or a
26 Regional Transportation Authority created pursuant to Article 27
27 of Chapter 160A of the General Statutes."

28 Section 3. G.S. 159-81(1) reads as rewritten:

29 "(1) 'Municipality' means a county, city, town, incorporated village,
30 sanitary district, metropolitan sewerage district, metropolitan water
31 district, county water and sewer district, water and sewer authority,
32 hospital authority, hospital district, parking authority, special
33 airport district, regional public transportation authority, Regional
34 Transportation Authority, regional sports authority, airport
35 authority, joint agency created pursuant to Part 1 of Article 20 of
36 Chapter 160A of the General Statutes, and joint agency authorized
37 by agreement between two cities to operate an airport pursuant to
38 G.S. 63-56, but not any other forms of local government."

39 Section 3.1. If Senate Bill 352 is enacted and provides that funds
40 appropriated to the Department of Transportation for the 1997-98 fiscal year shall be
41 used to fund a Major Investment Study (MIS) which shall include:

42 (1) A passenger rail proposal providing service between Asheville and
43 Raleigh through Winston-Salem generally following the I-40
44 corridor; and

1 (2) A passenger rail proposal providing for commuter rail services
2 between Winston-Salem, Greensboro, High Point, and outlying
3 communities,
4 then notwithstanding that act, the MIS shall be administered by the Regional
5 Transportation Authority created under this act which includes Guilford and Forsyth
6 Counties, in consultation with the Department of Transportation, the Forsyth County
7 Metropolitan Planning Organization (MPO), the Greensboro MPO, and the High
8 Point MPO.
9 Section 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 993

Short Title: Regional Transportation Authorities.

(Public)

Sponsors: Representative Gray.

Referred to: Transportation.

April 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CREATION OF ADDITIONAL REGIONAL
3 TRANSPORTATION AUTHORITIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 160A of the General Statutes is amended by adding a
6 new Article to read:

7 "ARTICLE 26.
8 "Regional Transportation Authority.

9 "§ 160A-630. Title.

10 This Article shall be known and may be cited as the 'Regional Transportation
11 Authority Act.'

12 "§ 160A-631. Definitions.

13 As used in this Article, unless the context otherwise requires:

14 (1) 'Authority' means a Regional Transportation Authority as defined
15 by subdivision (6) of this section.

16 (2) 'Board of Trustees' means the governing board of the Authority, in
17 which the general legislative powers of the Authority are vested.

18 (3) 'Population' means the number of persons residing in respective
19 areas as defined and enumerated in the most recent decennial
20 federal census.

21 (4) 'Public transportation' means transportation of passengers whether
22 or not for hire by any means of conveyance, including, but not
23 limited to, a street or elevated railway or guideway, subway, motor
24 vehicle or motor bus, carpool or vanpool, either publicly or

1 privately owned and operated, holding itself out to the general
2 public for the transportation of persons within or working within
3 the territorial jurisdiction of the Authority, excluding charter, tour,
4 or sight-seeing service.

5 (5) 'Public transportation system' means, without limitation, a
6 combination of real and personal property, structures,
7 improvements, buildings, equipment, vehicle parking, or other
8 facilities, railroads and railroad rights-of-way whether held in fee
9 simple by quitclaim or easement, and rights-of-way, or any
10 combination thereof, used or useful for the purposes of public
11 transportation. 'Public transportation system' however, does not
12 include streets, roads, or highways except those for ingress and
13 egress to vehicle parking.

14 (6) 'Regional Transportation Authority,' means a body corporate and
15 politic organized in accordance with the provisions of this Article
16 for the purposes, with the powers and subject to the restrictions
17 hereinafter set forth.

18 (7) 'Unit of local government' means any county, city, town or
19 municipality of this State, and any other political subdivision,
20 public corporation, Authority, or district in this State, which is or
21 may be authorized by law to acquire, establish, construct, enlarge,
22 improve, maintain, own, and operate public transportation systems.

23 (8) 'Unit of local government's chief administrative official' means the
24 county manager, city manager, town manager, or other person, by
25 whatever title he shall be known, in whom the responsibility for
26 the unit of local government's administrative duties is vested.

27 **"§ 160A-632. Definition of territorial jurisdiction of Authority.**

28 An authority may be created for the area of any Metropolitan Planning
29 Organization of the State that, at the time of creation of the authority, meets the
30 following criteria, such area being the initial territorial jurisdiction of the Authority:

31 (1) The area consists of all or part of five counties, all five counties of
32 which form a contiguous territory;

33 (2) At least two of those counties are contiguous to each other and
34 each have a population of 250,000 or over; and

35 (3) The other three counties each have a population of 100,000 or
36 over.

37 **"§ 160A-633. Creation of Authority.**

38 (a) The city councils of the four largest cities within an area for which an
39 authority may be created as defined in G.S. 160A-632 may by resolution signify their
40 determination to organize an authority under the provisions of this Article. Each of
41 such resolutions shall be adopted after a public hearing thereon, notice of which
42 hearing shall be given by publication at least once, not less than 10 days prior to the
43 date fixed for such hearing, in a newspaper having a general circulation in the
44 county. Such notice shall contain a brief statement of the substance of the proposed

1 resolution, shall set forth the proposed articles of incorporation of the Authority and
2 shall state the time and place of the public hearing to be held thereof. No city shall
3 be required to make any other publication of such resolution under the provisions of
4 any other law.

5 (b) Each such resolution shall include articles of incorporation which shall set
6 forth:

7 (1) The name of the authority;

8 (2) A statement that such authority is organized under this Article;
9 and

10 (3) The names of the four organizing cities.

11 (c) A certified copy of each of such resolutions signifying the determination to
12 organize an authority under the provisions of this Article shall be filed with the
13 Secretary of State, together with proof of publication of the notice of hearing on each
14 of such resolutions. If the Secretary of State finds that the resolutions, including the
15 articles of incorporation, conform to the provisions of this Article and that the notices
16 of hearing were properly published, he shall file such resolutions and proofs of
17 publication in his office and shall issue a certificate of incorporation under the seal of
18 the State and shall record the same in an appropriate book of record in his office.
19 The issuance of such certificate of incorporation by the Secretary of State shall
20 constitute the Authority, a public body and body politic and corporate of the State of
21 North Carolina. Said certificate of incorporation shall be conclusive evidence of the
22 fact that such authority has been duly created and established under the provisions of
23 this Article.

24 (d) When the Authority has been duly organized and its officers elected as herein
25 provided, the secretary of the Authority shall certify to the Secretary of State the
26 names and addresses of such officers as well as the address of the principal office of
27 the Authority.

28 (e) The Authority may become a Designated Recipient pursuant to the Urban
29 Mass Transportation Act of 1964, as amended.

30 "§ 160A-634. Territorial jurisdiction and service area of the Authority.

31 The territorial jurisdiction and service area of the Authority shall be as determined
32 by the Board of Trustees consistent with its purpose, but shall initially consist of those
33 areas included within the Metropolitan Planning Organization boundaries. With the
34 consent by resolution of the affected board of county commissioners, the jurisdiction
35 and area may be expanded to include contiguous areas, but the total jurisdiction and
36 service area shall not exceed part or all of 12 counties.

37 (b) Except as provided by this Article, the jurisdiction of the Authority may
38 include all local public passenger transportation operating within the territorial
39 jurisdiction of the Authority, but the Authority may not take over the operation of
40 any existing public transportation without the consent of the owner.

41 (c) The Authority shall not have jurisdiction over public transportation subject to
42 the jurisdiction of and regulated by the United States Department of Transportation,
43 nor shall it have jurisdiction over intrastate public transportation classified as
44 common carriers of passengers by the North Carolina Utilities Commission.

1 "§ 160A-635. Membership; officers; compensation.

2 (a) The governing body of an authority is the Board of Trustees. The Board of
3 Trustees shall consist of:

4 (1) The mayor of the four cities within the service area that have the
5 largest population, or a member of the city council designated by
6 the city council to serve in the absence of the mayor.

7 (2) Two members of the Board of Transportation appointed by the
8 Secretary of Transportation, to serve as ex officio nonvoting
9 members.

10 (3) The chair of each Metropolitan Planning Organization in the
11 territorial jurisdiction.

12 (4) The chair of the board of commissioners of any county within the
13 territorial jurisdiction or a member of the board of commissioners
14 designated by the board to serve in the absence of the chair, but
15 only if the Board of Trustees by resolution has expanded the Board
16 of Trustees to include the chair of the board of commissioners of
17 that county and the board of commissioners of that county has
18 consented by resolution.

19 (b) The members appointed by the Secretary of Transportation shall serve at the
20 pleasure of the Secretary.

21 (c) Service on the Board of Trustees may be in addition to any other office which
22 a person is entitled to hold. Each voting member of the Board of Trustees may hold
23 elective public office as defined by G.S. 128-1.1(d).

24 (d) Members of the Board of Trustees shall reside within the territorial
25 jurisdiction of the Authority as defined by G.S. 160A-634.

26 (e) The Board of Trustees shall annually elect from its membership a Chairperson,
27 and a Vice-Chairperson, and shall annually elect a Secretary, and a Treasurer.

28 (f) Members of the Board of Trustees shall receive the sum of fifty dollars (\$50.00)
29 as compensation for attendance at each duly conducted meeting of the Authority.

30 "§ 160A-636. Voting.

31 A majority of the members of the Board of Trustees shall constitute a quorum for
32 the transaction of business. Except as provided by G.S. 160A-635(a)(2), each
33 member shall have one vote.

34 "§ 160A-637. Advisory committees.

35 The Board of Trustees may provide for the selection of such advisory committees
36 as it may find appropriate, which may or may not include members of the Board of
37 Trustees.

38 "§ 160A-638. Purpose of the Authority.

39 The purpose of the authority is to enhance the quality of life in its territorial
40 jurisdiction by promoting the development of sound transportation systems which
41 provide transportation choices, enhance mobility, accessibility, and safety, encourage
42 economic development and sound growth patterns, and protect the man-made and
43 natural environments of the region.

44 "§ 160A-639. General powers of the Authority.

1 The general powers of the Authority shall include any or all of the following:

- 2 (1) To sue and be sued;
- 3 (2) To have a seal;
- 4 (3) To make rules and regulations, not inconsistent with this Chapter,
5 for its organization and internal management;
- 6 (4) To employ persons deemed necessary to carry out the functions
7 and duties assigned to them by the Authority and to fix their
8 compensation, within the limit of available funds;
- 9 (5) With the approval of the unit of local government's chief
10 administrative official, to use officers, employees, agents, and
11 facilities of the unit of local government for such purposes and
12 upon such terms as may be mutually agreeable;
- 13 (6) To retain and employ counsel, auditors, engineers, and private
14 consultants on an annual salary, contract basis, or otherwise for
15 rendering professional or technical services and advice;
- 16 (7) To acquire, lease as lessee with or without option to purchase,
17 hold, own, and use any franchise, property, real or personal,
18 tangible or intangible, or any interest therein, and to sell, lease as
19 lessor with or without option to purchase, transfer (or dispose
20 thereof) whenever the same is no longer required for purposes of
21 the Authority, or exchange same for other property or rights which
22 are useful for the Authority's purposes, including but not
23 necessarily limited to parking facilities;
- 24 (8) To acquire by gift, purchase, lease as lessee with or without option
25 to purchase or otherwise to construct, improve, maintain, repair,
26 operate, or administer any component parts of a public
27 transportation system or to contract for the maintenance, operation
28 or administration thereof, or to lease as lessor the same for
29 maintenance, operation, or administration by private parties,
30 including, but not necessarily limited to, parking facilities;
- 31 (9) To make or enter into contracts, agreements, deeds, leases with or
32 without option to purchase, conveyances or other instruments,
33 including contracts and agreements with the United States, the
34 State of North Carolina, and units of local government;
- 35 (10) To surrender to the State of North Carolina any property no
36 longer required by the Authority;
- 37 (11) To develop and make data, plans, information, surveys and studies
38 of public transportation facilities within the territorial jurisdiction
39 of the Authority, to prepare and make recommendations in regard
40 thereto;
- 41 (12) To enter in a reasonable manner lands, waters, or premises for the
42 purpose of making surveys, soundings, drillings, and examinations
43 whereby such entry shall not be deemed a trespass except that the

- 1 Authority shall be liable for any actual and consequential damages
2 resulting from such entries;
- 3 (13) To develop and carry out demonstration projects;
- 4 (14) To make, enter into, and perform contracts with private parties,
5 and public transportation companies with respect to the
6 management and operation of public passenger transportation;
- 7 (15) To make, enter into, and perform contracts with any public utility,
8 railroad or transportation company for the joint use of property or
9 rights, for the establishment of through routes, joint fares, or
10 transfer of passengers;
- 11 (16) To make, enter into, and perform agreements with governmental
12 entities for payments to the Authority for the transportation of
13 persons for whom the governmental entities desire transportation;
- 14 (17) With the consent of the unit of local government which would
15 otherwise have jurisdiction to exercise the powers enumerated in
16 this subdivision: to issue certificates of public convenience and
17 necessity; and to grant franchises and enter into franchise
18 agreements, and in all respects to regulate the operation of buses,
19 taxicabs, and other methods of public passenger transportation
20 which originate and terminate within the territorial jurisdiction of
21 the Authority as fully as the unit of local government is now or
22 hereafter empowered to do within the territorial jurisdiction of the
23 unit of local government;
- 24 (18) To operate public transportation systems and to enter into and
25 perform contracts to operate public transportation services and
26 facilities, and to own or lease property, facilities and equipment
27 necessary or convenient therefor, and to rent, lease or otherwise
28 sell the right to do so to any person, public or private; further, to
29 obtain grants, loans, and assistance from the United States, the
30 State of North Carolina, any public body, or any private source
31 whatsoever, but may not operate or contract for the operation of
32 public transportation systems outside the territorial jurisdiction of
33 the Authority except as provided by subdivision (20) of this
34 section;
- 35 (19) To enter into and perform contracts and agreements with other
36 public transportation authorities, regional public transportation
37 authorities, or units of local government pursuant to the provisions
38 of G.S. 160A-460 through 160A-464 (Part 1 of Article 20 of
39 Chapter 160A of the General Statutes); further to enter into
40 contracts and agreements with private transportation companies,
41 but this subdivision does not authorize the operation of, or
42 contracting for the operation of, service of a public transportation
43 system outside the service area of the Authority;

- 1 (20) To operate public transportation systems extending service into any
2 political subdivision of the State of North Carolina unless a
3 particular unit of local government operating its own public
4 transportation system or franchising the operation of a public
5 transportation system by majority vote of its governing board, shall
6 deny consent, but such service may not extend more than 10 miles
7 outside of the territorial jurisdiction of the authority, except that
8 vanpool and carpool service shall not be subject to that mileage
9 limitation;
- 10 (21) Except as restricted by covenants in bonds, notes, or equipment
11 trust certificates, to set in its sole discretion rates, fees, and charges
12 for use of its public transportation system;
- 13 (22) To do all things necessary or convenient to carry out its purpose
14 and to exercise the powers granted to the Authority;
- 15 (23) To facilitate the coordination of transportation plans in the service
16 area and the activities of the member Metropolitan Planning
17 Organizations;
- 18 (24) To maintain databases for the projection of future travel demands
19 in the region;
- 20 (25) To provide and operate regional ridesharing and vanpool
21 operations;
- 22 (26) To provide and operate regional transportation services for the
23 elderly and handicapped;
- 24 (27) To provide other transportation related services, including air
25 quality monitoring and analysis, as determined by the Board of
26 Trustees;
- 27 (28) To issue bonds or other obligations of the Authority as provided by
28 law and apply the proceeds thereof to the financing of any public
29 transportation system or any part thereof and to refund, whether or
30 not in advance of maturity or the earliest redemption date, any
31 such bonds or other obligations; and
- 32 (29) To contract for, or to provide and maintain, with respect to the
33 facilities and property owned, leased with or without option to
34 purchase, operated or under the control of the Authority, and
35 within the territory thereof, a security force to protect persons and
36 property, dispense unlawful or dangerous assemblages and
37 assemblages which obstruct full and free passage, control
38 pedestrian and vehicular traffic, and otherwise preserve and
39 protect the public peace, health, and safety; for these purposes a
40 member of such force shall be a peace officer and, as such, shall
41 have authority equivalent to the authority of a police officer of the
42 city or county in which said member of such force is discharging
43 such duties.

44 "§ 160A-640. Authority of Utilities Commission not affected.

1 (a) Except as otherwise provided in this Article, nothing in this Article shall be
2 construed to limit or otherwise affect the power or authority of the North Carolina
3 Utilities Commission or the right of appeal to the North Carolina Utilities
4 Commission as provided by law.

5 (b) The North Carolina Utilities Commission shall not have jurisdiction over rates,
6 fees, charges, routes, and schedules of an Authority for service within its territorial
7 jurisdiction.

8 **"§ 160A-641. Fiscal accountability.**

9 An Authority is a public authority subject to the provisions of Chapter 159 of the
10 General Statutes.

11 **"§ 160A-642. Funds.**

12 The establishment and operation of an Authority are governmental functions and
13 constitute a public purpose, and the State of North Carolina and any unit of local
14 government may appropriate funds to support the establishment and operation of the
15 Authority. The State of North Carolina and any unit of local government may also
16 dedicate, sell, convey, donate, or lease any of their interests in any property to the
17 Authority. An Authority may apply for grants from the State of North Carolina, or
18 from the United States or any department, agency, or instrumentality thereof. The
19 Department of Transportation may allocate to an Authority any funds appropriated
20 for transportation, or any funds whose use is not restricted by law.

21 **"§ 160A-643. Competition.**

22 No equipment of the Authority may be used for charter, tour, or sight-seeing
23 service.

24 **"§ 160A-644. Effect on existing franchises and operations.**

25 Creation of the Authority shall not have an effect on any existing franchises
26 granted by any unit of local government; such existing franchises shall continue in full
27 force and effect until legally terminated; further, all ordinances and resolutions of the
28 unit of local government regulating local public transportation systems, bus
29 operations, and taxicabs shall continue in full force and effect now and in the future,
30 unless superseded by regulations of the Authority; such superseding, if any, may
31 occur only on the basis of prior mutual agreement between the Authority and the
32 respective unit of local government.

33 **"§ 160A-645. Termination.**

34 The Board of Trustees may terminate the existence of the Authority at any time
35 when it has no outstanding indebtedness. In the event of such termination, all
36 property and assets of the Authority not otherwise encumbered shall automatically
37 become the property of the State of North Carolina, and the State of North Carolina
38 shall succeed to all rights, obligations, and liabilities of the Authority.

39 **"§ 160A-646. Controlling provisions.**

40 Insofar as the provisions of this Article are not consistent with the provisions of
41 any other law, public or private, the provisions of this Article shall be controlling.

42 **"§ 160A-647. Bonds and notes authorized.**

43 In addition to the powers granted by this Article, the Authority may issue bonds
44 and notes pursuant to the provisions of the Local Government Revenue Bond Act for

1 the purpose of financing public transportation systems or any part thereof and to
2 refund such bonds and notes, whether or not in advance of their maturity or earliest
3 redemption date.

4 **"§ 160A-648. Equipment trust certificates.**

5 In addition to the powers here and before granted, the Authority shall have
6 continuing power to purchase equipment, and in connection therewith execute
7 agreements, leases with or without option to purchase, or equipment trust certificates.
8 All money required to be paid by the Authority under the provisions of such
9 agreements, leases with or without option to purchase, and equipment trust
10 certificates shall be payable solely from the fares, fees, rentals, charges, revenues, and
11 earnings of the Authority, monies derived from the sale of any surplus property of the
12 Authority and gifts, grants, and contributions from any source whatever. Payment for
13 such equipment or rentals therefore, may be made in installments; the deferred
14 installments may be evidenced by equipment trust certificates payable solely from the
15 aforesaid revenues or receipts, and title to such equipment may or may not vest in the
16 Authority until the equipment trust certificates are paid.

17 **"§ 160A-649. Power of eminent domain.**

18 (a) The Authority shall have continuing power to acquire, by gift, grant, devise,
19 bequest, exchange, purchase, lease with or without option to purchase, or any other
20 lawful method, including, but not limited to, the power of eminent domain, the fee or
21 any lesser interest in real or personal property for use by the Authority.

22 (b) Exercise of the power of eminent domain by the Authority shall be in
23 accordance with Chapter 40A of the General Statutes.

24 **"§ 160A-650. Tax exemption.**

25 The property of the Authority, both real and personal, its acts, activities, and
26 income shall be exempt from any tax or tax obligation; in the event of any lease of
27 Authority property, or other arrangement which amounts to a leasehold interest, to a
28 private party, this exemption shall not apply to the value of such leasehold interest
29 nor shall it apply to the income of the lessee. Otherwise, however, for the purpose of
30 taxation, when property of the Authority is leased to private parties solely for the
31 purpose of the Authority, the acts and activities of the lessee shall be considered as
32 the acts and activities of the Authority and the exemption. The interest on bonds or
33 obligations issued by the Authority shall be exempt from State taxes.

34 **"§ 160A-651. Removal and relocation of utility structures.**

35 (a) The Authority shall have the power to require any public utility, railroad, or
36 other public service corporation owning or operating any installations, structures,
37 equipment, apparatus, appliances, or facilities in, upon, under, over, across or along
38 any ways on which the Authority has the right to own, construct, operate, or maintain
39 its public transportation system, to relocate such installation, structures, equipment,
40 apparatus, appliances, or facilities from their locations, or, in the sole discretion of
41 the affected public utility, railroad, or other public service corporation, to remove
42 such installations, structures, equipment, apparatus, appliances, or facilities from their
43 locations.

1 (b) If the owner or operator thereof fails or refuses to relocate them, the Authority
2 may proceed to do so.

3 (b1) The Authority shall provide any necessary new locations and necessary real
4 estate interests for such relocation, and for that purpose the power of eminent
5 domain as provided in G.S. 160A-649 may be exercised provided the new locations
6 shall not be in, on or above, a public highway; the Authority may also acquire the
7 necessary new locations by purchase or otherwise.

8 (b2) Any affected public utility, railroad, or other public service corporation shall
9 be compensated for any real estate interest taken in a manner consistent with G.S.
10 160A-649, subject to the right of the Authority to reduce the compensation due by
11 the value of any property exchanged under this section.

12 (b3) The method and procedures of a particular adjustment to the facilities of a
13 public utility, railroad, or other public service corporation shall be covered by an
14 agreement between the Authority and the affected party or parties.

15 (c) The Authority shall reimburse the public utility, railroad, or other public
16 service corporation, for the cost of relocations or removals which shall be the entire
17 amount paid or incurred by the utility properly attributable thereto after deducting
18 the cost of any increase in the service capacity of the new installations, structures,
19 equipment, apparatus, appliances, or facilities and any salvage value derived from the
20 old installations, structures, equipment, apparatus or appliances."

21 Section 2. G.S. 105-164.14(c)(15) reads as rewritten:

22 "(15) A regional public transportation authority created pursuant to
23 Article 26 of Chapter 160A of the General Statutes; Statutes, or a
24 Regional Transportation Authority created pursuant to Article 27
25 of Chapter 160A of the General Statutes."

26 Section 3. G.S. 159-81(1) reads as rewritten:

27 "(1) 'Municipality' means a county, city, town, incorporated village,
28 sanitary district, metropolitan sewerage district, metropolitan water
29 district, county water and sewer district, water and sewer authority,
30 hospital authority, hospital district, parking authority, special
31 airport district, regional public transportation authority, Regional
32 Transportation Authority, regional sports authority, airport
33 authority, joint agency created pursuant to Part 1 of Article 20 of
34 Chapter 160A of the General Statutes, and joint agency authorized
35 by agreement between two cities to operate an airport pursuant to
36 G.S. 63-56, but not any other forms of local government."

37 Section 4. This act is effective when it becomes law.



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May 7, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: HOUSE BILL 993 - REGIONAL TRANSPORTATION AUTHORITIES
Representative Gray

House Bill 993 amends Chapter 160A (Cities and Towns) to allow the creation of additional regional transportation authorities.

Under current law, G.S. 160A-600 through 160A-625 allows the creation of authorities within limited areas - in concept, a regional public transportation authority may be established by any three counties in the state that meet certain criteria; in fact, the current law was designed to apply to Wake, Durham, and Orange counties.

House Bill 993 allows the creation of a regional transportation authority (RTA) for the area of any metropolitan planning organization of the State that, at the time of creation, consists of all or part of five contiguous counties - if at least two of the counties each have a population of at least 250,000 and are contiguous *and* if the other three counties each have a population of at least 100,000. The bill authorizes the city councils of the four largest cities within the area to create an RTA as specified in the act. It allows the new RTA, with the consent of the affected boards of county commissioners, to expand to include contiguous areas up to a total jurisdiction and service area of twelve counties. The Board of Trustees is the governing body of the RTA, and will consist of the mayors of the four most populous cities within the service area; two members of the State Board of Transportation appointed by the Secretary of Transportation (ex officio, nonvoting); the chair of each metropolitan planning organization in the jurisdiction; and in certain instances, the chair of the board of county commissioners of any county within the service area.

The bill sets out the powers of the RTA, including the power to issue bonds and notes (pursuant to the Local Government Revenue Bond Act) for the purpose of financing public transportation systems; the purchase and lease of equipment; acquiring property by eminent domain; and requiring public utilities, railroads, and other public service corporations to relocate utility structures. The bill authorizes state and local government units to appropriate funds to the RTA for its operations, or to sell or otherwise convey property to the RTA. Real and personal property of the RTA is exempt from taxation; the interest on bonds or obligations issued by the RTA is exempt from State taxes.

The bill would be effective when it becomes law.



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June 4, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: **HOUSE BILL 993 - REGIONAL TRANSPORTATION AUTHORITIES**
Representative Gray

House Bill 993 amends Chapter 160A (Cities and Towns) to allow the creation of additional regional transportation authorities. Under current law, G.S. 160A-600 through 160A-625 allows the creation of authorities within limited areas - in concept, a regional public transportation authority may be established by any three counties in the state that meet certain criteria; in fact, the current law was designed to apply to Wake, Durham, and Orange counties.

House Bill 993 allows the creation of a regional transportation authority (RTA) for the area of any metropolitan planning organization of the State that, at the time of creation, consists of all or part of five contiguous counties - if at least two of the counties each have a population of at least 250,000 and are contiguous *and* if the other three counties each have a population of at least 100,000. The bill authorizes the city councils of the four largest cities within the area to create an RTA as specified in the act. It allows the new RTA, with the consent of the affected boards of county commissioners, to expand to include contiguous areas up to a total jurisdiction and service area of twelve counties. The Board of Trustees is the governing body of the RTA, and will consist of the mayors of the four most populous cities within the service area; two members of the State Board of Transportation appointed by the Secretary of Transportation (ex officio, nonvoting); the chair of each metropolitan planning organization in the jurisdiction; and in certain instances, the chair of the board of county commissioners of any county within the service area.

The bill sets out the powers of the RTA, including the power to issue bonds and notes (pursuant to the Local Government Revenue Bond Act) for the purpose of financing public transportation systems; the purchase and lease of equipment; acquiring property by eminent domain; and requiring public utilities, railroads, and other public service corporations to relocate utility structures. The bill authorizes state and local government units to appropriate funds to the RTA for its operations, or to sell or otherwise convey property to the RTA. Real and personal property of the RTA is exempt from taxation; the interest on bonds or obligations issued by the RTA is exempt from State taxes. The bill would be effective when it becomes law.

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

H.B. 993 A BILL TO BE ENTITLED AN ACT TO ALLOW CREATION OF
ADDITIONAL REGIONAL TRANSPORTATION AUTHORITIES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill (#), ~~which changes the title,~~
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on Finance.)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

HOUSE TRANSPORTATION COMMITTEE MEETING

June 11, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES:

MELISSA LEE LASSITER	ROWAN CO.
EBONY SHANTE' LESTER	CUMBERLAND CO.

BILLS TO BE CONSIDERED:

HB 1039 MV CLAIMS/SALVAGE HISTORY
REP. WEATHERLY

SB 426 MAGISTRATES/TRUCK SPECIAL PLATES
SEN. HOYLE

SB 570 CLEAN WATER LICENSE PLATE
SEN. DALTON

SB 812 SMOKY MOUNTAINS SPECIAL PLATE
SEN. JENKINS

FURTHER BUSINESS

ANNOUNCEMENTS

ADJOURN

MINUTES

COMMITTEE ON TRANSPORTATION

WEDNESDAY, JUNE 11, 1997

11:00 A.M.

ROOM 643-LOB

The House Committee on Transportation met on Wednesday, June 11, 1997 at 11:00 a.m. in Room 643-LOB. Rep. Sexton called the meeting to order and introduced the Pages. A silent roll was taken (roll list denotes members present).

HB-1039 MV CLAIMS/SALVAGE HISTORY

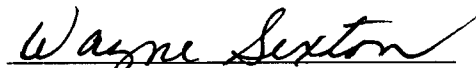
Rep. Weatherly recognized to continue explanation of his bill. Rep. Brawley expressed his opinion, that the bill should be sent to Insurance first, and then re-referred to Finance. Since the bill was to be re-referred to Finance first, Rep. Brawley moved that the committee substitute be given a favorable report, unfavorable as to the original bill. Motion carried. Rep. Allred asked bill sponsor questions. Rep. Weatherly responded. Ruth Sappie, Legislative Liaison for DOT, was recognized to speak on the bill. Ms. Sappie spoke in representation of the commissioner of motor vehicles. Rep. Weatherly gave additional comments. Rep. Starnes asked questions to Rep. Weatherly. He answered each question for Rep. Starnes. Rep. Brown had question for Rep. Weatherly. He responded. Rep. Brawley asked for someone with the insurance industry to make comments. Alan Miles, representing the American Insurance Association, addressed the committee members. Rep. Weatherly responded. Mr. Miles added additional statements. Rep. Brawley asked Mr. Miles questions. He responded to each. Once again, Rep. Weatherly commented. Rep. Brawley questioned Mr. Miles further. Mr. Miles answered his questions. Rep. Ellis was recognized for questions and Rep. Weatherly responded to each. Rep. Cole inserted comments opposing the bill. He expressed difficulty in getting in touch with DMV. Rep. Weatherly continued with statements supporting his bill. Rep. Allred suggested taking HB-1039 and HB-1041 and appointing a sub-committee, to work out a committee substitute for HB-1039. The committee substitute would also include provisions of HB-1041. Rep. Weatherly expounded further on his bill. Rep. Allred gave an explanation and moved that a sub-committee be appointed. Motion passed. Chairman Sexton would notify members that would be on the sub-committee. Rep. Ellis was recognized as a volunteer to serve on the sub-committee.

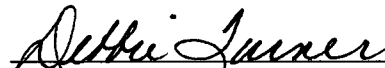
SB-426 MAGISTRATES/TRUCK SPECIAL PLATES

Rep. Ellis moved to adopt the committee substitute for discussion. Motion passed. Sen. Hoyle explained the committee substitute. Rep. Luebke asked questions to bill sponsor.

Sen. Hoyle responded to each. Rep. Luebke expressed some concern on the bill. Sen. Hoyle responded. Rep. Cole spoke in support of the committee substitute, and moved for a favorable report, at the appropriate time. Reps. McCombs and Ellis asked Sen. Hoyle questions and he responded. Major Arrowood, DMV Assistant Director of the Enforcement Section, was recognized for comments. Rep. Luebke asked Major Arrowood questions and he responded to each. Frank Pace, representing DOT, expressed their support for the committee substitute. Once again, Sen. Hoyle reiterated comments to support his bill. Rep. Luebke, once again, expressed strong opposition to voting on the committee substitute that day. He requested the ayes and noes if a vote was taken. Chairman Sexton assured Rep. Luebke, that he would not take a vote until everyone who desired, had an opportunity to speak on the committee substitute. Reps. Ellis and McComas made comments. Rep. McComas asked that Virgil McBride, with the N. C. Trucking Association, respond with clarifying remarks. Rep. McComas made informative comments. Chairman Sexton informed Rep. Allred that he could run his amendment at the next meeting. Due to time restraints, the bill was displaced until the next meeting.

Chairman Sexton adjourned the meeting.


Rep. Wayne Sexton
Presiding Chair


Debbie Turner
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1039

Short Title: MV Claims/Salvage History.

(Public)

Sponsors: Representatives Weatherly; Baker, Carpenter, Church, Culp, Fox, Hall, Hill, Kiser, McMahan, Preston, Russell, Saunders, Wilkins and Yongue.

Referred to: Transportation, if favorable, Finance.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO MAINTAIN
3 VEHICLE TITLE RECORDS TO REFLECT INSURANCE CLAIMS AND
4 SALVAGE HISTORY ON ALL MOTOR VEHICLES REGISTERED IN THIS
5 STATE.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 20 of the General Statutes is amended by adding a
8 new section to read:

9 "§ 20-279.40. Motor vehicle insurance claims-salvage history file.

10 (a) When any vehicle registered in North Carolina is damaged by collision or
11 other occurrence to the extent that:

12 (1) A claim equal or exceeding twenty-five percent (25%) of its fair
13 retail market value has been paid on the vehicle by an insurance
14 company doing business in North Carolina; or

15 (2) The costs of repairs to the vehicle and rendering the vehicle safe
16 for use on the public streets and highways would equal or exceed
17 twenty-five percent (25%) of its fair retail market value where the
18 owner is self-insured under the provisions of G.S. 20-279.33.

19 The insurance company or self-insured owner of the vehicle shall report the payment
20 or cost of repair to the Division by the following categories:

21 (1) Exceeding twenty-five percent (25%) of fair retail market value;

22 (2) Exceeding fifty percent (50%) of fair retail market value; or

23 (3) Exceeding seventy-five percent (75%) of fair retail market value.

1 Repairs shall include parts and labor. Fair retail market value shall be as found in
2 the NADA Pricing Guide Book or other publication approved by the Commissioner.

3 (b) The Division shall maintain a permanent history record of the information to
4 be reported by this section in its Registration and Title Database for a period of 10
5 years. The information shall be available to the public for a fee of one dollar (\$1.00)
6 per vehicle.

7 (c) The Commissioner shall prepare the necessary forms and may adopt rules
8 required to carry out the provisions of this section."

9 Section 2. This act becomes effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1039

H1039-CSLK-5

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Claims History/Inspections.

(Public)

Sponsors:

Referred to: Transportation, if favorable, Finance

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO MAINTAIN
3 VEHICLE TITLE RECORDS TO REFLECT A DAMAGE CLAIMS HISTORY ON ALL
4 MOTOR VEHICLES REGISTERED IN THIS STATE AND TO ELIMINATE THE
5 NEED FOR CERTAIN VEHICLE INSPECTIONS FOR VEHICLES MORE THAN SIX
6 MODEL YEARS OLD AND TO REQUIRE ALL TRANSFERORS, INCLUDING SELF-
7 INSURERS, TO DISCLOSE VEHICLE DAMAGE.
8 The General Assembly of North Carolina enacts:
9 Section 1. Chapter 20 of the General Statutes is
10 amended by adding a new section to read:
11 "§ 20-279.40. Motor vehicle insurance claims-salvage history
12 file.
13 (a) When any vehicle registered in North Carolina is damaged
14 by collision or other occurrence to the extent that:
15 (1) A claim exceeding twenty-five percent (25%) of its
16 fair retail market value has been paid on the
17 vehicle by an insurance company doing business in
18 North Carolina; or
19 (2) The costs of repairs to the vehicle and rendering
20 the vehicle safe for use on the public streets and
21 highways would exceed twenty-five percent (25%) of
22 its fair retail market value where the owner is

1 self-insured under the provisions of G.S. 20-
2 279.33.

3 The insurance company or self-insured owner of the vehicle shall
4 report the payment or cost of repair to the Division by the
5 following categories:

6 (1) Exceeding twenty-five percent (25%) of fair retail
7 market value;

8 (2) Exceeding fifty percent (50%) of fair retail market
9 value.

10 Repairs shall include parts and labor. Fair retail market value
11 shall be as found in the NADA Pricing Guide Book or other
12 publication approved by the Commissioner.

13 (b) The Division shall maintain a permanent history record of
14 the information to be reported by this section in its
15 Registration and Title Database for a period of 10 years. The
16 information shall be available to the public for a fee of one
17 dollar (\$1.00) per vehicle.

18 (c) The Commissioner shall prepare the necessary forms and may
19 adopt rules required to carry out the provisions of this
20 section."

21 Section 2. G.S. 20-71.3 reads as rewritten:

22 "§ 20-71.3. Titles and registration cards to be branded.

23 Motor Vehicle certificates of title and registration cards
24 issued pursuant to G.S. 20-57 shall be branded. As used herein
25 'branded' means that the title and registration card shall
26 contain a designation that discloses if the vehicle is classified
27 as (a) Flood Vehicle, (b) Non-U.S.A. Vehicle, (c) Reconstructed
28 Vehicle, (d) Salvage Motor Vehicle, or (e) Salvage Rebuilt
29 Vehicle or other classification authorized by law. Any motor
30 vehicle that is less than six model years old and that was
31 damaged by collision or other occurrence which is to be retitled
32 in this State shall be subject to preliminary and final
33 inspections by the Enforcement Section of the Division, and the
34 Division shall refuse to issue a title to a vehicle less than six
35 model years old which has not undergone a preliminary inspection.
36 Any motor vehicle which has been branded in another state shall
37 be branded with the nearest applicable brand specified in this
38 section, except that no junk vehicle or vehicle that has been
39 branded junk in another state shall be titled or registered. A
40 motor vehicle titled in another state and damaged by collision or
41 other occurrence may be repaired and an unbranded title issued in
42 North Carolina only if the cost of repairs, including parts and
43 labor, does not exceed seventy-five percent (75%) of its fair
44 market retail value. The Commissioner shall prepare necessary

1 forms and may adopt ~~regulations~~ rules required to carry out the
2 provisions of this Part 3A. The title shall reflect the branding
3 until surrendered to or cancelled by the Commissioner."

4 Section 3. G.S. 20-71.4(a) reads as rewritten:

5 "(a) As used in the subsection, 'transferor' includes the
6 owner of a vehicle who is self-insured under G.S. 20-279.33. It
7 shall be unlawful and constitute a Class 2 misdemeanor for any
8 transferor who knows or reasonably should know that a motor
9 vehicle has been involved in a collision or other occurrence to
10 the extent that the cost of repairing that vehicle exceeds
11 twenty-five percent (25%) of its fair market retail value, or
12 that the motor vehicle is, or was, a flood vehicle, a
13 reconstructed vehicle, or a salvage motor vehicle, to fail to
14 disclose that fact in writing to the transferee prior to transfer
15 of any vehicle up to ~~five~~ six model years old. Failure to
16 disclose any of the above information will also result in civil
17 liability under G.S. 20-348. The Commissioner may prepare forms
18 to carry out the provisions of this section."

19 Section 4. This act is effective when it becomes law.
20 Sections 1 and 3 of this act become effective December 1, 1997.



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April 28, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: Bills For Monday Afternoon Meeting

HOUSE BILL 1039 - MV CLAIMS/SALVAGE HISTORY House Bill 1039, introduced by Representative Weatherly, would require insurance companies or self-insured vehicle owners to report the payment or cost of repair for any vehicle that sustains damage resulting in a claim equal or exceeding 25% of the fair retail market value of the vehicle. The insurance company will make reports to DMV by categories based on whether damages exceed 25%, 50% or 75%. Fair retail market value is determined by the NADA pricing guidebook. DMV is required to maintain a permanent history record of the information, which shall be available to the public for a fee on \$1 per vehicle. The bill would become effective January 1, 1998. The bill was serially referred, and if given a favorable report by this Committee, will go to Finance.

HOUSE BILL 1073 - MV APPLICATIONS AND FEES FROM DEALERS House Bill 1073, introduced by Representatives Cole and Hiatt, would provide that dealers have ten working days to send motor vehicle title applications and fees to the State. Under the current law, a dealer is required to "immediately forward" title applications and fees to the Division "by mail or messenger or by messenger to a local license agency". The bill rewrites other provisions regarding the issuance of temporary registration plates. The bill would be effective when it becomes law. The bill was serially referred, and if given a favorable report by this Committee, will go to Finance.

HOUSE BILL 1094 - REPEAL/RECODIFY RAILROAD LAWS House Bill 1094, introduced by Representative Culpepper, would repeal obsolete or preempted provisions of the general statutes affecting railroads, and make additional conforming and clarifying changes. The provisions regarding railroads are recodified from Chapter 62 (Public Utilities) to Chapter 136 (Roads and Highways). The bill would be effective when it becomes law. The bill was serially referred, and if given a favorable report by this Committee, will go to Finance.

HOUSE BILL 1106 - FOREST PRODUCT TRUCK WEIGHT EXEMPTION House Bill 1106, introduced by Representative Culpepper, would establish a higher weight limit for trucks hauling raw forest products. The bill provides that current weight limitation and penalty provisions do not apply to vehicles hauling only raw forest products when the vehicle is a 5-axle combination, with a length of at least 51 feet between its first and last axles, and has a gross weight of no more than 84,000 pounds. The exception would not apply to a vehicle operating on an interstate highway. The bill would become effective July 1, 1997. The bill was serially referred, and if given a favorable report by this Committee, will go to Finance.

HOUSE BILL 1095 - DEALER PLATE FOR BUSINESS ONLY House Bill 1095, introduced by Representative Gamble, provides that dealer plates may be used only on vehicles driven for a business purpose of the dealership. The bill provides that a dealer license plate may be used only by a person who is test-driving a vehicle, by an officer of the dealer driving the vehicle for a business purpose of the dealer, or by an employee of the dealer who is driving the vehicle in the course of employment. The bill also requires that a dealer license plate be attached so that it may be readily removed; it cannot be attached by screws. The bill would become effective July 1, 1997. The bill was serially referred, and if given a favorable report by this Committee, will go to Judiciary I.

HOUSE BILL 1143 - HANDICAPPED PLATE RECERTIFICATION House Bill 1143, introduced by Representative Decker, would provide that permanently disabled drivers do not have to be medically recertified to renew handicapped placards or registration plates. Under current law, license plates are renewed annually and do not require additional medical certifications. However, removable windshield placards are renewed every five years, and require medical recertifications at each renewal. The bill would require that physician's statement accompanying the initial application for a handicapped plate or placard state whether or not the person's disability is permanent; subsequent medical recertifications would not be necessary if the person's disability is permanent. The bill would be effective when it becomes law. The bill was serially referred, and if given a favorable report by this Committee, will go to Judiciary II.

HOUSE BILL 1144 - SPEEDING IN SCHOOL ZONES House Bill 1144, introduced by Representative Wood, would make it clear that DMV is to record convictions of speeding in a school zone on the driving record of any driver convicted of an offense involving speeding in a school zone in excess of the posted school zone speed limit under either State law or local ordinances. DMV would then be required to assign 3 points to the individual's driving record. The bill would become effective December 1, 1997.



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June 4, 1997

MEMORANDUM

TO: Members of the House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: CLAIMS HISTORY/INSPECTIONS
House Bill 1039 - Representative Weatherly
Proposed Committee Substitute

The Proposed Committee Substitute for House Bill 1039 would require DMV to maintain vehicle title records to reflect a damage claims history on all motor vehicles for which damage claims have been paid or repairs have been made for an amount exceeding 25% of the fair market value of the vehicle.

Section 1 of the bill requires an insurance company or self-insured owner of a vehicle to report to DMV the payment of a claim or cost of repair of a vehicle damaged by collision or other occurrence when the claim or the costs of repairs on the vehicle are in an amount exceeding 25% of the vehicle's fair retail market value. The report shall indicate whether the vehicle has been damaged in an amount exceeding 25% of the vehicle's fair retail market value, or exceeding 50% of the vehicle's fair retail market value. The fair retail market value of a vehicle is determined by the NADA Pricing Guide Book, or other publication approved by the Commissioner. The Division is required to maintain a permanent history record of the information in its Registration and Title Database for a period of 10 years. The information will be available to the public for a fee of \$1.00 per vehicle.

Section 2 of the bill amends the law regarding salvage titles by limiting the applicability of the requirement that any motor vehicle damaged by collision or other occurrence which is to be retitled in this State be subject to preliminary and final inspections by DMV enforcement. The bill makes the provision applicable only to vehicles that are less than six model years old.

Section 3 of the bill amends the law regarding failure to disclose damage to a vehicle to specify that a "transferor" of a motor vehicle includes a self-insured owner of a vehicle. (G.S. 20-279.33 provides that any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance by the Commissioner.)

Section 4 of the bill makes the act effective when it becomes law. Sections 1 and 3 of the act become effective December 1, 1997.

VISITOR REGISTRATION SHEET

Transportation 6-11-97 11:00 a.m.

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. Harold H. Webb	
2. ROBERT GLABER	NCADA
3. Kerse Heepard	DOT / DMV
4. Frank Pace	DOT / DOH
5. Phil Lehman	NC AGO
6. Jane P. Gray	NC Dept. of Justice
7. Roger Bone	Bone Assoc - CIADA
8. Robert Paschel	Young, Moore
9. Susan Valauri	Nationwide
10. Alan Miles	Barley & Dixon LLP
11. John Dolman	Integon Corporation
22. W. P. Pyming Jr.	Insurance Auto Auction
23. Dave Hume	Smith Anderson
24. Jim Stevens	Friends of State Parks.
25. Ruth Sappie	NC DOT
26. Mary Wilson	Antique vehicles
27. John McMillan	Manary, Fulton & Skum PA
28. Butch Gwynell	NC Soft Drink Assoc
29. Russell S. Laughmighan	WS
30. V. McBride	WETA
31. Jerry Lawrence	N.C. DMV

32. _____

33. _____

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COMMITTEE ON TRANSPORTATION

COMMITTEE MEETING

JUNE 18, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES

BILLS TO BE CONSIDERED:

SB 812 - Smoky Mountains Special Plate - Sen. Jenkins

SB 894 - MV Fees From Dealers - Sen. Lee

SB 570 - Clean Water License Plate - Sen. Dalton

FURTHER BUSINESS

ADJOURN

1997

**HOUSE
TRANSPORTATION**

MINUTES

HOUSE TRANSPORTATION COMMITTEE MEETING

JUNE 18, 1997

MINUTES

A quorum being present the House Transportation Committee met at 1:00 p.m. in Room 643 of the Legislative Office Building. Rep. Monroe Buchanan presided.

Chairman Buchanan announced that Sen. Hoyle had requested that SB 426 (Comm. Sub.) be removed from the day's agenda.

The first bill on the Agenda was SB 812 - Smoky Mountains Special Plate. Rep. Carpenter explained the bill. Rep. Brown made a motion that the bill be given a favorable report. The motion carried and the bill will be re-referred to the Finance Committee.

SB 894 - MV Fees From Dealers - Rep. Cole was representing Sen. Lee and presented a committee substitute. The substitute was adopted and a motion was made to give the Committee Substitute a favorable report, unfavorable to bill. The motion carried.

There being no further business, the meeting was adjourned at 1:20 p.m.

Respectfully submitted,

Shirley F. Phillips
Shirley F. Phillips, Clerk

Monroe Buchanan
Monroe Buchanan, Chairman

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

S

1

SENATE BILL 812

Short Title: Smoky Mountains Special Plate.

(Public)

Sponsors: Senators Jenkins; Carpenter and Dalton.

Referred to: Transportation.

April 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR SPECIAL REGISTRATION PLATES FOR
3 SUPPORTERS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-79.4(b)(23a) reads as rewritten:

6 "(23a) State Attraction. -- Issuable to the registered owner of a motor
7 vehicle in accordance with G.S. 20-81.12. The plate may bear a
8 phrase or an insignia representing a publicly owned or nonprofit
9 State or federal attraction located in North Carolina."

10 Section 2. G.S. 20-81.12(b2) reads as rewritten:

11 "(b2) State Attraction Plates. -- The Division must receive 300 or more
12 applications for a State attraction plate before the plate may be developed. The
13 Division must transfer quarterly the money in the Collegiate and Cultural Attraction
14 Plate Account derived from the sale of State attraction plates to the organizations
15 named below in proportion to the number of State attraction plates sold representing
16 that organization:

17 (1) The Friends of the Great Smoky Mountains National Park. -- The
18 revenue derived from the special plate shall be transferred
19 quarterly to the Friends of the Great Smoky Mountains National
20 Park, Inc., to be used for educational materials, preservation
21 programs, capital improvements for the portion of the Great
22 Smoky Mountains National Park that is located in North Carolina,
23 and operating expenses of the Great Smoky Mountains National
24 Park.

1 (2) The North Carolina Arboretum. -- The revenue derived from the
2 special plate shall be transferred quarterly to The North Carolina
3 Arboretum Society and used to help the Society obtain grants for
4 the North Carolina Arboretum and for capital improvements to the
5 North Carolina Arboretum.

6 ~~(2)~~ (3) The North Carolina Zoological Society. -- The revenue derived
7 from the special plate shall be transferred quarterly to The North
8 Carolina Zoological Society, Incorporated, to be used for
9 educational programs and conservation programs at the North
10 Carolina Zoo at Asheboro and for operating expenses of the North
11 Carolina Zoo at Asheboro."

12 Section 3. This act is effective when it becomes law.



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June 4, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: SENATE BILL 812 - SMOKY MOUNTAINS SPECIAL PLATE
Senator Jenkins

Senate Bill 812 authorizes the Division of Motor Vehicles to issue special registration plates for supporters of the Great Smoky Mountains National Park. The plates would be issuable only if DMV receives at least 300 applications for the plate.

Under current law, DMV may issue special registration plates for state attractions, and the plates may bear a phrase or insignia representing a publicly owned or nonprofit State attraction located in North Carolina. **Section 1** of the bill amends that provision to include a federal attraction located in North Carolina.

Under current law, a State Attraction plate is subject to the regular motor vehicle registration fee, which is \$20.00 for a private passenger vehicle of not more than 15 passengers, and an additional fee of \$30.00. \$10 of the additional fee goes to the Special Registration Plate Account, which supports visitor's centers, promotion of travel and industrial development, highway beautification, and travel accessibility for disabled persons in this State. The remaining \$20.00 goes to the Collegiate and Cultural Attraction Plate Account (CCAPA).

Under current law, DMV must receive 300 or more applications for a State attraction plate before the plate may be developed. The Division must transfer quarterly the money in the CCAPA derived from the sale of state attraction plates to the specified organizations in proportion to the number of state attractions plates sold representing that organization. Currently the organizations are the N.C. Arboretum and the N.C. Zoological Society. **Section 2** of the bill adds the Friends of the Great Smoky Mountains National Park, and provides that the funds be used for educational materials, preservation programs, capital improvements for the N.C. portion of the park, and operating expenses of the park.

Section 3 of the bill makes it effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan & Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

S.B. 812 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SPECIAL
REGISTRATION PLATES FOR SUPPORTERS OF THE GREAT SMOKY MOUNTAINS
NATIONAL PARK.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☒

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 894

S894-CSLK-2

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: MV Fees From Dealers.

(Public)

Sponsors:

Referred to: Transportation

April 16, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT DEALERS HAVE TEN WORKING DAYS TO SEND
3 MOTOR VEHICLE FEES TO THE STATE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-79.1(d) reads as rewritten:
6 "~~(d) A dealer shall not issue, assign, transfer, or deliver~~
7 ~~temporary registration plates or markers to anyone other than a~~
8 ~~bona fide purchaser or owner of a vehicle being sold by such~~
9 ~~dealer, nor shall a dealer issue a temporary registration plate~~
10 ~~or marker without first obtaining from said purchaser or owner a~~
11 ~~written application for the titling and registration of the~~
12 ~~purchased vehicle with the prescribed fees therefor, which~~
13 ~~application and fees the said dealer shall immediately forward to~~
14 ~~the Division by mail or messenger or by messenger to a local~~
15 ~~license agency; nor shall a dealer issue a temporary registration~~
16 ~~plate to anyone purchasing a vehicle that has unexpired~~
17 ~~registration plates, which registration plates are to be~~
18 ~~transferred to such purchaser; nor shall a dealer lend to anyone~~
19 ~~or use on any vehicle that he may own, temporary registration~~
20 ~~plates or markers: Provided that dealers are hereby authorized to~~
21 ~~issue temporary markers to nonresidents for the purpose of~~
22 ~~removing a vehicle purchased in this State, without collecting a~~
23 ~~registration fee or requiring an application for titling and~~

1 ~~registration. It shall be unlawful for any person to issue any~~
2 ~~temporary registration plate or marker containing any~~
3 ~~misstatement of fact or knowingly insert any false information~~
4 ~~upon the face thereof.~~

5 (d) A dealer shall:

- 6 (1) Not issue, assign, transfer, or deliver temporary
7 registration plates or markers to anyone other than
8 a bona fide purchaser or owner of a vehicle which
9 he has sold.
- 10 (2) Not issue a temporary registration plate or marker
11 without first obtaining from the purchaser or owner
12 a written application for titling and registration
13 of the vehicle and the applicable fees.
- 14 (3) Within 10 working days, mail or deliver the
15 application and fees to the Division or deliver the
16 application and fees to a local license agency for
17 processing. Delivery need not be made if the
18 contract for sale has been rescinded in writing by
19 all parties to the contract.
- 20 (4) Not deliver a temporary registration plate to
21 anyone purchasing a vehicle that has an unexpired
22 registration plate that is to be transferred to the
23 purchaser.
- 24 (5) Not lend to anyone, or use on any vehicle that he
25 may own, any temporary registration plates or
26 markers.

27 A dealer may issue temporary markers, without obtaining the
28 written application for titling and registration or collecting
29 the applicable fees, to nonresidents for the purpose of removing
30 the vehicle from the State."

31 Section 2. G.S. 20-79.1(e) reads as rewritten:

32 "(e) Every dealer who issues temporary plates or markers shall
33 ~~insert~~ write clearly and indelibly on the face of ~~each~~ the
34 temporary registration plate or ~~marker~~ marker:

- 35 (1) ~~the date~~ The dates of issuance and ~~expiration,~~
36 expiration;
- 37 (2) ~~the~~ The make, motor number, and serial numbers of
38 ~~the vehicle for which issued and vehicle;~~ and
- 39 (3) ~~such~~ Any other information ~~as that~~ the Division may
40 require.

41 It shall be unlawful for any person to issue a temporary
42 registration plate or marker containing any misstatement of fact
43 or to knowingly write any false information on the face of the
44 plate or marker."

1 Section 2.1. G.S. 20-75 reads as rewritten:
2 "§ 20-75. When transferee is dealer or insurance company.
3 When the transferee of a vehicle registered under this Article
4 ~~is~~ is:
5 (1) ~~aA~~ a dealer who is licensed under Article 12 of this
6 Chapter and who holds the vehicle for ~~resale or is~~
7 an resale; or
8 (2) An insurance company taking ~~such~~ the vehicle for
9 sale or disposal for salvage purposes where ~~such~~
10 ~~the~~ title is taken as a part of a bona fide claim
11 settlement transaction and only for the purpose of
12 resale,
13 ~~such~~ the transferee shall not be required to register ~~such~~ the
14 vehicle nor forward the certificate of title to the Division as
15 provided in G.S. 20-73.
16 To assign or transfer title or interest in the vehicle, the
17 dealer or insurance company shall ~~execute~~ execute, in the
18 presence of a person authorized to administer ~~oaths~~ oaths, a
19 reassignment and warranty of title on the reverse of the
20 certificate of title in the form approved by the Division,
21 ~~including which shall include in such reassignment~~ the name and
22 address of the ~~transferee, and transferee.~~ The title to ~~such~~ the
23 vehicle shall not pass or vest until ~~such~~ the reassignment is
24 executed and the motor vehicle delivered to the transferee.
25 The dealer transferring title or interest in a motor vehicle
26 shall deliver the certificate of title duly assigned in
27 accordance with the foregoing provision to the transferee at the
28 time of delivering the vehicle, ~~except~~ except:
29 (1) ~~that where~~ Where a security interest in the motor
30 vehicle is obtained from the transferee in payment
31 of the purchase price or otherwise, the dealer
32 shall deliver the certificate of title to the
33 lienholder and the lienholder shall forward the
34 certificate of title together with the transferee's
35 application for new certificate of title and
36 necessary fees to the Division within 20 ~~days~~
37 days; or
38 (2) Where the transferee has the option of cancelling
39 the transfer of the vehicle within ten days of
40 delivery of the vehicle, the dealer shall deliver
41 the certificate of title to the transferee at the
42 end of that period. Delivery need not be made if
43 the contract for sale has been rescinded in writing
44 by all parties to the contract.

- 1 Any person who delivers or accepts a certificate of title
2 assigned in blank shall be guilty of a Class 2 misdemeanor.
3 The title to a salvage vehicle shall be forwarded to the
4 Division as provided in G.S. 20-109.1."
5 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 894

Short Title: MV Fees From Dealers.

(Public)

Sponsors: Senator Lee.

Referred to: Transportation.

April 16, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT DEALERS HAVE TEN WORKING DAYS TO
3 SEND MOTOR VEHICLE FEES TO THE STATE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-79.1(d) reads as rewritten:
6 ~~"(d) A dealer shall not issue, assign, transfer, or deliver temporary registration~~
7 ~~plates or markers to anyone other than a bona fide purchaser or owner of a vehicle~~
8 ~~being sold by such dealer, nor shall a dealer issue a temporary registration plate or~~
9 ~~marker without first obtaining from said purchaser or owner a written application for~~
10 ~~the titling and registration of the purchased vehicle with the prescribed fees therefor,~~
11 ~~which application and fees the said dealer shall immediately forward to the Division~~
12 ~~by mail or messenger or by messenger to a local license agency; nor shall a dealer~~
13 ~~issue a temporary registration plate to anyone purchasing a vehicle that has unexpired~~
14 ~~registration plates, which registration plates are to be transferred to such purchaser;~~
15 ~~nor shall a dealer lend to anyone or use on any vehicle that he may own, temporary~~
16 ~~registration plates or markers. Provided that dealers are hereby authorized to issue~~
17 ~~temporary markers to nonresidents for the purpose of removing a vehicle purchased~~
18 ~~in this State, without collecting a registration fee or requiring an application for~~
19 ~~titling and registration. It shall be unlawful for any person to issue any temporary~~
20 ~~registration plate or marker containing any misstatement of fact or knowingly insert~~
21 ~~any false information upon the face thereof.~~
22 (d) A dealer shall:

- (1) Not issue, assign, transfer, or deliver temporary registration plates or markers to anyone other than a bona fide purchaser or owner of a vehicle which he has sold.
- (2) Not issue a temporary registration plate or marker without first obtaining from the purchaser or owner a written application for titling and registration of the vehicle and the applicable fees.
- (3) Within 10 working days, mail or deliver the application and fees to the Division or deliver the application and fees to a local license agency for processing. Delivery need not be made if the contract for sale has been rescinded in writing by all parties to the contract.
- (4) Not deliver a temporary registration plate to anyone purchasing a vehicle that has an unexpired registration plate that is to be transferred to the purchaser.
- (5) Not lend to anyone, or use on any vehicle that he may own, any temporary registration plates or markers.

A dealer may issue temporary markers, without obtaining the written application for titling and registration or collecting the applicable fees, to nonresidents for the purpose of removing the vehicle from the State."

Section 2. G.S. 20-79.1(e) reads as rewritten:

"(e) Every dealer who issues temporary plates or markers shall ~~insert~~ write clearly and indelibly on the face of ~~each~~ the temporary registration plate or ~~marker~~ marker:

- (1) ~~the date~~ The dates of issuance and expiration;
- (2) ~~the~~ The make, motor number, and serial numbers of the vehicle for which issued and vehicle; and
- (3) ~~such~~ Any other information as that the Division may require.

It shall be unlawful for any person to issue a temporary registration plate or marker containing any misstatement of fact or to knowingly write any false information on the face of the plate or marker."

Section 3. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan & Sexton** for the Committee on **Transportation**.

☐ Committee Substitute for

S.B. 894 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEALERS HAVE
TEN WORKING DAYS TO SEND MOTOR VEHICLE FEES TO THE STATE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 570
Finance Committee Substitute Adopted 5/19/97

Short Title: Clean Water License Plate.

(Public)

Sponsors:

Referred to:

April 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE
3 A "SCENIC RIVERS" REGISTRATION PLATE WITH THE NET PROCEEDS
4 FROM THE SALE OF THE PLATES TO BE DEPOSITED IN THE CLEAN
5 WATER MANAGEMENT TRUST FUND.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 20-79.4(b) is amended by adding a new subdivision in the
8 appropriate alphabetical order to read:

9 "(22a1) Scenic Rivers. -- Issuable to the registered owner of a motor
10 vehicle in accordance with G.S. 20-81.12. The plate shall bear
11 the words 'Scenic Rivers' and a picture representing the
12 unique beauty of the scenic rivers of North Carolina."

13 Section 2. G.S. 20-79.7(a) reads as rewritten:

14 "(a) Fees. -- Upon request, the Division shall provide and issue free of charge one
15 registration plate to a recipient of the Congressional Medal of Honor, a 100%
16 disabled veteran, and an ex-prisoner of war. All other special registration plates are
17 subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus
18 an additional fee in the following amount:

19 <u>Special Plate</u>	<u>Additional Fee Amount</u>
20 Historical Attraction	\$30.00
21 State Attraction	\$30.00
22 Collegiate Insignia	\$25.00
23 Olympic Games	\$25.00

1	Special Olympics	\$25.00
2	<u>Scenic Rivers</u>	<u>\$20.00</u>
3	Wildlife Resources	\$20.00
4	Personalized	\$20.00
5	Active Member of the National Guard	None
6	All Other Special Plates	\$10.00."

7 Section 3. G.S. 20-79.7(b) reads as rewritten:

8 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
9 Collegiate and Cultural Attraction Plate Account are established within the Highway
10 Fund. The Division must credit the additional fee imposed for the special
11 registration plates listed in subsection (a) among the Special Registration Plate
12 Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA),
13 and the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-
14 77.7, as follows:

15	<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
16	Historical Attraction	\$10	\$20	0
17	In-State Collegiate Insignia	\$10	\$15	0
18	Out-of-state Collegiate Insignia	\$10	0	\$15
19	Personalized	\$10	0	\$10
20	<u>Scenic Rivers</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
21	Special Olympics	\$10	\$15	0
22	Olympic Games	\$10	\$15	0
23	State Attraction	\$10	\$20	0
24	Wildlife Resources	\$10	\$10	0
25	All other Special Plates	\$10	0	0."

26 Section 4. G.S. 20-81.12 is amended by adding a new subsection to read:

27 "(b5) Scenic Rivers Plates. -- The Division must receive 300 or more applications
28 for a scenic rivers plate before the plate may be developed. The Division must
29 transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account
30 derived from the sale of scenic rivers plates to the Clean Water Management Trust
31 Fund established in G.S. 113-45.3."

32 Section 5. This act is effective when it becomes law.



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June 4, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: SENATE BILL 570 - CLEAN WATER LICENSE PLATE
Senator Dalton

Senate Bill 570 authorizes the Division of Motor Vehicles to issue a "Scenic Rivers" registration plate with the net proceeds for the sale of the plates to be deposited in the clean water management trust fund.

Section 1 of the bill amends G.S. 20-79.4 (b) to provide for a "Scenic Rivers" special registration plate.

Section 2 of the bill amends G.S. 20-79.7(a) to provide that the plate is subject to the regular motor vehicle registration fee, which is \$20.00 for a private passenger vehicle of not more than 15 passengers, and an additional fee of \$20.00.

Section 3 of the bill amends G.S. 20-79.7(b) to provide that \$10 of the additional fee goes to the Special Registration Plate Account, which supports visitor's centers, promotion of travel and industrial development, highway beautification, and travel accessibility for disabled persons in this State. The remaining \$10.00 goes to the Collegiate and Cultural Attraction Plate Account (CCAPA).

Section 4 of the bill amends G. S. 20-81.12 to require that the Division receive 300 or more applications for a scenic rivers plate before the plate may be developed, and to require that the money in the CCAPA derived from the sale of scenic rivers plates be transferred quarterly to the Clean Water Management Trust Fund.

Section 5 makes the bill effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan & Sexton** for the Committee on **Transportation**.

☒ Committee Substitute for

S.B. 570 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "SCENIC RIVERS" REGISTRATION PLATE WITH THE NET PROCEEDS FROM THE SALE OF THE PLATES TO BE DEPOSITED IN THE CLEAN WATER MANAGEMENT TRUST FUND.

- ☐ With a favorable report.
- ☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☒
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

TRANSPORTATION COMMITTEE MEETING

JULY 2, 1997

AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES:

BILLS TO BE CONSIDERED:

SB 426 MAGISTRATES/TRUCK SPECIAL
PLATES - SEN. HOYLE

HB 1096 TRUCKING ADJUSTMENT ACT OF
1997 - REP. HIATT

HB 1226 MOTOR CARRIER DIESEL TAX
PAYMENT - REP. BUCHANAN

FURTHER BUSINESS

ANNOUNCEMENTS

ADJOURN

MINUTES

COMMITTEE ON TRANSPORTATION

WEDNESDAY, JULY 2, 1997

1:00 P.M.

ROOM 643-LOB

The House Committee on Transportation met on Wednesday, July 2, 1997 at 1:00 p.m. in Room 643-LOB. Rep. Sexton called the meeting to order and introduced the Pages. A silent roll was taken (roll list denotes members present).

SB-426 MAGISTRATES/TRUCK SPECIAL PLATES

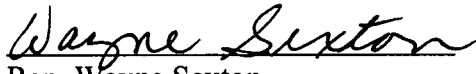
Chairman Sexton announced that due to having several bills pertaining to truck safety, they would roll all truck safety bills into a study bill. The Transportation Oversight Committee would take the bill up sometime between now and the short session. Rep. Luebke wanted to make sure his bill would be included in the study bill. He was advised that it would be. Rep. Rayfield moved that the new committee substitute be adopted for discussion. Movement failed. Therefore, the original SB-426 was back before the committee for discussion. Once again, Sen. Hoyle was recognized to explain his bill. Rep. Mercer moved for a favorable report on the original SB-426. The motion was accepted to vote at the appropriate time. Rep. Buchanan sent forth an amendment and gave an explanation. He moved for the adoption. Rep. Rayfield asked for clarification that they were on the original SB-426. Chairman Sexton informed members, that they were on the amendment, for the original SB-426. Rep. Luebke asked if they could wait until copies of the amendment had been passed out. So granted. A vote was taken and the amendment passed. Rep. Allred proposed an amendment and gave an explanation. Chairman Sexton asked Sen. Hoyle for his comments on the amendment. Sen. Hoyle stated that he did not have a problem with the amendment, but, cautioned that he didn't want his bill held up. Sen. Hoyle asked Rep. Allred a question and he responded. Rep. Nichols asked Rep. Allred a series of questions. He responded to each and then followed-up with a statement. Carol Howard, Director of Vehicle Registration with DMV, contributed clarifying remarks. Rep. Nichols asked a question about taxing. Rep. Allred answered his question. Rep. Nichols spoke in opposition of the amendment. Jim Blackburn, with the N. C. Association of County Commissioners, also spoke in opposition of the amendment. Rep. Luebke asked staff a question. Brenda Carter, Research Staff Attorney, responded. Sen. Hoyle followed-up with comments. Rep. Starnes spoke in favor of the amendment. Rep. Allred expounded further with details on his amendment. Rep. Luebke directed more questions to staff. Ms. Carter responded. The amendment was voted on and failed for lack of a favorable report. Rep. Mercers' motion to give a favorable report to SB-426, as amended, and rolled into committee

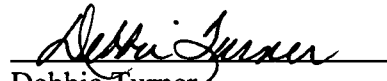
substitute, was voted on. Motion carried and was re-referred to Finance. Sen. Hoyle thanked the committee members and made final statement.

HB-1096 TRUCKING ADJUSTMENT ACT OF 1997

Rep. Hiatt explained his bill and asked members to consider a committee substitute. Rep. Buchanan moved that the committee substitute be brought before members for discussion. Motion carried. Rep. Hiatt explained the committee substitute. Rep. Luebke asked the bill sponsor a question. Rep. Hiatt responded. Chairman Sexton clarified with additional comments. Rep. Nichols had questions for Rep. Hiatt. He responded to each. Rep. Luebke expressed concern on a section in the bill. Elbert Peters, with the N. C. Trucking Association, inserted informative comments on the bill. Rep. Nichols asked Mr. Peters how he felt about the fine. He responded. Rep. Buchanan recommended an amendment and gave brief explanation. Rep. Luebke questioned the amendment. Brenda Carter, Research Staff Attorney, explained the amendment. Rep. Luebke was confused about the portion of the amendment that was being addressed. Rep. Buchanan clarified the location. Rep. Luebke expressed that he felt they were moving too quickly. He also felt that his bill was being left out. It was his interpretation that Sen. Hoyle's, Rep. Hiatt's and his concerns were to be presented for study. Chairman Sexton reassured Rep. Luebke once again, that a study bill would be coming forward that would include his bill, parts of Sen. Hoyle's former bill and parts of the present bill. Rep. Luebke requested an amendment be drawn up to include his bill.

Chairman Sexton adjourned the meeting.


Rep. Wayne Sexton
Presiding Chair


Debbie Turner
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 426

Transportation Committee Substitute Adopted 4/22/97

Finance Committee Substitute #2 Adopted 5/19/97

Short Title: Magistrates/Truck Special Plates.

(Public)

Sponsors:

Referred to:

March 19, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE SPECIAL REGISTRATION LICENSE PLATES ON
CERTAIN COMMERCIAL MOTOR VEHICLES AND TO PROVIDE SPECIAL
REGISTRATION LICENSE PLATES FOR MAGISTRATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-63(b), as amended by Chapter 36 of the 1997 Session
Laws, reads as rewritten:

"(b) Every license plate shall have displayed upon it the registration number
assigned to the vehicle for which it is issued, the name of the State of North Carolina,
which may be abbreviated, and the year number for which it is issued or the date of
~~expiration, expiration. and, if the A~~ plate is issued for a commercial vehicle, as
defined in G.S. 20-4.2(1), must bear the word 'commercial,' ~~designating 'commercial~~
~~vehicle."~~ ~~The Division may not issue a plate bearing the word 'commercial' for a~~
~~trailer, or a vehicle unless the plate is a special registration plate authorized in G.S.~~
~~20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less.~~

A registration plate issued by the Division for a private passenger vehicle or for a
private hauler vehicle licensed for 6,000 pounds or less shall be a 'First in Flight'
plate. A 'First in Flight' plate shall have the words 'First in Flight' printed at the top
of the plate above all other letters and numerals. The background of the plate shall
depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane
flying slightly upward and to the right."

Section 2. G.S. 20-79.4(a) reads as rewritten:

1 "(a) General. -- Upon application and payment of the required registration fees, a
2 person may obtain from the Division a special registration plate for a motor vehicle
3 registered in that person's name if the person qualifies for the registration plate. A
4 special registration plate, ~~with the exception of a personalized registration plate, plate~~
5 may not be issued for a vehicle registered under the International Registration Plan.
6 ~~Plan or for a commercial truck.~~ A special registration plate may be issued for a
7 commercial vehicle that is not registered under the International Registration Plan.
8 A holder of a special registration plate who becomes ineligible for the plate, for
9 whatever reason, must return the special plate within 30 days."

10 Section 3. G.S. 20-79.4(b) is amended by adding a new subdivision to
11 read:

12 "(14a) Magistrate. -- Issuable to a North Carolina magistrate. The plate
13 shall bear the letters 'MJ' followed by a number indicating the
14 district court district the magistrate serves, then by a hyphen, and
15 then by a number indicating the seniority of the magistrate. The
16 Division shall use the number '9' to designate District Court
17 Districts 9 and 9B."

18 Section 4. Sections 1 and 2 of this act become effective January 1, 1998,
19 and apply to registration plates issued for periods beginning on or after that date.
20 The remaining sections of this act are effective when this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

5

SENATE BILL 426

Transportation Committee Substitute Adopted 4/22/97

Finance Committee Substitute #2 Adopted 5/19/97

House Committee Substitute Favorable 7/7/97

House Committee Substitute #2 Favorable 8/11/97

Short Title: Magistrates/Truck Special Plates.

(Public)

Sponsors:

Referred to:

March 19, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE SPECIAL REGISTRATION LICENSE PLATES ON CERTAIN COMMERCIAL MOTOR VEHICLES, TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR MAGISTRATES, TO ADVANCE THE DATE FOR ISSUANCE OF SPECIAL REGISTRATION LICENSE PLATES FOR SHERIFFS, AND TO PLACE A MORATORIUM ON THE CREATION OF ANY MORE SPECIAL LICENSE PLATES UNTIL THE LEGISLATIVE RESEARCH COMMISSION HAS COMPLETED ITS STUDY OF SPECIAL LICENSE PLATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-63(b), as amended by S.L. 1997-36, reads as rewritten:

"(b) Every license plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of the State of North Carolina, which may be abbreviated, and the year number for which it is issued or the date of ~~expiration, expiration, and, if the A plate is issued for a commercial vehicle, as defined in G.S. 20-4.2(1), must bear the word 'commercial,' designating 'commercial vehicle.'~~ The Division may not issue a plate bearing the word 'commercial' for a trailer, or a vehicle unless the plate is a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less.

A registration plate issued by the Division for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less shall be a 'First in Flight'

1 plate. A 'First in Flight' plate shall have the words 'First in Flight' printed at the top
2 of the plate above all other letters and numerals. The background of the plate shall
3 depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane
4 flying slightly upward and to the right."

5 Section 2. G.S. 20-79.4(a) reads as rewritten:

6 "(a) General. -- Upon application and payment of the required registration fees, a
7 person may obtain from the Division a special registration plate for a motor vehicle
8 registered in that person's name if the person qualifies for the registration plate. A
9 special registration plate, ~~with the exception of a personalized registration plate, plate~~
10 may not be issued for a vehicle registered under the International Registration Plan.
11 ~~Plan or for a commercial truck. A special registration plate may be issued for a~~
12 commercial vehicle that is not registered under the International Registration Plan.
13 A holder of a special registration plate who becomes ineligible for the plate, for
14 whatever reason, must return the special plate within 30 days."

15 Section 3. G.S. 20-79.4(b) is amended by adding a new subdivision to
16 read:

17 "(14a) Magistrate. -- Issuable to a North Carolina magistrate. The plate
18 shall bear the letters 'MJ' followed by a number indicating the
19 district court district the magistrate serves, then by a hyphen, and
20 then by a number indicating the seniority of the magistrate. The
21 Division shall use the number '9' to designate District Court
22 Districts 9 and 9B."

23 Section 4. Section 2 of S.L. 1997-158 reads as rewritten:

24 "Section 2. This act ~~becomes effective December 1, 1997.~~ is effective when it
25 becomes law."

26 Section 5. The General Assembly finds that the number of special
27 license plates has substantially increased since 1990. The proliferation of new special
28 license plates raises issues about the types of plates the State may issue and the
29 amount and distribution of funds derived from the plates. For this reason, House Bill
30 9 authorizes the Legislative Research Commission to study the number and types of
31 special registration plates issued by the Division of Motor Vehicles and the amount
32 and distribution of funds derived from the issuance of those plates. The Commission
33 will report the results of this study, including any legislative recommendations, to the
34 1998 Session of the 1997 General Assembly. It is the intent and purpose of this
35 section to assure that the General Assembly will not enact legislation authorizing the
36 issuance of any more special license plates until the completion of this study.

37 Section 6. Sections 1 and 2 of this act become effective January 1, 1998,
38 and apply to registration plates issued for periods beginning on or after that date.
39 Section 5 of this act becomes effective September 1, 1997. The remaining sections of
40 this act are effective when this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 426
Transportation Committee Substitute Adopted 4/22/97
Finance Committee Substitute #2 Adopted 5/19/97
PROPOSED COMMITTEE SUBSTITUTE
S426-CSRW-002

Short Title: Magistrates/Truck Special Plates.

(Public)

Sponsors:

Referred to:

March 19, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE SPECIAL REGISTRATION LICENSE PLATES ON
3 CERTAIN COMMERCIAL MOTOR VEHICLES AND TO PROVIDE SPECIAL
4 REGISTRATION LICENSE PLATES FOR MAGISTRATES, AND TO AUTHORIZE
5 THE OPERATION OF TRACTOR/SINGLE-TRAILER COMBINATION VEHICLES UP
6 TO SEVENTY FEET IN TOTAL LENGTH ON STATE HIGHWAYS.
7
8 The General Assembly of North Carolina enacts:
9 Section 1. G.S. 20-63(b), as amended by Chapter 36 of
10 the 1997 Session Laws, reads as rewritten:
11 "(b) Every license plate shall have displayed upon it the
12 registration number assigned to the vehicle for which it is
13 issued, the name of the State of North Carolina, which may be
14 abbreviated, and the year number for which it is issued or the
15 date of expiration, expiration. and, if the A plate is issued for
16 a commercial vehicle, as defined in G.S. 20-4.2(1), must bear the
17 word 'commercial,' designating 'commercial vehicle.' ~~The~~
18 ~~Division may not issue a plate bearing the word 'commercial' for~~
19 ~~a trailer, or a vehicle unless the plate is a special~~

1 registration plate authorized in G.S. 20-79.4 or the commercial
2 vehicle is a trailer or is licensed for 6,000 pounds or less.

3 A registration plate issued by the Division for a private
4 passenger vehicle or for a private hauler vehicle licensed for
5 6,000 pounds or less shall be a 'First in Flight' plate. A
6 'First in Flight' plate shall have the words 'First in Flight'
7 printed at the top of the plate above all other letters and
8 numerals. The background of the plate shall depict the Wright
9 Brothers biplane flying over Kitty Hawk Beach, with the plane
10 flying slightly upward and to the right."

11 Section 2. G.S. 20-79.4(a) reads as rewritten:

12 "(a) General. -- Upon application and payment of the required
13 registration fees, a person may obtain from the Division a
14 special registration plate for a motor vehicle registered in that
15 person's name if the person qualifies for the registration plate.
16 ~~A special registration plate, with the exception of a~~
17 ~~personalized registration plate, plate~~ may not be issued for a
18 vehicle registered under the International Registration Plan.
19 ~~Plan or for a commercial truck. A special registration plate may~~
20 be issued for a commercial vehicle that is not registered under
21 the International Registration Plan. A holder of a special
22 registration plate who becomes ineligible for the plate, for
23 whatever reason, must return the special plate within 30 days."

24 Section 3. G.S. 20-79.4(b) is amended by adding a new
25 subdivision to read:

26 "(14a) Magistrate. -- Issuable to a North Carolina
27 magistrate. The plate shall bear the letters
28 'MJ' followed by a number indicating the
29 district court district the magistrate serves,
30 then by a hyphen, and then by a number
31 indicating the seniority of the magistrate.
32 The Division shall use the number '9' to
33 designate District Court Districts 9 and 9B."

34 Section 4. G.S. 20-116(a) reads as rewritten:

35 "(a) The total outside width of any vehicle or the load
36 thereon shall not exceed ~~96~~ 102 inches, except as otherwise
37 provided in this section: Provided that when hogsheds of tobacco
38 are being transported, a tolerance of six inches shall be allowed
39 and that when sheet or bale tobacco is being transported the load
40 does not exceed a width of 114 inches at the top of the load and
41 the bottom of the load at the truck bed does not exceed the width
42 of 102 inches inclusive of allowance for load shifting or
43 settling. Provided, further, that vehicles (other than passenger
44 buses) which do not exceed the overall width of 102 inches and

1 otherwise provided in this section may be operated in accordance
2 with G.S. 20-115.1(c), (f), and (g)."

3 Section 5. G.S. 20-116(e) reads as rewritten:

4 "(e) Except as provided by G.S. 20-115.1, no combination of
5 vehicles coupled together shall consist of more than two units
6 and no such combination of vehicles shall exceed a total length
7 of ~~60 feet~~ 70 feet inclusive of front and rear bumpers, subject
8 to the following exceptions: Said length limitation shall not
9 apply to vehicles operated in the daytime when transporting
10 poles, pipe, machinery or other objects of a structural nature
11 which cannot readily be dismembered, nor to such vehicles
12 transporting such objects operated at nighttime by a public
13 utility when required for emergency repair of public service
14 facilities or properties, but in respect to such night
15 transportation every such vehicle and the load thereon shall be
16 equipped with a sufficient number of clearance lamps on both
17 sides and marker lamps upon the extreme ends of said projecting
18 load to clearly mark the dimensions of such load: Provided that
19 vehicles designed and used exclusively for the transportation of
20 motor vehicles shall be permitted an overhang tolerance front or
21 rear not to exceed five feet. Provided, that wreckers in an
22 emergency may tow a combination tractor and trailer to the
23 nearest feasible point for repair and/or storage: Provided,
24 however, that a combination of a house trailer used as a mobile
25 home, together with its towing vehicle, shall not exceed a total
26 length of 55 feet exclusive of front and rear bumpers. Provided
27 further, that the said limitation that no combination of vehicles
28 coupled together shall consist of more than two units shall not
29 apply to trailers not exceeding three in number drawn by a motor
30 vehicle used by municipalities for the removal of domestic and
31 commercial refuse and street rubbish, but such combination of
32 vehicles shall not exceed a total length of 50 feet inclusive of
33 front and rear bumpers. Provided further, that the said
34 limitation that no combination of vehicles coupled together shall
35 consist of more than two units shall not apply to a combination
36 of vehicles coupled together by a saddle mount device used to
37 transport motor vehicles in a driveway service when no more than
38 three saddle mounts are used and provided further, that equipment
39 used in said combination is approved by the safety regulations of
40 the Federal Highway Administration and the safety rules of the
41 Division."

42 Section 6. Sections 1 and 2 of this act become
43 effective January 1, 1998, and apply to registration plates
44 issued for periods beginning on or after that date. The

1 remaining sections of this act are effective when this act
2 becomes law.



**North Carolina General Assembly
Legislative Services Office**

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June 4, 1997

MEMORANDUM

TO: House Transportation Committee

FROM: Brenda J. Carter, Committee Counsel

RE: **SENATE BILL 426 - MAGISTRATES/TRUCK SPECIAL PLATES**
Senator Hoyle

Section 1 of the bill amends G.S. 20-63(b) to provide that a plate issued to a commercial vehicle must bear the word "commercial" *unless the plate is a special registration plate authorized in GS 20-79.4.*

Section 2 of the bill amends G.S. 20-79.4(a) to provide that a special registration plate may be issued for a commercial vehicle that is not registered under the International Registration Plan. (Vehicles that are used or intended for use in two or more jurisdictions that allocate or proportionally register vehicles for the transportation of persons or property are generally required to be registered under the International Registration Plan).

Section 3 of the bill amends G.S. 20-79.4 (b) to provide for a special registration plate issuable to a North Carolina magistrate. The plate is issuable upon application and payment of the required registration fees - \$20.00 for a private passenger vehicle of not more than 15 passengers, and an additional fee of \$10.00. The additional fee goes into the Special Registration Plate Account, which supports visitor's centers, promotion of travel and industrial development, highway beautification, and travel accessibility for disabled persons in this State. A holder of a special registration plate who becomes ineligible for the plate, for whatever reason, must return the plate within 30 days.

Section 4 of the bill makes the provisions regarding commercial vehicles effective January 1, 1998. The remainder of the bill is effective when it becomes law.

FISCAL ANALYSIS MEMORANDUM

DATE: June 3, 1997

TO: Representative Cary Allred

FROM: Warren Plonk
Fiscal Research Division

RE: Amendment to Senate Bill 426; Modify Antique Auto Property Tax

FISCAL IMPACT

Yes () No () No Estimate Available (X)

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

REVENUES **No measurable impact as to a loss in State or local revenues.**

**PRINCIPAL DEPARTMENT(S) &
PROGRAM(S) AFFECTED:** Local units of government that levy a property tax.

EFFECTIVE DATE: July 1, 1998

BILL SUMMARY:

Under this amendment, a vehicle 35 years old or older does not lose its status as a special class of property if it is not registered with the Department of Motor Vehicles. The owner is not restricted from registration by this act. A vehicle under this act can be registered with the department by carrying any type of registration plate allowed under Chapter 20 of the General Statutes and still be considered a special class of property.

Background

Under current law, a vehicle that meets the requirements outlined in G.S. 105-330.9 can qualify as a special class of property under Article V, Section 2(2) of the North Carolina Constitution. Vehicles that are considered a special class of property are assessed at the lowest value of, either the property's true value or five hundred dollars.

One of the criteria that the vehicle must meet is that the vehicle be registered with the Division of Motor Vehicles and be at least 35 years old from date of manufacturer. If a vehicle meets this criteria, it is considered an historic vehicle and registered as an antique or horseless carriage.

ASSUMPTIONS AND METHODOLOGY:

Vehicles that are not currently registered with the Division will be eligible under this act. However, if such property exists and the owner has not continued to "list" the property in the absence of registration, the property escapes the property tax. The registration of a vehicle in this State triggers the listing of the property for property taxation. Property that is not listed is considered discovered and once discovered, the penalty under G.S. 105-312 is equal to 10% of the value every year not to exceed five years from the last year the property was listed. It is unlikely that many owners of historic vehicles currently defined as a special class of property will fail to register their historic vehicles. The number that will not "list" their vehicles is unknown.

A loss could occur from fewer owners choosing to register their vehicles. There are two categories for which an historic vehicle owner can register their vehicle; antique and horseless carriage. Currently there are 1734 vehicles registered in these two categories. The annual revenue from these registrations is \$52,020. It is to be expected that many vehicles will continue to be registered because if the vehicle does not have a permanent registration or a temporary transporter registration it cannot be operated on State roads legally. One of the criteria an owner must meet is that the vehicle must be maintained for use in club activities, and parades. How many owners will choose not to register their vehicles is not known.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 426

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

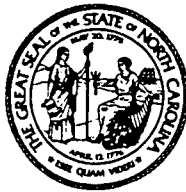
S426-ALB-1

Date _____, 1997

Comm. Sub. [YES]
Amends Title [YES]

Representative

- 1 moves to amend the bill on page 1, lines 3 and 4, by rewriting those
2 lines to read:
3 "CERTAIN COMMERCIAL MOTOR VEHICLES, TO PROVIDE SPECIAL REGISTRATION
4 PLATES FOR MAGISTRATES, AND TO MODIFY THE DEFINITION OF ANTIQUE
5 AUTOS.";
6
7 and on page 2, lines 17 and 18, by inserting a new section between
8 those lines to read:
9 "Section 4. G.S. 105-330.9 reads as rewritten:
10 '\$ 105-330.9. Antique automobiles.
11 (a) Definition. -- For the purpose of this section, the term
12 "antique automobile" means a motor vehicle that meets all of the
13 following conditions:
14 (1) It is registered with the Division of Motor Vehicles
15 and has an historic vehicle special license plate
16 under G.S. 20-79.4, at least 35 years old measured
17 from the date of manufacture.
18 (2) It is maintained primarily for use in exhibitions,
19 club activities, parades, and other public interest
20 functions.
21 (3) It is used only occasionally for other purposes.
22 (4) It is owned by an individual.
23 (5) It is used by the owner for a purpose other than the
24 production of income and is not used in connection
25 with a business.
26 (b) Tax Exclusion. -- Antique automobiles are designated a
27 special class of property under Article V, Sec. 2(2) of the North
28 Carolina Constitution and shall be assessed for taxation in
29 accordance with this section. An antique automobile shall be
30 assessed at the lower of its true value or five hundred dollars
31 (\$500.00).'"
32



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 426

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of ____

S426-ALB-1

1 and on page 2, line 18, by changing "Section 4." to "Section 5.";
2
3 and on page 2, line 20, by inserting the following sentence at the
4 beginning of the line to read:
5 "Section 4 of this act becomes effective January 1, 1998, and
6 applies to tax years beginning on or after July 1, 1998."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 426

S426-ARV-001

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1997

Comm. Sub. ☒ [YES]
Amends Title ☐ []
Third Edition

Representative Thompson

- 1 moves to amend the bill on page 2, lines 17 & 18,
2 by inserting between those lines the following:
3 "Section 4. Section 2 of Chapter 158 of the 1997 Session
4 Laws is rewritten to read:
5 'This act is effective when it becomes law.'";
6 and by renumbering the remaining section of the bill.
7

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

1997 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Sexton & Buchanan** for the Committee on **Transportation**.

-
- ☒ Committee Substitute for
S.B. 426 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SPECIAL
REGISTRATION LICENSE PLATES ON CERTAIN COMMERCIAL MOTOR
VEHICLES AND TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR
MAGISTRATES.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐ .
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐ .
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☒ With a favorable report as to House committee substitute bill, ☒ which changes the title,
unfavorable as to Senate committee substitute bill #2, and recommendation that the House
committee substitute bill be re-referred to the Committee on Finance.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

VISITOR REGISTRATION SHEET

Transportation

7-2-97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	<u>Sheryl Bremen</u>	<u>NC Petroleum Council</u>
2.	<u>Cam Cline</u>	<u>B P M H L</u>
3.	<u>Gary Harris</u>	<u>NC Petroleum Marketers</u>
4.	<u>Doug Howey</u>	<u>NC " "</u>
5.	<u>Arac Howard</u>	<u>DOT / DMV</u>
6.	<u>Occie Worsley</u>	<u>Worsley Co</u>
7.	<u>Don Stallings</u>	<u>Stallings Oil Co</u>
8.	<u>Robert Seaman</u>	<u>Boone & Assoc / Triple steps</u>
9.	<u>Ernie Brane</u>	<u>Stallings Oil Co.</u>
10.	<u>Steve Williams</u>	<u>STALLINGS OIL CO.</u>
11.	<u>KEITH HUNDLEY</u>	<u>A. T. Williams Oil Co</u>
12.	<u>Doug DUNCAN</u>	<u>WEYERHAEUSER CO.</u>
13.	<u>Bob Spence</u>	<u>NC Forestry Assoc.</u>
14.	<u>Dave Simpson</u>	<u>NC Forestry Assoc.</u>
15.	<u>BERRY JENKINS</u>	<u>CAROLINAS AGC</u>
16.	<u>Jimmy Smith</u>	<u>CAROLINAS AGC</u>
17.	<u>Fred Allen</u>	<u>NC DOT</u>
18.	<u>Mac Boxley</u>	<u>NC Aggregates Ass'n.</u>
19.	<u>CJ Carver</u>	<u>N.C. Aggregates Assoc.</u>
20.	<u>Chris McAdam</u>	<u>NCDOT</u>

32. _____

33. Anna Alderman

34. AB Swindell

35. _____

36. _____

37. _____

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DOR

BFI

TRANSPORTATION COMMITTEE MEETING
JULY 9, 1997
AGENDA

CALL MEETING TO ORDER

INTRODUCE PAGES: ADAM HURLEY - WAKE CO.

MERIDITH ANNE MISSLETON
MECKLENBURG CO.

CONSTANCE CRISTY DALE -
SAMPSON CO.

BILLS TO BE CONSIDERED:

HB 1096 TRUCKING ADJUSTMENT ACT OF 1997 -
REP. HIATT

HB 1226 MOTOR CARRIER DIESEL TAX PAYMENT
REP. BUCHANAN

COMMITTEE BILL; TRUCK SAFETY STUDY

FURTHER BUSINESS

ANNOUNCEMENTS

ADJOURN

MINUTES

COMMITTEE ON TRANSPORTATION

WEDNESDAY, JULY 9, 1997

11:00 A.M.

ROOM 643-LOB

The House Committee on Transportation met on Wednesday, July 9, 1997 at 11:00 a.m. in Room 643-LOB. Rep. Sexton called the meeting to order and introduced the Pages. A silent roll was taken (roll list denotes members present).

HB-1096 TRUCKING ADJUSTMENT ACT OF 1997

Chairman Sexton briefly reviewed the previous meeting, when this bill was before the committee members. He advised that a new committee substitute had been drawn up. Rep. Nichols made a motion to bring the committee substitute before the members for discussion. Motion passed. Rep. Hiatt explained the committee substitute and informed members of one other change that had been made. Rep. Luebke asked a question and recommended an amendment. Rep. Hiatt responded, and agreed to the amendment. Staff agreed to prepare the amendment. Rep. Nichols moved for a favorable report for the committee substitute, unfavorable to the original bill. Lynn Feltrocco, representing concerned citizens of Rutherford County, expressed their concerns about the bill. Rep. Hiatt gave assurance, that the portion of the bill they were concerned about, had been excluded and sent to study. Ms. Feltrocco responded with a question and Chairman Sexton answered her question. Ms. Feltrocco addressed further concerns and asked that a portion of the bill be extracted. Rep. Creech spoke in opposition to the request. Rep. Rayfield commented and asked a question. Elbert Peters, with the N. C. Trucking Association, responded that he would like to defer the question to someone with DOT or DMV. Major Arrowood, Assistant Director with the Enforcement Section of DMV, reciprocated and answered the question. Rep. Carpenter inserted additional comments. Rep. Luebke was recognized to explain his amendment and asked for its' adoption. The amendment was adopted. Reps. Luebke and Carpenter asked the representative from Rutherford County questions. Ms. Feltrocco responded. Rep. Creech spoke on the issue being discussed. Rep. Luebke asked Rep. Creech questions. He responded to each. Rep. Hiatt and Chairman Sexton also responded for clarification. Bob Slocum, with the N. C. Forestry Association, expounded further on the provision. Rep. Luebke continued with a question. Mr. Slocum gave response. Rep. Nichols' motion to give the committee substitute for HB-1096 a favorable report, unfavorable as to the original bill, passed. Chairman Sexton informed members that a committee study bill had been put together, which addressed truck safety issues from several different bills. Rep. Baker moved to bring committee bill before the members for discussion. Motion carried. Brenda Carter,

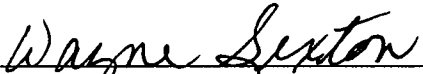
Research Staff Attorney, explained the committee bill entitled, "The Study Trucks' Safety". She also informed members that the Transportation Oversight Committee was authorized to make an interim report to the 1998 Session, and a final report to the 1999 General Assembly. Chairman Sexton added his approval that he felt this was the route to take, with so much concern over truck safety. He felt additional study was needed. Rep. Baker asked question on the reporting time frame. Chairman Sexton responded. Rep. Rayfield asked questions and Chairman Sexton responded. Rep. Carpenter asked questions of Rep. Rayfield and he responded to each. Rep. Baker, after looking at the study bill again, expressed the desire that the committee not wait another year to address the safety issues. He asked that staff draft an amendment that would change the time frame. Chairman Sexton questioned the necessity for the amendment. Rep. Baker continued to support running the amendment. The vote was taken and the amendment passed. Rep. Rayfield asked questions. Rep. McComas responded to each. Rep. Buchanan also responded. Rep. Cole continued with questions. Reps. Buchanan and McComas responded. Rep. Buchanan moved to give the committee study bill a favorable report and re-referred to the Committee on Rules. The committee study bill passed.

HB-1226 MOTOR CARRIER DIESEL TAX PAYMENT

Rep. Buchanan explained his bill. Roger Bone, representing a group of N. C. Truck Stop Operators, offered additional information and requested support for the bill. Rep. McComas gave brief discussion and requested possibility of an amendment. Rep. Buchanan and Mr. Bone responded. Mr. Elbert Peters, with the N. C. Trucking Association, was recognized for comments. Rep. McComas requested that staff prepare the amendment. Rep. Baker asked questions. Rep. Buchanan answered his questions. Mr. Bone inserted additional information. Rep. Baker had follow-up question. Mr. Bone responded. Rep. Luebke asked staff questions. Richard Bostic, with the Fiscal Research Division, answered his questions. Rep. Luebke spoke briefly on the bill, expressing some reservations. Rep. Buchanan, once again, spoke in favor of his bill. Rep. Brown asked a question and Chairman Sexton responded. Sabra Faires, with the Department of Revenue, spoke in opposition of the legislation. Rep. Buchanan responded. Rep. McComas asked staff to read and explain his amendment. Brenda Carter, Research Staff Attorney, responded. Rep. McComas then moved to adopt the amendment. Adoption passed. Rep. McComas asked questions to Ms. Faires and she responded. Rep. McComas made motion to re-refer the bill to a sub-committee and have Ms. Faires to be a part of it. Rep. Baker gave additional comments. Rep. Cole suggested hearing from someone with DMV or DOT. Larry Sams, Assistant to the State Highway Administrator with DOT, added their opposition to the bill and gave explanation. Major Arrowood, Assistant Director of the Enforcement Section with DMV, responded that he didn't have an official position on the bill. Rep. Baker expressed the opinion that there were too many unanswered questions. He suggested folding the bill into the study bill. Chairman Sexton agreed that he thought the bill needed further study, and recommended putting the bill into a sub-committee first. Bill sponsor reported that he had no problem with putting the bill into a study bill. Rep. Baker moved that the bill be placed in the study bill. Rep. Luebke asked question on the procedure. Chairman Sexton announced that the

committee substitute for the bill would be converted into the study bill. Motion before the committee was voted on and passed.

Chairman Sexton adjourned the meeting.


Rep. Wayne Sexton
Presiding Chair


Debbie Turner
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1096*
Proposed Committee Substitute H1096-PCS7348

Short Title: Trucking Adjustment Act of 1997.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING
3 INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY
4 THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE; TO
5 PROVIDE CONSUMER PROTECTION PROVISIONS; AND TO PROVIDE
6 FOR A STUDY OF CERTAIN TRUCKING-RELATED PROVISIONS BY THE
7 JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 20-88 is amended by adding a new subsection to read:

10 "(l) The Division shall issue permanent truck and truck-tractor plates to Class A
11 and Class B Motor Vehicles and shall include the word 'permanent' on the plate.
12 The permanent registration plates issued pursuant to this section shall be subject to
13 annual registration fees set in this section. The Division shall issue the necessary
14 rules providing for the recall, transfer, exchange, or cancellation of permanent plates
15 issued pursuant to this section."

16 Section 2. G.S. 20-118(c)(5) reads as rewritten:

17 "(5) The light-traffic road limitations provided for pursuant to
18 subdivision (b)(4) of this section do not apply to a vehicle while
19 that vehicle is transporting only the following from its point of
20 origin on a light-traffic road to the nearest highway that is not a
21 light-traffic road:

- a. Processed or unprocessed seafood from boats or any other point of origin to a processing plant or a point of further distribution.
- b. Meats or agricultural crop products originating from a farm to first market.
- c. ~~Unprocessed forest~~ Forest products originating from a farm or from woodlands to first market.
- d. Livestock or poultry from their point of origin to first market.
- e. Livestock by-products or poultry by-products from their point of origin to a rendering plant.
- f. Recyclable material from its point of origin to a scrap-processing facility for processing. As used in this subpart, the terms 'recyclable' and 'processing' have the same meaning as in G.S. 130A-290(a).
- g. Garbage collected by the vehicle from residences or garbage dumpsters if the vehicle is fully enclosed and is designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters. As used in this subpart, the term 'garbage' does not include hazardous waste as defined in G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5, or radioactive material as defined in G.S. 104E-5."

Section 3. G.S. 20-382.2 reads as rewritten:

"§ 20-382.2. Penalty for failure to comply with registration or insurance verification requirements.

(a) Acts. -- A motor carrier who does any of the following is subject to a civil penalty of ~~seventy-five dollars (\$75.00)~~ one thousand dollars (\$1,000):

- (1) Operates a for-hire motor vehicle in this State without registering its operations, as required by this Part.
- (2) Operates a for-hire motor vehicle in interstate commerce in this State that does not carry a copy of either an insurance registration receipt issued to the motor carrier or a cab card with an identification stamp issued for the vehicle, as required by G.S. 20-382.
- (3) Operates a for-hire motor vehicle in intrastate commerce in this State for which it has not verified it has insurance, as required by G.S. 20-382.1.

(b) Payment. -- When the Division finds that a for-hire motor vehicle is operated in this State in violation of the registration and insurance verification requirements of this Part, the motor vehicle may not be driven for a purpose other than to park the motor vehicle until the penalty imposed under this section is paid unless the officer that imposes the penalty determines that operation of the motor vehicle will not

1 jeopardize collection of the penalty. A motor carrier that denies liability for a penalty
2 imposed under this section may pay the penalty under protest and apply to the
3 Division for a hearing.

4 (c) Hearing. -- Upon receiving a request for a hearing, the Commissioner ~~must~~
5 shall schedule a hearing within 30 days after receipt of the request. If after the
6 hearing the Commissioner determines that the motor carrier was not liable for the
7 penalty, the amount collected ~~must~~ shall be refunded. If after the hearing the
8 Commissioner determines that the motor carrier was liable for the penalty, the motor
9 carrier may bring an action in the Superior Court of Wake County against the
10 Division for refund of the penalty. A court of this State may not issue a restraining
11 order or an injunction to restrain or enjoin the collection of the penalty or to permit
12 the operation of the vehicle without payment of the penalty.

13 (d) Proceeds. -- A penalty imposed under this section is payable to the Division.
14 Penalties collected under this section shall be credited to the Highway Fund as
15 nontax revenue."

16 Section 4. The Division of Motor Vehicles shall study the feasibility of
17 establishing a staggered registration system for commercial motor vehicles under the
18 International Registration Plan (IRP). The registration plan shall be coordinated with
19 other states which currently stagger IRP registrations to eliminate, insofar as possible,
20 multiple application dates for the same carrier. The registration plan shall provide
21 for a smooth transition to the staggered system providing for credits and partial fees,
22 as needed. The Division shall report the results of this study along with any
23 legislation to implement the staggered registration system to the Joint Legislative
24 Transportation Oversight Committee and the Fiscal Research Division by April 1,
25 1998.

26 Section 5. The Joint Legislative Transportation Oversight Committee
27 and the Revenue Laws Study Committee shall study the following issues encouraging
28 the growth of the trucking industry in North Carolina through increased truck
29 registrations:

- 30 (1) The feasibility of removing the highway use tax on vehicles with a
31 gross weight rating of more than 26,000 pounds;
32 (2) The replacement of the revenue from the removal of the highway
33 use tax studied in subdivision (1) of this section by an increase in
34 registration fees for the same vehicles by ten cents (10¢) per one
35 hundred pounds of registered weight; and
36 (3) Eliminate the stacking of overweight penalties by restricting the
37 penalties so that they do not exceed the highest axle-group weight
38 that exceeds the allowable limits rather than assessing separate
39 penalties for each axle-group and stacking those penalties for the
40 same weight violations.

41 The Joint Legislative Transportation Oversight Committee and the
42 Revenue Laws Study Committee may make an interim report of the study authorized
43 by this section to the 1998 Session of the General Assembly and shall make a final
44 report to the 1999 Session of the General Assembly.

1 Section 6. Sections 4 and 5 of this act are effective when this act becomes
2 law. Sections 2 and 3 of this act become effective October 1, 1997. Section 1 of this
3 act becomes effective January 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1096*

Short Title: Trucking Adjustment Act of 1997.

(Public)

Sponsors: Representatives Hiatt; Aldridge, Alexander, Allred, Barbee, Berry, Black, Bowie, Brawley, Brown, Buchanan, Capps, Carpenter, Cole, Crawford, Culp, Decker, Eddins, Fox, Gamble, Gray, Gulley, Hightower, Hill, Howard, R. Hunter, Jarrell, Justus, Kiser, McCombs, McMahan, Mercer, Michaux, Miner, Mitchell, Morris, Mosley, Owens, Preston, Rayfield, Redwine, Russell, Saunders, Sherrill, Smith, Starnes, Sutton, Tallent, Thompson, Wainwright, Warner, Warwick, Watson, Weatherly, Wilkins, C. Wilson, G. Wilson, Womble, Wright, and Yongue.

Referred to: Transportation, if favorable, Finance.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING
3 INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY
4 THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE AND
5 TO PROVIDE CONSUMER PROTECTION PROVISIONS.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 105-187.3(a) reads as rewritten:
8 "(a) Amount. -- The rate of the use tax imposed by this Article is three percent
9 (3%) of the retail value of a motor vehicle for which a certificate of title is issued.
10 The tax is payable as provided in G.S. 105-187.4. ~~The tax may not be more than one~~
11 ~~thousand dollars (\$1,000) for each certificate of title issued for a Class A or Class B~~
12 ~~motor vehicle that is a commercial motor vehicle, as defined in G.S. 20-4.01. The tax~~
13 ~~may not be more than one thousand five hundred dollars (\$1,500) for each motor~~
14 ~~vehicle for which a certificate of title issued for any other motor vehicle. is issued."~~
15 Section 2. G.S. 105-187.6(a) reads as rewritten:
16 "(a) Full Exemptions. -- The tax imposed by this Article does not apply when a
17 certificate of title is issued as the result of a transfer of a motor vehicle:

- (1) To the insurer of the motor vehicle under G.S. 20-109.1 because the vehicle is a salvage vehicle.
- (2) To either a manufacturer, as defined in G.S. 20-286, or a motor vehicle retailer for the purpose of resale.
- (3) To the same owner to reflect a change or correction in the owner's name.
- (4) By will or intestacy.
- (5) By a gift between a husband and wife, a parent and child, or a stepparent and a stepchild.
- (6) By a distribution of marital property as a result of a divorce.
- (7) To a handicapped person from the Department of Human Resources after the vehicle has been equipped by the Department for use by the handicapped.
- (8) To a local board of education for use in the driver education program of a public school when the motor vehicle is transferred:
 - a. By a retailer and is to be transferred back to the retailer within 300 days after the transfer to the local board.
 - b. By a local board of education.
- (9) That is a Class A or Class B motor vehicle that is a commercial motor vehicle, as defined in G.S. 20-4.01."

Section 3. Sections 1 and 2 of this act apply to certificates of title issued on or after the effective date of this act.

Section 4. G.S. 20-88(b) reads as rewritten:

"(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	\$0.23
4,001 to 9,000 pounds inclusive	.29
9,001 to 13,000 pounds inclusive	.37
13,001 to 17,000 pounds inclusive	.51
Over 17,000 pounds	.58

SCHEDULE OF WEIGHTS AND RATES

Rates Per Hundred Pound Gross Weight

	General Rate
Not over 4,000 pounds	\$0.46
4,001 to 9,000 pounds inclusive	.63
9,001 to 13,000 pounds inclusive	.78
13,001 to 17,000 pounds inclusive	1.06
Over 17,000 pounds	~~1.20~~ <u>1.30</u>

- (1) The minimum fee for a vehicle licensed under this subsection is seventeen dollars and fifty cents (\$17.50) at the farmer rate and twenty-one dollars and fifty cents (\$21.50) at the general rate.
- (2) The term 'farmer' as used in this subsection means any person engaged in the raising and growing of farm products on a farm in North Carolina not less than 10 acres in area, and who does not engage in the business of buying products for resale.
- (3) License plates issued at the farmer rate shall be placed upon trucks and truck-tractors that are operated exclusively in the carrying or transportation of applicant's farm products, raised or produced on his farm, and farm supplies and not operated in hauling for hire.
- (4) 'Farm products' means any food crop, livestock, poultry, dairy products, flower bulbs, or other nursery products and other agricultural products designed to be used for food purposes, including in the term 'farm products' also cotton, tobacco, logs, bark, pulpwood, tannic acid wood and other forest products grown, produced, or processed by the farmer.
- (5) The Division shall issue necessary rules and regulations providing for the recall, transfer, exchange or cancellation of 'farmer' plates, when vehicle bearing such plates shall be sold or transferred.
- (5a) Notwithstanding any other provision of this Chapter, license plates issued pursuant to this subsection at the farmer rate may be purchased for any three-month period at one fourth of the annual fee.
- (6) There shall be paid to the Division annually as of the first of January, the following fees for 'wreckers' as defined under G.S. 20-4.01(50): a wrecker fully equipped weighing 7,000 pounds or less, seventy-five dollars (\$75.00); wreckers weighing in excess of 7,000 pounds shall pay one hundred forty-eight dollars (\$148.00). Fees to be prorated quarterly. Provided, further, that nothing herein shall prohibit a licensed dealer from using a dealer's license plate to tow a vehicle for a customer."

Section 5. G.S. 20-118(e) reads as rewritten:

"(e) Penalties. --

- (1) Except as provided in subdivision (2) of this subsection, for each violation of the single-axle or tandem-axle weight limits set in subdivision (b)(1), (b)(2), or (b)(4) of this section, the Department of Transportation shall assess a civil penalty against the owner or registrant of the vehicle in accordance with the following schedule: for the first 1,000 pounds or any part thereof, four cents (4¢) per pound; for the next 1,000 pounds or any part thereof, six cents (6¢) per pound; and for each additional pound, ten cents (10¢) per pound. ~~These penalties apply separately to each weight limit violated. In all cases of violation of the weight limitation, the~~

~~penalty shall be computed and assessed on each pound of weight in excess of the maximum permitted. The penalty may not exceed the amount computed on the highest axle-group weight that exceeds the allowable limit.~~

(2) The penalty for a violation of the single-axle or tandem-axle weight limits by a vehicle that is transporting an item listed in subdivision (c)(5) of this section is one-half of the amount it would otherwise be under subdivision (1) of this subsection.

(3) If an axle-group weight of a vehicle exceeds the weight limit set in subdivision (b)(3) of this section plus any tolerance allowed in subsection (h) of this section, the Department of Transportation shall assess a civil penalty against the owner or registrant of the motor vehicle. The penalty shall be assessed on the number of pounds by which the axle-group weight exceeds the limit set in subdivision (b)(3), as follows: for the first 2,000 pounds or any part thereof, two cents (2¢) per pound; for the next 3,000 pounds or any part thereof, four cents (4¢) per pound; for each pound in excess of 5,000 pounds, ten cents (10¢) per pound. Tolerance pounds in excess of the limit set in subdivision (b)(3) are subject to the penalty if the vehicle exceeds the tolerance allowed in subsection (h) of this section. ~~These penalties apply separately to each axle-group weight limit violated. The penalty may not exceed the amount computed on the highest axle-group weight that exceeds the allowable limit.~~

(4) The penalty for a violation of an axle-group weight limit by a vehicle that is transporting an item listed in subdivision (c)(5) of this section is one-half of the amount it would otherwise be under subdivision (3) of this subsection.

(5) A violation of a weight limit in this section is not punishable under G.S. 20-176."

Section 6. G.S. 20-88 is amended by adding a new subsection to read:

"(1) The Division shall issue permanent truck and truck-tractor plates and shall include the word 'permanent' on the plate."

Section 7. G.S. 20-118(c)(5) reads as rewritten:

"(5) The light-traffic road limitations provided for pursuant to subdivision (b)(4) of this section do not apply to a vehicle while that vehicle is transporting only the following from its point of origin on a light-traffic road to the nearest highway that is not a light-traffic road:

- a. Processed or unprocessed seafood from boats or any other point of origin to a processing plant or a point of further distribution.
- b. Meats or agricultural crop products originating from a farm to first market.

- 1 c. ~~Unprocessed forest~~ Forest products originating from a farm
2 or from woodlands to first market.
- 3 d. Livestock or poultry from their point of origin to first
4 market.
- 5 e. Livestock by-products or poultry by-products from their
6 point of origin to a rendering plant.
- 7 f. Recyclable material from its point of origin to a scrap-
8 processing facility for processing. As used in this subpart,
9 the terms 'recyclable' and 'processing' have the same
10 meaning as in G.S. 130A-290(a).
- 11 g. Garbage collected by the vehicle from residences or garbage
12 dumpsters if the vehicle is fully enclosed and is designed
13 specifically for collecting, compacting, and hauling garbage
14 from residences or from garbage dumpsters. As used in this
15 subpart, the term 'garbage' does not include hazardous
16 waste as defined in G.S. 130A-290(a), spent nuclear fuel
17 regulated under G.S. 20-167.1, low-level radioactive waste as
18 defined in G.S. 104E-5, or radioactive material as defined in
19 G.S. 104E-5."

20 Section 8. G.S. 20-116(d) reads as rewritten:

21 "(d) A single vehicle having two or more axles shall not exceed ~~35 feet in length~~
22 ~~the following lengths~~ of extreme overall dimensions inclusive of front and rear
23 ~~bumpers. bumpers:~~

<u>Axles</u>	<u>Length</u>
<u>2</u>	<u>35 feet</u>
<u>3</u>	<u>40 feet</u>
<u>4 or more</u>	<u>45 feet</u>

24 Provided, however, a bus or motor home with two axles shall not exceed 40 feet in
25 length overall of dimensions inclusive of front and rear bumpers. ~~A single vehicle~~
26 ~~having three axles shall not exceed 40 feet in length overall of dimensions inclusive of~~
27 ~~front and rear bumpers.~~ Provided, further, trucks transporting unprocessed cotton
28 from farm to gin shall not exceed 48 feet in length overall of dimensions inclusive of
29 front and rear bumpers. A truck-tractor and semitrailer shall be regarded as two
30 vehicles for the purpose of determining lawful length and license taxes."

31 Section 9. The Division of Motor Vehicles shall study the feasibility of
32 establishing a staggered registration system for commercial motor vehicles under the
33 International Registration Plan (IRP). The registration plan shall be coordinated with
34 other states which currently stagger IRP registrations to eliminate, insofar as possible,
35 multiple application dates for the same carrier. The registration plan shall provide
36 for a smooth transition to the staggered system providing for credits and partial fees,
37 as needed. The Division shall report the results of this study along with any
38 legislation to implement the staggered registration system to the Joint Legislative
39 Transportation Oversight Committee and the Fiscal Research Division by April 1,
40 1998.

1 Section 10. G.S. 20-382.2 reads as rewritten:

2 "**§ 20-382.2. Penalty for failure to comply with registration or insurance verification**
3 **requirements.**

4 (a) Acts. -- A motor carrier who does any of the following is subject to a civil
5 penalty of ~~seventy-five dollars (\$75.00)~~ one thousand dollars (\$1,000):

6 (1) Operates a for-hire motor vehicle in this State without registering
7 its operations, as required by this Part.

8 (2) Operates a for-hire motor vehicle in interstate commerce in this
9 State that does not carry a copy of either an insurance registration
10 receipt issued to the motor carrier or a cab card with an
11 identification stamp issued for the vehicle, as required by G.S. 20-
12 382.

13 (3) Operates a for-hire motor vehicle in intrastate commerce in this
14 State for which it has not verified it has insurance, as required by
15 G.S. 20-382.1.

16 (b) Payment. -- When the Division finds that a for-hire motor vehicle is operated
17 in this State in violation of the registration and insurance verification requirements of
18 this Part, the motor vehicle may not be driven for a purpose other than to park the
19 motor vehicle until the penalty imposed under this section is paid unless the officer
20 that imposes the penalty determines that operation of the motor vehicle will not
21 jeopardize collection of the penalty. A motor carrier that denies liability for a penalty
22 imposed under this section may pay the penalty under protest and apply to the
23 Division for a hearing.

24 (c) Hearing. -- Upon receiving a request for a hearing, the Commissioner ~~must~~
25 shall schedule a hearing within 30 days after receipt of the request. If after the
26 hearing the Commissioner determines that the motor carrier was not liable for the
27 penalty, the amount collected ~~must~~ shall be refunded. If after the hearing the
28 Commissioner determines that the motor carrier was liable for the penalty, the motor
29 carrier may bring an action in the Superior Court of Wake County against the
30 Division for refund of the penalty. A court of this State may not issue a restraining
31 order or an injunction to restrain or enjoin the collection of the penalty or to permit
32 the operation of the vehicle without payment of the penalty.

33 (d) Proceeds. -- A penalty imposed under this section is payable to the Division.
34 Penalties collected under this section shall be credited to the Highway Fund as
35 nontax revenue."

36 Section 11. This act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 1096*
Committee Substitute Favorable 7/17/97
Third Edition Engrossed 8/11/97

Short Title: Trucking Adjustment Act of 1997.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING
3 INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY
4 THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE; TO
5 PROVIDE CONSUMER PROTECTION PROVISIONS; AND TO PROVIDE
6 FOR A STUDY OF CERTAIN TRUCKING-RELATED PROVISIONS BY THE
7 JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 20-88 is amended by adding a new subsection to read:

10 "(1) The Division shall issue permanent truck and truck-tractor plates to Class A
11 and Class B Motor Vehicles and shall include the word 'permanent' on the plate.
12 The permanent registration plates issued pursuant to this section shall be subject to
13 annual registration fees set in this section. The Division shall issue the necessary
14 rules providing for the recall, transfer, exchange, or cancellation of permanent plates
15 issued pursuant to this section."

16 Section 2. G.S. 20-118(c)(5) reads as rewritten:

17 "(5) The light-traffic road limitations provided for pursuant to
18 subdivision (b)(4) of this section do not apply to a vehicle while
19 that vehicle is transporting only the following from its point of
20 origin on a light-traffic road to the nearest highway that is not a
21 light-traffic road:

- a. Processed or unprocessed seafood transported from boats or any other point of origin to a processing plant or a point of further distribution.
- b. Meats or agricultural crop products ~~originating~~ transported from a farm to first market.
- c. ~~Unprocessed—forest~~ Forest products originating and transported from a farm or from woodlands to first market.
- d. Livestock or poultry transported from their point of origin to first market.
- e. Livestock by-products or poultry by-products transported from their point of origin to a rendering plant.
- f. Recyclable material transported from its point of origin to a scrap-processing facility for processing. As used in this subpart, the terms 'recyclable' and 'processing' have the same meaning as in G.S. 130A-290(a).
- g. Garbage collected by the vehicle from residences or garbage dumpsters if the vehicle is fully enclosed and is designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters. As used in this subpart, the term 'garbage' does not include hazardous waste as defined in G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5, or radioactive material as defined in G.S. 104E-5."

Section 3. G.S. 20-382.2 reads as rewritten:

"§ 20-382.2. Penalty for failure to comply with registration or insurance verification requirements.

(a) Acts. -- A motor carrier who does any of the following is subject to a civil penalty of ~~seventy-five dollars (\$75.00)~~ one thousand dollars (\$1,000):

- (1) Operates a for-hire motor vehicle in this State without registering its operations, as required by this Part.
- (2) Operates a for-hire motor vehicle in interstate commerce in this State that does not carry a copy of either an insurance registration receipt issued to the motor carrier or a cab card with an identification stamp issued for the vehicle, as required by G.S. 20-382.
- (3) Operates a for-hire motor vehicle in intrastate commerce in this State for which it has not verified it has insurance, as required by G.S. 20-382.1.

(b) Payment. -- When the Division finds that a for-hire motor vehicle is operated in this State in violation of the registration and insurance verification requirements of this Part, the motor vehicle may not be driven for a purpose other than to park the motor vehicle until the penalty imposed under this section is paid unless the officer that imposes the penalty determines that operation of the motor vehicle will not

1 jeopardize collection of the penalty. A motor carrier that denies liability for a penalty
2 imposed under this section may pay the penalty under protest and apply to the
3 Division for a hearing.

4 (c) Hearing. -- Upon receiving a request for a hearing, the Commissioner ~~must~~
5 shall schedule a hearing within 30 days after receipt of the request. If after the
6 hearing the Commissioner determines that the motor carrier was not liable for the
7 penalty, the amount collected ~~must~~ shall be refunded. If after the hearing the
8 Commissioner determines that the motor carrier was liable for the penalty, the motor
9 carrier may bring an action in the Superior Court of Wake County against the
10 Division for refund of the penalty. A court of this State may not issue a restraining
11 order or an injunction to restrain or enjoin the collection of the penalty or to permit
12 the operation of the vehicle without payment of the penalty.

13 (d) Proceeds. -- A penalty imposed under this section is payable to the Division.
14 Penalties collected under this section shall be credited to the Highway Fund as
15 nontax revenue."

16 Section 4. The Division of Motor Vehicles shall study the feasibility of
17 establishing a staggered registration system for commercial motor vehicles under the
18 International Registration Plan (IRP). The registration plan shall be coordinated with
19 other states which currently stagger IRP registrations to eliminate, insofar as possible,
20 multiple application dates for the same carrier. The registration plan shall provide
21 for a smooth transition to the staggered system providing for credits and partial fees,
22 as needed. The Division shall report the results of this study along with any
23 legislation to implement the staggered registration system to the Joint Legislative
24 Transportation Oversight Committee and the Fiscal Research Division by April 1,
25 1998.

26 Section 5. The Joint Legislative Transportation Oversight Committee
27 and the Revenue Laws Study Committee shall study the following issues encouraging
28 the growth of the trucking industry in North Carolina through increased truck
29 registrations:

- 30 (1) The feasibility of removing the highway use tax on vehicles with a
31 gross weight rating of more than 26,000 pounds;
- 32 (2) The replacement of the revenue from the removal of the highway
33 use tax studied in subdivision (1) of this section by an increase in
34 registration fees for the same vehicles by ten cents (10¢) per one
35 hundred pounds of registered weight; and
- 36 (3) Eliminate the stacking of overweight penalties by restricting the
37 penalties so that they do not exceed the highest axle-group weight
38 that exceeds the allowable limits rather than assessing separate
39 penalties for each axle-group and stacking those penalties for the
40 same weight violations.

41 The Joint Legislative Transportation Oversight Committee and the
42 Revenue Laws Study Committee may make an interim report of the study authorized
43 by this section to the 1998 Session of the General Assembly and shall make a final
44 report to the 1999 Session of the General Assembly.

1 Section 6. Sections 4 and 5 of this act are effective when this act becomes
2 law. Sections 2 and 3 of this act become effective October 1, 1997. Section 1 of this
3 act becomes effective January 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 1096
H1096-CSRV-3

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Trucking Adjustment Act of 1997.

(Public)

Sponsors:

Referred to: Transportation, if favorable, Finance

April 21, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING INDUSTRY
3 TO ENCOURAGE THE GROWTH OF THAT INDUSTRY THROUGH INCREASED
4 TRUCK REGISTRATIONS IN THIS STATE; TO PROVIDE CONSUMER
5 PROTECTION PROVISIONS; AND TO PROVIDE FOR A STUDY OF CERTAIN
6 TRUCKING RELATED PROVISIONS BY THE JOINT LEGISLATIVE
7 TRANSPORTATION OVERSIGHT COMMITTEE.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 20-88 is amended by adding a new
10 subsection to read:

11 "(1) The Division shall issue permanent truck and truck-
12 tractor plates and shall include the word 'permanent' on the
13 plate."

14 Section 2. G.S. 20-118(c)(5) reads as rewritten:

15 "(5) The light-traffic road limitations provided for
16 pursuant to subdivision (b)(4) of this section do
17 not apply to a vehicle while that vehicle is
18 transporting only the following from its point of
19 origin on a light-traffic road to the nearest
20 highway that is not a light-traffic road:

- 1 a. Processed or unprocessed seafood from boats or
2 any other point of origin to a processing
3 plant or a point of further distribution.
4 b. Meats or agricultural crop products
5 originating from a farm to first market.
6 c. ~~Unprocessed forest~~ Forest products originating
7 from a farm or from woodlands to first market.
8 d. Livestock or poultry from their point of
9 origin to first market.
10 e. Livestock by-products or poultry by-products
11 from their point of origin to a rendering
12 plant.
13 f. Recyclable material from its point of origin
14 to a scrap-processing facility for processing.
15 As used in this subpart, the terms
16 'recyclable' and 'processing' have the same
17 meaning as in G.S. 130A-290(a).
18 g. Garbage collected by the vehicle from
19 residences or garbage dumpsters if the vehicle
20 is fully enclosed and is designed specifically
21 for collecting, compacting, and hauling
22 garbage from residences or from garbage
23 dumpsters. As used in this subpart, the term
24 'garbage' does not include hazardous waste as
25 defined in G.S. 130A-290(a), spent nuclear
26 fuel regulated under G.S. 20-167.1, low-level
27 radioactive waste as defined in G.S. 104E-5,
28 or radioactive material as defined in G.S.
29 104E-5."

30 Section 3. G.S. 20-116(d) reads as rewritten:

31 "(d) A single vehicle having two or more axles shall not
32 exceed ~~35 feet in length~~ the following lengths of extreme overall
33 dimensions inclusive of front and rear ~~bumpers~~ bumpers:

<u>Axles</u>	<u>Length</u>
<u>2</u>	<u>35 feet</u>
<u>3</u>	<u>40 feet</u>
<u>4 or more</u>	<u>45 feet</u>

38 Provided, however, a bus or motor home with two axles shall not
39 exceed 40 feet in length overall of dimensions inclusive of front
40 and rear bumpers. ~~A single vehicle having three axles shall not~~
41 ~~exceed 40 feet in length overall of dimensions inclusive of front~~
42 ~~and rear bumpers.~~ Provided, further, trucks transporting
43 unprocessed cotton from farm to gin shall not exceed 48 feet in
44 length overall of dimensions inclusive of front and rear bumpers.

1 A truck-tractor and semitrailer shall be regarded as two vehicles
2 for the purpose of determining lawful length and license taxes."

3

4 Section 4. G.S. 20-382.2 reads as rewritten:

5 "§ 20-382.2. Penalty for failure to comply with registration or
6 insurance verification requirements.

7 (a) Acts. -- A motor carrier who does any of the following is
8 subject to a civil penalty of ~~seventy-five dollars (\$75.00)~~; one
9 thousand dollars (\$1,000):

10 (1) Operates a for-hire motor vehicle in this State
11 without registering its operations, as required by
12 this Part.

13 (2) Operates a for-hire motor vehicle in interstate
14 commerce in this State that does not carry a copy
15 of either an insurance registration receipt issued
16 to the motor carrier or a cab card with an
17 identification stamp issued for the vehicle, as
18 required by G.S. 20-382.

19 (3) Operates a for-hire motor vehicle in intrastate
20 commerce in this State for which it has not
21 verified it has insurance, as required by G.S. 20-
22 382.1.

23 (b) Payment. -- When the Division finds that a for-hire motor
24 vehicle is operated in this State in violation of the
25 registration and insurance verification requirements of this
26 Part, the motor vehicle may not be driven for a purpose other
27 than to park the motor vehicle until the penalty imposed under
28 this section is paid unless the officer that imposes the penalty
29 determines that operation of the motor vehicle will not
30 jeopardize collection of the penalty. A motor carrier that denies
31 liability for a penalty imposed under this section may pay the
32 penalty under protest and apply to the Division for a hearing.

33 (c) Hearing. -- Upon receiving a request for a hearing, the
34 Commissioner ~~must~~ shall schedule a hearing within 30 days after
35 receipt of the request. If after the hearing the Commissioner
36 determines that the motor carrier was not liable for the penalty,
37 the amount collected ~~must~~ shall be refunded. If after the hearing
38 the Commissioner determines that the motor carrier was liable for
39 the penalty, the motor carrier may bring an action in the
40 Superior Court of Wake County against the Division for refund of
41 the penalty. A court of this State may not issue a restraining
42 order or an injunction to restrain or enjoin the collection of
43 the penalty or to permit the operation of the vehicle without
44 payment of the penalty.

1 (d) Proceeds. -- A penalty imposed under this section is
2 payable to the Division. Penalties collected under this section
3 shall be credited to the Highway Fund as nontax revenue."

4 Section 5. The Division of Motor Vehicles shall study
5 the feasibility of establishing a staggered registration system
6 for commercial motor vehicles under the International
7 Registration Plan (IRP). The registration plan shall be
8 coordinated with other states which currently stagger IRP
9 registrations to eliminate, insofar as possible, multiple
10 application dates for the same carrier. The registration plan
11 shall provide for a smooth transition to the staggered system
12 providing for credits and partial fees, as needed. The Division
13 shall report the results of this study along with any legislation
14 to implement the staggered registration system to the Joint
15 Legislative Transportation Oversight Committee and the Fiscal
16 Research Division by April 1, 1998.

17 Section 6. The Joint Legislative Transportation
18 Oversight Committee shall study the following issues encouraging
19 the growth of the trucking industry in North Carolina through
20 increased truck registrations:

21 (1) The feasibility of removing the highway use tax on
22 vehicles with a gross weight rating of more than
23 26,000 pounds;

24 (2) The replacement of the revenue from the removal of
25 the highway use tax studied in subdivision (1) of
26 this section by an increase in registration fees
27 for the same vehicles by ten cents (10¢) per one
28 hundred pounds of registered weight; and

29 (3) Eliminate the stacking of overweight penalties by
30 restricting the penalties so that they do not
31 exceed the highest axle-group weight that exceeds
32 the allowable limits rather than assessing
33 separate penalties for each axle-group and
34 stacking those penalties for the same weight
35 violations.

36 The Joint Legislative Transportation Oversight Committee may
37 make an interim report of the study authorized by this section to
38 the 1998 Session of the General Assembly and shall make a final
39 report to the 1999 Session of the General Assembly.

40 Section 7. Sections 5 and 6 of this act are effective
41 when this act becomes law. Sections 2 through 4 of this act
42 become effective October 1, 1997. Section 1 of this act becomes
43 effective January 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 1096
H1096-CSRV-5

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Trucking Adjustment Act of 1997.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING INDUSTRY
3 TO ENCOURAGE THE GROWTH OF THAT INDUSTRY THROUGH INCREASED
4 TRUCK REGISTRATIONS IN THIS STATE; TO PROVIDE CONSUMER
5 PROTECTION PROVISIONS; AND TO PROVIDE FOR A STUDY OF CERTAIN
6 TRUCKING RELATED PROVISIONS BY THE JOINT LEGISLATIVE
7 TRANSPORTATION OVERSIGHT COMMITTEE.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 20-88 is amended by adding a new
10 subsection to read:

11 "(1) The Division shall issue permanent truck and truck-
12 tractor plates to Class A and Class B Motor Vehicles and shall
13 include the word 'permanent' on the plate. The permanent
14 registration plates issued pursuant to this section shall be
15 subject to annual registration fees set in this section. The
16 Division shall issue the necessary rules providing for the
17 recall, transfer, exchange, or cancellation of permanent plates
18 issued pursuant to this section."

19 Section 2. G.S. 20-118(c)(5) reads as rewritten:

20 "(5) The light-traffic road limitations provided for
21 pursuant to subdivision (b)(4) of this section do
22 not apply to a vehicle while that vehicle is
23 transporting only the following from its point of

1 origin on a light-traffic road to the nearest
2 highway that is not a light-traffic road:

- 3 a. Processed or unprocessed seafood from boats or
4 any other point of origin to a processing
5 plant or a point of further distribution.
- 6 b. Meats or agricultural crop products
7 originating from a farm to first market.
- 8 c. ~~Unprocessed forest~~ Forest products originating
9 from a farm or from woodlands to first market.
- 10 d. Livestock or poultry from their point of
11 origin to first market.
- 12 e. Livestock by-products or poultry by-products
13 from their point of origin to a rendering
14 plant.
- 15 f. Recyclable material from its point of origin
16 to a scrap-processing facility for processing.
17 As used in this subpart, the terms
18 'recyclable' and 'processing' have the same
19 meaning as in G.S. 130A-290(a).
- 20 g. Garbage collected by the vehicle from
21 residences or garbage dumpsters if the vehicle
22 is fully enclosed and is designed specifically
23 for collecting, compacting, and hauling
24 garbage from residences or from garbage
25 dumpsters. As used in this subpart, the term
26 'garbage' does not include hazardous waste as
27 defined in G.S. 130A-290(a), spent nuclear
28 fuel regulated under G.S. 20-167.1, low-level
29 radioactive waste as defined in G.S. 104E-5,
30 or radioactive material as defined in G.S.
31 104E-5."

32 Section 3. G.S. 20-382.2 reads as rewritten:

33 "\$ 20-382.2. Penalty for failure to comply with registration or
34 insurance verification requirements.

35 (a) Acts. -- A motor carrier who does any of the following is
36 subject to a civil penalty of ~~seventy-five dollars (\$75.00)~~: one
37 thousand dollars (\$1,000):

- 38 (1) Operates a for-hire motor vehicle in this State
39 without registering its operations, as required by
40 this Part.
- 41 (2) Operates a for-hire motor vehicle in interstate
42 commerce in this State that does not carry a copy
43 of either an insurance registration receipt issued
44 to the motor carrier or a cab card with an

1 identification stamp issued for the vehicle, as
2 required by G.S. 20-382.

3 (3) Operates a for-hire motor vehicle in intrastate
4 commerce in this State for which it has not
5 verified it has insurance, as required by G.S. 20-
6 382.1.

7 (b) Payment. -- When the Division finds that a for-hire motor
8 vehicle is operated in this State in violation of the
9 registration and insurance verification requirements of this
10 Part, the motor vehicle may not be driven for a purpose other
11 than to park the motor vehicle until the penalty imposed under
12 this section is paid unless the officer that imposes the penalty
13 determines that operation of the motor vehicle will not
14 jeopardize collection of the penalty. A motor carrier that denies
15 liability for a penalty imposed under this section may pay the
16 penalty under protest and apply to the Division for a hearing.

17 (c) Hearing. -- Upon receiving a request for a hearing, the
18 Commissioner ~~must~~ shall schedule a hearing within 30 days after
19 receipt of the request. If after the hearing the Commissioner
20 determines that the motor carrier was not liable for the penalty,
21 the amount collected ~~must~~ shall be refunded. If after the hearing
22 the Commissioner determines that the motor carrier was liable for
23 the penalty, the motor carrier may bring an action in the
24 Superior Court of Wake County against the Division for refund of
25 the penalty. A court of this State may not issue a restraining
26 order or an injunction to restrain or enjoin the collection of
27 the penalty or to permit the operation of the vehicle without
28 payment of the penalty.

29 (d) Proceeds. -- A penalty imposed under this section is
30 payable to the Division. Penalties collected under this section
31 shall be credited to the Highway Fund as nontax revenue."

32 Section 4. The Division of Motor Vehicles shall study
33 the feasibility of establishing a staggered registration system
34 for commercial motor vehicles under the International
35 Registration Plan (IRP). The registration plan shall be
36 coordinated with other states which currently stagger IRP
37 registrations to eliminate, insofar as possible, multiple
38 application dates for the same carrier. The registration plan
39 shall provide for a smooth transition to the staggered system
40 providing for credits and partial fees, as needed. The Division
41 shall report the results of this study along with any legislation
42 to implement the staggered registration system to the Joint
43 Legislative Transportation Oversight Committee and the Fiscal
44 Research Division by April 1, 1998.

1 Section 5. The Joint Legislative Transportation
2 Oversight Committee shall study the following issues encouraging
3 the growth of the trucking industry in North Carolina through
4 increased truck registrations:

- 5 (1) The feasibility of removing the highway use tax on
6 vehicles with a gross weight rating of more than
7 26,000 pounds;
8 (2) The replacement of the revenue from the removal of
9 the highway use tax studied in subdivision (1) of
10 this section by an increase in registration fees
11 for the same vehicles by ten cents (10¢) per one
12 hundred pounds of registered weight; and
13 (3) Eliminate the stacking of overweight penalties by
14 restricting the penalties so that they do not
15 exceed the highest axle-group weight that exceeds
16 the allowable limits rather than assessing separate
17 penalties for each axle-group and stacking those
18 penalties for the same weight violations.

19 The Joint Legislative Transportation Oversight Committee may
20 make an interim report of the study authorized by this section to
21 the 1998 Session of the General Assembly and shall make a final
22 report to the 1999 Session of the General Assembly.

23 Section 6. Sections 4 and 5 of this act are effective
24 when this act becomes law. Sections 2 and 3 of this act become
25 effective October 1, 1997. Section 1 of this act becomes
26 effective January 1, 1999.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Buchanan and Sexton** for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for

H.B. 1096 A BILL TO BE ENTITLED AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE AND TO PROVIDE CONSUMER PROTECTION PROVISIONS.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐
- ☒ With a favorable report as to committee substitute bill, ☒ which changes the title, unfavorable as to original bill, (and recommendation that the committee substitute bill be re-referred to the Committee on Finance.)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1226

Short Title: Motor Carrier Diesel Tax Payment.

(Public)

Sponsors: Representative Buchanan.

Referred to: Transportation, if favorable, Finance.

May 6, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT PART OF THE TAX ON DIESEL FUEL SOLD
3 TO MOTOR CARRIERS SHALL BE PAID WITH THE CARRIER'S PERIODIC
4 REPORT RATHER THAN AT THE PUMP.
5 Whereas, North Carolina has one of the highest diesel fuel taxes in the
6 United States; and
7 Whereas, since North Carolina increased its diesel fuel tax by five cents
8 per gallon in the fall of 1989, truckers have shifted their fueling to other states; and
9 Whereas, the burden of this shift has fallen on the North Carolina
10 truckstops that support these trucks and these truckstops have not participated in
11 increased growth in the economy; and
12 Whereas, North Carolina truckstops have the highest average pump price
13 and the lowest average gallon per fill for major North-South traffic routes; Now,
14 therefore,
15 The General Assembly of North Carolina enacts:
16 Section 1. G.S. 105-449.60 is amended by adding the following new
17 subdivisions to read:
18 "(19b) Motor carrier. -- Defined in G.S. 105-449.37.
19 (19c) Motor carrier diesel fuel. -- Diesel fuel for which a truck diesel
20 seller-user claims or intends to claim a refund under G.S.
21 105-449.105A.
22 (19d) Motor carrier vehicle. -- A motor vehicle that is a qualified motor
23 vehicle under the International Fuel Tax Agreement.
24 (38a) Truck diesel seller-user. -- Either of the following:

- 1 a. A distributor that, for the most recent 12-month period
2 preceding application for a truck diesel seller-user license,
3 sold an average of more than 100,000 gallons of diesel fuel a
4 month.
5 b. A bulk-end user that is not a distributor and that acquires
6 diesel fuel intended for use in motor carrier vehicles it
7 operates."

8 Section 2. G.S. 105-449.67(a) is amended by adding a new subdivision to
9 read:

10 "(4) A truck diesel seller-user."

11 Section 3. Part 5 of Article 36C of Chapter 105 of the General Statutes is
12 amended by adding a new section to read:

13 "§ 105-449.105A. Monthly refunds for motor carrier diesel fuel purchased by truck
14 diesel seller-users.

15 (a) Refund. -- A licensed truck diesel seller-user that purchases motor carrier
16 diesel fuel intended only for sale to a motor carrier or use in a motor carrier vehicle
17 and that complies with the requirements of this section may receive a monthly refund
18 of part of the tax the truck diesel seller-user paid on the fuel during the preceding
19 month. The refund rate is seven cents (7¢) per gallon.

20 (b) Storage. -- A truck diesel seller-user must store motor carrier diesel fuel
21 separately from other diesel fuel in a storage facility that is marked as follows with
22 the phrase 'Motor Carrier Diesel', 'For Motor Carrier Use', or a similar phrase that
23 clearly indicates the fuel is not to be used to operate a vehicle that is not a motor
24 carrier vehicle:

25 (1) The storage tank of the storage facility is marked if the storage
26 tank is visible.

27 (2) The fillcap or spill containment box of the storage facility is
28 marked.

29 (3) The dispensing device that serves the storage facility is marked.

30 (c) Use. -- A truck diesel seller-user may use motor carrier diesel fuel only to
31 operate a motor carrier vehicle or for sale to a motor carrier for use in a motor
32 carrier. A truck diesel seller-user may not sell motor carrier diesel fuel to anyone
33 other than a motor carrier or use motor carrier diesel fuel for any purpose other than
34 to operate a motor carrier vehicle.

35 (d) Sales Price. -- A truck diesel seller-user that sells motor carrier diesel fuel must
36 sell it at a price that is at least seven cents (7¢) per gallon less than the price at which
37 the truck diesel seller-user sells other diesel fuel.

38 (e) Application; Reconciliation. -- An application for a refund allowed under this
39 section must be made in accordance with this Part. The application must include the
40 following information:

41 (1) The number of gallons of diesel fuel the truck diesel seller-user
42 purchased during the previous month, itemized by motor carrier
43 diesel fuel and other diesel fuel.

- 1 (2) The number of gallons of diesel fuel the truck diesel seller-user
2 sold to motor carriers during the previous month, itemized by
3 motor carrier diesel fuel and other diesel fuel and itemized by
4 month of purchase by the truck diesel seller-user.
5 (3) The name or the registration number issued under G.S. 105-449.47
6 of each motor carrier to which the truck diesel seller-user sold
7 diesel fuel during the previous month.
8 (4) The number of gallons of diesel fuel the truck diesel seller-user
9 used to operate motor carrier vehicles during the previous month,
10 itemized by motor carrier diesel fuel and other diesel fuel and
11 itemized by month of purchase by the truck diesel seller-user.
12 (5) The number of gallons of diesel fuel the truck diesel seller-user
13 used for a purpose other than to operate a motor carrier vehicle or
14 sale to a motor carrier during the previous month, itemized by
15 motor carrier diesel fuel and other diesel fuel and itemized by
16 month of purchase by the truck diesel seller-user.

17 The truck diesel seller-user shall use the first in first out method of allocation in
18 itemizing fuel used by month of purchase. The amount of the refund applied for
19 shall be reduced by seven cents (7¢) per gallon of diesel fuel the truck diesel
20 seller-user used for a purpose other than to operate a motor carrier vehicle or sale to
21 a motor carrier. If the amount of diesel fuel the truck diesel seller-user used for a
22 purpose other than to operate a motor carrier vehicle or sale to a motor carrier
23 during the previous month exceeds the amount of motor carrier diesel fuel the truck
24 diesel seller-user purchased during the previous month, the truck diesel seller-user
25 must pay tax on the difference at the rate of seven cents (7¢) per gallon."

26 Section 4. G.S. 105-449.108 is amended by adding a new subsection to
27 read:

28 "(d) Monthly Refunds. -- An application for a monthly refund of excise tax is due
29 by the last day of the month following the end of the month for which the refund is
30 claimed. The application must state that the applicant has paid for the fuel for which
31 a refund is claimed or that payment for the fuel has been secured to the seller's
32 satisfaction."

33 Section 5. The catch line of G.S. 105-449.109 reads as rewritten:

34 "§ 105-449.109. Reduction or denial of late ~~annual or quarterly~~ annual, quarterly, or
35 monthly refund application."

36 Section 6. G.S. 105-449.120(b) reads as rewritten:

37 "(b) Class 2. -- A person who commits any of the following acts is guilty of a Class
38 2 misdemeanor:

- 39 (1) Knowingly dispenses non-tax-paid motor fuel into the supply tank
40 of a highway vehicle.
41 (2) Knowingly allows non-tax-paid fuel to be dispensed into the supply
42 tank of a highway vehicle.
43 (3) Knowingly dispenses motor carrier diesel fuel into the supply tank
44 of a vehicle that is not a motor carrier vehicle.

(4) Knowingly allows motor carrier diesel fuel to be dispensed into the supply tank of a vehicle that is not a motor carrier vehicle."

Section 7. G.S. 105-449.39 reads as rewritten:

"§ 105-449.39. Credit for payment of motor fuel tax.

Every motor carrier subject to the tax levied by this Article is entitled to a credit for tax paid by the carrier on fuel purchased in the State. ~~A If the motor carrier who files a quarterly report is entitled to a credit at a rate equal to the flat cents-per-gallon rate plus the variable cents-per-gallon rate of tax report, the credit rate for fuel other than diesel fuel is the motor fuel rate in effect during the quarter for which the credit is claimed. A If the motor carrier who files an annual report is entitled to a credit at report, the credit rate for fuel other than diesel fuel is a rate equal to the flat cents-per-gallon rate plus the average of the two variable cents-per-gallon rates of tax in effect during the year for which the credit is claimed. The credit rate for diesel fuel is seven cents (7¢) less than the applicable credit rate for fuel other than diesel fuel.~~ To obtain a credit, the motor carrier must furnish evidence satisfactory to the Secretary that the tax for which the credit is claimed has been paid.

If the amount of a credit to which a motor carrier is entitled for a reporting period exceeds the motor carrier's liability for that reporting period, the excess may, in accordance with rules adopted by the Secretary, be refunded to the motor carrier or carried forward and applied to the motor carrier's tax liability for another reporting period. Before the Secretary allows a motor carrier a refund, the Secretary may audit the motor carrier's records or require the motor carrier to furnish a bond under G.S. 105-449.40."

Section 8. G.S. 105-449.45(a) reads as rewritten:

"(a) Quarterly Report. -- A motor carrier shall report its operations to the Secretary on a quarterly basis unless this subsection exempts the motor carrier from this requirement or permits the motor carrier to report on a different basis. A motor carrier is not required to file a quarterly report if:

(1) All the motor carrier's operations during the quarter were made under a temporary permit issued under G.S. 105-449.49.

(2) ~~All the motor carrier's operations during the quarter were in this State.~~

(3) The motor carrier has been granted permission to file an annual report under subsection (b).

A quarterly report covers a calendar quarter and is due by the last day in April, July, October, and January."

Section 9. This act becomes effective July 1, 1997, and applies to diesel fuel purchased on or after that date.

North Carolina Department of Transportation

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FISCAL NOTE

HB 1226

Motor Carrier Diesel Tax Payment
Sponsor: Representative Buchanan

An Act to provide that part of the tax on diesel fuel sold to motor carriers shall be paid with the carrier's periodic report rather than at the pump.

Fiscal Impact
Yes (X) No ()

FY 1997-98

Highway Fund **\$6,750,000**

Highway Trust Fund **\$2,250,000**

Summary

The North Carolina Truck Stop Association indicates that the perceived high price of fuel in the state has reduced the fuel purchases of Interstate truckers from North Carolina truck stops.

Truckers pay the state tax on a quarterly return based on the miles of operation in each state. The average miles-per-gallon economy of the reporting company's trucks determines the number of fuel gallons consumed in each state. The tax owed is the balance between number of taxable gallons purchased and taxes on gallons consumed in the state. This system of taxation is difficult to monitor and to ensure compliance. The restrictive clauses to motor carriers eligible to purchase fuel less the 7 cents may help to reduce fraudulent quarterly reports. The motor carriers that have filed fraudulent receipts to increase the refund on gallons purchased in North Carolina are now faced with paying the 7 cents for miles of operation in the state. In the past many truckers under-reported miles.

The largest carriers have very sophisticated fuel purchasing procedures that base purchase decisions on the vendor margin of profit and not on the pump total price. Quarterly returns determine the rebate or debit of tax in each state based on miles of operation. North Carolina as a high tax state has a low margin of profit-per-gallon in the region to attract customers with competitive pump prices. Consequently, the state is a preferred location for fuel purchase with large carriers.

The smaller companies (and owner-operators) generally rely on the drivers to identify and purchase fuel at the best possible price. The pump price is the standard for most of these cash out-of-pocket fuel purchases, although the same advantage of lower margins and rebating of non-

North Carolina miles on quarterly returns is available.

These small operators are often suspected of under-reporting of miles in high fuel tax states. The Department of Revenue, Motor Fuels Tax Division, is charged with the collection of fuel tax from a small number of terminal operators, and 39,500 truckers. The tax is collected from 8,000 interstate North Carolina truckers by the Department of Revenue. There are 31,500 out-of-state truckers that file through the International Fuel Tax Agreement (IFTA) in 57 states and Canadian jurisdictions. In the Motor Fuels Tax Division there are 16 auditors, 4 investigators, and one criminal investigator. On the average, there are 1,500 field audits performed on-site each year.

The \$9 million dollar revenue impact would be a one time loss due to the delay in collecting the surtax in the next quarter filing period. The reduced control with a greater number of tax payers is not calculable.

The FuelTacs computer tracking system will reduce the number of companies that report fewer or no miles of operation in North Carolina. It is currently on-line in full operation. Results will not be available until the end of the second quarter in July, 1997. The DMV Enforcement Section is not fully staffed to implement a complete statewide campaign to monitor fuel tax reporting compliance. A decision to reduce enforcement in other areas equally critical to safe and acceptable motor carrier operations is not recommended.

The proposed legislation requires that the retail diesel locations that participate record the Federal Excise Tax identification number or the company name on all receipts for additional accounting purposes. This would serve as another source for tracking truck movements in the state.

Surrounding State Comparison

The comparison of North Carolina with surrounding border states illustrates the difficulty that truck stops have in competing with states that have lower fuel tax. Georgia has the lowest state tax in the region and the highest profit-per-gallon. The pump price in Georgia is still 6 to 12 cents less than other states in the region.

Employment

It is estimated by the Truck Stop Association that for every 45,000 gallons in annual diesel sales a full time job is supported. The majority of the jobs in truck stops tend to be unskilled. They include a high concentration of clerical and service workers to process fuel transactions, staff the store, and work in the restaurant.

Ancillary Sales

In addition to fuel sales, truck stops generate sales in their restaurant, travel store, repair shops, and from miscellaneous services. There are an estimated \$850 in ancillary sales for every thousand gallons of fuel sales. Most of these sales are subject to sales tax. The six percent sales tax gains would increase sales tax revenues \$42.78 for every 1,000 gallons sold.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 1226

SHORT TITLE: Motor Carrier Diesel Tax Payment

SPONSOR(S): Representative Buchanan

FISCAL IMPACT

Yes (X) No () No Estimate Available ()

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

REVENUES

Highway Fund (HF)

Delayed Revenues	(\$6,695,005)	(\$160,680)	(\$171,392)	(\$154,596)	(\$165,178)
Lost Interest	(72,529)	(1,741)	(1,857)	(1,675)	(1,789)
Non-filers	<u>(4,017,003)</u>	<u>(4,113,411)</u>	<u>(4,216,246)</u>	<u>(4,309,003)</u>	<u>(4,408,111)</u>
Total - HF	(\$10,784,537)	(\$4,275,832)	(\$4,389,495)	(\$4,465,274)	(\$4,575,078)

Highway Trust Fund (HTF)

Delayed Revenues	(\$2,231,668)	(\$53,560)	(\$57,131)	(\$51,532)	(\$55,059)
Lost Interest	(24,176)	(580)	(619)	(558)	(596)
Non-filers	<u>(1,339,001)</u>	<u>(1,371,137)</u>	<u>(1,405,415)</u>	<u>(1,436,334)</u>	<u>(1,469,370)</u>
Total - HTF	(\$3,594,845)	(\$1,425,277)	(\$1,463,165)	(\$1,488,424)	(\$1,525,025)

EXPENDITURES

Department of Revenue	337,158	188,927	194,377	200,179	206,352

Division of Motor Vehicles (DMV)

Enforcement	\$661,494	\$505,608	\$522,145	\$539,748	\$558,625

Judicial Department and
Department of Correction

-0-	-0-	-0-	-0-	-0-

POSITIONS:

Department of Revenue	5	5	5	5	5

DMV Enforcement	12	12	12	12	12

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Department of Revenue/Motor Fuels Division; Division of Motor Vehicles/Enforcement Section; Judicial Department and Department of Correction.

EFFECTIVE DATE: July 1, 1997

BILL SUMMARY: *To provide that part of the tax on diesel fuel sold to Motor Carriers shall be paid at with the Carrier's periodic report rather than at the pump. Adds new GS 105-449.105A to allow a \$.07 per gallon refund of fuel taxes paid by "seller-users" on diesel fuel sold for use in a motor carrier vehicle. Defines "seller-user" as (a) distributor who for the most recent 12-month period sold an average of more than 100,000 gallons of diesel fuel per month, or (b) bulk-end user who acquires diesel fuel for use in its own motor carrier vehicles. Requires seller-user who sells motor carrier diesel fuel to charge for it at least \$.07 per gallon less than the price charged for other diesel fuel. Specifies procedures for applying for refund, and makes conforming changes.¹*

BACKGROUND: North Carolina is a member of the International Fuel Tax Agreement (IFTA) that joins 48 states and 10 Canadian provinces in an effort of uniform collection and distribution of fuel tax revenues. In the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Congress mandated states join IFTA by September 30, 1996. In North Carolina, an owner of a truck with a gross vehicle weight exceeding 26,000 pounds applies for an IFTA license with the Motor Fuels Tax Division of the Department of Revenue. Each licensee reports quarterly to Revenue on the number of miles driven and the number of gallons of fuel consumed in each state or province. The Motor Fuels Tax Division processes the report and apportions the tax payments to other states according to the trucker's reported miles.

ASSUMPTIONS AND METHODOLOGY:*Department of Revenue***Revenue Estimate**

HB 1226 will produce a revenue loss in the Highway Trust Fund and the Highway Fund in three ways: (1) it will delay payment of tax revenue into these funds by 2 months, (2) the delayed payments will reduce the amount of interest earned by the funds, and (3) 10% of the qualified motor carriers will not file the 7 cent surcharge on their quarterly reports.

I. DELAYED PAYMENT

Section 3 (d) of the bill reduces the tax on diesel fuel sold to qualified motor carriers by 7 cents per gallon for those distributors that sell more than 100,000 gallons of diesel per month. In Sections 7 and 8 of HB 1226, the 7 cent tax is recouped by the state when motor carriers file their quarterly reports with the Motor Fuels Tax Division of the Department of Revenue. The tax

¹ "Daily Bulletin", Vol. 1997, No. 56, May 6, 1997, page 1.

Fiscal Note
House Bill 1226

reduction at the pump and the later repayment of the tax by the truckers offset each other, but it is the time lag between these two events that will cost the state \$8.9 million in the FY 1997-98.

For example, a truck stop operator buys fuel from a supplier in January 1998 and pays the full diesel tax of 22.6 cents per gallon. The supplier is required to forward this tax to the Department of Revenue by February 22. Meanwhile the truck stop sells the fuel to qualified truckers (over 26,000 pounds gross vehicle weight) for 15.6 cents per gallon in January. In February, the truck stop operator files a tax refund request with the Department for 7 cents per gallon it pumped in January. The Department of Revenue will probably wait till after February 22 to refund the tax so they can match the truck stop report with that of the supplier. By the end of February or first of March, the truck stop owner receives a refund. The Department of Revenue now must wait until April 30 to receive repayment of the 7 cent tax from North Carolina based truckers that bought fuel from this station. For out-of-state motor carriers, the Department will not receive payments from other state Departments of Revenue that belong to IFTA (International Fuel Tax Agreement) until late May or early June. The state must wait two to three months before it is repaid the 7 cent that was reduced at the pump. It is this delayed repayment that produces a cash flow loss to the Highway Fund and the Highway Trust Fund.

In FY 1995-96, North Carolina received tax on 797,837,928 gallons of diesel fuel. Using consensus estimates from Fiscal Research and the Office of State Budget & Management, the number of taxable gallons will grow 2.4% in FY 1996-97 and 3.6% in FY 1997-98. Thus in FY 1997-98, the number of diesel gallons taxed in North Carolina will be 846.4 million. The Motor Fuels Tax Division estimates that 61.7% of the tax is paid by IFTA or interstate motor carriers, 28.7% is paid by intrastate motor carriers and 9.6% is paid by cars or trucks weighing less than 26,000 gross vehicle weight. Based on this estimate, 90.4% of the gallons used in the state are by motor carriers that are eligible for the 7 cent tax reduction at the pump. Two-thirds of these gallons are used by in-state motor carriers and the other one-third are used by out-of-state motor carriers. The in-state reports filed in April for the first quarter of the year repay the 7 cent diesel tax from 1 month (March) to 2 months (January /February) after the state refunded the 7 cents per gallon to the truck stop operators in late February. For out-of-state truckers, the quarterly report is received three to four months after the 7 cents is paid to the truck stops. On average, the state will wait 2 months to receive repayment of the 7 cent tax and thus in the first year of the bill's enactment the Department of Transportation will have a one-time loss of \$8.9 million in estimated revenue as shown in the calculation below.

846,397,536 gallons X 90.4% = 765,143,373 gallons per year
765,143,373 gallons per year / 12 months = 63,761,948 gallons per month
63,761,948 gallons per month X 2 months delay = 127,523,896 gallons
127,523,896 gallons X 7 cents per gallon = \$8,926,673

Fiscal Note
House Bill 1226

The FY 1997-98 tax loss is divided between the Highway Fund and the Highway Trust Fund as follows:

75% Highway Fund = \$6,695,005
25% Highway Trust Fund = \$2,231,668

As the volume of taxable gallons grows, so will the tax loss from the delay in payments. For example, in FY 1998-99 the volume of taxable diesel fuel is expected to grow 2.4% based on Fiscal Research and Office of State Budget and Management estimates. These estimates are used both in the preparation of the budget for the Highway Fund and the Highway Trust Fund and in the Transportation Improvement Program (TIP). The tax revenues the state would have received from the increase in diesel sales will be delayed two months in FY 1998-99 and produce a cash flow loss of \$214,240.

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>
90.4% of Gallons	765,143,372	783,506,813	803,094,483	820,762,562	839,640,101
Growth Rate		2.4%	2.5%	2.2%	2.3%
Increase in Gallons		18,363,441	19,587,670	17,668,079	18,877,539
Increase per month		1,530,287	1,632,306	1,472,340	1,573,128
Two month delay		3,060,573	3,264,612	2,944,680	3,146,256
<u>Tax loss</u>					
Highway Fund		\$160,680	\$171,392	\$154,596	\$165,178
Highway Trust Fund		\$53,560	\$57,131	\$51,532	\$55,059

II. LOST INTEREST

For the two months the state awaits repayment of the 7 cent tax from motor carriers, the state is losing interest it would have earned from investing these funds with the State Treasurer. The State Treasurer's short term interest rate is currently 6.5%. Applying this rate to the cash flow losses outlined above will result in the following loss of interest earnings:

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>
Highway Fund (HF)	\$6,695,005	\$160,680	\$171,392	\$154,596	\$165,178
Highway Trust Fund (HTF)	2,231,668	53,560	57,131	51,532	55,059
Interest - HF	72,529	1,741	1,857	1,675	1,789
Interest - HTF	24,176	580	619	558	596

III. NON PAYMENT/ DELINQUENT PAYMENT

Until this year, Arizona had reduced its pump price for diesel fuel by 8 cents per gallon, then applied an 8 cents per gallon surcharge on truckers when they filed their quarterly fuel reports. In the March 17, 1997 issue of Transport Topics, the Arizona Motor Transport Association estimated that 25% of the motor carriers were not paying the 8 cent surcharge on fuel. Possibly because of this high rate of noncompliance, the Arizona legislature recently enacted SB 1144 to return the 8 cents tax to the pump price and end the surcharge.

What percent of motor carriers will fail to pay the 7 cent surcharge resulting from HB 1226? This question may be partially answered with data from North Carolina based companies. For North Carolina based IFTA carriers, the state has experienced a 7% failure to file rate for quarterly reports. For the 8,000 intrastate motor carriers in the state, there are currently no reporting requirements with the Department of Revenue. Under HB 1226, these intrastate carriers will again file quarterly reports just like the IFTA carriers. In 1995, the last year when intrastate carriers filed informational returns, the average delinquency rate for intrastate truck filings averaged 14.5%. The Department has no delinquency or non-payment data on interstate carriers based out-of-state.

For this fiscal note, it is assumed that 10% will be the minimum rate of non-reporting and non-payment of the 7 cent surcharge by truckers. This rate is between the 7% in-state IFTA rate and the 14.5% intrastate rate of 1995. The following chart shows that 90.4% of the taxable gallons of diesel fuel is used by qualified truckers. If 10% of the gallons are not reported by the qualified carriers, then the 7 cent tax lost on each gallon totals \$5.3 million in FY 1997-98 and up to \$5.9 million in FY 2001-02.

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>
Total Gallons	846,397,536	866,711,077	888,378,853	907,923,188	928,805,422
90.4% Qualified	765,143,373	783,506,814	803,094,483	820,762,562	839,640,101
10.0% Non-filers	\$76,514,337	\$78,350,681	\$80,309,448	\$82,076,256	\$83,964,010
7cents per gal.					
Highway Fund	\$4,017,003	\$4,113,411	\$4,216,246	\$4,309,003	\$4,408,111
Highway Trust Fd.	\$1,339,001	\$1,371,137	\$1,405,415	\$1,436,334	\$1,469,370

Administrative Costs

As proposed, the bill requires the motor carrier whose operation is solely within North Carolina to file a tax return and pay the additional 7¢ per gallon on fuel purchased at licensed truck diesel seller-users or on fuel purchased by the motor carrier and kept in their bulk storage. This would increase the number of taxpayers filing tax due returns by approximately 8,000.

These taxpayers were removed from reporting requirements effectively January 1, 1996 when 'Tax at the Rack' became law.

Fiscal Note
House Bill 1226

Prior to January 1, 1996, intrastate carriers were required to file a monthly or annual informational return. No tax was due on those returns. Since the majority of the intrastate carriers are small businesses with limited staff, the noncompliance rate for informational returns was high. The average delinquency rate for 1995, based on the proposed failure to file billings, was 18%. This rate did drop to 15%, based on the final failure to file billings, after taxpayers were notified of their delinquency.

To comply with the bill requirements the Department of Revenue anticipates changes in on-going operations of the Division of Motor Fuels. Specifically, the division will experience an increase in personnel; additional costs associated with providing taxpayer instructional material; changes in two computer systems, specifically, for both the ITAS and the Lockheed to update the North Carolina VISTA; and updating the PC audit program.

According to the Department of Revenue, additional office and field personnel are essential in the division to administer the requirements of this bill due to the additional tax due returns and the noncompliance history. The high rate of delinquency and potential misuse of fuel will require a higher rate of auditing for the intrastate motor carriers. It is estimated that an additional staff of three (3) auditors (or 2 auditors and an investigator) and two (2) office staff are necessary. As the division works toward implementation of the new requirements, it may be considered more expedient to substitute an investigative position for an audit position.

For the additional personnel, the first year estimate supports recurring expense for salaries, benefits, supplies, travel, taxpayer notification, and computer operation at a cost of \$248,658; and non-recurring expense for computer equipment, office furnishings, and computer upgrading at a cost of \$88,500. The annual estimates of continued personnel costs include an increase in salaries, only; and are based upon the general inflationary assumptions in the General Fund Financial Model. If an investigator is considered more useful than a third auditor, there would be a small savings (\$2,500 to \$3,500) in recurring costs each year based upon reduced salary and benefits.

The costs in educating the taxpayer on the new law through bulletins and notices; having returns developed, printed and mailed; and mailing the appropriate refunds, proposed assessments and final assessments would be approximately \$25,000.00 annually. This figure is broken down as follows:

• Cost for printing	\$ 1,000.00
• Cost for mailing	20,000.00
• Cost for correspondence	4,000.00

This bill would also require additional programming costs for the department's computer systems. The motor fuels tax processing is handled by two separate computer systems: VISTA for the motor carriers, and ITAS for the motor fuels. Additional programming will be needed on the Lockheed VISTA System to process returns by intrastate truckers. The current audit program used by the Motor Fuels Tax Division auditors would also be needing additional programming to accommodate changes to the auditor's computer program in order to be able to audit the additional tax types and refunds required by this system. The estimates for these changes are:

- Cost for VISTA \$25,000.00 startup cost and \$40,000.00 annually for recurring costs
- Cost for ITAS \$20,000.00 One time cost
- Costs for PC Audit program \$ 8,000.00

Division of Motor Vehicles (DMV)

DMV's Enforcement Section and DOR have been developing the Fuel Tax Compliance System (FUEL TaCS) to create an interstate motor carrier database that would identify those interstate carriers who falsely reported or failed to report their mileage to DOR in their quarterly report. By falsely reporting their mileage, the carriers could also falsely report the amount of fuel purchased in North Carolina. Under FUEL TaCS, DMV will enter data on all trucks that it stops, for weight and motor carrier enforcement. This data will provide information on the amount of time that particular vehicles spend in North Carolina. While this system is designed to identify interstate carriers who falsely report mileage, DMV stops both interstate and intrastate vehicles. As such, the system would also be used to ensure compliance with the provisions of the proposed act.

The FUEL TaCS system is being implemented in three phases. Phase 1, completed in March 1997, involved computerization of truck weigh station operations, development of an overweight citation that would facilitate electronic recording of overweight violations and collect motor fuels tax information, and development and collection of "sighting" reports on trucks that are stopped by DMV officers but not cited for weight or safety violations. It is estimated that DMV officers will file some 250,000 sighting reports per year. During, Phase II mobile data terminals will be installed in DMV vehicles to allow electronic entry of citations and sighting reports by vehicle-based officers. Phase 3 of the system will involve the development of "intelligent highway" systems that track truck movements through electronic transponders.

The key to the success of the FUEL TaCS system is the number of reports on truck mileage made by DMV officers. The greater the number of reports in the database; the greater the likelihood of identifying vehicles that are under-reporting mileage. Because violators are likely to avoid the

weigh stations, the vehicle-based officers are essential to ensure that sufficient truck reports are entered into the database.

During 1996, the Department of Transportation's Productivity Management Section performed a five-month study of DMV Enforcement operations, including the FUEL TaCS plan. The study indicated that FUEL TaCS duties will require officers to spend more time away from weight enforcement duties. In order to avoid a reduction in weight enforcement efforts, the study recommended that 8 data entry positions be added at the weigh stations, and that 12 Vehicle Enforcement Officers (VEOs) be added to compensate for the loss of officer time caused by FUEL TaCS. In response to the study DMV added temporary data entry operators to the weigh station staff, but sufficient funds were not available for the VEOs positions.

In order for the provisions of the proposed act to be adequately enforced without a reduction of weight enforcement efforts, it is essential that the VEO positions be funded. The salary and benefits costs of 12 VEO I positions under the current salary schedule is \$362,634. These salary costs are adjusted for future years based on the salary inflation assumptions in the General Fund Financial Model. The first year travel, supply, and equipment costs of 12 positions is \$298,860, and the recurring cost of these items is \$130,644. These costs are adjusted for future years based on the general inflation assumptions in the General Fund Financial Model.

Judicial Department and /Department of Correction

Currently, the Judicial Branch does not have an offense code for offenses relating specifically to G.S.105-449. This indicates a small number of offenses since "offense codes" are established only when the number of offenses is significant. Based on this finding, the Sentencing Commission does not expect that the proposed changes would have any significant impact on prison populations. The few potential additional inmates could be absorbed within existing Department of Correction resources.

Likewise, the Judicial Department does not anticipate that this legislation would have a substantial impact on the court system as there would not be any significant changes in how cases are processed or disposed. The Department believes that the additional cases which may result from this bill could be absorbed within existing court resources.

TECHNICAL CONSIDERATIONS:

Department of Revenue

Administrative Costs

The Department has indicated that changing the effective date of the legislation to January 1, 1998 would allow both the Department and 57 jurisdictions in IFTA to make the required programming changes to computer systems and the audit program. Additionally, the projected starting time of the clerical staff would be December 1, 1997 for one position and January 1, 1998 for the other position. The auditor/investigator staff would need to start November 1, 1997 in order to train for knowledge of the law, computer, auditing techniques and becoming familiar with the tax returns. A delay in the implementation would result in a savings of recurring funds of approximately \$67,061 in FY 1997-98. Again, if an investigator is substituted for the third auditor the savings would have a slight increase, i.e. to \$69,358.

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Richard Bostic, Karl Knapp, Charles Perusse, and Michele Nelson

APPROVED BY: Tom Covington

DATE: June 30, 1997

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

97-RVZ-002

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Study Truck Safety

(Public)

Sponsors: Transportation Committee

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE STUDY OF CERTAIN TRUCK SAFETY RELATED
3 PROVISIONS BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT
4 COMMITTEE.
5 The General Assembly of North Carolina enacts:
6 Section 1. The Joint Legislative Transportation
7 Oversight Committee shall study the issue of truck width and
8 length, including the effect on highway safety and traffic
9 engineering. The Committee shall consider all potential effects
10 of allowing industry standard tractor/single trailer combinations
11 of up to 68 feet in total length on additional highways of the
12 State. The Committee shall report the results of its study,
13 including any recommended legislation, to the 1997 General
14 Assembly, 1998 Regular Session.
15 Section 2. The Joint Legislative Transportation
16 Oversight Committee shall study ways to improve the safety of the
17 operation of trucks in North Carolina and to increase the safety
18 of tires on all motor vehicles. The study shall examine the
19 following issues:

- 1 (1) Truck inspection violations, including operation of
2 a truck without a required inspection sticker. The
3 Committee shall study means of removing unsafe
4 vehicles from the public roads, including
5 authorizing law enforcement officers to order that
6 a vehicle be towed from the highway if the officer
7 determines that the continued operation of the
8 vehicle would constitute a hazard to the motoring
9 public.
 - 10 (2) Increased penalties for brake safety violations,
11 including strengthening penalties for second or
12 subsequent offenses;
 - 13 (3) The need for additional inspectors to follow up on
14 truck safety violations;
 - 15 (4) Measures necessary to ensure that trucks and other
16 vehicles are equipped with tires that are safe for
17 the operation of the motor vehicle and that do not
18 expose the public to needless hazard;
 - 19 (5) The potential benefit of a commercial graduated
20 drivers license to ensure that a person would have
21 both instruction and experience before obtaining a
22 commercial drivers license;
 - 23 (6) Effective enforcement of existing highway safety
24 laws regarding speeding in highway work zones and
25 properly securing loads of gravel, rock or similar
26 substances on trucks, trailers or other vehicles;
27 and
 - 28 (7) The use and potential effectiveness of water and
29 physical element deflectors in reducing truck
30 accidents.
- 31 The Joint Legislative Transportation Oversight Committee may make
32 an interim report on the results of the study authorized by this
33 section to the 1998 Regular Session of the 1997 General Assembly.
34 The Committee shall make a final report to the 1999 General
35 Assembly.
- 36 Section 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE DRH1438-RVZ002(7.14)

Short Title: Study Truck Safety.

(Public)

Sponsors: Transportation Committee.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE STUDY OF CERTAIN TRUCK SAFETY
3 RELATED PROVISIONS BY THE JOINT LEGISLATIVE TRANSPORTATION
4 OVERSIGHT COMMITTEE.

5 The General Assembly of North Carolina enacts:

6 Section 1. The Joint Legislative Transportation Oversight Committee
7 shall study the issue of truck width and length, including the effect on highway safety
8 and traffic engineering. The Committee shall consider all potential effects of
9 allowing industry standard tractor/single trailer combinations of up to 68 feet in total
10 length on additional highways of the State.

11 Section 2. The Joint Legislative Transportation Oversight Committee
12 shall study ways to improve the safety of the operation of trucks in North Carolina
13 and to increase the safety of tires on all motor vehicles. The study shall examine the
14 following issues:

- 15 (1) Truck inspection violations, including operation of a truck without
16 a required inspection sticker. The Committee shall study means of
17 removing unsafe vehicles from the public roads, including
18 authorizing law enforcement officers to order that a vehicle be
19 towed from the highway if the officer determines that the
20 continued operation of the vehicle would constitute a hazard to the
21 motoring public;
- 22 (2) Increased penalties for brake safety violations, including
23 strengthening penalties for second or subsequent offenses;
- 24 (3) The need for additional inspectors to follow up on truck safety
25 violations;

- (4) Measures necessary to ensure that trucks and other vehicles are equipped with tires that are safe for the operation of the motor vehicle and that do not expose the public to needless hazard;
- (5) The potential benefit of a commercial graduated drivers license to ensure that a person would have both instruction and experience before obtaining a commercial drivers license;
- (6) Effective enforcement of existing highway safety laws regarding speeding in highway work zones and properly securing loads of gravel, rock or similar substances on trucks, trailers or other vehicles; and
- (7) The use and potential effectiveness of water and physical element deflectors in reducing truck accidents.

Section 3. This act is effective when it becomes law. The Joint Legislative Transportation Oversight Committee shall report the results of the studies authorized by this act, including any recommended legislation, to the 1997 General Assembly, 1998 Regular Session.

**1997 HOUSE OF REPRESENTATIVES
COMMITTEE REPORT - BILL INTRODUCTION**

The following report(s) from standing committee(s) is/are presented:

Representatives Buchanan & Sexton for the Committee on TRANSPORTATION
(Committee Chair's Name) (Committee Name)

submits the following bill with a favorable report for introduction.

A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE STUDY OF CERTAIN TRUCK
SAFETY RELATED PROVISIONS BY THE JOINT LEGISLATIVE TRANSPORTATION
OVERSIGHT COMMITTEE.

(FOR JOURNAL USE ONLY)

____ Pursuant to Rule 31(a), the bill is filed, assigned the number H. B. ____ and placed on the Calendar for
its ____ reading.

VISITOR REGISTRATION SHEET

TRANSPORTATION

JULY 9, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. <u>Douglas Williams</u>	<u>Box 711520</u>
2. <u>Robert Beaman</u>	<u>Boone + Hasler</u>
3. <u>Robert Beaman</u>	<u>Stallings Oil Co.</u>
4. <u>MIKE LOWE</u>	<u>NC TRUCK STOP OPERATORS</u>
5. <u>MISCH BINKLO</u>	
6. <u>Harvard Ayers</u>	<u>Sierra Club</u>
7. <u>Gwen Parker</u>	
8. <u>Lila Simpson</u>	<u>CCRC</u>
9. <u>Janie Honnie</u>	<u>CCRC</u>
10. <u>Cheryl McClary</u>	<u>CCRC</u>
11. <u>Don morris</u>	<u>Sierra Club</u>
22. _____	_____
23. _____	_____
24. _____	_____
25. _____	_____
26. _____	_____
27. _____	_____
28. _____	_____
29. _____	_____
30. _____	_____
31. _____	_____