

1997

**SENATE
TRANSPORTATION
COMMITTEE**

MINUTES

SENATE COMMITTEE ON TRANSPORTATION
MEMBERSHIP LIST

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Senator Larry Shaw, Chairman	625 LOB	3-4809
Senator Bob Carpenter, Vice-Chair	517 LOB	3-5875
Senator Wib Gulley, Vice-Chair	408 LOB	5-3036
Senator Howard Lee, Vice-Chair	406 LOB	5-3030
Senator David Weinstein, Vice-Chair	2108 LB	3-5651
Senator R. L. Clark, Ranking Minority	1118 LB	3-5742
Senator John Carrington	515 LOB	3-5653
Senator John Garwood	1419 LB	5-0706
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Senator Tony Rand	300C LOB	3-9892
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Giles Perry, Committee Counsel	545 LOB	3-2578
Tony Goldman, Staff	619 LOB	3-4910
Karl Knapp, Staff	619 LOB	3-4910

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

1997-98 Regular Session

SENATE: TRANSPORTATION

Valid Through 18-DEC-1997

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 53	WARNER	82ND AIRBORNE DIVISION PLATES	*R -CH. SL 97-0156	04-17-97	04-23-97
H 55	WARNER	PURPLE HEART SPECIAL PLATES	*S -RE-REF COM ON FINANCE	04-16-97	04-23-97
H 178	MCMAHAN	TWO YEAR DRIVER INSTRUCTOR LICENSE	*R -CH. SL 97-0033	03-24-97	04-09-97
H 266	EDDINS	ADJUST LICENSE WEIGHT	*R -CH. SL 97-0036	03-25-97	04-09-97
H 299	SEXTON	VIETNAM VETERANS PLATES	*R -CH. SL 97-0339	04-28-97	05-28-97
H 344=	CLARY	MOTOR VEHICLE OCCUPANT RESTRAINTS	*S -RE-REF COM ON JUDIC	05-06-97	07-14-97
H 349	DICKSON	NEW MV SAFETY INSPECTIONS	S -REF TO COM ON TRANSPRT	04-02-97	
H 463	OWENS	FARM PRODUCTS WEIGHT EXEMPTION	*R -CH. SL 97-0354	04-09-97	04-23-97
H 554	DAVIS D	LICENSES FOR DISABLED VETERANS	*S -RE-REF COM ON FINANCE	04-29-97	05-28-97
H 704	THOMPSON	SHERIFF'S REGISTRATION PLATES	*R -CH. SL 97-0158	05-13-97	05-13-97
H 966	BUCHANAN	TRUCKLOAD FLAG/LIGHT COLORS	R -CH. SL 97-0178	04-28-97	05-28-97
H 967	BUCHANAN	LIGHT DUTY ROAD USE	*R -CH. SL 97-0373	04-28-97	07-14-97
H1082	SUTTON	NATIVE AMERICAN SPECIAL PLATES	*S -RE-REF COM ON FINANCE	05-27-97	07-14-97
H1096=	HIATT	TRUCKING ADJUSTMENT ACT OF 1997	*R -CH. SL 97-0466	08-13-97	08-14-97
H1137	CULP	SOIL AND WATER CONSERVATION PLATES	*R -CH. SL 97-0477	05-27-97	07-14-97
H1143	DECKER	HANDICAPPED PLATE RECERTIFICATION	S -REF TO COM ON TRANSPRT	05-06-97	
H1156	MORRIS	SPECIAL PLATES	*R -CH. SL 97-0484	05-27-97	07-14-97
S 60	WINNER	CLARIFY LEFT-TURN RULES	*R -CH. SL 97-0405	02-06-97	03-05-97
S 65=	HOYLE	NO FEE DMV MAIL-IN REGISTRATION	S -REF TO COM ON TRANSPRT	02-10-97	
S 66	HOYLE	MOTOR VEHICLE SALVAGE CHANGES	S -REF TO COM ON TRANSPRT	02-10-97	
S 104=	HORTON	DMV MEDICAL INFORMATION/IMMUNITY	*S -RE-REF COM ON RULES &	02-13-97	03-05-97
S 122	WELLONS	PUBLIC CONTRACTS	*R -CH. SL 97-0489	02-17-97	03-05-97
S 167	HOYLE	SIXTY DAYS TO CHANGE DMV INFO	R -CH. SL 97-0122	02-17-97	03-05-97
S 173=	HOYLE	DMV HEAD IS DOT DEPUTY	S -REF TO COM ON TRANSPRT	02-18-97	
S 238	LEDBETTER	CITY WATER SYSTEM RELOCATION COSTS	S -RE-REF COM ON APPROP	02-25-97	03-12-97
S 260=	ODOM	MODIFY EMISSIONS INSPECTION LAWS	*R -CH. SL 97-0029	02-27-97	03-05-97
S 426	HOYLE	MAGISTRATES/TRUCK SPECIAL PLATES	*R -CH. SL 97-0461	03-19-97	04-22-97
S 427	HOYLE	WOOD CHIP HAULING WEIGHT EXEMPTION	H -REF TO COM ON TRANSPOR	03-19-97	04-16-97
S 570	DALTON	CLEAN WATER LICENSE PLATE	*H -RE-REF COM ON FINANCE	04-01-97	04-16-97
S 625	PAGE	SPEEDING ON SCHOOL GROUNDS	*R -CH. SL 97-0341	04-01-97	04-09-97

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.

BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

1997-98 Regular Session		SENATE: TRANSPORTATION		Valid Through 18-DEC-1997	
BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S 625	PAGE	SPEEDING ON SCHOOL GROUNDS	*R -CH. SL 97-0341	04-14-97	04-24-97
S 635	SHAW L	EXPAND INTERSTATE HIGHWAYS	S -RE-REF COM ON FINANCE	04-01-97	04-02-97
S 637	WINNER	CHARLOTTE SPEED LIMIT AUTHORITY-2	*R -CH. SL 97-0264	04-01-97	04-09-97
S 639	GULLEY W	SHERIFF'S REGISTRATION PLATES-2	S -RE-REF COM ON FINANCE	04-01-97	04-23-97
S 812	JENKINS	SMOKY MOUNTAINS SPECIAL PLATE	R -CH. SL 97-0427	04-10-97	04-16-97
S 884	RAND	DOT INFRASTRUCTURE BANK PROGRAM	*R -CH. SL 97-0428	04-15-97	04-16-97
S 886=	JORDAN	HIRE AMONG MOST QUALIFIED	*R -CH. SL 97-0520	04-16-97	07-14-97
S 894	LEE	MV FEES FROM DEALERS	*R -CH. SL 97-0327	04-16-97	04-30-97
S 931	DALTON	TRUCKLOAD FLAG/LIGHT COLORS-2	H -REF TO COM ON TRANSPOR	04-17-97	04-30-97
S1000	KINNAIRD	HEARINGS ON TIP CHANGES	S -REF TO COM ON TRANSPRT	04-21-97	
S1059=	KERR	DEALER/TRANSPORTER PLATE CHANGES	*R -CH. SL 97-0335	04-21-97	04-30-97
S1070	KINNAIRD	TRANSFER I/M PROGRAM TO DEHNR	S -REF TO COM ON TRANSPRT	04-21-97	

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 BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.



North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808

SENATOR LARRY SHAW
41ST DISTRICT

BUS. ADDRESS: P. O. Box 1195
FAYETTEVILLE, N.C. 28302
TELEPHONE: (910) 323-5303

JOINT D.O.T. COMMISSION

PRESENTATION: MASS TRANSIT 2001

FEBRUARY 18, 1997

3:00 P.M.

AUDITORIUM, LEGISLATIVE BUILDING

Call To Order 3:05pm

AGENDA

MEMBERS:

Senator Larry Shaw, Transportation Committee Chair
Senator Luther Jordan, Transportation Subcommittee Chair

Comments by:

Rep. Monroe Buchanan, Transportation Committee Chair
Rep. Wayne Sexton, Transportation Committee Chair
Reps. Joanne Bowie, Ed McMahan, Jerry Dockham,
Transportation Subcommittee Co-Chairs.

Staff

Sergeant-At-Arms

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Comments

Senate and House Chairmen

Presentation

David King, DOT
Mass Transit 2001 Commission

Q & A

Adjournment *4:08 pm*



MINUTES
SENATE COMMITTEE
ON TRANSPORTATION
FEBRUARY 18, 1997

The Senate Committee on Transportation met at 3:00 p.m. on Tuesday, February 18, 1997 in the Auditorium of the Legislative Building.

Senator Shaw, Chairman, presided. This was an informative presentation on Mass Transit 2001, therefore, no bills were up for consideration at this time.

Senator Shaw introduced the other Senate and House Transportation Committees chairs and co-chairs. Senator Shaw next recognized DOT staff Secretary Dan DeVane, Secretary Garland Garrett, and Deputy Secretary David King. Secretary Garrett said that North Carolina seeks to be a model mass transit state including rail, aviation, and public transit, as well as highway. The Transit 2001 Commission will be seeking approximately \$36 million from the General Assembly this session as part of the Governor's Expansion Budget.

Deputy Secretary David King explained the Transit 2001 report and executive summary. Some goals for mass transit include speeding up the rate at which intra-state

Senate Committee on Transportation

roads are paved, clearing up the backlog in highway maintenance projects and becoming current, and to develop a statewide blueprint for public transportation.

Following Mr. King's presentation, Senator Shaw recognized other individuals who spoke in support of the mass transit initiative - Mr. Patrick Simmons and Sanford Cross of DOT, Jerome Brown of Fayetteville, and Pauline Jenkins of Mitchell County.

Senator Shaw then allowed time for questions from the audience.

After thanking the Transit 2001 representatives, the legislators and others, Senator Shaw adjourned the meeting at 4:08 p.m.



Senator Larry Shaw, Chairman



Barbara Boone, Committee Clerk

Transit 2001 Commission

Intercity Rail Passenger Recommendations

1. Develop a long-range **Intrastate Rail Passenger Plan**. Candidate corridors for study include:

- Charlotte-Wilmington
- Morehead City-Goldsboro-Raleigh
- Wilmington-Fayetteville-Raleigh
- Greenville-Wilson-Raleigh
- Elizabeth City-Hampton Roads
- Raleigh-Roanoke Rapids-Hampton Roads

2. Restore **Western North Carolina passenger service** with daily round trips between Asheville-Salisbury-Greensboro-Raleigh.

3. Begin first phase of intercity rail passenger rail service improvements to reduce travel time to **two-hours between Charlotte and Raleigh**.

4. Provide a source of funding to **preserve endangered rail corridors**. Corridors should be preserved for future transportation uses – including Freight, Commuter and High Speed Rail.

Intercity Rail Passenger Committee Members: Glenn Orr, Chairman, Mayor Margaret Kluttz, Congressman David Price, Senator Jim Speed, John Clancey, Rusty Goode, and David Branch, M.D.

NCDOT - Rail Division

Western North Carolina Rail Passenger Study

Intrastate Rail Plan



Summary Report

January 1997



**North Carolina Department of Transportation
Rail Division**

Western North Carolina Rail Passenger Study

Conducted by
Wake Forest University
Babcock Graduate School of Management

Field Study Team Members
Jeffrey G. Mann
Henri Philippe
Kenneth Grider

Conducted for
North Carolina Department of Transportation
Rail Division
PO Box 25201
Raleigh, NC 27611
<http://www.dot.state.nc.us/DOT/>

Executive Summary

Written by
Jeffrey Bandini
Research Associate
NCDOT-Rail Division

January 1997

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Stations, Support Facilities and Track	

Executive Summary

In May 1994 the North Carolina Secretary of Transportation directed the Rail Division to determine the feasibility of extending rail passenger service to Asheville, N.C. The *Western North Carolina Rail Passenger Demand Study* identified five alternatives for providing Asheville with such a service.

Based on an evaluation of each alternative's projected ridership, revenue production and costs, service between Raleigh and Asheville via Salisbury is the preferred alternative for implementation. This service would follow the route of the existing *Piedmont* and *Carolinian* between Raleigh and Salisbury. Each day, one train would travel from Asheville to Raleigh and another train from Raleigh to Asheville. The estimated one-time capital improvement costs for stations, support facilities, and track structures for the preferred alternative total \$3,103,985.

This study assumed that the North Carolina Department of Transportation would have adequate locomotives and passenger cars to initiate service to Asheville. While some of the equipment presently used for the *Piedmont* could be shared with a newly established Asheville service, the state must acquire additional locomotives and passenger cars to maintain a long-term commitment to western North Carolina. The purchase of at least two locomotives, three passenger coaches and a food service car is projected to cost approximately \$10 million for new equipment, while the cost of refurbished equipment would be approximately \$6 million. The Department of Transportation has not yet selected a preferred set of operating equipment. A decision will be made when the service characteristics of an approved route are more fully investigated.

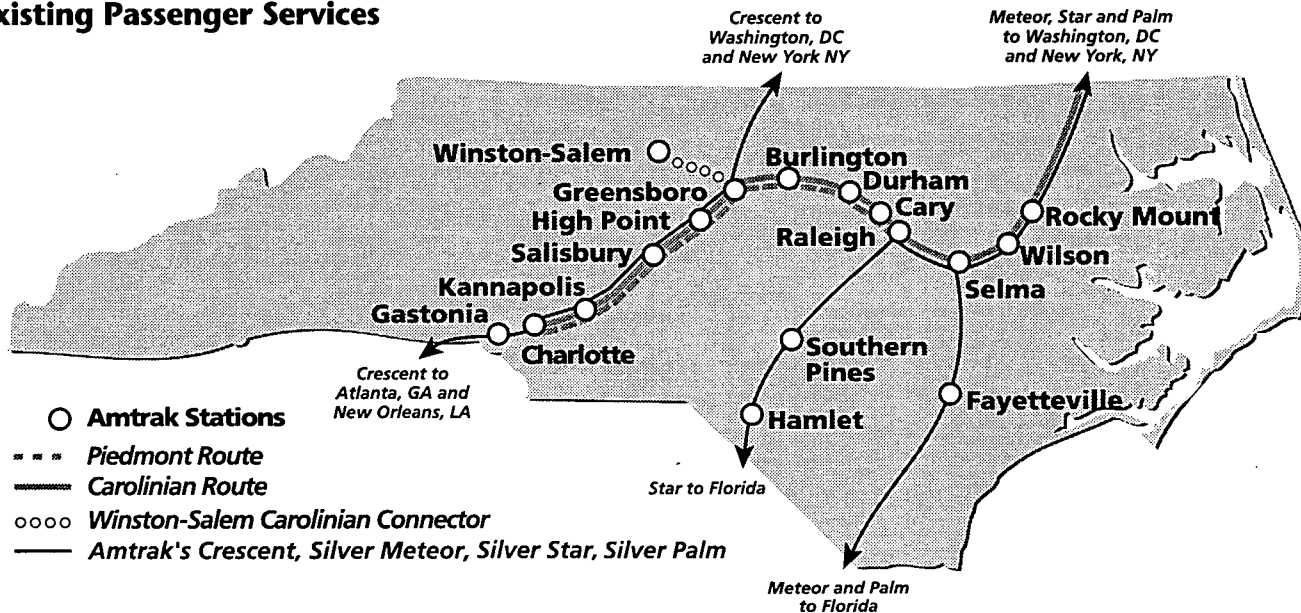
Based on the findings of this study and plans already in progress within the North Carolina Department of Transportation (NCDOT), the following recommendations are offered for consideration:

- ▲ *The state should pursue implementation of rail passenger service between Raleigh and Asheville via Salisbury.*
- ▲ *Service between Salisbury and Asheville with a connection to existing passenger services at Salisbury should be investigated only as an interim step to establishing through service between Raleigh and Asheville.*
- ▲ *Private interest groups, such as local chambers of commerce and travel/tourism organizations, should adopt the lead role in building support for service to western North Carolina.*
- ▲ *The state should continue its incremental approach to developing a statewide rail transportation system by producing a State Rail Passenger Plan, improving track and facilities along existing rights-of-way, preparing for high-speed rail in North Carolina, and planning for future rail passenger service to Asheville.*
- ▲ *The Rail Division should continue to aggressively market rail passenger service through advertising and other public information campaigns.*

Introduction

Responding to growing public interest in rail transportation and a request from members of the North Carolina General Assembly, in May 1994 the North Carolina Secretary of Transportation directed the Rail Division to determine the feasibility of extending rail passenger service to western North Carolina. A field study team from the Babcock Graduate School of Management at Wake Forest University conducted a passenger demand study and presented a final technical report to the North Carolina Rail Council and Secretary for approval in early 1995. This summary highlights the major findings of that report and offers recommendations for future action.

Existing Passenger Services



Population Projections for Counties Along Western Route: Salisbury-Asheville

Population to be served by the year 2000:

Rowan	123,601
Iredell	109,043
Catawba	132,033
Burke	83,257
McDowell	37,314
Buncombe	197,024
Total	682,272

Source: NC Office of State Planning, 1995

Rail passenger service best serves trip lengths of 400 miles or less. Passenger trains often use existing rights-of-way owned and operated by freight railroads. Amtrak currently operates six passenger trains in North Carolina: the *Carolinian*, *Crescent*, *Silver Star*, *Silver Meteor*, *Silver Palm* and the newly established *Piedmont*. At the inauguration of the *Piedmont* in May 1995, Governor James B. Hunt, Jr. proposed two-hour rail passenger service between Raleigh and Charlotte by the year 2001. In anticipation of future high-speed rail development in the United States, the Federal Railroad Administration has designated five emerging high-speed rail corridors. One of the five corridors extends from Washington, D.C. through Richmond, VA, Raleigh, Greensboro, to Charlotte with a projected future extension to Atlanta, GA.

Increased support for rail passenger service has sparked renewed interest in reestablishing service to Asheville to enhance economic development and improve the state's transportation infrastructure. According to Amtrak, Asheville is the most inquired about destination in the country not currently served with rail passenger service. The city's numerous tourist attractions as well as its prime location in the Blue Ridge Mountains draw millions of visitors every year. Many of these travelers originate from cities along the East Coast served by existing Amtrak service.

Methodology¹

The *Western North Carolina Rail Passenger Demand Study* identified five alternatives for providing Asheville with rail passenger service. Several methods were utilized to estimate ridership, revenue generation and operating costs in each scenario for 1995 (base year) and the year 2000. Personal interviews conducted at the Catawba County Rest Area along Interstate 40 and mail-back surveys were used to develop ridership and revenue estimates.² Projected operating costs are based on existing data for the *Carolinian* and *Piedmont*. The capital costs for station improvements were estimated by conducting on-site visits to each potential station, while the costs for track improvements, support facilities, locomotives and passenger cars were extrapolated from existing data.

Ridership, revenue and cost projections were calculated based on the following assumptions:

Adequate and safe stations are available

Safe and adequate station facilities with ample free parking is a primary concern among potential riders that can dramatically affect ridership levels. Most stations along Amtrak's routes are located in downtown areas. Unfortunately, the general public perceives some of these areas as being unsafe. This study assumed that the decisions of rail patrons to use the train were not negatively influenced by station-related concerns. Ridership projections also assume that means of access and egress are readily available at each station along the route.

Awareness and understanding of rail passenger service exists

Many North Carolinians are unaware of rail passenger services in the state. Those who are informed may not understand the scheduling, routing, ticket practices and stops served by passenger trains. This study assumed that people in the state are knowledgeable about rail passenger service as a transportation alternative.

The state can adequately equip service to Western North Carolina

This study assumed that the NCDOT would have adequate locomotives, passenger cars and other facilities to initiate and support service to Asheville.

Access to freight railroad can be negotiated

Any passenger service to western North Carolina would operate over tracks owned by Norfolk Southern Corporation. This study assumed that such access could be negotiated. The Department of Transportation and Amtrak would have to coordinate with the host railroad in the planning and design of any passenger service to Western North Carolina.

Costs of travel will remain constant

Any increase in the cost of air or automobile travel should positively affect rail passenger ridership estimations, while any increase in the cost of rail travel should affect ridership projections negatively. This study assumed that the cost of rail travel relative to other modes would remain constant.

General economic conditions will remain the same

A downturn in the general economic conditions of the state or nation could negatively impact cost and revenue projections to the detriment of rail passenger service. This study assumed that general economic conditions will remain the same.

¹For a complete explanation of the estimation techniques and models used in this study, see *Western North Carolina Rail Passenger Demand Study Technical Report, Volume II*.

²A total of 1,733 surveys were conducted. Projections are based on a 95% level of confidence.

Alternatives Considered

The following is a brief description and general evaluation of each of the five alternatives considered in this study:

Alternative I: Through Service, Raleigh to Asheville via Salisbury

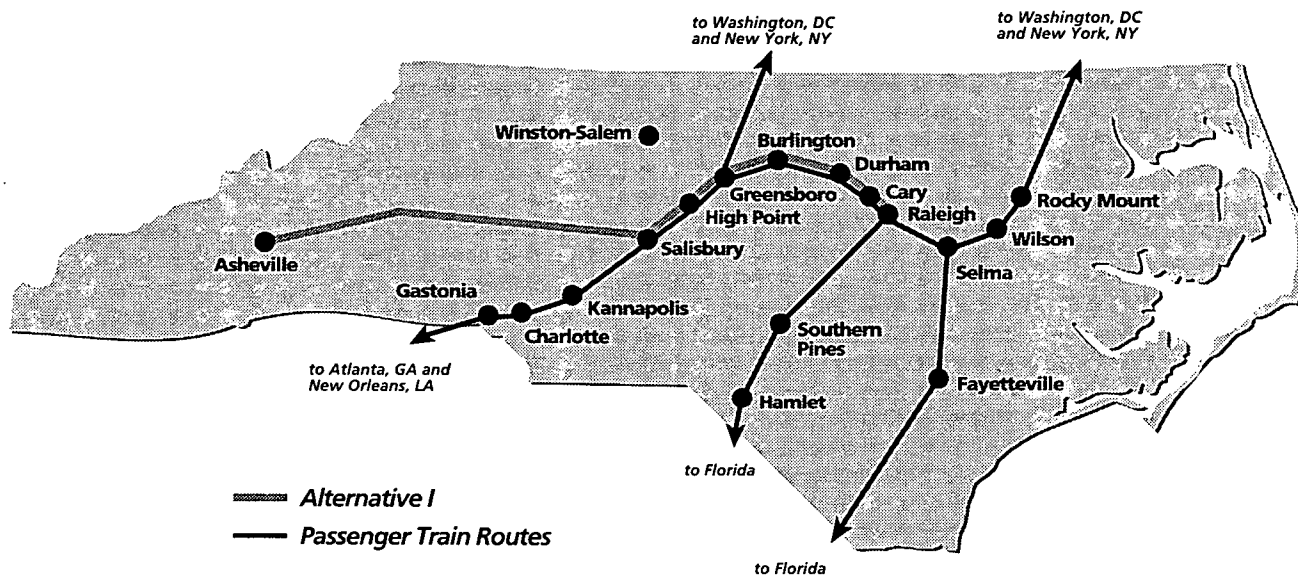
Through service would operate between Raleigh and Asheville via Salisbury, following the route of the *Piedmont* and *Carolinian* between Raleigh and Salisbury. This alternative would involve one daily train frequency (one daily train to and from Asheville) between Raleigh and Asheville.

Strengths:

- Passengers from central North Carolina could reach Asheville without changing trains.
- This service could be extended to provide continuous through service from the coast to the mountains of North Carolina.

Weaknesses:

- The cost of operating a through train from Raleigh to Asheville is higher than operating a connecting train from either Salisbury or Greensboro to Asheville (see Alternatives IV and V).



The state owns two locomotives, two dining cars and five coaches for use on the *Piedmont* which provides daily round-trip service between Raleigh and Charlotte.

Alternative II: Through Service, Raleigh to Asheville via Greensboro & Winston-Salem

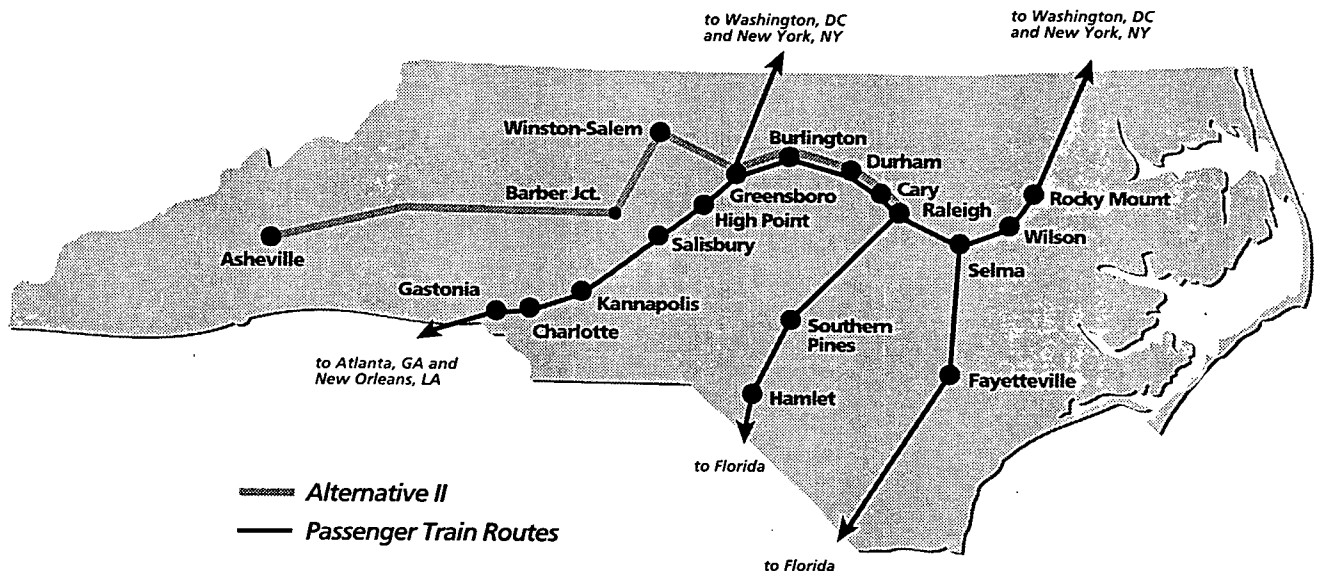
Strengths:

- Passengers from central North Carolina could reach Asheville without changing trains.
- This service could be extended to provide continuous through service from the coast to the mountains of North Carolina.
- This alternative would provide passenger service to Winston-Salem, the largest city in North Carolina not directly served by Amtrak.

Weaknesses:

- Poor track conditions between Winston-Salem and Barber Junction would require either significantly slower travel times or substantial expenditures on track improvements.
- The cost of operating a through train from Raleigh to Asheville is higher than operating a connecting train from either Salisbury or Greensboro to Asheville (see Alternatives IV and V).

Through service would operate between Raleigh and Asheville via Greensboro, following the route of the *Piedmont* and *Carolinian* between Raleigh and Greensboro. At Greensboro the train would proceed to Winston-Salem and then to Barber Junction. At Barber Junction the train would follow the same route to Asheville as in Alternative I. Alternative II would involve one daily train frequency between Raleigh and Asheville.



Running daily between Charlotte and New York City, the state-sponsored *Carolinian* operates with Amtrak locomotives and passenger cars.

Through service would operate between Charlotte and Asheville via Salisbury, following the route of the *Piedmont* and *Carolinian* between Charlotte and Salisbury. Alternative III would involve one daily train frequency between Charlotte and Asheville.

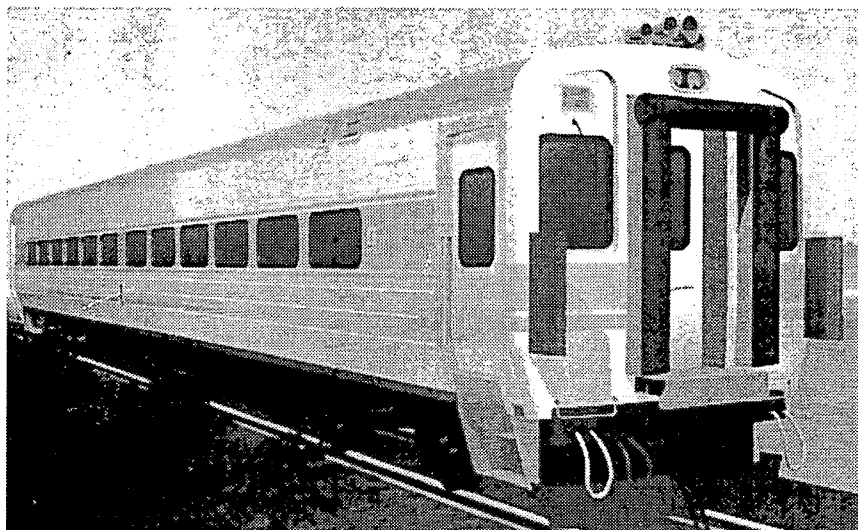
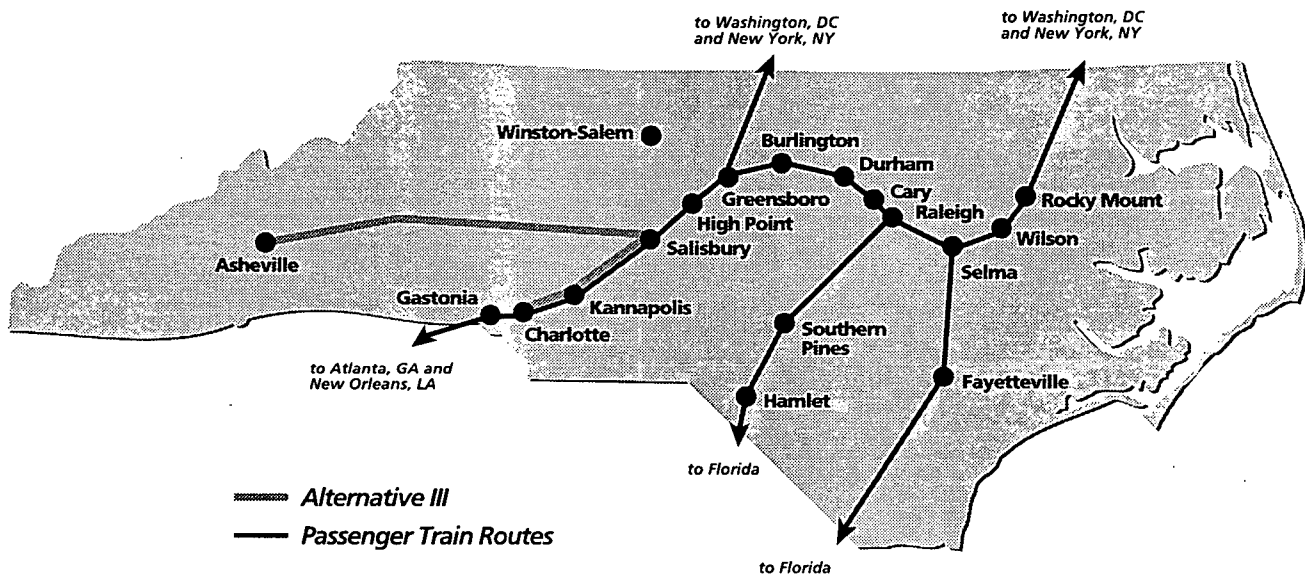
Alternative III: Through Service, Charlotte to Asheville via Salisbury

Strengths:

- Passengers from Charlotte could reach Asheville without changing trains.
- This service could eventually be extended to Greenville and Spartanburg, S.C. and Atlanta, Ga. as demand required. All three of these cities contribute greatly to western North Carolina's tourism.

Weaknesses:

- The cost of operating a through train from Charlotte to Asheville is higher than operating a connecting train from Salisbury to Asheville.
- The relatively short distance and direct route between Charlotte and Asheville by highway would limit the ability of rail passenger service to compete for travelers to western North Carolina.
- This alternative would not serve the Triad (Greensboro-High Point) and the Triangle (Raleigh-Durham) markets effectively.
- This service could not be extended to provide continuous through service from the mountains to the coast of North Carolina.



Nippon Sharyo's self-propelled diesel rail car seats 87 passengers and is designed for inter-city travel in the U.S.

Alternative IV: Salisbury to Asheville, Connection at Salisbury

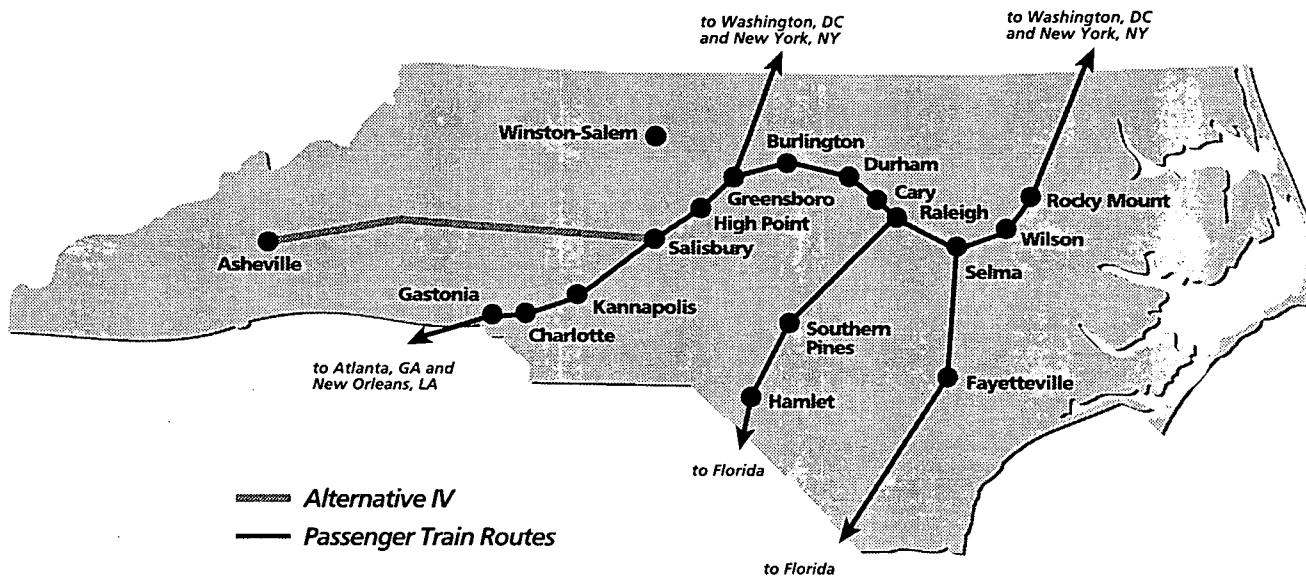
Strengths:

- The cost of operating a connection at Salisbury would be less than offering through service from either Raleigh or Charlotte to Asheville.

Weaknesses:

- Having to make connections is a significant deterrent to potential rail patrons due to the increase in travel time and the inconvenience associated with changing trains.
- The large markets in the Triad, Triangle, and points east could be better served by either Alternative I or II.

Service would operate between Salisbury and Asheville. Connections would be made at Salisbury to serve passengers from points north, south, and east of Salisbury.



This German Light-Weight Diesel Multiple Unit is produced by Siemens-Duewag and represents one of the systems being considered for use by the Triangle Transit Authority.

Service would operate between Greensboro and Asheville via Winston-Salem, following the route in Alternative II. Connections with other Amtrak trains would be made at Greensboro to serve passengers from points north, south, and east of Greensboro.

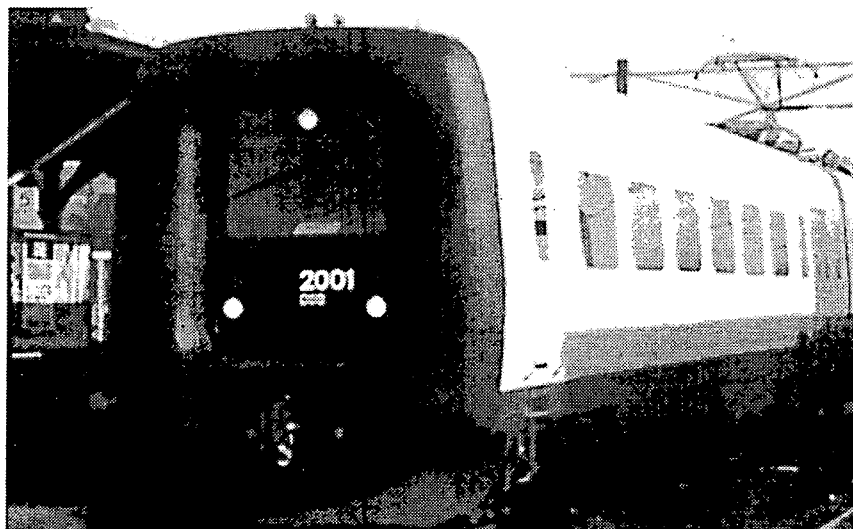
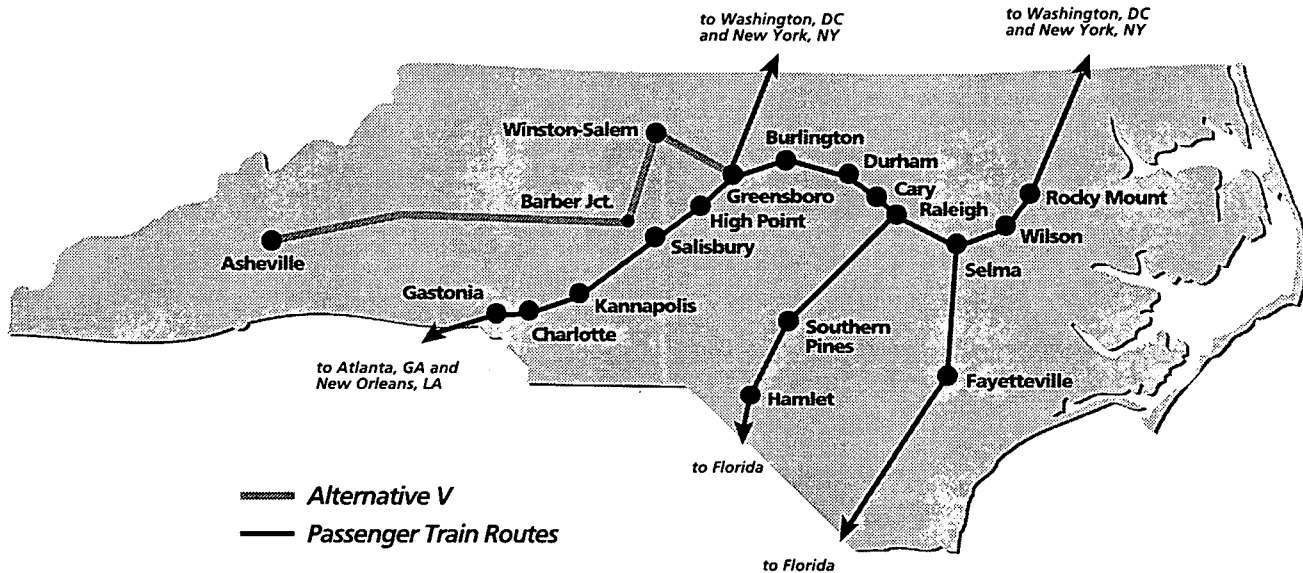
Alternative V: Greensboro to Asheville via Winston-Salem, Connection at Greensboro

Strengths:

- The cost of operating a connection at Greensboro would be less than offering through service from either Raleigh or Charlotte to Asheville.
- This alternative would provide passenger service directly to Winston-Salem.

Weaknesses:

- Poor track conditions between Winston-Salem and Barber Junction would require either significantly slower travel times or substantial expenditures on track improvements.
- Having to make connections is a significant deterrent to potential riders due to the increase in travel time and the inconvenience associated with changing trains.
- The market in the Triangle and points east could be better served in either Alternative I or II.



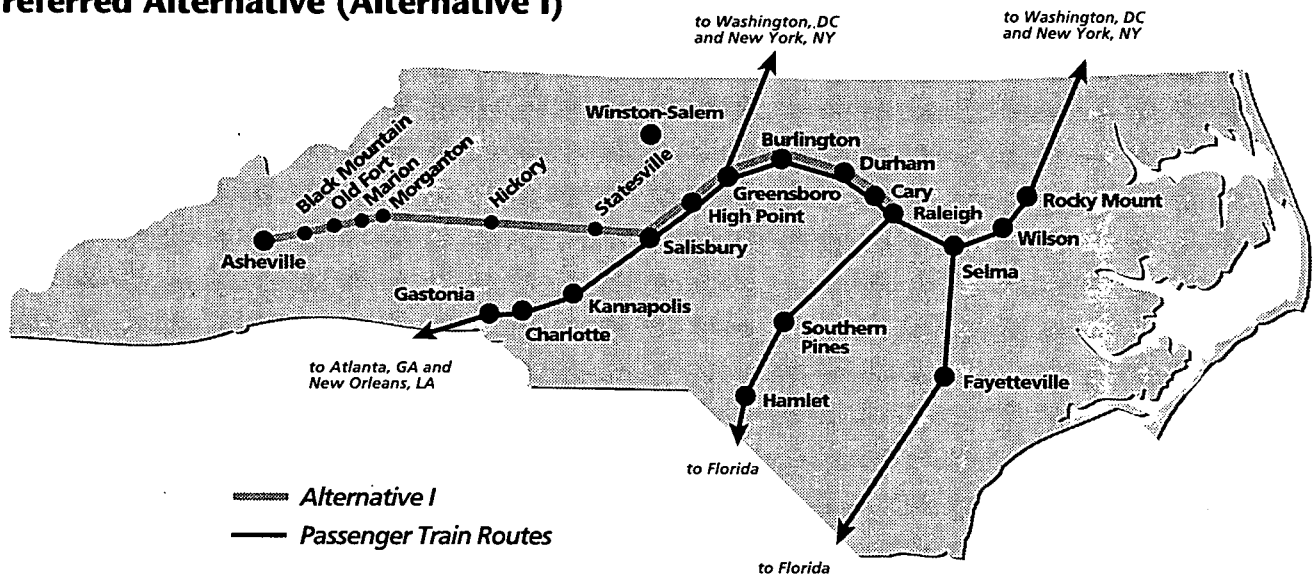
The IC3/DSB is manufactured by ABB Scandia of Sweden. The IC3 has many on-board design features that enhance passenger safety and convenience.

Findings and Preferred Alternative

Preferred Alternative

Based on a general evaluation of each alternative, through service between Raleigh and Asheville via Salisbury is the preferred alternative. The following charts provide a comparison of the five alternatives based on estimated ridership, revenue, operating costs and fare-box return ratios for 1995 (base year) and 2000. The fare-box return ratio represents the percentage of operating costs covered by the revenue generated through ticket sales.

Preferred Alternative (Alternative I)



1995 Projections (Base Year)

	I Rai-Ash via Sal	II Rai-Ash via Gboro	III Char-Ash via Sal	IV Sal-Ash connect at Sal	V Gboro-Ash connect at Gboro
Ridership	58,348	57,483	41,235	39,826	46,561
Revenue (ticket sales)	\$1,140,003	\$994,535	\$497,350	\$852,982	\$798,429
Operating Costs	\$3,169,103	\$3,305,324	\$2,582,223	\$2,109,614	\$2,689,691
Fare-Box Return Ratio	36%	30%	19%	40%	30%
Total One-time Capital Costs	\$3,103,985	>\$20,000,000	\$3,103,985	\$3,103,985	>\$20,000,000

2000 Projections

	I Rai-Ash via Sal	II Rai-Ash via Gboro	III Char-Ash via Sal	IV Sal-Ash connect at Sal	V Gboro-Ash connect at Gboro
Ridership	71,770	69,880	48,934	47,543	56,083
Revenue	\$1,661,977	\$1,381,584	\$745,422	\$1,208,732	\$1,114,539
Operating Costs	\$3,673,859	\$3,831,776	\$2,993,504	\$2,445,621	\$3,118,089
Fare-Box Return Ratio	45%	36%	25%	49%	36%

Proposed Schedule for Preferred Alternative – Raleigh to Asheville

Westbound

Raleigh	departs noon
Asheville	arrives early evening

Eastbound

Asheville	departs mid-morning
Raleigh	arrives late afternoon

Proposed Schedule for Alternative IV – Salisbury to Asheville

Westbound

(Piedmont connection at Salisbury)

Salisbury	departs midmorning
Asheville	arrives early afternoon

Eastbound

(Piedmont connection at Salisbury)

Asheville	departs early afternoon
Salisbury	arrives late afternoon

³This ratio was mandated prior to the recent cut in federal aid to rail passenger systems.

The capital cost estimate for service to Asheville via Winston-Salem in either Alternative II or V greatly exceeds the estimated capital cost for any of the other alternatives, due primarily to the extensive track and bridge improvements necessary south of Winston-Salem. These excessive capital costs outweigh the benefits of establishing service at Winston-Salem until an investment can be made in rebuilding 39 miles of track and bridges between Winston-Salem and Barber Junction.

Through service between Raleigh and Asheville via Salisbury would serve the largest number of riders without the need for connections to reach Asheville. Although the fare-box return ratio for Alternative I is slightly lower than the estimated ratio for Alternative IV, the potential for future ridership growth and system utilization is greater for Alternative I.

No transportation system is completely self-sustaining, and the estimated fare-box return ratio for Alternative I is typical of similar passenger rail systems in North Carolina and other parts of the country. For example, the average fare-box return ratio for urban fixed-route transit systems in the state is 30.9%. In Florida the state legislature has mandated a 40% fare-box return objective for the Florida Tri-Rail system.³

Implementation of Alternative IV, service between Salisbury and Asheville with a connection at Salisbury, could represent an intermediate step to establishing through service to Raleigh at a later date. However, Alternative IV should not be implemented *in lieu of* through service between Raleigh and Asheville.

Capital Costs: Stations, Support Facilities and Track Improvements

The breakdown of projected capital costs for each station, support facilities and track improvements under either Alternative I or IV is listed in the Appendix. The total estimated capital cost for these items is \$3,103,985. Funding for station construction and improvements should include significant local public and private participation. The state should pay the full cost of building track platforms, upgrading track and developing support facilities. Support facilities include signage, utilities, maintenance equipment and service buildings along the Salisbury-Asheville route. Engineering fees (12%) and contingency fees (10%) are included in each total.

Projected Station & Support Facility Costs

Asheville	\$533,750	A newly constructed station and train servicing facility would be located in the vicinity of Biltmore Village.
Black Mountain	\$147,315	The existing station structure would be used with improvements primarily to the structure, platform and parking areas.
Old Fort	\$168,970	The existing station structure would be used with improvements to the structure, platform and parking areas.
Marion	\$222,650	The existing station structure in Marion is located in a deteriorated section of the central business district with no space for parking. A new station would have to be built. This estimate does not include the cost of new land acquisition.
Morganton (station)	\$172,020	The station structure is currently occupied by a business. The state would pay to move the business to a freight-house structure nearby to free the station for use by passengers. Various improvements would have to be made to both structures and sites.
(freight house)	\$20,740	
Hickory	\$255,590	A new station structure would be located in or near the Central Business District.
Statesville	\$171,410	The existing station structure, recently relocated and restored by a local preservation society, would be used with construction of a new platform and parking area.
Salisbury	\$195,200	The Salisbury station is currently in operation serving the <i>Carolinian</i> , <i>Piedmont</i> and <i>Crescent</i> . Modifications to the existing <i>Piedmont</i> corridor platform and construction of an "Asheville" platform and equipment layover facilities are anticipated.
Total Station & Support Facilities Cost		\$1,887,645
Track improvements	\$1,216,340	Including platform, track, signals, relocations, other route improvements, architecture and engineering fees @ 12% and contingency @ 10%.
Total Capital Costs	\$3,103,985.	

Capital Costs: Locomotives and Passenger Cars

This study assumed that the North Carolina Department of Transportation would have adequate locomotives and passenger cars to initiate service to Asheville. While some of the equipment presently used for the *Piedmont* could be shared with a newly established Asheville service, the state must purchase additional locomotives and passenger cars to maintain a long-term commitment to western North Carolina.

Preliminary capital outlays for conventional equipment anticipate the purchase of at least two locomotives, three passenger coaches and a food service car. The cost of this new equipment would be approximately \$10 million. The cost of refurbished equipment would be approximately \$6 million.

The Rail Division also explored the possibility of using self-propelled passenger vehicles for service to western North Carolina. Although the United States pioneered the use of self-propelled Rail Diesel Cars (RDC's) in the 1920s and 1930s, no American manufacturers of this type of equipment remain. The resurgent use of RDC's in Europe and Japan has recently stimulated the production of modern and cost-efficient variants of the American predecessor abroad. Manufacturers include ABB Scandia (Sweden), Duewag (Germany), Nippon Sharyo (Japan) and Bombadier (Canada).

Designated as Diesel Multiple Units (DMU's) today, modern self-propelled train sets are typically produced in two to three car variants costing up to \$3 million per set. Compared to traditional passenger trains headed by conventional locomotives, DMU's are more flexible. The Rail Division has agreed to participate with Amtrak in the demonstration of an ABB Scandia DMU in mid to late 1997, possibly in conjunction with a Salisbury to Asheville test run to evaluate its operating potential for western North Carolina service.

The Department of Transportation has not yet selected a preferred set of equipment. This decision will be made when the operating and service characteristics of an approved route are more fully investigated. The department will include a funding request for locomotives and passenger cars or DMU's as part of any proposed budget package for Asheville service.

Other Findings

Besides identifying estimated costs and ridership figures, this study also found:

Significant interest in rail passenger service exists

Nearly 35% of the mail-back surveys distributed during the study were returned. The high response rate and favorable comments made by interviewees indicate the presence of an untapped, latent demand for rail passenger service among the citizens of North Carolina.

Primary markets are Triad and Triangle regions

Surveys and travel time estimations revealed that the Triad and the Triangle regions represented the best potential markets for rail passenger service to western North Carolina.

Origins, destinations, and trip purposes identified

For the first time, origins, destinations and trip purposes were identified for travelers between central and western North Carolina.

Recommendations

Based on the findings of this study and plans already in progress within the North Carolina Department of Transportation, the following recommendations are offered for consideration:

- ▲ *The state should pursue implementation of rail passenger service between Raleigh and Asheville via Salisbury.*
- ▲ *Service between Salisbury and Asheville with a connection to existing passenger services at Salisbury should be investigated only as an interim step to establishing through service between Raleigh and Asheville.*
- ▲ *Private interest groups, such as local chambers of commerce and travel/tourism organizations, should adopt the lead role in building support for service to western North Carolina.*
- ▲ *The state should continue its incremental approach to developing a statewide rail transportation system by producing a State Rail Passenger Plan, improving track and facilities along existing rights-of-way, preparing for high-speed rail in North Carolina, and planning for future rail passenger service to Asheville.*
- ▲ *The Rail Division should continue to aggressively market rail passenger service through advertising and other public information campaigns.*

Appendix

Western North Carolina Passenger Service Study Projected Capital Costs Stations, Support Facilities and Track

	Asheville	Black Mountain	Old Fort	Marion (Est w/o land Cost)	Station	Morganton	Freighthouse	Hickory	Statesville	Salisbury	Total
STATION FACILITIES											
Platform**	\$70,000	\$60,000	\$60,000	\$70,000	\$65,000			\$7,000	\$70,000	\$10,000	
Station Building, new construction	*\$75,000			*\$35,000							
Intermodal Center, climate controlled								\$135,000			
HVAC		\$15,000	\$25,000				\$3,000				
Paint/Repair Interior		\$4,000	\$10,000				\$2,000				
Restroom & Plumbing Upgrade		\$5,000	\$5,000				\$2,000				
Reconfigure/Repair, Rewire Interior					\$50,000						
Electrical Upgrade							\$2,000				
Partition & Ceiling Removal					\$3,000						
Paint/Repair Exterior			\$15,000		\$15,000						
Roof Repair			\$10,000				\$2,000				
Chimney Repair							\$1,000				
Gutter Repair			\$3,000								
Fascia, Braces/Mortar & Pinion Repair			\$2,000								
Window Repair							\$5,000				
Landscaping		\$1,000	\$1,000		\$2,000				\$3,000		
Parking Improvements**	\$75,000	\$35,000	\$5,000	\$75,000	\$5,000						
Automatic Ticket Machines**	\$65,000							\$65,000	\$65,000		
Station Facilities Subtotal	\$285,000	\$120,000	\$136,000	\$180,000	\$140,000	\$17,000	\$17,000	\$207,000	\$138,000	\$10,000	\$1,233,000
SUPPORT FACILITIES**											
Signage	\$2,500	\$750	\$2,500	\$2,500	\$1,000			\$2,500	\$2,500		
Head End Power, Water & Sewer	\$125,000									\$125,000	
Service Building	\$25,000									\$25,000	
Support Facilities Subtotal	\$152,500	\$750	\$2,500	\$2,500	\$1,000			\$2,500	\$2,500	\$150,000	\$314,250
A&E Contingency											
Architecture & Engineering Fees @ 12%	\$52,500	\$14,490	\$16,620	\$21,900	\$16,920		\$2,040	\$25,140	\$16,860	\$19,200	
Contingency @ 10%	\$43,750	\$12,075	\$13,850	\$18,250	\$14,100		\$1,700	\$20,950	\$14,050	\$16,000	
A&E Contingency Subtotal	\$96,250	\$26,565	\$30,470	\$40,150	\$31,020		\$3,740	\$46,090	\$30,910	\$35,200	\$340,395
TOTAL STATION & SUPPORT FACILITIES COST	\$533,750	\$147,315	\$168,970	\$222,650	\$172,020		\$20,740	\$255,590	\$171,410	\$195,200	\$1,887,645
TRACK WORK**											
(Including Track & Signal, Relocations and Other Route Improvements)											
Architecture & Engineering Fees @ 12%											\$997,000
Contingency @ 10%											\$119,640
Track Work Subtotal											\$99,700
											\$1,216,340

*Modular Unit

**100% State Funded

Transit 2001 Commission

Intercity Rail Passenger Recommendations

1. Develop a long-range **Intrastate Rail Passenger Plan**. Candidate corridors for study include:
 - Charlotte-Wilmington
 - Morehead City-Goldsboro-Raleigh
 - Wilmington-Fayetteville-Raleigh
 - Greenville-Wilson-Raleigh
 - Elizabeth City-Hampton Roads
 - Raleigh-Roanoke Rapids-Hampton Roads
2. Restore **Western North Carolina passenger service** with daily round trips between Asheville-Salisbury-Greensboro-Raleigh.
3. Begin first phase of intercity rail passenger rail service improvements to reduce travel time to **two-hours between Charlotte and Raleigh**.
4. Provide a source of funding to **preserve endangered rail corridors**. Corridors should be preserved for future transportation uses – including Freight, Commuter and High Speed Rail.

Intercity Rail Passenger Committee Members: Glenn Orr, Chairman, Mayor Margaret Kluttz, Congressman David Price, Senator Jim Speed, John Clancey, Rusty Goode, and David Branch, M.D.

NCDOT - Rail Division

VISITOR REGISTRATION SHEET

Senate Committee on Transportation
Name of Committee

Feb. 18, 1997
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

ROBERT S. TAYLOR
8275

MASS TRANSIT ADVOCATES OF ALAMANCE COUNTY
827 SO. CAURCH STREET
BURLINGTON NC. 27215

Alvin Hubert

Governor's Office

Hutch Hartsell

Senate

Robert Rucho

Senate

Nelson Cole

House

John Hayfield

House

Debbie Turner

Rep. Sexton's office

John Jarwood

Senate

Bob Carpenter

Senate

John Cantor

SENATE

DON STEWART

CAROLINA'S ASSN for PASS. TRAINS

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Karl Knapp	Fiscal Research
Patrick Simmons	NC DOT - Rail
Henry C. Clegg Jr	Carolinias Assoc. General Contractors ^{Raleigh}
Bill Hunt	MC House
Lindsey Morris	Appal CART PO Box 2357 Boone NC 28607
Chris Turner	704-264-2280 AppalCART PO Box 2357, Boone NC 28607 704-264-0107 FAX
ANNE FRANKLIN	NC COALITION FOR PUBLIC TRANSPORTATION P.O. BOX 3069 RALEIGH, NC 27602
Jim Ritchy	Triangle Transit Authority
Angela Watson	Rocky Mount Transit P.O. Box 1150 Rocky Mount, NC 27802
Helen Evans Bunch	NCDOT- Public Transportation Division P.O. Box 25201 Raleigh, NC 27611
John F. Long	Martin Marietta M.

TRANSPORTATION COMMITTEE

February 26, 1997
Room 1027 LB

Agenda

Call To Order

Sen. Larry Shaw, Chairman

Introductions

Presentations

Commissioner J. Faulkner, DMV

Joe Parker, Governor's Highway
Safety Program

Questions & Answers

Adjournment

MINUTES
SENATE COMMITTEE ON TRANSPORTATION
FEBRUARY 26, 1997

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, February 26, 1997, in Room 1027 of the Legislative Building. Ten members of the committee were present.

Senator Larry Shaw, Chairman, presided. This was a meeting for general information purposes with presentations from the Department of Motor Vehicles and the Governor's Highway Safety Program. No bills were considered at this time.

Senator Shaw introduced Commissioner Jane Faulkner who gave an overview of the Emissions Inspection Program and how it is impacted in the nine-county area under mandate to comply with EPA requirements for air quality and emissions control. Commissioner Faulkner indicated that the main focus of the program is 1) how to restore the integrity of the emissions programs and 2), how to purify the data on which the EPA makes its decision that the EIP is in compliance.

Commissioner Faulkner stated that a meeting of the 43 inspectors from the nine counties has taken place and that a policy document was distributed to them. The

purpose was to have everyone using the same procedures and policies, and incurring the same penalties. Copies of the handouts are attached to these minutes. Commissioner Faulkner stated these are the guidelines the EIP is currently working under, and that the program is well at this time.

Commissioner Faulkner cited a further problem that her agency is working with is matching vehicle identification numbers with license numbers in the database. The goal is to have EPA confirm 90% of 2 million vehicles meet the standards in the for air quality control. Senator Fountain Odom stated he had filed an air emissions bill today. Members of the committee addressed various questions to the Commissioner, some of which were answered by Assistant Commissioner, David Richards. Commissioner Faulkner indicated that an expansion of the emission's program would be welcomed because it ensures the preservation of good air quality.

Commissioner Faulkner stated that the Smog Dog will be salvaged. DMV is working with DEHNR to figure out uses to put the Smog Dog to. DMV is looking into getting to some issues of legality in ways which they intend to use it.

Senator Shaw presented Mr. Joe Parker, Director of the Governor's Highway Safety Program. Senator Allran spoke on the endorsers who support legislation he has introduced called Graduated Drivers License. Mr. Parker said the goal of the bill is to give young drivers more controlled driving experience before getting their official

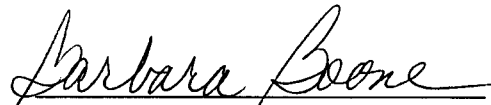
license. Legislation would require passage through three levels of driving experience, after completion a young person at age 16-1/2 would get his or her license. The legislation grew out of the annual report of the Commission to Governor Hunt. The report and handouts information is available for review.

Miss Summer Woodle of the Governor's Council for Young Adult Drivers and Stan McHenry, Traffic Homicide Investigator of the Durham Police Department, spoke in support of the Graduated Drivers License legislation.

There being no further business, the meeting was adjourned.



Senator Larry Shaw, Chairman



Barbara Boone, Committee Clerk

*Transportation Committee 2/26/97
Handout from Commissioner J. Faulkner
D. M. V.*

POLICY AND PROCEDURES GOVERNING OVERT AND PERFORMANCE AUDITS:

Overt performance audits shall be performed on each emission inspection facility on a quarterly basis. Overt audits shall be performed on each emissions stations once per calendar year quarter. [One overt audit per mechanic per year]

Overt performance audits shall consist of at least one gas audit of each facility analyzer will be checked during at least one overt performance audit every six (6) months. At least four (4) gas audits must be performed per calendar year.

Audit shall be performed in the following manner and shall consist of the following items:

- A. Audits shall be unannounced and conducted during random periods of month, week and time of day so as not to establish any particular set pattern.
- B. DMV Inspector will approach facility taking note of possible criminal activity or administrative violations.
- C. Check for exterior sign which indicates station is an inspection facility, complying with DMV regulations.
- D. Contact station owner, manager or mechanic and advise person of the purpose of visit.
- E. Ensure each station has station and mechanic licenses displayed as required by DMV regulations.
- F. Check mechanics licenses for expiration dates.
 - 1. Ensure mechanics with expired licenses are not performing inspections.
 - 2. Collect licenses of mechanics no longer employed by station.
 - 3. Ensure mechanics with valid safety-only licenceses do not have access to the emissions analyzer.
- G. Ensure each station has DMV posters displayed in a visible area, as required by DMV regulations.
- H. Check to ensure that all tools necessary to perform an inspection are present:
 - 1. Heavy duty jack lift. Floor lift must be operational. Heavy duty manual jacks must be present if floor lift is not operational. System must raise vehicle tires off floor.
 - 2. Sticker punch. one hand paper punch, round. 1/4 inch cut.
 - 3. Scraper.
 - 4. Tire depth gauge calibrated in 32nds of an inch.
 - 5. Approved headlight tester or aiming kit with all required adapters.
 - a. Proper calibration.
 - b. It is only necessary to check for floor slope during initial setup.

6. Creeper.
7. Current emissions control application manual.
 - a. Manual shall be of an approved type.
 - b. Manual shall be the current version. Stations will be allowed until June 1st of each year to obtain new version.
 - c. Station name shall be written on manual.
 - d. If emissions control application manual is software version loaded into analyzer, station must produce the licensed diskettes.
8. Workbench.
- I. Ensure station has required DMV informational publications or pamphlets.
 1. Current edition, DMV Enforcement Regulation Manual.
 2. Emission information pamphlets.
 3. Waiver information pamphlets.
- J. Miscellaneous checks.
 1. Stickers on-hand.
 2. Ensure area is clean and there are no personal or environmental health hazards present.
 3. Observe any inspections in progress.
 4. Assess security of stickers.
 - a. Stickers shall be secured at all times.
 - b. Stickers in an unlocked drawer, on top of analyzer, or in area with common access are considered unsecured.
 - c. Stickers shall be secured in a way and manner in which only authorized personnel have access.
 5. Active telephone line with approved jack as set forth in regulations.
- K. Exhaust emission analyzer.
 1. Each exhaust emission inspection must have, in good working order, at least one exhaust emission analyzer, North Carolina Analyzer System (NCAS) 90 or current certification. Each analyzer must have current approved software version.
 2. Access DMV Enforcement menu on emissions analyzer. Check the following:
 - a. Station summary report.

- i. Check for total number of aborted inspections.
 - ii. Check for failure rate.
 - iii. Check to determine if station is high or low volume and set to correct status. Once determined station is high volume, must remain high volume for one (1) year.
 - iv. Check sticker inventory against sticker books on-hand.
3. Gas audit.
 - a. Connect analyzer probe to audit gas source.
 - b. Set audit gas to proper flow.
 - c. Obtain gas reading from analyzer screen.
 - d. Check the gas reading to determine if within tolerance (+/- 5%) as determined by multiplication of PE factor times audit gas.
4. Gas calibration and leak check.
 - a. Check station gas bottles for correct labeling, expiration date, and connection to correct gas port.
 - b. Check hoses for any tampering.
 - c. Conduct gas audit and leak check by following instructions on analyzer screen.
 - d. Check the calibration results to determine if same are within tolerance.
 - e. Determine if leak check passed or failed.
5. Station performance sticker report.
 - a. Check lost, stolen or missing stickers. Conduct an investigation for any lost, stolen or missing stickers and obtain written statement from owner, manager or certified mechanic.
 - b. Voided stickers.
 - i. Pick up and turn in voided stickers to DMV Enforcement Headquarters.
 - ii. If voided stickers are not accounted for, investigation is to be made.
 - c. Waivers.
 - i. Account for all waivers issued.
 - ii. Check waiver number for accuracy.
6. Station mechanic and DMV Inspector information.

- a. Check if station information is correct.
 - b. Determine if all mechanics on list are currently employed.
 - c. Determine if mechanics license expiration dates are correct.
 - d. Determine DMV Inspector information is current.
7. Search records.
 - a. Inspection receipts.
 - i. Check for signature for authorized repairs.
 - ii. Check inspector/mechanic's signature for consistency.
 - iii. Check Vehicle Identification Numbers for accuracy.
 - iv. Check all safety inspection receipts, being sure the vehicle is not from emission county.
 - v. Check emission component parts for accuracy.
 - vi. Check and ensure that inspection receipts are in numerical order by month.
 - b. Check maintenance record (SI-13).
8. Check date and time in the analyzer for accuracy.
9. Station performance report.
 - a. Complete evaluation checklist by showing each item as passed or failed.
 - b. In the "Remarks" section, type "Quarterly Audit" and any other information pertaining to the station audit, including any information or warning or lock-out given to the station, owner, manager or mechanic.
 - c. Ensure the report is signed by DMV Inspector and the owner or manager of the station.
10. Check the analyzer for any tampering or lock-out, and correct if necessary.

POLICY GOVERNING STATIONS:

District Supervisors shall rotate the assignment of Emissions Inspection Stations between the DMV Emissions Personnel every twelve (12) months, once per calendar year beginning in January.

It shall be the responsibility of the District Supervisor to ensure each Emissions Inspector is audited by either the District Supervisor or his designee at least once every six (6) months. The District Supervisor shall review and forward copies of these audit reports to the I/M Major at Raleigh Headquarters.

POLICY GOVERNING COVERT AUDITS

Covert audits will be conducted at public stations with site visits using covert vehicles. As a result of the meeting with EPA and North Carolina's Division of Environmental Management in Atlanta in May 1996, there is no longer a required covert equal to the number of licensed mechanics per station. However, it shall be mandatory that at least two (2) covert audits are conducted annually (per calendar year) per I/M station. Covert audits shall be a tool used after other investigative measures have not substantiated a clear cut violation. First and foremost, all covert audits shall be of the highest caliber and be designed to measure a stations and mechanics overall performance and determine if inspections are properly performed. All covert investigations shall be quality oriented and not performed to be merely a statistic. Coverts should not be used as the sole approach to conduct an investigation.

When a covert is used the following policy shall prevail:-

- A. Covert vehicles shall be set to fail either tampering or exhaust emissions test when it can be done without compromising the safety of the DMV Inspector or the public.
- B. The covert vehicles shall include a substantial, significant tamper such as removal of the at least one of the following components: Catalytic Converter, Evaporative Emissions System, EGR Valve, Air Injection System.

Preparation for Covert Audit (Undercover)

- A. DMV Inspector should, when at all possible, use a stamped registration card with vehicle information typed in.
- B. Use address appropriate for surrounding location, including county.
- C. Conceal all items or belongings which would identify vehicles as a law enforcement vehicle.
- D. Select appropriate attire.
- E. Target station(s) for covert audit.
 - 1. The station shall be targeted as a result of investigations or citizens complaints concerning the station or a mechanic.
 - 2. The number of undercovers performed on a given station may be increased when a violation can not be detected or as a result of numerous citizen complaints or when stations are suspected of performing improper inspections.

Ensure sticker on vehicle is expired or expires month and year of inspection.

- A. Undercover stickers are assigned through the Headquarters Safety Inspection Unit.
- B. The undercover sticker shall be accounted for by indicating the used sticker on the undercover report (SI-20).
- C. Ensure sticker is properly aged in appearance.

Registration plates shall be supplied by the Division's Registration Section on a regular basis to ensure anonymity of the vehicle.

Self-Inspection Stations

- A. Covert audits cannot be conducted at self-inspection facilities.
 - 1. Field auditors shall perform spot inspections of the field on a routine basis, checking for tampering and emissions standards through manual machine test models.
 - 2. Ten percent (10%) of the fleet, or twenty-five (25) vehicles, whichever is less, shall be checked during the year.
- B. DMV Inspector shall use the Report of Undercover Investigation (SI-20).
 - 1. DMV Inspector shall write at the top of the form "Self-Inspection Station Observation".
 - 2. Form shall be completed omitting inspector/mechanic if it is unknown.
 - 3. Discrepancies shall be noted as indicated on form, appropriate documentation made and submitted.
 - 4. Comments of performance shall be noted in appropriate area.

High Volume Stations

- A. High volume stations shall be determined by annual volume of initial emission inspection tests performed as indicated on station summary report.
- B. Each high volume station shall be checked on periodic intervals through remote observation.
 - 1. Number of remote observations per station shall be no less than the number of inspector/mechanics licensed at the emission station.
 - 2. Observations shall be performed and recorded on Report of Undercover Investigation (SI-20).
 - 3. Remote observations may include the use of such aids as binoculars or video cameras.
 - 4. Number of remote observations may be increased as a result of citizen complaints or when stations are suspected of inspecting vehicles improperly.

Performing the Undercover

- A. Drive to station, request inspection. If advised to set up appointment, schedule one. If station is known to require appointments, schedule one before arriving.
- B. Observe inspection.
 - 1. Make mental notes of inspector's name.

2. Observe physical layout of facility, station, etc.
3. Observe and make mental notes to be used for report.
4. Inspectors are required to attach a diagram of inspection bay consisting of their position of observation, where analyzer was located, and other equipment during inspection. This diagram is required only on stations charged with violations. Attach a copy of SI-20 and route to Raleigh Headquarters for review. Also include position of any other personnel and name, if possible, assisting in inspection or in inspection area.
5. All undercover Inspectors will be directed by the following procedure when observing and grading the inspector/mechanic performing vehicle inspection. A complete vehicle inspection by inspector/mechanic will consist of the following: Inspector/mechanic should request vehicle registration. Mechanic should enter vehicle driving same into bay area. checking horn and emergency brake on the way in. During this time, he would be expected to check mirrors, interior lights. steering play and windshield wiper operation. Check lenses and blades on windshield wipers. Under the hood. inspection should consist of checking brake fluid. horn mounting and wiring. power steering and exhaust emission controls. Undercover inspectors are required to know where each of these components is located on the vehicle they present, and know where the mechanic must position himself to inspect same. Outside vehicle inspection would consist of checking turn signals. parking lights. headlights. headlight aim. stoplights. taillights. license plate light. windshield wiper blades and unleaded gas restrictor. Under vehicle will consist of checking brake fluid lines on each wheel. lines running to master cylinder. each wheel drum for leaks. parking cables. catalytic converter. exhaust system for leaks. cracks or missing parts. each tire for treadwear. steering mechanism for loose or worn parts. power steering for leaks. loose or worn belts. and front and rear springs for noticeable sagging or broken parts. Emission inspection requires probe insertion and readings, either at the beginning of inspection or at the end of inspection.

Stations shall be informed of a violations which could result in suspension or revocation of station or mechanic's license within five (5) working days after the undercover by the Inspector currently assigned to the station.

All coverts require a written report to be submitted to the Raleigh Headquarters.

Transp. Comm. 2/26/97
Handout from Commissioner
J. Faulkner, DMV

TYPE I Violations:

Policy	Effective: 2/2/97	Penalty	
1. Put an emissions sticker on a vehicle without performing an emissions inspection of the vehicle.		Station: 1st & 2nd offense: \$250.00 6 month suspension.	Mechanic: 1st & 2nd offense: \$100.00 6 month suspension.
2. Not raising the hood to check for exhaust emissions control components witnessed by the DMV Undercover Officer.			
3. Not raising the vehicle to check for catalytic converter witnessed by the DMV Undercover Officer.			
4. Using another vehicle to obtain emissions readings for the purposes of passing the vehicle.			
5. Put an emissions inspection sticker on a vehicle after performing an emissions inspection of the vehicle and determining the vehicle did not pass the inspection.		3rd offense: within three (3) years: \$1,000 2 year revocation.	3rd offense within seven (7) years: \$250.00 2 year revocation.
6. Intentionally pass a vehicle which failed the emissions inspection either from tailpipe results or through missing exhaust emissions control components.			
7. Use a test defeating strategy when conducting an emissions inspection, such as holding the accelerator pedal down slightly during and idle test, disconnecting or crimping a vacuum hose to effect passing result, or changing the emission standards for a vehicle by incorrectly stating the model type or model year to achieve a passing result.			
8. Turning headlights on, air conditioning on, crimping, plugging or removing vacuum hoses, engine idle adjustment, changing vehicle model year to an older model to achieve a passing result.			
9. Allow a person who is not licensed as an emissions inspection mechanic to perform an emissions inspection for a self inspector or at an emissions station.			
10. Sell or otherwise give an inspection sticker to another other than as a result of a vehicle inspection in which the vehicle passed the inspection or for which the vehicle received a waiver.			
11. Being unable to account for five (5) or more stickers at any one time. Police reports will be accepted but only if there is obvious evidence of breaking and entering or actual theft. Merely filing a police report will not be accepted as prima facie evidence the stickers were stolen.			
12. Perform a safety inspection on a vehicle which is a gasoline powered vehicle, 1975 model year or newer and registered or is being offered for sale by a dealership in a county subject to emissions testing requirements.			
13. Use a vehicle for inspection purposes and put sticker on a different vehicle.			

Type II Violations

Policy Effective 22 JAN 97	Penalty	
1. Gaining access to the analyzer through the use of another's access code to perform an emissions inspection	Station:	Mechanic:
2. Keep inspection stickers and other compliance documents in a manner that makes them easily accessible to individuals who are not inspection mechanics.	1st & 2nd offense:	1st & 2nd offense:
3. Failure to keep the stickers secure.	\$100.00	\$50.00
4. Leaving the key in the lock box of the analyzer.	3rd offense within three	3rd offense within seven
5. Leaving the key to the sticker lock box unattended.	(3) years:	(7) years:
6. Placing an emissions sticker on a vehicle after performing a complete inspection but not correctly determining if it had any of the required listed emissions control components: a. Catalytic Converter b. PCV Valve c. Thermostatic Air Control d. Oxygen Sensor e. Unleaded Gas Restrictor f. EGR Valve g. Gas Cap h. Air Injection System i. Evaporative Emissions System.	\$250.00	\$100.00
	90 day suspension	90 day suspension
7. Put an emissions inspection sticker on a vehicle without checking the exhaust system to determine if it is in good working order.		
8. Deliberately use a strategy to defeat a lockout when conducting gas calibrations, such as crimping a hose to pass a leak check with a broken or faulty probe, or entering false gas values so analyzer will pass either a two point or four point calibration.		

Type III Violations:

Policy Effective 22 JAN 97		Penalty	
1. Fail to post an emissions license issued by the Division.		Station:	Mechanic:
2. Fail to send information on emissions inspections to the Division at the time or in the form required by the Division.		1st & 2nd offense: warning letter	1st & 2nd offense: warning letter
3. Fail to post emissions information required by federal law to be posted.		3rd offense within three (3) years:	3rd offense within seven (7) years:
4. Failure to keep a current Exhaust Emissions Control Applications Manual.		\$25.00	\$25.00

*These violations and penalties listed in policy are reflective of types of violation that are routinely charged. Any violation specifically not covered by written policy shall be reviewed by a committee comprised of representatives from the Attorney General's office, the I/M program, DMV Enforcement Colonel's office. Committee recommendations shall be submitted to the Commissioner for review and final approval according to statute.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 248*
Committee Substitute Favorable 2/19/97

Short Title: Graduated Drivers Licenses.

(Public)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES.
3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 20-11 reads as rewritten:

5 "§ 20-11. Application of minors.

6 (a) The Division shall not grant the application of any minor between the ages of
7 16 and 18 years for a ~~driver's~~ drivers license or a learner's permit unless such
8 application is signed both by the applicant and by the parent, guardian, husband, wife
9 or employer of the applicant, or, if the applicant has no parent, guardian, husband,
10 wife or employer residing in this State, by some other responsible adult person. It
11 shall be unlawful for any person to sign the application of a minor under the
12 provisions of this section when such application misstates the age of the minor and
13 any person knowingly violating this provision shall be guilty of a Class 2
14 misdemeanor.

15 The Division shall not grant the application of any minor between the ages of 16
16 and 18 years for a ~~driver's~~ drivers license unless such minor presents evidence of
17 having satisfactorily completed the driver training and safety education courses
18 offered at the public high schools as provided in G.S. 20-88.1 or upon having
19 satisfactorily completed a course of driving instruction offered at a licensed
20 commercial driver training school or an approved nonpublic secondary school,
21 provided instruction offered in such schools shall be approved by the State
22 Commissioner of Motor Vehicles and the State Superintendent of Public Instruction
23 and all expenses for such instruction shall be paid by the persons enrolling in such

1 courses and/or by the schools offering them. All approved driver training and safety
2 education courses and courses of driving instruction shall include at least six hours of
3 actual driving experience.

4 (b) The Division may issue a Level 1 limited learner's permit to a minor who is at
5 least 15 years old ~~but is less than 16 years old~~ and who otherwise meets the
6 requirements of this section. An application for a Level 1 limited learner's permit
7 ~~must~~ shall be signed by both the applicant and the applicant's parent or guardian or
8 some other responsible adult with whom the applicant resides and who is approved
9 by the Division. A Level 1 limited learner's permit authorizes the permit holder to
10 drive a specified type or class of motor vehicle under the conditions specified in
11 subdivision (d)(1) of this section while in possession of the permit and accompanied
12 by a parent, guardian, or other person approved by the Division who is licensed to
13 operate the motor vehicle being driven and is seated beside the permit holder. A
14 Level 1 limited learner's permit is valid for a period of 18 months. The fee for a
15 Level 1 limited learner's permit is ten dollars (\$10.00). In the event a minor who
16 holds a Level 1 limited learner's permit drives a motor vehicle in violation of law,
17 the permit shall be canceled.

18 A driver who holds a Level 1 limited learner's permit only shall not be deemed a
19 licensed driver for the purpose of determining the inexperienced operator premium
20 surcharge under automobile insurance policies.

21 (c) The Division may, upon satisfactory proof that a minor between the ages of 16
22 and 18 years has become a resident of North Carolina and holds a valid unrestricted
23 motor vehicle ~~driver's~~ drivers license from his prior state of ~~residence but has not~~
24 ~~completed a course in driver education which meets the requirements of this State,~~
25 grant to such residence:

26 (1) Issue to the minor a temporary driver's permit under such with any
27 necessary terms and conditions as shall be deemed necessary by the
28 Division to allow the minor to operate a motor vehicle of a
29 specified type or class in this State in order to obtain the driver
30 education courses or a course of driving instruction necessary for a
31 drivers license in North Carolina. Carolina;

32 (2) Issue to the minor the graduated license appropriate to his age and
33 experience as provided by this section; or

34 (3) Issue to the minor an unrestricted drivers license if the minor has
35 possessed a valid unrestricted drivers license in his previous state
36 of residence for the 12-month period immediately preceding the
37 date of the application and has not been convicted of a traffic
38 violation for which points may be assessed under this Article.

39 Every application for a temporary driver's permit shall be made upon the approved
40 form furnished by the Division. A temporary driver's permit issued pursuant to this
41 section shall be subject to all provisions of law relating to a ~~driver's~~ drivers license.

42 (d) Graduated Drivers Licenses. -- Provisional licensees shall be issued the
43 graduated provisional drivers licenses appropriate to their driving experience with the
44 following experience-based restrictions:

(1) Level 1. -- Limited learner's permit.

a. An applicant for this level provisional license shall have:

1. Passed a course of driver education prescribed in G.S. 20-88.1 or a course of driver instruction at a licensed commercial driver training school or an approved nonpublic secondary school;
2. Passed a written test administered by the Division; and
3. Obtained a limited learner's permit pursuant to subsection (b) of this section.

b. For the first six months, a Level 1 limited learner's permit allows only supervised driving between the hours of 5:00 a.m. and 9:00 p.m.

c. The supervisor shall be a parent, guardian, or other person approved by the Division, who is a licensed driver, and who has been licensed to drive for at least five years. The supervisor shall be the only other occupant allowed in the front seat with the driver.

d. After the first six months of issuance, a holder of this level provisional license may drive under supervision at any time.

e. Every person occupying the vehicle being driven by the Level 1 provisional licensee shall have a safety belt properly fastened about his or her body, or be restrained by a child passenger restraint system as provided in G.S. 20-137.1(a), when the vehicle is in motion.

(2) Level 2. -- Limited provisional license.

a. An applicant for this level provisional license shall have:

1. Possessed a Level 1 provisional license for a period of not less than 12 months with no moving violations or seat belt infractions;
2. Passed a road test administered by the Division; and
3. Paid a fee of ten dollars (\$10.00).

b. A Level 2 provisional license allows unsupervised driving from 5:00 a.m. to 9:00 p.m. and when going to and coming from work.

c. A Level 2 provisional licensee may drive under supervision at any time. The supervisor shall be a parent, guardian, or other person approved by the Division, who is a licensed driver, and who has been licensed to drive for at least five years.

d. When a Level 2 provisional licensee is driving under supervision, the supervisor shall be the occupant of the next occupied seat to the right of the driver, but need not be the only other occupant of the front seat.

1 e. Every person occupying the vehicle being driven by the
2 Level 2 provisional licensee shall have a safety belt properly
3 fastened about his or her body, or be restrained by a child
4 passenger restraint system as provided in G.S. 20-137.1(a),
5 when the vehicle is in motion.

6 (3) Level 3. -- Full provisional license.

7 a. An applicant for this level provisional license shall have:

8 1. Possessed a Level 2 provisional license for a period of
9 not less than six months with no moving violations or
10 seat belt infractions; and

11 2. Paid a fee of ten dollars (\$10.00).

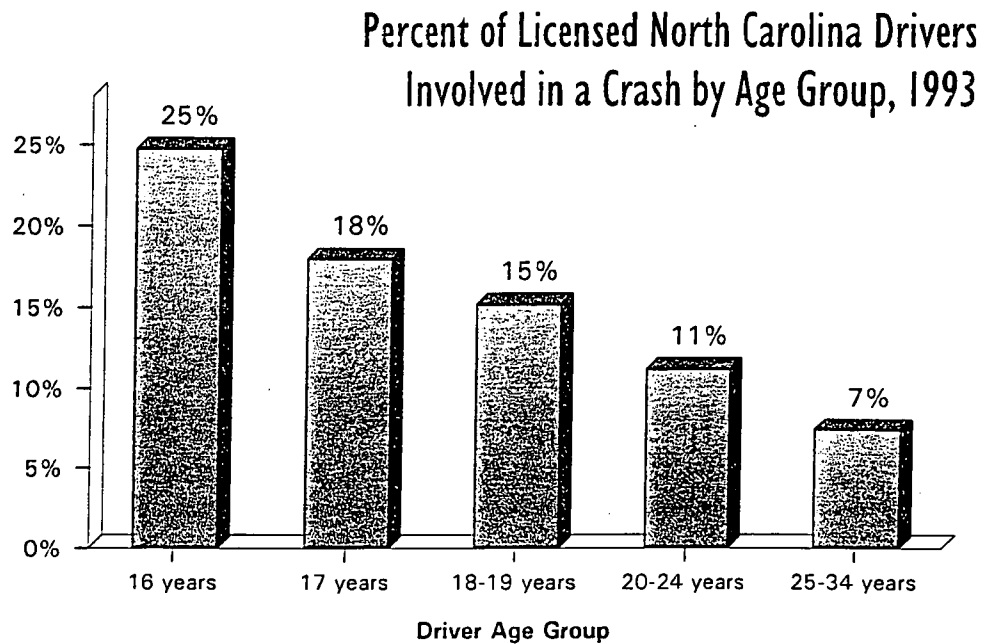
12 b. A Level 3 provisional licensee may drive unsupervised at
13 any time.

14 (e) The provisional licenses shall bear a distinctive color photographic
15 background or border indicating the level of driving experience of the licensee.

16 (f) After deducting the costs of administering the provisional license program
17 pursuant to this section, the Division shall transfer, quarterly, any balance of the
18 funds received as fees to the Highway Fund."

19 Section 2. This act becomes effective December 1, 1997, but shall not
20 apply to any person who holds a valid North Carolina limited learner's permit issued
21 before the effective date of this act, a valid North Carolina learner's permit issued
22 before the effective date of this act, or who is a provisional licensee holding a valid
23 North Carolina drivers license issued before the effective date of this act.

Young Driver Crashes: Is there really a problem?



- During 1993, one out of four licensed 16-year old drivers in North Carolina was involved in a crash.
- After the teenage years, crash involvement remains relatively low. Crash involvement begins to rise again when drivers grow older and problems associated with poor vision and slow reaction time begin to surface.
- What portion of 16-year old crashes resulted in injury or death?

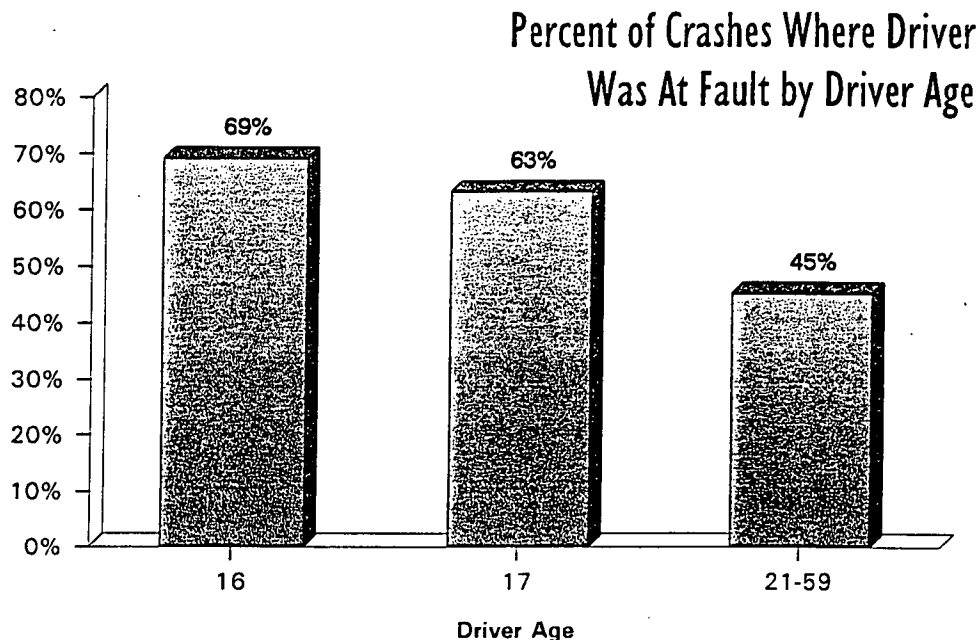
What can we do about the problem?

- Existing Approaches
 - ◆ Education
 - ◆ Enforcement
- Alternative Approaches
 - ◆ Raise the licensing age
 - ◆ Graduated Driver Licensing (GDL)

OH-12

- There is virtually no scientific evidence that education alone is an effective way to reduce crashes. That is because crashes rarely occur due to lack of knowledge.
- Similarly, enforcement alone cannot adequately address the young driver crash problem.
- NC traditionally has had excellent traffic enforcement, and young drivers are still required to pass Driver Education. Yet the young driver crash problem remains very serious.
- Because a substantial part of the young driver crash problem is lack of maturity, raising the licensing age to 17 (as it is in New Jersey) or 18 (as in most of Europe) would reduce crashes. However, this is probably not politically feasible in the U.S.

Why is it a problem? Impulsiveness & poor decision making



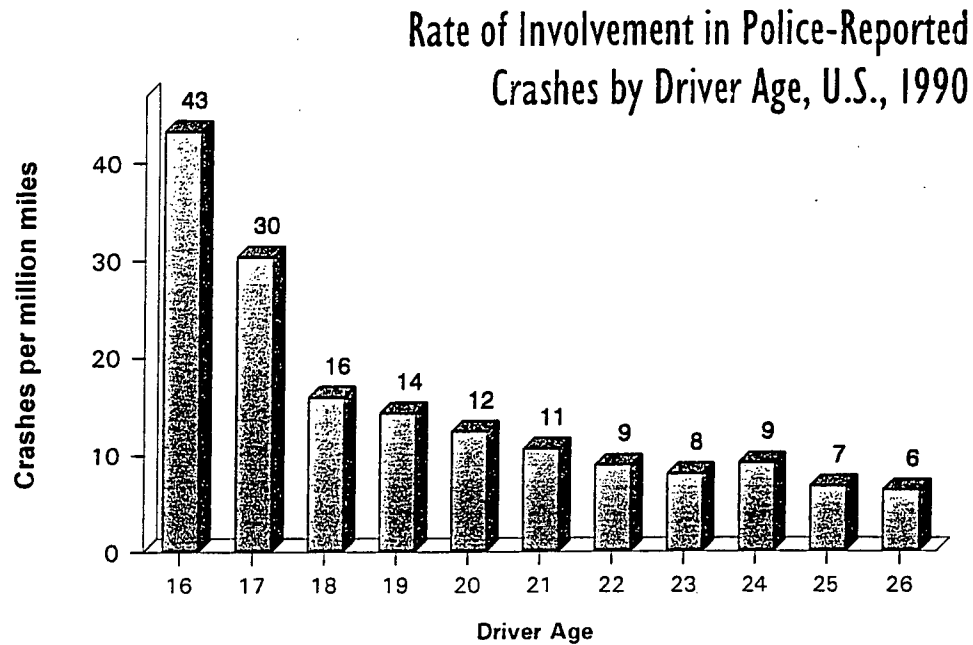
North Carolina, 1993-95

OH-7

- As a group, young drivers are much more likely to be at fault in a crash than older drivers.
- This chart shows that 69% of North Carolina 16-year old drivers were at fault in crashes between 1993 and 1995.*
- Drivers between 21 and 59 were at fault in 45% of their crashes.
- This is compelling evidence that teens are more likely to engage in impulsive and dangerous driving than older, more experienced drivers.

** This doesn't mean that these young drivers were solely to blame in the crash. In crashes involving two vehicles, fault is sometimes assigned to both drivers.*

Why is it a problem? Inexperience

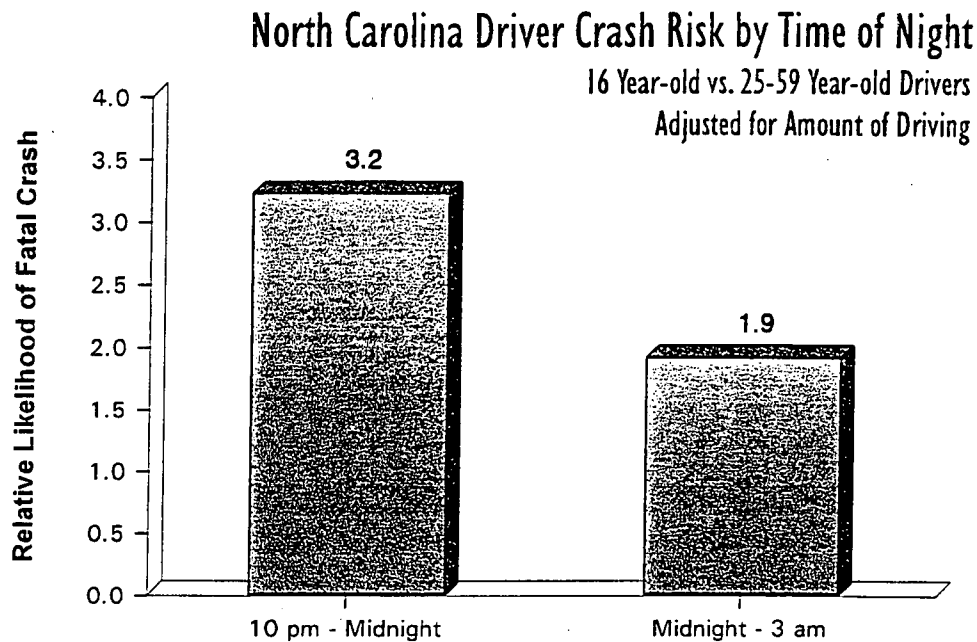


Source: Insurance Institute for Highway Safety

OH-5

- This chart, based on national driving data, takes into account the number of miles driven for a particular age group.
- When we add up all the miles that 16-year olds drive and the number of crashes they have, we can calculate a crash rate that is based on miles driven.
- If 16-year olds are driving more than older drivers and drive just as well as older drivers, their crash rates per mile should be comparable to that of older drivers.
- However, when amount of driving is taken into account, 16-year old drivers are seven times more likely to be involved in a crash than 26-year old drivers (43 vs 6).

Why is it a problem? High risk exposure



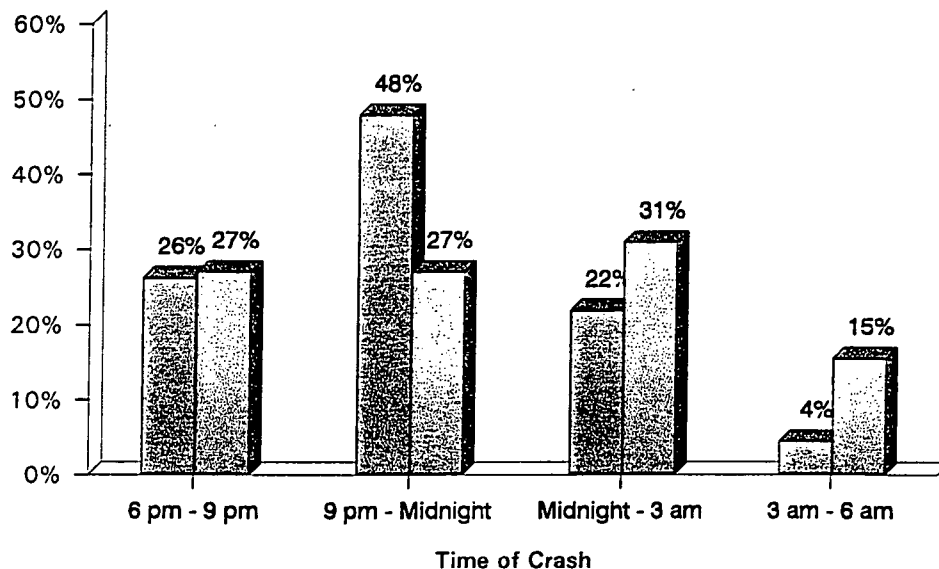
Source: NC Roadside Surveys, 1994

OH-10

- The previous slide showed that the late evening hours are very high risk for 16- and 17-year old drivers.
- Because young drivers do less driving than older drivers, their risk of crashing, given the amount they drive, is higher than the earlier chart suggests.
- This figure takes into account the amount of driving done by NC drivers of all ages late at night. It shows that 16-year old drivers are more than three times as likely to crash than older drivers when their amount of driving is taken into account.

Why is it a problem? High risk exposure

Distribution of Nighttime Crashes by Driver Age



North Carolina, 1993-95

OH-9

- The hours from 9 pm to midnight are very high risk for 16- and 17-year old drivers.
- Among older drivers, nighttime crashes are spread fairly evenly. But between 9 pm and midnight, a 16-year old driver is almost 60% more likely than an older driver to be in a crash.
- This high risk is because these are the hours when teens tend to engage in recreational driving with many peers in the vehicle. This causes distractions that inexperienced drivers are not very good at handling.

Important considerations in GDL

■ *Fairness*

Is it fair to penalize new drivers before they make a mistake behind the wheel?

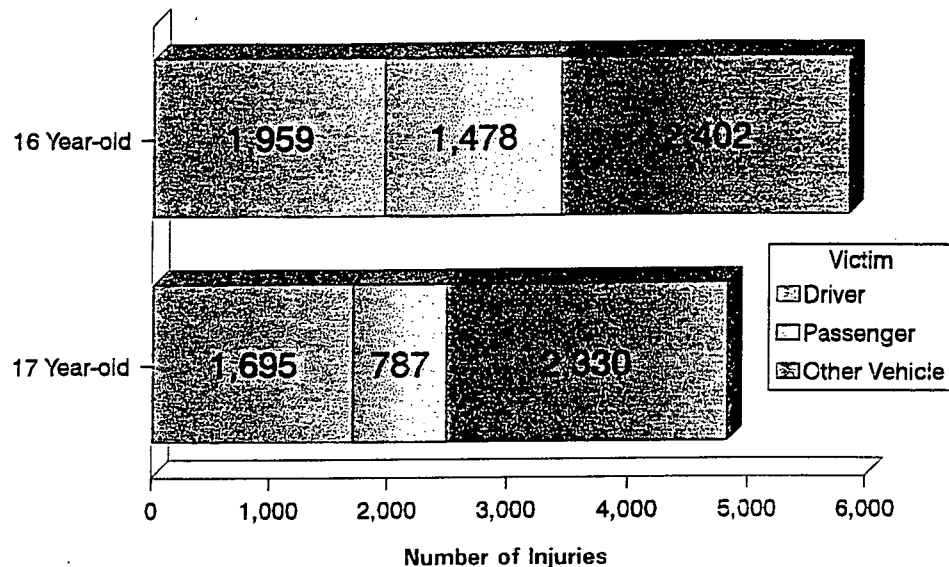
- ◆ GDL does not penalize, it protects
- ◆ GDL protects others as well
- ◆ GDL is a relatively minor change from the current system
- ◆ Given what we know, is it fair to not do anything?
 - ▶ The stakes are so high, it is much better to intervene before someone is seriously injured or killed

OH-18

- GDL is sometimes viewed as an unfair attempt to take something away from young drivers.
- The main thing it 'takes away,' however, is the disturbingly high likelihood of a young driver having a crash.
- Although it would be nice to be able only to single out those who will be careless drivers and subject them to stiffer requirements, there is no way to predict who will be a poor driver until it is too late.
- Waiting until a young driver has crashed before trying to help them drive better seems kind of harsh.

Important considerations in GDL

Yearly Injuries Caused by Young NC Drivers



Source: NC Traffic Crash Files, 1993-95

OH-19

- This chart shows that young drivers cause more injuries to others than to themselves. They are a very real threat to their own passengers and to others on the road as well.
- For this reason it is important to recognize that GDL is a method to prevent injuries and deaths among all age groups, not just young drivers.

Important considerations in GDL

- Fairness
- Public Acceptance
- Enforcement
- Cost

CH-17

- These issues are important.
- When GDL is clearly understood it is apparent that none of these issues is a problem.
- The following slides address each point.

Current NC Licensing System versus Proposed GDL System

Issue	Current System	GDL System
Levels	One (plus optional Learner Permit)	Three
Supervised Driving Required	None (optional)	One Year
Late Night Driving Prohibited	None	6 months
Demonstrate Safe Driving	None	18 months
Seat Belt Use	Front seat and children under 12 in rear seat	Required - all occupants

OH-16

- GDL is sometimes thought of as a radical departure from the present licensing system. In fact, it is mainly just fine tuning of the present system to make it more effective in producing safe drivers.
- The only really new element in GDL is the short-term restriction on recreational nighttime driving.

Structure of a Graduated Driver Licensing System

■ Level One

- ◆ Adult supervisor in car at all times
- ◆ Everyone in car must wear a seat belt
- ◆ Should last at least 6 months, preferably a year
- ◆ Driver must have a clean driving record for 12 months and be at least 16 years old before moving to next level

CH-13

- The first level of a GDL system provides a new driver with plenty of time to gain real driving experience in a relatively safe environment: The adult supervisor can provide the benefit of years of experience, and strongly discourages impulsive, foolish behaviors.
- In addition, Level I provides a strong motivation for young drivers to drive carefully and responsibly, since they cannot advance until they achieve 12 continuous months of driving without receiving a traffic citation.
- Because crashes are more likely with a young driver, it is important for everyone in the vehicle to wear a seat belt.

Structure of a Graduated Driver Licensing System

- Level Two
 - ◆ New driver may drive unsupervised except during high risk hours
 - ◆ Late-night driving is permitted when accompanied by adult supervisor
 - ◆ Exception allowed for work-related driving
 - ◆ Should last at least 6 months
 - ◆ Driver must have a clean driving record for 6 months and be at least 16 years old before moving to next level
 - ◆ Everyone in car must wear a seat belt

CH-14

- This level distinguishes GDL from other licensing systems.
- The nighttime driving restriction is extremely important. It produces two benefits:
- Young inexperienced drivers are protected from the most dangerous driving situation until they have several months experience driving without a supervisor, and
- New drivers are motivated to drive carefully (to receive no citations) during the time they are least capable, in order to be released from the night restriction.

Structure of a Graduated Driver Licensing System

- Level Three

- ◆ Unsupervised driving allowed at all times
- ◆ Until age 18, driver is subject to conditions of existing provisional license
- ◆ Everyone in car must wear a seat belt

CH-15

- This level corresponds to the typical provisional license that is issued to beginning drivers, with the exception that all occupants are required to wear a seat belt.

Summary

- A Graduated Driver Licensing System:
 - ◆ Provides needed experience for new drivers.
 - ◆ Protects new drivers from the greatest risks while they are getting the experience they need.
 - ◆ Motivates young drivers to be especially careful during the time when they are at greatest risk -- when they are just learning.
 - ◆ Will reduce young driver crashes.

OH-25

- This is GDL in a nutshell.

Graduated Driver Licensing: A Proposed Solution for the Novice Driver Problem in North Carolina

One effective solution to the problem of young driver crashes would be to raise the driving age to 18. Short of that drastic action, the most promising way to reduce the unacceptably high number of deaths and injuries in young driver crashes is to take the approach known as **Graduated Driver Licensing (GDL)**. This system introduces new young drivers to the complex task of driving in a series of steps. At each successive step the new driver is permitted to drive in more dangerous situations. With just a few alterations in the present licensing system, GDL promises to substantially reduce the number of young driver crashes.

❑ New Drivers Need Practice

But they also need protection. GDL is designed to provide new drivers the experience they need to become good drivers. At the same time, while they are inexperienced they are protected to the greatest extent possible from the main crash risks.

The **first stage** or level in GDL is much like the standard Learner's Permit. The new driver is allowed to practice, but only while an experienced and responsible adult rides along. In addition, everyone in the vehicle is required to wear a seat belt.

❑ New Drivers Need to Develop A Responsible Driving Attitude

In addition to having a safe environment in which to practice driving, young drivers need an effective motivation to control the kinds of impulsive, highly risky behaviors that are common among teens. The **second stage** of GDL provides this by simultaneously eliminating some of the reason for these behaviors, and withholding unrestricted licensure until the new driver has demonstrated a responsible driving orientation for a specified period of time.

The principle mechanism here is a nighttime driving restriction placed on new drivers for at least the first six months they drive without an adult supervisor. The restriction normally covers the hours from 9 or 10 p.m. until 5 a.m. when crash risks for young drivers are particularly high. Exceptions are made for work-related travel.

A night restriction protects the inexperienced driver from the distractions and peer pressures that are mainly responsible for the high teen crash rate at night. In addition, because drivers must maintain a clean driving record for a specified period of time in order to progress to the next, less restricted level, a particularly strong motivation to driver carefully during the most dangerous period — in the beginning — is created.

The **final stage** of a GDL system involves only the restrictions that all occupants must wear a seat belt and the driver must refrain from drinking any alcohol.

Find out more: Visit the UNC-HSRC Web site at <http://www.unc.edu/depts/hsrc>

Myths and Facts About Graduated Driver Licensing

Graduated Driver Licensing (GDL) is a modified way of introducing young drivers to the complex and potentially deadly task of driving. It is designed to reduce crash risks for young new drivers by systematically providing them with more practical experience, gained under the safest possible conditions, before allowing them to drive completely on their own. Several misunderstandings or Myths about GDL have developed. These are addressed below.

❑ GDL requires teens to graduate from High School before they can obtain a Driver License.

GDL refers to the fact that new drivers progress or 'graduate' from one licensing stage to the next after they have successfully achieved the goals at each level.

❑ GDL would mean teenagers can't get their license until they are 18 years old.

Under GDL, new drivers could obtain their license at the same age as with the present system. There would be only one noteworthy difference: for the *first six months* in order to legally drive between 9 pm and 5 am they would have to be accompanied by an adult driver.

❑ GDL would prevent teenagers from working at night.

GDL would only prevent beginning drivers, mainly those who have just turned 16, from *recreational driving* between 9 pm and 5 am, and this would last *only six months*. And, teens could drive at any time of night when accompanied by an adult driver. Driving to or from work without an adult in the car would also be permitted.

❑ GDL would punish everybody for mistakes that only some young drivers make.

GDL is designed to support and protect new drivers, not to punish them. It extends the driving privilege in steps, as new drivers demonstrate their competence and responsibility, rather than simply throwing inexperienced, emotionally immature beginners into the complex risky driving environment as is presently done – with all too frequent tragic consequences.

❑ Alcohol is the main problem for young drivers. How would GDL affect that?

Although alcohol does contribute to teen driver crashes, it is only a minor factor among 16- and 17-year-old drivers. A much greater problem is impulsive, risky driving actions: the failure to make good judgments and decisions.

❑ GDL is just another government attempt to protect people from themselves.

In fact, young beginning drivers commonly cause crashes in which both their passengers and occupants of other vehicles are hurt or killed. GDL is designed to protect everybody who uses the roadways, not just young drivers.

❑ Simply improving Driver Education programs would solve the problem of young driver crashes. It isn't necessary to change the licensing system.

Although it can help teach persons how to drive, there is no research evidence to suggest that Driver Education reduces crashes. A drastically revised approach might have some benefit, but such a program would be far more costly than the public seems willing to pay for at present.

Find out more: Visit the UNC-HSRC Web site at <http://www.unc.edu/depts/hsrc>

Graduated Driver Licensing Summary

What is Graduated Driver Licensing?

Graduated Driver Licensing (GDL) is a proposal that recommends all drivers less than age 18 be required to pass through three provisional driving levels demonstrating competency before they achieve full licensure.

It is designed to reduce crash risks for young new drivers by systematically providing them with more practical experience, gained under the safest possible conditions, before allowing them to drive on their own. In a series of three steps, the new driver is permitted to drive in more dangerous situations. With just a few alterations in the present licensing system, GDL will help reduce the number of young driver crashes.

- **Level 1 is a limited learner's permit at age 15 or older.** The novice driver must complete one year of violation-free driving with approved adult supervision to progress to the next level. All must wear seat belts.
- **Level 2 is a limited provisional license.** The young driver must complete six months of violation-free driving to progress to the next level. Unsupervised driving is allowed between 5 a.m. and 9 p.m. (An exemption from DMV would allow driving to or from work after 9 p.m.) All people in the vehicle must wear seat belts. Supervised driving allowed at any time.
- **Level 3 is a full provisional license.** Unsupervised driving is allowed at any time, but all people in the vehicle must wear seat belts.
If the driver starts the GDL process at age 15, a full provisional license can be obtained by age 16½.

What is the problem?

- Every year in North Carolina, one out of four 16-year-old drivers is involved in a car crash. The situation is worse than it appears because younger drivers do less driving; their actual risk of crashing per mile driven is greater.
- An average of 70 people die every year in North Carolina as result of crashes caused by 16- and 17-year-old drivers. Another 10,650 are injured in these crashes. The yearly cost of these crashes is at least \$175 million.
- Sixteen-year-old drivers are more likely than older drivers to be killed in a crash between 9 a.m. and midnight.
 - Nearly one-third of new drivers in North Carolina do not get a learner's permit prior to their 16th birthday. One-quarter get their license within the first month after they turn 16. Young drivers haven't had the time to develop a sense of what kinds of situations are more or less dangerous.

Who supports GDL?

A long list of health agencies, highway safety advocates, law enforcement and parent groups supports GDL. *Seventy-four percent of 500 North Carolina residents surveyed by telephone said they believed North Carolina should change to the GDL system.* There is no known opposition to the proposal.

The Governor's Highway Safety Commission has made GDL the top recommendation in its annual report to the Governor. The Commission, along with the Child Fatality Task Force, the North Carolina Passenger Safety Association and the Governor's Council for Young Adult Drivers, sponsored eight community forums on GDL across the state in December 1996 and January 1997. Not only were North Carolinians educated on the issue, the public—including parents, teenagers and law enforcement—provided valuable input and support for GDL. Most of the parents and teenagers favored GDL once the proposal was explained to them. A handful of teens complained that GDL was "not fair," but most agreed that they had friends who had been in a car wreck. Members of the Governor's Council for Young Adult Drivers made statements at each forum in favor of GDL.

Where does GDL stand now?

Many states are adopting GDL legislation. Florida has GDL in place, and Michigan recently has adopted GDL legislation to take effect this year. The North Carolina General Assembly introduced GDL in 1995, but it died in the House Transportation Committee for lack of action in 1996. Rep. George Miller and Rep. Debbie Clary will be the House chief co-sponsors of the 1997 GDL proposal to be reintroduced in the upcoming session. Sen. Austin Allran and Sen. Roy Cooper will be chief co-sponsors in the Senate.

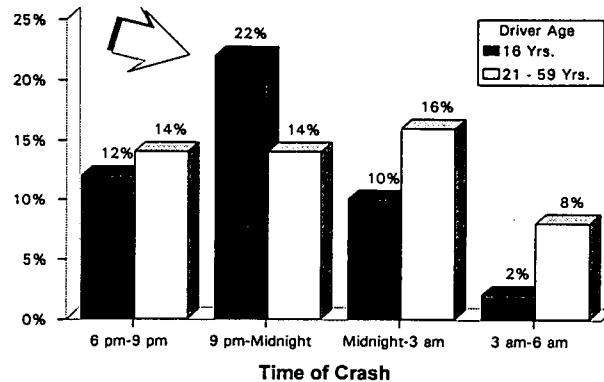
Why Young Drivers Have Such a High Crash Rate

It is important to keep in mind that not all young drivers are poor drivers. However, as a group young drivers are much worse than older drivers, as the figures showing crash experience by driver age clearly show. There are several reasons for young drivers' higher crash rate:

❑ Greater Exposure to Crashing:

Young drivers do more of their driving during more dangerous times and in more dangerous situations. Nighttime driving, driving on local roads rather than highways, and driving with several occupants in the vehicle all are more likely to result in a crash. Teen drivers do more of their driving than older drivers in all these situations.

16-year-old Drivers are Much More Likely Than Older Drivers to be Killed in a Crash Between 9 pm and Midnight



❑ Insufficient Experience:

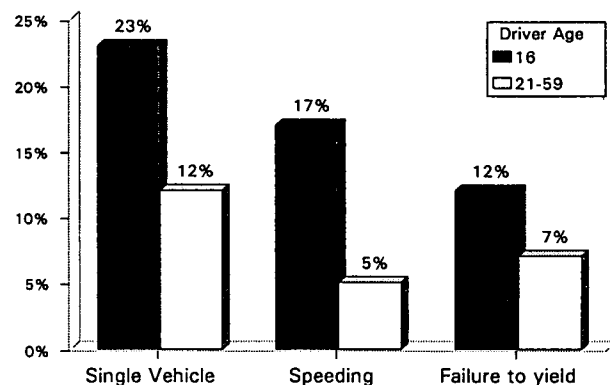
Young drivers lack experience and the only way to become a good driver is through experience. Nearly one third of new drivers in North Carolina do not obtain a Learner's Permit which allows them to begin to get driving practice before their 16th birthday, and half of all young drivers obtain their license within four months of their 16th birthday. One-quarter get their license within the first month after they turn sixteen.

Although a few months driving practice is enough to become familiar and comfortable with the physical tasks involved in driving, the equally important judgment abilities develop more slowly. Over time, drivers develop a wisdom about driving that allows them to anticipate and avoid numerous potentially dangerous situations. Young drivers haven't had the time to develop this sense of what kinds of situations are more or less dangerous.

❑ Impulsive and Risky Behaviors:

Partly as a function of maturity and partly because of inexperience, young drivers are much more likely than more experienced drivers to engage in behaviors that increase the chances of crashing: speeding, ignoring traffic control signals, making sudden lane changes, driving in an overly aggressive fashion, etc.

Characteristics of Crashes by Driver Age, 1993-95
Indicators of Driver Fault



Find out more: Visit the UNC-HSRC Web site at <http://www.unc.edu/depts/hsrc>

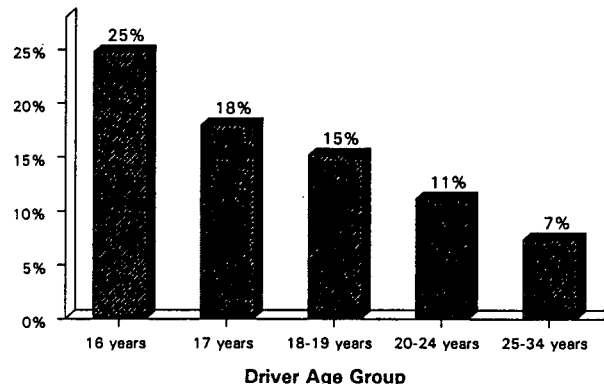
The Young Driver Problem in North Carolina

Young novice drivers are a serious threat to themselves, their passengers, and other drivers on the road. Analysis of 16- and 17-year-old drivers' crashes in NC for 1993 through 1995 provides a graphic picture of this problem.

❑ Far Too Many Crashes

First, drivers in this age group are much more likely to cause a crash than are drivers just a few years older. The figure to the right shows the large difference in crash rates for drivers of different ages.

Percent of Licensed North Carolina Drivers Involved in a Crash by Age Group, 1993



❑ More Crashes in Fewer Miles

The situation is even worse than it appears from the figure at right because younger drivers do less driving. So their actual risk of crashing per mile driven is greater.

The figure below shows that when amount of driving is taken into consideration, 16- and 17-year-old drivers are far worse drivers than even 18-year-olds.

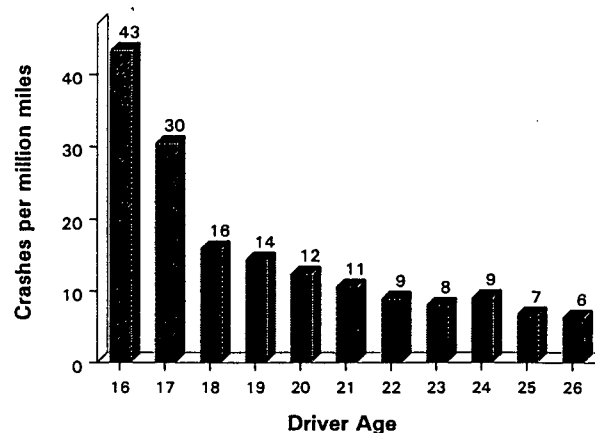
❑ Many Serious Crashes

An average of 70 people die every year in North Carolina as a result of crashes caused by 16- and 17-year-old drivers.

Another 10,650 are injured in these crashes.

The yearly cost of these crashes is at least \$175 million dollars.

Rate of Involvement in Police-Reported Crashes by Driver Age, U.S., 1990



❑ It's Not Just Males

Although males generally have more crashes than females, this is not because they are worse drivers. It's because they drive more. When amount of driving is taken into account males and females have nearly equal crash rates.

Find out more. Visit the UNC-HSRC Web site at <http://www.unc.edu/depts/hsrc>

SUPPORT FOR GRADUATED DRIVER LICENSING

AAA Carolinas
Adolescent Pregnancy Prevention Coalition of NC
American Association of Motor Vehicle Administrators
American Driver Training and Safety Education Association
Association of NC Boards of Health
Covenant with North Carolina's Children
Governor's Advocacy Council on Children and Youth
Governor's Council for Young Adult Drivers
Governor's Highway Safety Commission
Governor's Highway Safety Program
Independent Insurance Agents of NC Inc.
Insurance Institute for Highway Safety
Justice for Children Task Force
Montgomery Insurance Companies
Mothers Against Drunk Driving (MADD)
National Association of Independent Insurers
National Association of County Directors of Social Services
National Association of Social Workers - North Carolina Chapter
National Highway Traffic Safety Administration
National Association of Governor's Highway Safety Representatives
National Safety Council
National Transportation Safety Board

Nationwide Insurance
NC Association of Local Health Directors
NC Association of Local Nutrition Directors
NC Child Advocacy Institute
NC Child Fatality Task Force
NC Congress of Parents and Teachers, Inc. (PTA)
NC Department of Insurance
NC Equity
NC Law Enforcement Officers Association
NC Medical Society
NC Nurses Association
NC Passenger Safety Association
NC Pediatric Society
NC Primary Healthcare Association
NC Professional Driving Schools
NC Retail Merchants Association
NC State Association of Black Social Workers
NC State Fire and Rescue Commission
NC State Highway Patrol
NC Trucking Association
Prevent Child Abuse North Carolina
Safety and Health Council of NC
School Nurses Association of NC
Society for Public Health Education, Inc. - North Carolina Chapter
State Board of Education
UNC Highway Safety Research Center

VISITOR REGISTRATION SHEET

Committee: TransportationDate: 2-26-97

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Lawrence DavisGovernor's Hwy Safety CommitteeSTAN McHENRYDURHAM POLICE DEPT.ALLYSON TEEMGovernor's HWY SAFETY PROGRAMSpencer Woodliffmembers, Governor's Council for Young AdultJoe Parker6 HSPDRIVERSShannon BellardGHSPJane PinskyGHSCMartha P. LivengoodYAI/O/DOAMartha LivengoodDOA/YAIOJohn LongMartha LivengoodJohn LongGov. Hwy Safety CommDale M. HulSCENIC NCDavid FerrrellHafen, McNamara, Coldwell, McElroy & Cuthrie, PA.Paula A. WolfCovenant with North Carolina's ChildrenLYMAN COOPERCSX CORP.BT EganWSPRRJamie CallawaySenator Rand's Inter.Austin AllenN.C. SenatorKatharineChild Fatality Task ForceSteve Wilson" " " "Thomas V. Bennett" " " "



North Carolina General Assembly
Senate Chamber

SENATE COMMITTEE ON TRANSPORTATION
COMMITTEE MEETING
MARCH 5, 1997
AGENDA

CALL TO ORDER

SENATOR LARRY SHAW,
CHAIRMAN

INTRODUCTIONS

BILLS TO BE CONSIDERED:

<u>Bill #</u>	<u>Short Title</u>	<u>Sponsor</u>
SB 60	Clarify Left-Turn Rules	Winner
SB 66	Motor Vehicle Salvage Changes	Hoyle
SB 104	Medical Information Waiver	Horton
SB 122	Lake Royale Motor Vehicle Laws	Wellons
SB 167	60 Days to Change DMV Info	Hoyle
SB 173	DMV Head Is a DOT Deputy	Hoyle
SB 238	City Water System Relocation Costs	Ledbetter
SB 260	Modify Emissions Inspection Laws	Odom

MINUTES
SENATE COMMITTEE ON TRANSPORTATION
MARCH 5, 1997

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, March 5, 1997 in Room 1027 of the Legislative Building. Fourteen members were present.

Senator Shaw, Chairman, presided. The following bills were on the agenda for consideration:

SB 260	Modify Emissions Inspection Laws
SB 60	Clarify Left-Turn Rules
SB 66	Motor Vehicle Salvage Changes
SB 167	60 Days To Change DMV Information
SB 104	Medical Information Waiver
SB 122	Lake Royale Motor Vehicle Laws

Senator Shaw recognized Senator Odom, sponsor of SB 260, to explain the bill. Senator Odom pointed out the various concerns the bill addresses and the changes in law that would rectify them. Mr. Bill Holman with the Conservation Council and the Sierra Club, and Captain D. W. Adams, DMV, spoke in support of the bill.

Upon a motion by Senator McDaniel and seconded by Senator Weinstein, SB 260 was given a favorable report.

Senator Shaw next recognized Senator Winner, sponsor of SB 60 to explain her bill. Senator Hoyle moved for a favorable report, seconded by Senator Gulley. SB 60 was given a favorable report.

Senator Hoyle, sponsor of SB 66 was recognized by Senator Shaw to

explain his bill. Senator Lee moved to adopt the committee substitute and Senator Weinstein seconded the motion. Mr. Glenn Jernigan of the Redealers Association spoke without opposition to the bill in its present form. Upon a motion by Senator Gulley and seconded by Senator Odom, the committee substitute for SB 66 was given a favorable report.

Next, Senator Hoyle explained SB 167. Upon a motion by Senator Odom and seconded by Senator Gulley, SB 167 was given a favorable report.

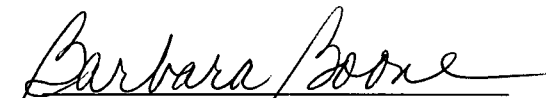
Senator Shaw then recognized Senator Horton, who explained SB 104. Senator Rand moved for a favorable report and Senator Odom seconded the motion. Senate Bill 104 was given a favorable report.

Next, Senator Wellons came forward and explained his bill, SB 122. Senator Odom moved for a favorable report, and Senator Rand seconded. The motion passed. Senate Bill 122 was given a favorable report.

There being no further business, Senator Shaw adjourned the meeting at 11: 46 a.m.



Senator Larry Shaw, Chairman



Barbara Boone, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Wednesday, March 05, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	60	Clarify Left-Turn Rules	
		Sequential Referral:	None
		Recommended Referral:	None

S.B.	104	Medical Information Waiver	
		Sequential Referral:	None
		Recommended Referral:	None

S.B.	122	Lake Royale Motor Vehicle Laws	
		Sequential Referral:	None
		Recommended Referral:	None

S.B.	167	60 Days to Change DMV Info	
		Sequential Referral:	None
		Recommended Referral:	None

S.B.	260	Modify Emissions Inspection Laws	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 5

Committee Clerk Comment: Senator L. Shaw to sign

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Tuesday, March 11, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B.	66	Motor Vehicle Salvage Changes	
		Draft Number:	S66-PCS6560
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment: Senator L. Shaw to sign



**North Carolina General Assembly
Legislative Services Agency**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones St.
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 100, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fullford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

March 5, 1997

MEMORANDUM

TO: Members of the Senate Transportation Committee

FROM: Giles S. Perry, Committee Counsel

RE: Senate Bill 60 Clarify Left Turn Rules
Introduced by Senator Winner

Senate Bill 60 amends G.S. 20-153(b) concerning the requirements for making a left turn. Under current law, a driver must turn from "the extreme left-hand lane lawfully available to traffic," but it is unclear which lane a driver is required to turn into on the road being entered.

Senate Bill 60 clarifies the rules by setting out four possible situations, each following the basic rule that a driver making a left turn should turn into the leftmost lane lawfully available on the road being entered.

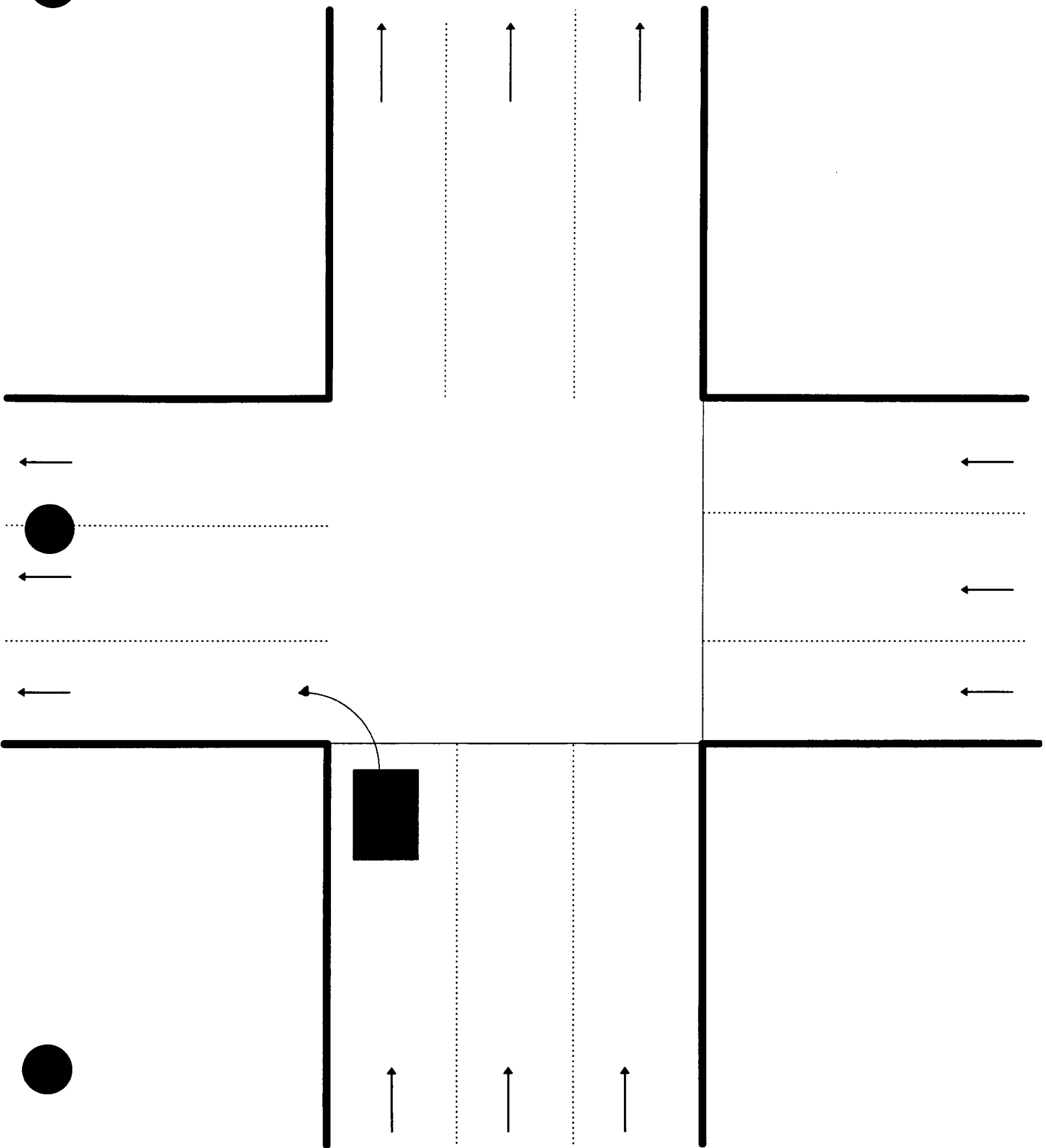
Senate Bill 60 does not change G.S. 20-153(c), which allows DOT and local authorities to modify the left turn rules with road markers and signs, to require double left turn lanes, etc.

Violation of G.S. 20-153 is an infraction, punishable by a penalty of up to \$100.

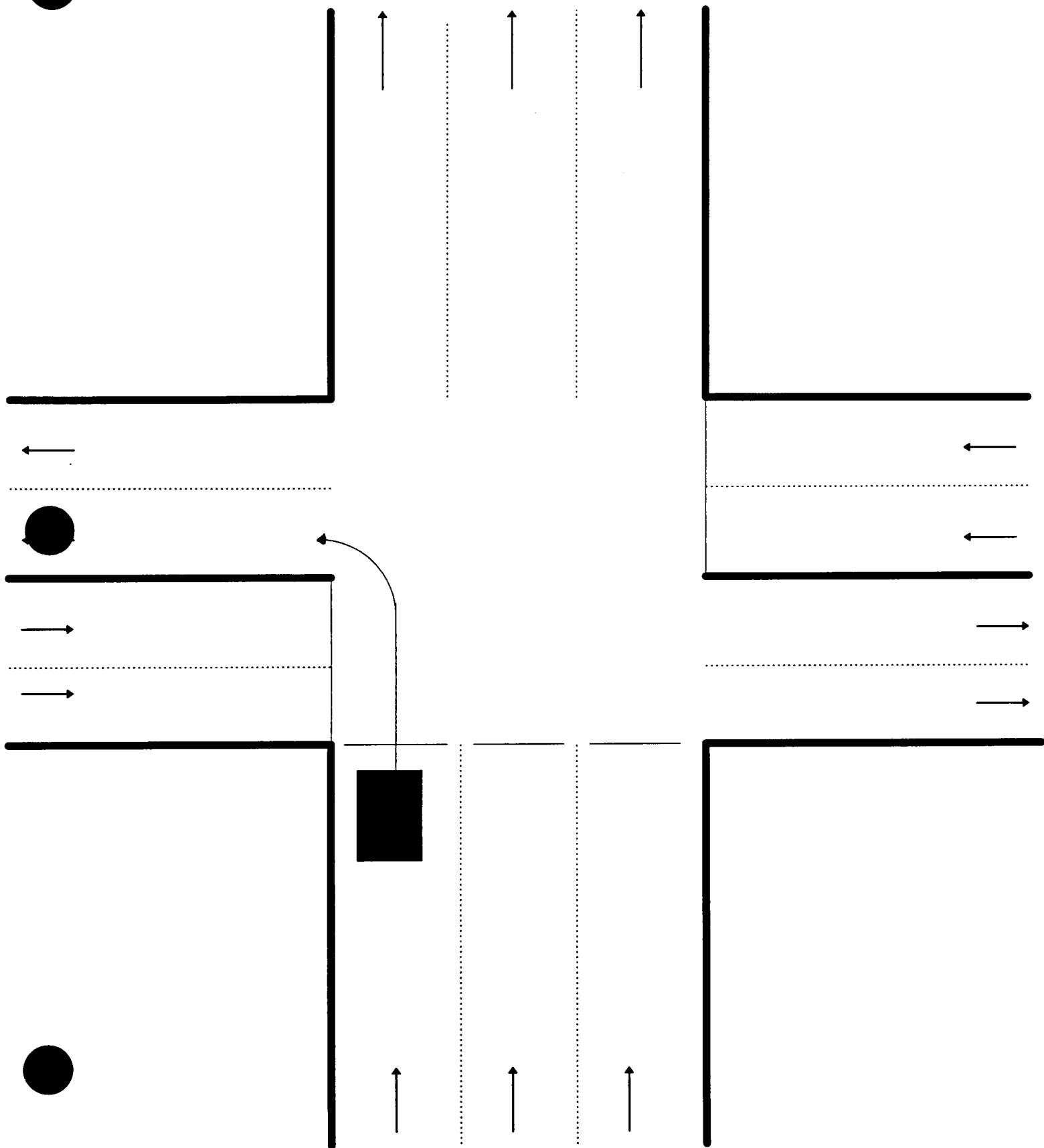
Senate Bill 60 would become effective when it becomes law.



1.



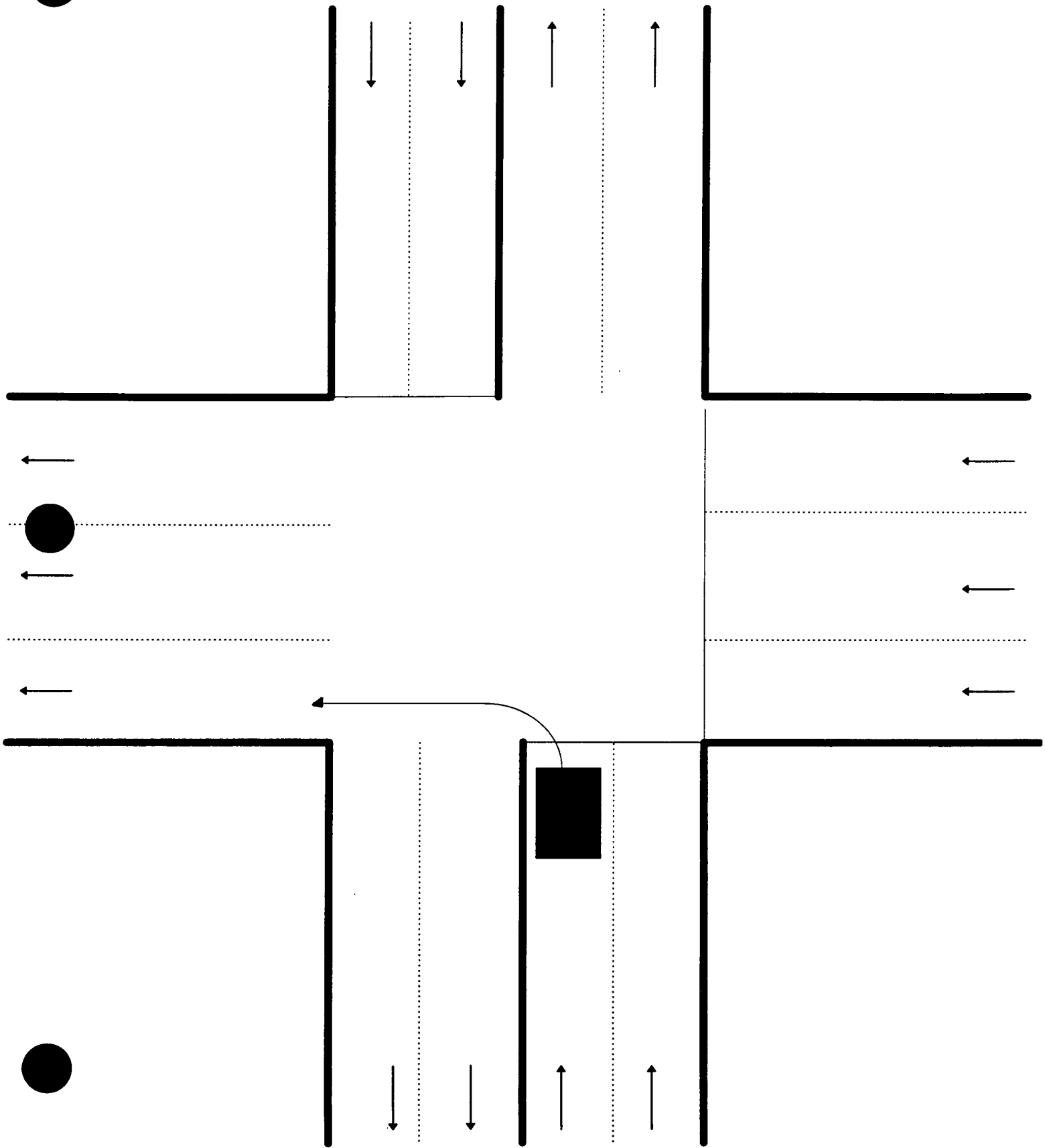
2.



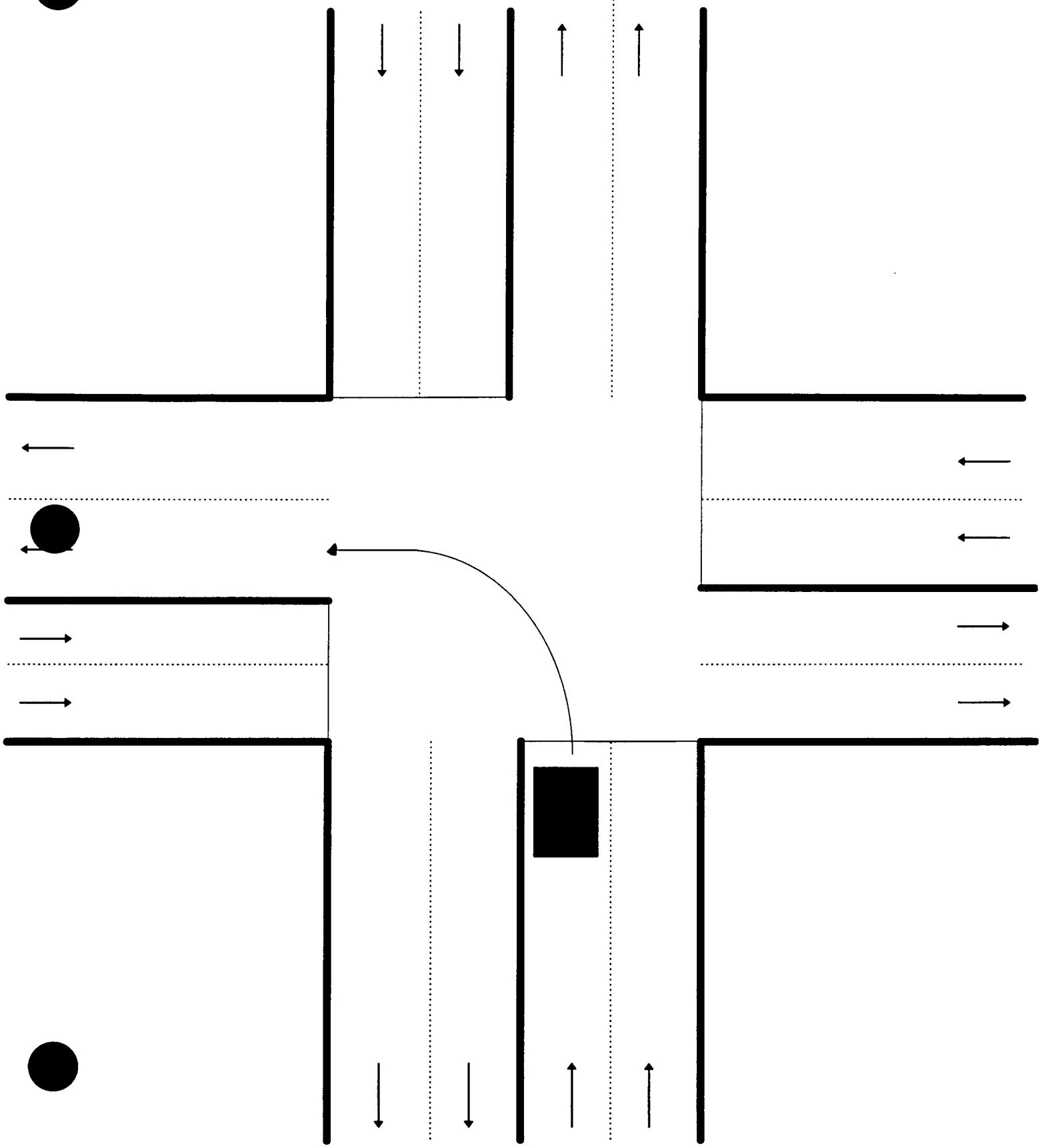
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

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1

SENATE BILL 60

Short Title: Clarify Left-Turn Rules.

(Public)

Sponsors: Senator Winner.

Referred to: Transportation.

February 6, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE RULES FOR MAKING LEFT TURNS ON
3 VARIOUS ROADWAYS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-153(b) reads as rewritten:

6 "(b) Left Turns. -- The driver of a vehicle intending to turn left at any intersection
7 shall approach the intersection in the extreme left-hand lane lawfully available to
8 traffic moving in the direction of travel of ~~such~~ that vehicle, and, after entering the
9 intersection, the left turn shall be made so as to leave the intersection in a lane
10 lawfully available to traffic moving in ~~such~~ the direction upon the roadway being
11 entered. ~~Whenever practicable the left turn shall be made in that portion of the~~
12 ~~intersection to the left of the center of the intersection.~~

13 When making a left turn, the following rules apply:

- 14 (1) When a vehicle on a one-way street makes a left turn onto a one-
15 way street, with the traffic moving from the driver's right to the
16 driver's left, the turn shall be initiated from the leftmost available
17 lane of travel into the leftmost available lane of travel;
18 (2) When a vehicle on a one-way street makes a left turn onto a two-
19 way street, the turn shall be initiated from the leftmost available
20 lane of travel into the leftmost available lane of travel to the right
21 of the center line with traffic moving from the driver's right to the
22 driver's left;
23 (3) When a vehicle on a two-way street makes a left turn onto a one-
24 way street, with traffic moving from the driver's right to the

1 driver's left, the turn shall be initiated from the leftmost available
2 lane of travel to the right of the center line into the leftmost
3 available lane of travel; and

4 (4) When a vehicle on a two-way street makes a left turn onto a two-
5 way street, the turn shall be initiated from the leftmost available
6 lane of travel to the right of the center lane to the leftmost
7 available lane of travel to the right of the center line, with traffic
8 moving from the driver's right to the driver's left."

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



North Carolina General Assembly Legislative Services Agency

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones St.
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 100, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

March 5, 1997

MEMORANDUM

TO: Members of the Senate Transportation Committee

FROM: Giles S. Perry, Committee Counsel

RE: Senate Bill 66 Motor Vehicle Salvage Changes
PROPOSED COMMITTEE SUBSTITUTE (PCS)
Original Bill Introduced by Senator Hoyle

Since 1989, the Enforcement Section of DMV has been required by G.S. 20-71.3 to do preliminary and final inspection of all vehicles that have been damaged in collisions, and are to be retitled. This generally means cars that have been "totaled" and are being repaired for resale.

DMV Enforcement carries out approximately 50,000 salvage inspections each year.

The recent MGT audit of DMV, completed in April 1996, found these inspection sot be "costly and ineffective," and recommended that the number of inspections be reduced.

Senate Bill 66 (PCS) reduces by 1/2 the number of salvage inspections preformed by DMV Enforcement, and also eliminates issuance of unbranded titles for vehicles branded in other states.

Senate Bill 66 (PCS) is recommended by the Joint Legislative Transportation Oversight Committee.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 66

S66-CSRW-001

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

4-MAR-97 10:13:40

Short Title: Motor Vehicle Salvage Changes.

(Public)

Sponsors:

Referred to: Transportation

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE BY HALF THE NUMBER OF SALVAGE INSPECTIONS
3 PERFORMED BY DMV ENFORCEMENT AND TO ELIMINATE ISSUANCE OF
4 UNBRANDED TITLES FOR VEHICLES BRANDED IN OTHER STATES.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 20-71.3 reads as rewritten:
7 "§ 20-71.3. Titles and registration cards to be branded.
8 Motor Vehicle certificates of title and registration cards
9 issued pursuant to G.S. 20-57 shall be branded. As used herein
10 "branded" means that the title and registration card shall
11 contain a designation that discloses if the vehicle is classified
12 as (a) Flood Vehicle, (b) Non-U.S.A. Vehicle, (c) Reconstructed
13 Vehicle, (d) Salvage Motor Vehicle, or (e) Salvage Rebuilt
14 Vehicle or other classification authorized by law. Any motor
15 vehicle damaged by collision or other occurrence up to six model
16 years old which is to be retitled in this State shall be subject
17 to preliminary and final inspections by the Enforcement Section
18 of the Division, and the Division shall refuse to issue a title
19 to a vehicle up to six model years old which has not undergone a

1 preliminary inspection. These inspections serve as an antitheft
2 measure and in no way should be construed to certify the safety
3 or roadworthiness of a vehicle. Any motor vehicle which has been
4 branded in another state shall be branded with the nearest
5 applicable brand specified in this section, except that no junk
6 vehicle or vehicle that has been branded junk in another state
7 shall be titled or registered. ~~A motor vehicle titled in another~~
8 ~~state and damaged by collision or other occurrence may be~~
9 ~~repaired and an unbranded title issued in North Carolina only if~~
10 ~~the cost of repairs, including parts and labor, does not exceed~~
11 ~~seventy-five percent (75%) of its fair market retail value.~~ The
12 Commissioner shall prepare necessary forms and may adopt
13 regulations required to carry out the provisions of this Part 3A.
14 The title shall reflect the branding until surrendered to or
15 cancelled by the Commissioner."

16 Section 2. G.S. 20-71.4 reads as rewritten:

17 "§ 20-71.4. Failure to disclose damage to a vehicle shall be a
18 misdemeanor.

19 (a) It shall be unlawful and constitute a Class 2 misdemeanor
20 for any transferor who knows or reasonably should know that a
21 motor vehicle has been involved in a collision or other
22 occurrence to the extent that the cost of repairing that vehicle
23 exceeds twenty-five percent (25%) of its fair market retail
24 value, or that the motor vehicle is, or was, a flood vehicle, a
25 reconstructed vehicle, or a salvage motor vehicle, to fail to
26 disclose that fact in writing to the transferee prior to transfer
27 of any vehicle up to ~~five~~ six model years old. Failure to
28 disclose any of the above information will also result in civil
29 liability under G.S. 20-348. The Commissioner may prepare forms
30 to carry out the provisions of this section.

31 (b) It shall be unlawful for any person to remove the title or
32 supporting documents to any motor vehicle from the State of North
33 Carolina with the intent to conceal damage (or damage which has
34 been repaired) occurring as a result of a collision or other
35 occurrence. Violation of this statute shall constitute a Class 2
36 misdemeanor."

37 Section 3. This act becomes effective July 1, 1997.

38

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 66*

Short Title: Motor Vehicle Salvage Changes.

(Public)

Sponsors: Senator Hoyle.

Referred to: Transportation.

February 10, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO REDUCE BY HALF THE NUMBER OF SALVAGE INSPECTIONS
3 PERFORMED BY DMV ENFORCEMENT AND TO ELIMINATE ISSUANCE
4 OF UNBRANDED TITLES FOR VEHICLES BRANDED IN OTHER STATES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-71.3 reads as rewritten:

7 "**§ 20-71.3. Titles and registration cards to be branded.**

8 Motor Vehicle certificates of title and registration cards issued pursuant to G.S. 20-
9 57 shall be branded. As used herein "branded" means that the title and registration
10 card shall contain a designation that discloses if the vehicle is classified as (a) Flood
11 Vehicle, (b) Non-U.S.A. Vehicle, (c) Reconstructed Vehicle, (d) Salvage Motor
12 Vehicle, or (e) Salvage Rebuilt Vehicle or other classification authorized by law.
13 Any motor vehicle damaged by collision or other occurrence up to six model years
14 old which is to be retitled in this State shall be subject to preliminary and final
15 inspections by the Enforcement Section of the Division, and the Division shall refuse
16 to issue a title to a vehicle up to six model years old which has not undergone a
17 preliminary inspection. These inspections serve as an antitheft measure and in no
18 way should be construed to certify the safety or roadworthiness of a vehicle. Any
19 motor vehicle which has been branded in another state shall be branded with the
20 nearest applicable brand specified in this section, except that no junk vehicle or
21 vehicle that has been branded junk in another state shall be titled or registered. A
22 ~~motor vehicle titled in another state and damaged by collision or other occurrence~~
23 ~~may be repaired and an unbranded title issued in North Carolina only if the cost of~~
24 ~~repairs, including parts and labor, does not exceed seventy five percent (75%) of its~~

1 ~~fair market retail value.~~ The Commissioner shall prepare necessary forms and may
2 adopt regulations required to carry out the provisions of this Part 3A. The title shall
3 reflect the branding until surrendered to or cancelled by the Commissioner."

4 Section 2. G.S. 20-71.4 reads as rewritten:

5 "**§ 20-71.4. Failure to disclose damage to a vehicle shall be a misdemeanor.**

6 (a) It shall be unlawful and constitute a Class 2 misdemeanor for any transferor
7 who knows or reasonably should know that a motor vehicle has been involved in a
8 collision or other occurrence to the extent that the cost of repairing that vehicle
9 exceeds twenty-five percent (25%) of its fair market retail value, or that the motor
10 vehicle is, or was, a flood vehicle, a reconstructed vehicle, or a salvage motor vehicle,
11 to fail to disclose that fact in writing to the transferee prior to transfer of any vehicle
12 up to ~~five~~ six model years old. Failure to disclose any of the above information will
13 also result in civil liability under G.S. 20-348. The Commissioner may prepare forms
14 to carry out the provisions of this section.

15 (b) It shall be unlawful for any person to remove the title or supporting
16 documents to any motor vehicle from the State of North Carolina with the intent to
17 conceal damage (or damage which has been repaired) occurring as a result of a
18 collision or other occurrence. Violation of this statute shall constitute a Class 2
19 misdemeanor."

20 Section 3. Fifty positions in the Enforcement Section of the Division of
21 Motor Vehicles of the Department of Transportation are eliminated effective July 1,
22 1998.

23 Section 4. This act becomes effective July 1, 1997.



**North Carolina General Assembly
Legislative Services Agency**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones St.
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 100, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

March 5, 1997

MEMORANDUM

TO: Members of the Senate Transportation Committee
FROM: Giles S. Perry, Committee Counsel
RE: Senate Bill 104 Medical Information Waiver
Introduced by Senators Horton; and Hoyle

Senate Bill 104 provides civil and criminal immunity to a North Carolina licensed physician or psychologist for disclosing to the Commissioner of Motor Vehicles a mental or physical disability that the physician or psychologist believes impairs his or her patient's ability to safely operate a motor vehicle.

Disclosures authorized under this section could only include the patient's name, address, date of birth, and diagnosis.

Any person challenging a disclosure under this section would have to prove lack of good faith and malice.

The Commissioner of Motor Vehicles would be required to keep any information disclosed pursuant to this section confidential.

Senate Bill 104 is recommended by the Drivers Medical Evaluation Study Commission.

Senate Bill 104 would become effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 104

Short Title: Medical Information Waiver.

(Public)

Sponsors: Senators Horton; and Hoyle.

Referred to: Transportation.

February 13, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND
3 PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS
4 TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE
5 RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION
6 PROGRAM STUDY COMMISSION.

7 The General Assembly of North Carolina enacts:

8 Section 1. Article 2 of Chapter 20 of the General Statutes is amended by
9 adding a new section to read:

10 "§ 20-9.1. Physicians and psychologists providing medical information on drivers with
11 physical and mental disabilities.

12 (a) Notwithstanding G.S. 8-51 for physicians and G.S. 8-51.3 for psychologists, or
13 any other law relating to confidentiality of communications between physicians or
14 psychologists and their patients, a physician or a psychologist duly licensed in the
15 State of North Carolina may disclose to the Commissioner information about a
16 patient who has a mental or physical disability that the physician or psychologist
17 believes may affect the patient's ability to safely operate a motor vehicle. This
18 information shall be limited to the patient's name, address, date of birth, and
19 diagnosis.

20 (b) The information provided to the Commissioner pursuant to subsection (a) of
21 this section shall be confidential and shall be used only for the purpose of
22 determining the qualifications of the patient to operate a motor vehicle.

23 (c) A physician or psychologist disclosing information pursuant to this section is
24 immune from any civil or criminal liability that might otherwise be incurred or
25 imposed based on the disclosure provided that the physician or psychologist was

1 acting in good faith and without malice. In any proceeding involving liability, good
2 faith and lack of malice is presumed and must be proven by the complainant."

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



North Carolina General Assembly Legislative Services Agency

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones St.
Raleigh, NC 27603-5925
(919) 733-7500

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Raleigh, NC 27603-5925
(919) 733-6660

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(919) 733-6834

Terrence D. Sullivan, Director
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300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

March 5, 1997

MEMORANDUM

TO: Members of the Senate Transportation Committee
FROM: Giles S. Perry, Committee Counsel
RE: Senate Bill 122 Lake Royale Motor Vehicle Laws
Introduced by Senator Wellons

Senate Bill 122 provides that the motor vehicle laws of the state would be applicable to operation of vehicles on the private streets owned by or under the control of Lake Royale Property Owner's Association in Franklin and Nash Counties.

In addition, the bill would authorize the company policeman of Lake Royale to enforce the motor vehicle laws in the Lake Royale community.

Senate Bill 122 would become effective when it becomes law, and expire two years later.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 122

Short Title: Lake Royale Motor Vehicle Laws.

(Local)

Sponsors: Senator Wellons.

Referred to: Transportation.

February 17, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES
3 APPLY WITHIN THE LAKE ROYALE COMMUNITY IN FRANKLIN AND
4 NASH COUNTIES.

5 The General Assembly of North Carolina enacts:

6 Section 1. The provisions of Chapter 20 of the General Statutes relating
7 to the use of the highways of the State and the operation of motor vehicles are
8 applicable to the streets, roadways, and alleys on the properties owned by or under
9 the control of the Lake Royale Property Owners Association, Inc., or the members of
10 the Lake Royale Property Owners Association, Inc. For purposes of this act, streets,
11 roadways, and alleys in the Lake Royale Community shall have the same meaning as
12 highways and public vehicular areas pursuant to G.S. 20-4.01. A violation of any of
13 those laws is punishable as prescribed by those laws.

14 Section 2. This act is enforceable by any company policeman appointed
15 under Chapter 74E of the General Statutes, certified by the North Carolina Criminal
16 Justice Education and Training Standards Commission, and employed by the Lake
17 Royale Property Owners Association, Inc.

18 Section 3. Pursuant to this act, golf carts, all terrain vehicles (ATVs), go-
19 carts, dirt bikes, and mopeds may be operated within the confines of the Lake Royale
20 Community, if:

21 (1) The vehicle displays a banner or pennant not less than 24 inches
22 square and which is attached to a support or antenna extending at
23 least six feet above the pavement;

(2) The vehicle is registered with the Lake Royale Property Owners Association, Inc., and has affixed to it a current Lake Royale registration sticker;

(3) The vehicle is not operated between dusk and sunrise; and

(4) The vehicle is operated only on streets, roadways, alleys, and designated trails.

Section 4. This act shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the Lake Royale Property Owners Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Lake Royale Community shall be the same as those in effect at the time of ratification of this act. Any proposed change in the speed limit shall be submitted to and approved by the Boards of Commissioners of Franklin or Nash County, whichever has jurisdiction. Pursuant to G.S. 20-141, the Franklin and Nash County Boards of Commissioners may authorize by ordinance higher or lower speeds.

Section 5. This act applies only to the Lake Royale Community in Franklin and Nash Counties.

Section 6. This act is effective when it becomes law and expires two years later.



North Carolina General Assembly Legislative Services Agency

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones St.
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 100, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

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Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

March 5, 1997

MEMORANDUM

TO: Members of the Senate Transportation Committee

FROM: Giles S. Perry, Committee Counsel

RE: Senate Bill 167 Sixty Days to Change DMV Info
Introduced by Senator Hoyle; and Carpenter

Senate Bill 167, recommended by the Joint Legislative Transportation Oversight Committee, establishes 60 days as the standard time period in which a new resident of this State must obtain a drivers license, a special identification card, or a vehicle registration and in which a current resident of this State must notify the Division of a change of address or name. It also makes standard a requirement that a person whose name changes notify the Division of the change within 60 days. Further, it establishes a standard requirement that a person who has not moved but whose address has changed must notify the Division of the change. Finally, it makes clarifying changes to the affected statutes.

Under current law, some of these time periods are 30 days, some are 60 days, and some are unlimited and no notice is required in some instances for a change of name. The current law is as follows:

<u>Circumstance</u>	<u>Days Allowed</u>	<u>Statute</u>
New resident to obtain license	30	20-4.6
New resident to obtain license	30	20-7(a), 20-37.12(e)
Renewal of temporary license upon return to State	30	20-7(f)
Notice of change of address for license	60	20-7.1, 20-37.15(b)
Notice of change of name for license	60, but	



MEMORANDUM

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March 5, 1997

	required only for CDL	20-37.15(b)
Notice of change of address for special id card	60	20-37.9
Notice of change of name for special id card	Not required	
Notice of change of address for vehicle registration	30	20-67(a)
Notice of change of name for vehicle registration	Unlimited	20-67(b)

Section 1 repeals G.S. 20-4.6 because it is unnecessary and confusing. The section addresses privileges of vehicles registered in another state and requires new residents to register their vehicles with the Division within 30 days after becoming a resident. The part that addresses privileges of vehicles registered in another state conflicts with G.S. 20-4.8, which is the controlling law, and the part that sets a time limit for a new resident to register a vehicle both conflicts with the proposed 60-day limit and unnecessarily repeats G.S. 20-67.

Section 2 changes the time in which a new resident must obtain a drivers license from 30 days to 60 days.

Section 3 extends from 30 days to 60 days the time in which a person who has a temporary drivers license must obtain a regular license. The Division can issue a temporary drivers license by mail as the renewal of a license previously issued by the Division when the license holder is out of the State. A temporary license now expires 30 days after the license holder returns to the State.

Section 4 rewrites the statute requiring a duplicate license for a change of address to add a requirement to notify the Division of a change of name. Notification of a change of name is now required for a commercial drivers license but not a regular license. Lack of correct names is part of the reason the Division cannot currently match many license revocation orders to licensed drivers. G.S. 20-37.15(b), in the commercial drivers license provisions, states that when a person's name changes, the person must apply for a duplicate license as provided in G.S. 20-7.1. Currently, however, G.S. 20-7.1 does not address obtaining a duplicate when a name changes. The rewritten section adds a cross-reference to the fee for a duplicate license but does not impose a new fee. Failure to obtain a duplicate license as required is a Class 2 misdemeanor under G.S. 20-35.

Section 5 makes a conforming change to the CDL statutes. The relevant statute now unnecessarily repeats the time period in which a new resident must obtain a drivers license. This section deletes the current 30-day limit and substitutes a cross reference to the new 60-day limit.

MEMORANDUM

Page 3

March 5, 1997

Section 6 conforms the special id statute to the drivers license statute with respect to notice of a change of address or name. The special id statute currently does not require notification of a change of name. Also, the statute is not clear whether a person whose address has changed but who has not moved must notify the Division. As interpreted, the statute means that a person in this circumstance must notify the Division but is not required to get a new special id card.

Section 7 rewrites the statute requiring a person to notify DMV of a change of name or address for purposes of vehicle registration. The statute clarifies that a person who has not moved but whose address has changed must notify the Division of the change. This is the practice although the statute addresses only a move. In making this change, the statute is conformed to the drivers license change of address provisions. The rewritten section also adds a cross reference to the fee for a duplicate certificate of title or duplicate fee. It does not change the fee, however. Failure to notify the Division of a change of address or name as required is a Class 2 misdemeanor under G.S. 20-176.

Section 8 provides that the bill would become effective December 1, 1997

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.



**North Carolina General Assembly
Legislative Services Agency**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones St.
Raleigh, NC 27603-5925
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Raleigh, NC 27603-5925
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Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

March 12, 1997

MEMORANDUM

TO: Members of the Senate Transportation Committee

FROM: Giles S. Perry, Committee Counsel

RE: Senate Bill 173 DMV Head is DOT Deputy
Introduced by Senators Hoyle, Gulley, Horton, Kerr, Martin of
Pitt, and Rand.

Senate Bill 173, recommended by the Joint Legislative Transportation Oversight Committee, implements a recommendation of the MGT performance audit of DMV.

The bill deletes the position of Commissioner of Motor Vehicles and makes the Secretary of Transportation directly responsible for the Division of Motor Vehicles. The bill gives the Secretary the discretion to appoint a Deputy Secretary of the Department of Transportation to be in charge of the Division.

The bill is long due to the many references to "Commissioner" in the statutes, which are changes to "Secretary."

Senate Bill 173 would become effective when it becomes law.



VISITOR REGISTRATION SHEET

Transportation
Name of Committee

3-5-97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Don Holman	CEC / Sierra Club
Sam Johnson	Atty
Mac Boxley	N.C. Aggregates Assoc.
Angela Cole	DMU
David Rubach	NC DMV
D.W. Adams	DMV-Enforcement
Carol Howard	DMV - Veh Reg.
Ayden Flowers	DOT - Highway
BERRY JENKINS	NC DOT
Jay Lynch	NC DOT
Dr. Michael Moser	DEHNR
Chuck Brumfield	DEHNR

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Wayne Haden	MC DONALD
Henry Clegg	Carolina's AGC, Raleigh
Julius Montague	LAKE ROYALE PROPERTY OWNERS ASSOCIATION - BUNN NC 27508
JR Maryman	LAKE ROYALE D.O.P.
Beatrice H.M. Riley	Lake Royale Bd. of Dir.
Margaret S. Riley	Lake Royale Lumburg N.C. 27549
Stene Keene	NC Medical Society
ROBERT BALDUS	Lake Royale
Mike Cayton	Reverie Manager, Lake Royale Property Owners Association
V.H. McBride	NOTA
Tiffany Winters	Law Student
Walter S. Ruffalo, Jr.	INSURANCE AND AUCTIONS - CHARLOTTE

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Tim Minch

NC Assoc of REALTORS

Nancy Bradley

NCCPS

Lucia Deel

NCMS

Joe Woody

NCAJ

Stan Wilkins

United Healthcare of NC

Michael O'NEIL

UNCCPTV



North Carolina General Assembly
Senate Chamber

TRANSPORTATION COMMITTEE MEETING
MARCH 12, 1997
ROOM 1027, LB

CALL TO ORDER

SENATOR L. SHAW, CHAIRMAN

INTRODUCTIONS

BILLS TO BE CONSIDERED:

SB 173	~~MOTOR VEHICLE SALVAGE CHANGES~~	HOYLE
SB 238	CITY WATER SYSTEM RELOCATION COSTS	LEDBETTER

SUPPORT STAFF

SGT-AT-ARMS

HUBERT POOLE
STAN JOHNSON

PAGE

PAM WIDLAK
of Jacksonville
Sponsored by Sen. Ballantine

ADJOURNMENT



MINUTES
SENATE COMMITTEE ON TRANSPORTATION
MARCH 12, 1997

The Senate Committee on Transportation met on Wednesday, March 12, 1997, in Room 1027 of the Legislative Building. Eleven members were present.

Senator Larry Shaw, Chairman, presided. The following bills were on the agenda for consideration:

SB 173	DMV Head is a DOT Deputy	Sen. Hoyle
SB 238	City Water System Relocation Costs	Sen. Ledbetter

Senator Shaw recognized Senator Hoyle to explain his bill, SB 173. Ms. Ruth Sappie of DOT spoke to clarify the exemption status in the bill. After further discussion by the committee, Senator Hoyle requested that the bill be pulled from the agenda until further notice to the committee chairman.

Next Senator Shaw recognized Senator Ledbetter to explain SB 238. Mr. Mike Holcum of the Regional Water Authority of Asheville, Buncombe and Henderson, spoke in support of the bill. Mr. Berry Jenkins of the Highway Department, and Mr. Ayden Flowers, DOT, spoke in opposition to the bill.

Upon a motion by Senator Lee and seconded by Senator Weinstein, SB 238 was re-referred to the Committee on Appropriations.

There being no further business for the committee, Senator Shaw adjourned the meeting.


Senator Larry Shaw, Chairman


Barbara Boone, Committee Clerk



North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808

SENATOR LARRY SHAW
41ST DISTRICT
BUS. ADDRESS: P. O. Box 1195
FAYETTEVILLE, N.C. 28302
TELEPHONE: (910) 323-5303

Memorandum

TO: President Wicker
FROM: Senator Larry Shaw
RE: Re-referred Bill

Transportation Committee Action
March 12, 1997

In the matter of Senate Bill 238:

Mr. President, as Chair of the Committee on Transportation, I offer a motion that Senate Bill 238 be withdrawn from the Committee on Transportation and re-referred to the Committee on Appropriations.





**North Carolina General Assembly
Legislative Services Agency**

George R. Hall, Legislative Services Officer
(919) 733-7044

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March 12, 1997

MEMORANDUM

TO: Members of the Senate Transportation Committee

FROM: Giles S. Perry, Committee Counsel

RE: Senate Bill 173 DMV Head is DOT Deputy
Introduced by Senators Hoyle, Gulley, Horton, Kerr, Martin of
Pitt, and Rand.

Senate Bill 173, recommended by the Joint Legislative Transportation Oversight Committee, implements a recommendation of the MGT performance audit of DMV.

The bill deletes the position of Commissioner of Motor Vehicles and makes the Secretary of Transportation directly responsible for the Division of Motor Vehicles. The bill gives the Secretary the discretion to appoint a Deputy Secretary of the Department of Transportation to be in charge of the Division.

The bill is long due to the many references to "Commissioner" in the statutes, which are changes to "Secretary."

Senate Bill 173 would become effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

S

1

SENATE BILL 173*

Short Title: DMV Head Is a DOT Deputy.

(Public)

Sponsors: Senators Hoyle, Gulley, Horton, Kerr, Martin of Pitt, and Rand.

Referred to: Transportation.

February 18, 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.

(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."

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

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

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

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

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

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

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

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

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

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

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

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

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

30 "§ 8-37. Certificate of ~~Commissioner~~ Division of Motor Vehicles as to ownership of
31 automobile.

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

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

42 "(c) Private Sale. -- Sale by private sale may be made in any manner that is
43 commercially reasonable. If the property upon which the lien is claimed is a motor
44 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

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

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

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

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

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

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

Section 28. G.S. 110-91(a)(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

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.



**North Carolina General Assembly
Legislative Services Agency**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones St.
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 100, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

March 12, 1997

MEMORANDUM

TO: Members of the Senate Transportation Committee

FROM: Giles S. Perry, Committee Counsel

RE: Senate Bill 238 City Water System Relocation Costs
Introduced by Senators Ledbetter; Carpenter, Carrington, Clark,
Cochrane, Forrester, Foxx, Garwood, Horton, McDaniel, Page,
Rucho, Shaw of Guilford, and Webster.

Under current law, the Department of Transportation is required to pay the "nonbetterment" costs for relocation of water and sewer lines due to state highway construction for the following entities:

- cities of 5,500 or less
- nonprofit water and sewer associations
- a water and sewer system organized under G.S. 162A (including one later transferred to a city over 5,500)
- a rural water system operated by a county as an enterprise
- a sanitary district organized under G.S. 130A

Senate Bill 238 adds water and sewer authorities organized pursuant to an interlocal agreement under Article 20 of Chapter 160A to the list of entities DOT would be required to pay nonbetterment water and sewer line relocation costs due to highway construction.

Senate Bill 238 would become effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 238

Short Title: City Water System Relocation Costs.

(Public)

Sponsors: Senators Ledbetter; Carpenter, Carrington, Clark, Cochrane, Forrester, Foxx, Garwood, Horton, McDaniel, Page, Rucho, Shaw of Guilford, and Webster.

Referred to: Transportation.

February 25, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION
3 SHALL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS
4 FOR WATER AND SEWER LINES OWNED BY A SYSTEM CREATED
5 PURSUANT TO ARTICLE 20 OF CHAPTER 160A OF THE GENERAL
6 STATUTES.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 136-27.1 reads as rewritten:

9 "§ 136-27.1. Relocation of water and sewer lines of municipalities and nonprofit
10 water or sewer corporations or associations.

11 The Department of Transportation shall pay the nonbetterment cost for the
12 relocation of water and sewer lines, located within the existing State highway right-of-
13 way, that are necessary to be relocated for a State highway improvement project and
14 that are owned by: (i) a municipality with a population of 5,500 or less according to
15 the latest decennial census; (ii) a nonprofit water or sewer association or corporation;
16 (iii) any water or sewer system organized pursuant to Chapter 162A of the General
17 Statutes; (iv) a rural water system operated by county as an enterprise system; (v) any
18 sanitary district organized pursuant to Part 2 of Article 2 of Chapter 130A of the
19 General Statutes; ~~or~~ (vi) constructed by a water or sewer system organized pursuant
20 to Chapter 162A of the General Statutes and then sold or transferred to a
21 municipality with a population of greater than 5,500 according to the latest decennial

- 1 ~~eensus.~~ census; or (vii) constructed by a water or sewer system organized pursuant to
2 Article 20 of Chapter 160A of the General Statutes."
3 Section 2. This act is effective when it becomes law.



North Carolina General Assembly

Senator Jesse Ingram "Jess" Ledbetter

ASHEVILLE BUNCOMBE
WATER AUTHORITY

March 11, 1997

The Honorable Senator Jesse Ledbetter
North Carolina General Assembly
Room 52 Legislative Office Bldg.
Raleigh, N.C. 27601-2808

Dear Senator Ledbetter:

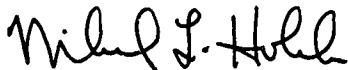
The Regional Water Authority of Asheville, Buncombe and Henderson (formerly the Asheville/Buncombe Water Authority) appreciates your efforts in introducing a bill designed to relieve the inequity of having our ratepayers bear the entire cost of existing utility line relocation associated with and made necessary by North Carolina Department of Transportation highway improvement projects.

We are the only water and/or sewer authority in North Carolina that has such a burden. Our water rates are among the highest in the State, and one reason for this is the onerous, financial hardship imposed by being required to fund these NCDOT water line relocation projects.

Attached is a schedule showing what these costs have been for the last ten years. It should be noted that the almost \$ 2 million dollar cost incurred is just for relocation, and does not include betterment costs.

I look forward to meeting with you on Wednesday, March 12, 1997 and discussing this further. If I can provide additional information, please let me know.

Sincerely,



Michael L. Holcombe
Director of Water Resources

Attachment

CC: James L. Westbrook, Jr., City Manager of the City of Asheville
William McElrath, County Manager of Buncombe County
David Nicholson, County Manager of Henderson County
Ernest Ferguson, Chairman of the Regional Water Authority of Asheville, Buncombe & Henderson

<u>LOCATION</u>	<u>NCDOT PROJECT NO.</u>	<u>DATE</u>	<u>DESCRIPTION</u>	<u>EXISTING PIPE SIZE</u>	<u>TOTAL COST</u>	<u>BETTER- MENT COST</u>
1) Airport Road NC 280	8.1950205	1994	8602 lf of 12-inch	8-inch	\$ 224,185	\$ 56,000
2) Brevard Road NC 191	6.841025	1990	2605 lf of 30-inch	6-inch	186,278	121,200
3) Hendersonville Road(US-25)	8.1841601 8.1841604	1993/94	17,569 lf of 24-inch	6-inch	693,847	535,000
4) Airport Road NC-280	9.8130243	1997	10,000 lf of 24-inch	8-inch	883,000	517,000
5) Leicester Hwy. NC-63	9.8130211 9.813021	1994	30,994 lf of 12-inch	10 & 12-inch	845,000	169,000
6) S. Hominy Creek Bridge NC-151	8.1841501	1990	240 lf of 6-inch	6-inch	14,265	0
7) S Charlotte St.	8.2017501	1986	5809 lf of 16&12-inch	16 & 12-inch	134,713	0
8) Bridge over SRR in Skyland	8.2842601	1990	1,138 lf of 6-inch	6-inch	35,416	0
9) Low Road Bridge SRR	8.2841601	1994	1,714 lf of 12-inch	12-inch	56,488	0
10) Broadway Widening	8.2841903	1997	16-inch waterline relocate	16-inch	140,000	0
11) Biltmore Viaduct	8.1841002	1997/98	12 & 6-inch waterline relocate	12 & 6-inch	97,000	0
<u>TOTAL</u>					\$ 3,310,000	\$ 1,398,200

DIFFERENCE (COST TO CITY TO RELOCATE) \$ 1.9 MILLION

NCDOT PLANNED PROJECTS:

1) US 74 WIDENING	19,000 LF OF NEW 12& 8-INCH TO REPLACE EXISTING 8-INCH	TOTAL COST (ROUGH) \$ 665,000
STATE PROJ. # 8.1841703		BETTERMENT 133,000

DIFFERENCE (COST TO CITY TO RELOCATE) estimate \$ 532,000

2) US 25-A / I-40 Interchange & US 25/A Widening Sweeten Creek Road	Relocate existing 16 & 8-inch waterlines	<u>Relocation Cost \$ 250,000</u> (estimate)

VISITOR REGISTRATION SHEET

TRANSPORTATION

Name of Committee

3-12-1997

Date

May 22, 1996

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

BERRY Jenkins

NC DOT

Aydrea Flowers

NC DOT

Sam Johnson

Atty

Ray C. Clegg Jr.

Carolina AGC

Christa B. Burke

CHPA

Ruth Sappie

NC DOT

Don Adams

DMV-Enforcement

Michael L. Hulse

Reg. Wtr. Authority of Asheville, Buncombe

Jess Ledbetter

& Henderson

NC Senate #48

H. Webb



North Carolina General Assembly
Senate Chamber

TRANSPORTATION COMMITTEE MEETING
APRIL 2, 1997
ROOM 1027, LB

CALL TO ORDER

SENATOR LARRY SHAW, CHAIRMAN

INTRODUCTIONS

DR. LARRY GOODE, STATE HIGHWAY
ADMINISTRATOR

HENRY CLEGG, ASSOC. OF GENERAL
CONTRACTORS

VIRGIL MCBRIDE, TRUCKING ASSOC.

BILL FOR CONSIDERATION

SENATE BILL 635 (SHAW)
EXPAND INTERSTATE HIGHWAYS

SUPPORT STAFF

SGT-AT-ARMS

HUBERT POOLE
STAN JOHNSON

PAGE

LEE BRADSHEAR
of Goldsboro
Sponsored by Sen. John Kerr

ADJOURNMENT



MINUTES
SENATE COMMITTEE ON TRANSPORTATION
APRIL 2, 1997

The Senate Committee on Transportation met on Wednesday, April 2, 1997 at 11:00 a.m. in Room 1027 of the Legislative Building. Eight members were present.

Senator Larry Shaw, Chairman, presided. The following bill was on the agenda for consideration - Senate Bill 635.

Senator Shaw turned the meeting over to Vice-Chairman Weinstein to chair. Senator Weinstein recognized Dr. Larry Goode of the Transportation Department, Mr. Henry Clegg of the Association of General Contractors, and Mr. Virgil McBride of the Trucking Association to speak to the bill at the appropriate time.

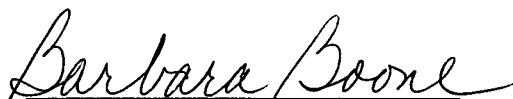
Senator Weinstein recognized Senator Shaw to explain his bill, SB 635. Dr. Goode spoke during discussion of the bill, but stated the Transportation Department does not support it.

Upon a motion by Senator Rand and seconded by Senator Lee, SB 635 was given a favorable report and referred to the Committee on Finance.

There being no further business, Senator Weinstein adjourned the meeting.



Senator Larry Shaw, Chairman



Barbara Boone, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Wednesday, April 02, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	635	Expand Interstate Highways	
		Sequential Referral:	Finance
		Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comment: Senator Shaw to sign



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
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Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 2, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 635 Expand Interstate Highways

In 1995, the General Assembly enacted legislation creating the North Carolina Bridge Authority, and charged the authority with building and operating a toll bridge to the Outer Banks.

Senate Bill 635 expands the mission of the Authority to include expansion and maintenance of interstates by means of toll collection.

Specifically, Senate Bill 650 would authorize a renamed North Carolina Toll Road and Bridge Authority to collect a toll to be used to expand and maintain a rural interstate highway, or for other transportation related purposes. The toll collected would be in the discretion of the Authority, but could not exceed an amount to be specified in the bill.

Senate Bill 650 would become effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

FILED - SENATE

S 635

MAR 3 1 1997

PRINCIPAL CLERK

S

SENATE DRS1675-RW018(3.31)

Short Title: Expand Interstate Highways.

(Public)

Sponsors: Senator Shaw of Cumberland.

Referred to:

- 1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA BRIDGE
3 AUTHORITY TO THE NORTH CAROLINA TOLL ROAD AND BRIDGE
4 AUTHORITY, TO AUTHORIZE THE AUTHORITY TO CHARGE A TOLL
5 ON A NORTH-SOUTH PRIMARILY RURAL INTERSTATE HIGHWAY, AND
6 DIRECT USE OF INTERSTATE TOLL PROCEEDS TO EXPANSION AND
7 MAINTENANCE OF THAT INTERSTATE AND FOR OTHER
8 TRANSPORTATION PURPOSES.
9 The General Assembly of North Carolina enacts:
10 Section 1. Article 6F of Chapter 136 reads as rewritten:
11 "ARTICLE 6F.
12 "North Carolina Toll Road and Bridge Authority.
13 "§ 136-89.159. Toll road and bridge projects.
14 (a) The creation of the North Carolina Toll Road and Bridge Authority is
15 necessitated by:
16 (1) The high cost of constructing long bridges;
17 (2) The need for providing better access to areas of a peninsula of the
18 mainland where egress has been blocked by federal acquisition of
19 property; and
20 (3) The need for providing additional critically needed evacuation
21 routes from the Outer Banks during hurricanes and in the event of
22 other natural disasters.
23 (4) The need to expand and maintain rural interstate highways in the
24 State.

1 or expansion or maintenance of interstate toll roads. A toll shall
2 not exceed ten dollars (\$10.00) and an annual fee for a single
3 vehicle to use the bridge during a year shall not exceed five
4 hundred dollars (\$500.00). Tolls for interstate highways shall be in
5 the discretion of the Authority, but shall not exceed (\$*.00). The
6 Authority shall report its schedule of tolls and fees to the Joint
7 Legislative Transportation Oversight Committee.

- 8 (4) To rent, lease, purchase, acquire, own, encumber, or dispose of
9 real or personal property.
10 (5) To establish, construct, purchase, maintain, equip, and operate any
11 structure or facilities associated with a toll road or bridge.
12 (6) To pay all necessary costs and expenses in the formation,
13 organization, administration, and operation of the Authority.
14 (7) To apply for, accept, and administer loans and grants of money
15 from any federal agency, from the State or its political subdivisions,
16 or from any other public or private sources available.
17 (8) To adopt, alter, or repeal its own bylaws or rules implementing the
18 provisions of this Article.
19 (9) To employ consulting engineers, architects, attorneys, real estate
20 counselors, appraisers, and other consultants and employees as may
21 be required in the judgment of the Authority and to fix and pay
22 their compensation from funds available to the Authority.
23 (10) To procure and maintain adequate insurance or otherwise provide
24 for adequate protection to indemnify the Authority and its officers,
25 directors, agents, employees, adjoining property owners, or the
26 general public against loss or liability resulting from any act or
27 omission by or on behalf of the Authority.
28 (11) To receive and use appropriations from the State, including an
29 appropriation from the proceeds of State general obligation bonds
30 or notes.

31 (b) To execute the powers provided in subsection (a) of this section, the Authority
32 shall determine its policies by majority vote of the members of the Authority present
33 and voting, a quorum having been established.

34 **"§ 136-89.163. Taxation of property of Authority.**

35 Property owned by the Authority is exempt from taxation in accordance with
36 Article V, Section 2 of the North Carolina Constitution.

37 **"§ 136-89.164. Acquisition, disposition, or exchange of real property.**

38 The Authority may acquire real property by purchase, negotiation, gift, or devise.
39 When the Authority acquires real property owned by the State, the Secretary of the
40 Department of Administration shall execute and deliver to the Authority a deed
41 transferring fee simple title to the property to the Authority.

42 **"§ 136-89.165. Cooperation by other State agencies.**

43 All State officers and agencies shall render the services to the Authority within
44 their respective functions as may be requested by the Authority.

1 **"§ 136-89.166. Annual and quarterly reports.**

2 The Authority shall, promptly following the close of each fiscal year, submit an
3 annual report of its activities for the preceding year to the Governor, the General
4 Assembly, and the Department of Transportation. Each report shall be accompanied
5 by an audit of its books and accounts. The costs of all audits, whether conducted by
6 the State Auditor's staff or contracted with a private auditing firm, shall be paid from
7 funds of the Authority.

8 The Authority shall submit quarterly reports to the Joint Legislative Transportation
9 Oversight Committee. The reports shall summarize the Authority's activities during
10 the quarter and contain any information about the Authority's activities that is
11 requested by the Committee.

12 **§ 136-89.167. Dissolution.**

13 Whenever the Authority, by resolution, determines that the purposes for which the
14 Authority was formed have been substantially fulfilled, the Authority may declare
15 itself dissolved. On the effective date of the resolution, the title to all property owned
16 by the Authority at the time of the dissolution shall vest in the State, and possession
17 of the property shall be delivered to the State."

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

Transcript

april 2, 97

~~32585~~

Date _____

NAME

FIRM OR STATE AGENCY AND ADDRESS

Hydrodynamische druktaster

Hydrolyse Industrie

NCERT

NO 79

Mr. J. W. Marshall

MC Aggregate

NC Aggregates Assin



North Carolina General Assembly
Senate Chamber

TRANSPORTATION COMMITTEE MEETING
APRIL 9, 1997
ROOM 1027, LB

CALL TO ORDER SENATOR LARRY SHAW, CHAIRMAN

INTRODUCTIONS

BILLS FOR CONSIDERATION:

HB 178	TWO-YEAR DRIVER INSTRUCTOR LICENSE	REP. MCMAHAN

HB 266	ADJUST LICENSE WEIGHT	REP. EDDINS

SB 625	SPEEDING ON SCHOOL GROUNDS	SEN. PAGE

SB 637	CHARLOTTE SPEED LIMIT AUTH.	SEN. WINNER

SUPPORT STAFF
SGT-AT-ARMS

HUBERT POOLE
STAN JOHNSON

PAGE

WILL ANDERSON
Sponsored by Sen. Eric Reeves

ADJOURNMENT

MINUTES
SENATE COMMITTEE ON TRANSPORTATION
APRIL 9, 1997

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, April 9, 1997 in Room 1027 of the Legislative Building. Eight members were present.

Senator Shaw, Chairman, presided. The following bills were on the agenda for consideration:

HB 178 - Two-Year Driver Instructor License.

HB 266 - Adjust License Weight.

SB 625 - Speeding on School Grounds.

SB 637 - Charlotte Speed Limit Authority.

Senator Shaw recognized Representative McMahan to explain the committee substitute for HB 178. Ruth Sappie and Mark Fountain of the Department of Transportation spoke in favor of the bill. Upon a motion by Senator Page, seconded by Senator Weinstein, HB 178 was given a favorable report.

Next, Representative Eddins, bill sponsor, was recognized to explain HB 266. Ruth Sappie spoke without opposition on the bill. Upon a motion by Senator Clark, seconded by Senator Weinstein, HB 266 was given a favorable report.

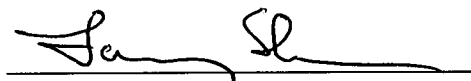
Senator Shaw then recognized Senator Page to explain SB 625. Ruth Sappie cited the Department of Transportation has holds no position on the bill. Senator Weinstein moved for a favorable report, seconded by Senator Clark. SB 625 was given a favorable report.

Senate Committee On Transportation
Page Two
April 9, 1997

Senator Winner, sponsor for SB 637, was recognized to explain her bill.

Ruth Sappie cited no position in the Department of Transportation on the bill. Senator Garwood moved for a favorable report, seconded by Senator Page. SB 637 was given a favorable report.

Having completed the business for today's meeting, Senator Shaw moved for adjournment.



Senator Larry Shaw, Chairman



Barbara Boone, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Thursday, April 10, 1997

SENATOR SHAW,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS)178	2-year Driver Instructor License.	
	Sequential Referral:	None
	Recommended Referral:	None

H.B.(CS)266	Adjust License Weight.	
	Sequential Referral:	None
	Recommended Referral:	None

S.B. 625	Speeding on School Grounds.	
	Sequential Referral:	None
	Recommended Referral:	None

S.B. 637	Charlotte Speed Limit Authority.	
	Sequential Referral:	None
	Recommended Referral:	None

TOTAL REPORTED: 4

Committee Clerk Comment: Sen. Shaw to sign.



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

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Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

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(919) 733-4910

Donald W. Fulford, Director
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Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 8, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 178 Two-Year Driver Instructor License
House Committee Substitute Favorable 3/18/97

House Bill 178 increases from one year to two years the duration of a license issued by the Division of Motor Vehicles for a commercial driver training school or a commercial driver training instructor under Article 14 of Chapter 20.

The fee rate for the licenses would remain the same.

House Bill 178 would become effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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2

HOUSE BILL 178
Committee Substitute Favorable 3/18/97

Short Title: 2-year Driver Instructor License.

(Public)

Sponsors:

Referred to:

February 17, 1997

A BILL TO BE ENTITLED

1
2 AN ACT TO INCREASE FROM ONE YEAR TO TWO YEARS THE RENEWAL
3 PERIOD FOR LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES
4 TO COMMERCIAL DRIVER TRAINING SCHOOLS AND INSTRUCTORS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-324 reads as rewritten:

7 "§ 20-324. Expiration and renewal of licenses; fees.

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

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

20 (b) Fees. -- An application for an initial license or the renewal of a license must
21 be accompanied by the application fee for the license. The application fee for a
22 school license is eighty dollars (\$80.00). The application fee for an instructor license

1 is sixteen dollars (\$16.00). The application fee for a license is not refundable. Fees
2 collected under this section must be credited to the Highway Fund."

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



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 9, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 266 Adjust License Weight
House Committee Substitute Favorable 3/20/97

House Bill 266 makes two changes to the motor vehicle law:

First, the bill directs the Division of Motor Vehicles to issue "First in Flight" plates for vehicles licensed at 6,000 lbs. pounds or less. Under current law, vehicles licensed at 4,000 lbs. or less are issued "First in Flight" plates, and those licensed at over 4,000 lbs. receive a "commercial" plate (unless another plate requirement applies). Registration fees for vehicles affected by this bill would continue to be based on the declared license weight, and would be *unchanged* by this bill.

Second, the bill clarifies that the Division of Motor Vehicles *may issue* personalized plates for commercial vehicles, which they have been doing for several years. Current language in the section amended by this bill, G.S. 20-63(b), and another statute, G.S. 20-79.4(a), give contradictory indications about the Division's current authority to issue personalized commercial plates.

House Bill 266 would become effective January 1, 1998, and apply to new or renewal vehicle registrations occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 266
Committee Substitute Favorable 3/20/97

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.



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Suite 619, LOB
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Raleigh, NC 27603-5925
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Raleigh, NC 27603-5925
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Research Division
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300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 9, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 625 Speeding on School Grounds
Introduced by Senator Page

Under current law, *posted speed limits* can only be enforced on *public streets and highways* (G.S. 20-141). Only one speeding offense, "driving greater than is reasonable and prudent under the conditions" [G.S. 20-141(a)], is enforceable on public streets and highways *and* in "public vehicular areas," which include school driveways and parking lots.

Senate Bill 625 authorizes cities and counties, by ordinance, to make speeding in excess of a *posted speed limit* on the grounds of a public or private school an infraction, punishable by a penalty of up to \$100.

Senate Bill 625 would become effective December 1, 1997, and apply to offenses occurring on or after that date.

CASE NOTES

I. In General.

I. IN GENERAL.

Cited in Peal ex rel. Peal v. Smith, 115
N.C. App. 225, 444 S.E.2d 673 (1994).

§ 20-141. Speed restrictions.

(a) No person shall drive a vehicle on a highway or in a public vehicular area at a speed greater than is reasonable and prudent under the conditions then existing.

(b) Except as otherwise provided in this Chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:

(1) Thirty-five miles per hour inside municipal corporate limits for all vehicles.

(2) Fifty-five miles per hour outside municipal corporate limits for all vehicles except for school buses and school activity buses.

(c) Except while towing another vehicle, or when an advisory safe-speed sign indicates a slower speed, or as otherwise provided by law, it shall be unlawful to operate a passenger vehicle upon the interstate and primary highway system at less than the following speeds:

(1) Forty miles per hour in a speed zone of 55 miles per hour.

(2) Forty-five miles per hour in a speed zone of 60 miles per hour or greater.

These minimum speeds shall be effective only when appropriate signs are posted indicating the minimum speed.

(d)(1) Whenever the Department of Transportation determines on the basis of an engineering and traffic investigation that any speed allowed by subsection (b) is greater than is reasonable and safe under the conditions found to exist upon any part of a highway outside the corporate limits of a municipality or upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality), the Department of Transportation shall determine and declare a reasonable and safe speed limit.

(2) Whenever the Department of Transportation determines on the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe under the conditions found to exist upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality) the Department of Transportation shall determine and declare a reasonable and safe speed limit. A speed limit set pursuant to this subsection may not exceed 70 miles per hour.

Speed limits set pursuant to this subsection are not effective until appropriate signs giving notice thereof are erected upon the parts of the highway affected.

(e) Local authorities, in their respective jurisdictions, may authorize by ordinance higher speeds or lower speeds than those set out in

subsection (b) upon all streets which are not part of the State highway system; but no speed so fixed shall authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be effective when appropriate signs giving notice thereof are erected upon the part of the streets affected.

(f) Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe, or that any speed hereinbefore set forth is greater than is reasonable and safe, under the conditions found to exist upon any part of a street within the corporate limits of a municipality and which street is a part of the State highway system (except those highways designated as part of the interstate highway system or other controlled-access highway) said local authorities shall determine and declare a safe and reasonable speed limit. A speed limit set pursuant to this subsection may not exceed 55 miles per hour. Limits set pursuant to this subsection shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The Department of Transportation is authorized to raise or lower the statutory speed limit on all highways on the State highway system within municipalities which do not have a governing body to enact municipal ordinances as provided by law. The Department of Transportation shall determine a reasonable and safe speed limit in the same manner as is provided in G.S. 20-141(d)(1) and G.S. 20-141(d)(2) for changing the speed limits outside of municipalities, without action of the municipality.

(g) Whenever the Department of Transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway considerably impede the normal and reasonable movement of traffic, the Department of Transportation or such local authority may determine and declare a minimum speed below which no person shall operate a motor vehicle except when necessary for safe operation in compliance with law. Such minimum speed limit shall be effective when appropriate signs giving notice thereof are erected on said part of the highway. Provided, such minimum speed limit shall be effective as to those highways and streets within the corporate limits of a municipality which are on the State highway system only when ordinances adopting the minimum speed limit are passed and concurred in by both the Department of Transportation and the local authorities. The provisions of this subsection shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

(h) No person shall operate a motor vehicle on the highway at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law; provided, this provision shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

(i) The Department of Transportation shall have authority to designate and appropriately mark certain highways of the State as truck routes.

(j) A person who does one of the following while fleeing or attempting to elude arrest or apprehension by a law enforcement

officer with authority to enforce the motor vehicle laws is guilty of a Class 1 misdemeanor:

(1) Drives a vehicle on a street or highway in excess of 55 miles per hour and more than 15 miles per hour over the legal limit.

(2) Drives a vehicle in excess of 80 miles per hour.

(j1) A person who drives a vehicle on a highway at a speed that is either more than 15 miles per hour more than the speed limit established by law for the highway where the offense occurred or over 80 miles per hour is guilty of a Class 2 misdemeanor.

(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under G.S. 20-141 is responsible for an infraction and is required to pay a penalty of one hundred dollars (\$100.00). A "highway work zone" is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs motorists of the end of the work zone. This subsection applies only if a sign posted at the beginning of the highway work zone states the penalty for speeding in the work zone.

(k) Repealed by Session Laws 1995 (Regular Session, 1996), c. 652, s. 1, effective October 1, 1996.

(l) Notwithstanding any other provision contained in G.S. 20-141 or any other statute or law of this State, including municipal charters, any speed limit on any portion of the public highways within the jurisdiction of this State shall be uniformly applicable to all types of motor vehicles using such portion of the highway, if on November 1, 1973, such portion of the highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. Provided, however, that a lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. The requirement for a uniform speed limit hereunder shall not apply to any portion of the highway during such time as the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of the highway.

(m) The fact that the speed of a vehicle is lower than the foregoing limits shall not relieve the operator of a vehicle from the duty to decrease speed as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway, and to avoid injury to any person or property.

(n) Notwithstanding any other provision contained in G.S. 20-141 or any other statute or law of this State, the failure of a motorist to stop his vehicle within the radius of its headlights or the range of his vision shall not be held negligence per se or contributory negligence per se. (1937, c. 297, s. 2; c. 407, s. 103; 1939, c. 275; 1941, c. 347; 1947, c. 1067, s. 17; 1949, c. 947, s. 1; 1953, c. 1145; 1955, c. 398; c. 555, ss. 1, 2; c. 1042; 1957, c. 65, s. 11; c. 214; 1959, c. 640; c. 1264, s. 10; 1961, cc. 99, 1147; 1963, cc. 134, 456, 949; 1967, c. 106; 1971, c. 79, ss. 1-3; 1973, c. 507, s. 5; c. 1330, s. 7; 1975, c. 225; 1977, c. 367; c. 464, s. 34; c. 470; 1983, c. 131; 1985, c. 764, ss. 29, 30; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1987, c. 164; 1991 (Reg. Sess., 1992), c. 818, s. 1; c. 1034, s. 1; 1993, c. 539, ss. 366, 367; 1994, Ex. Sess., c. 24, s. 14(c); 1995 (Reg. Sess., 1996), c. 652, s. 1.)

Editor's Note. —

Session Laws 1993, c. 539, ss. 366 and

367 which amended this section, in s. 1359, as amended by Session Laws 1994,

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 625

Short Title: Speeding on School Grounds.

(Public)

Sponsors: Senators Page; Albertson, Ballantine, Cochrane, East, Forrester, Foxx, Garwood, Hoyle, and Lucas.

Referred to: Transportation.

April 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON
3 SCHOOL GROUNDS AN INFRACTION.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-141(e) reads as rewritten:
6 (e) Local authorities, in their respective jurisdictions, may authorize by ordinance
7 higher speeds or lower speeds than those set out in subsection (b) upon all streets
8 which are not part of the State highway ~~system~~; system or upon a public vehicular
9 area on the grounds of a public or private school; but no speed so fixed shall
10 authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this
11 subsection shall be effective when appropriate signs giving notice thereof are erected
12 upon the part of the streets or public vehicular area affected."
13 Section 2. This act becomes effective December 1, 1997, and applies to
14 offenses occurring on or after that date.



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George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
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Raleigh, NC 27603-5925
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(919) 733-2578

April 9, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 637 Charlotte Speed Limit Authority
Introduced by Senators Winner; Dannelly, Odom, and Rucho

Current law authorizes cities to establish speed limits by ordinance on local streets, and on state roads (except limited access roads) with the concurrence of DOT.

Senate Bill 637, a local bill that amends the Charlotte City Charter, would delegate the duty to set speed limits on streets in Charlotte, as authorized in G.S.20-141, to the Charlotte Director of Transportation.

Senate Bill 637 would become effective when it becomes law.

CASE NOTES

I. In General.

I. IN GENERAL.

Cited in Peal ex rel. Peal v. Smith, 115
N.C. App. 225, 444 S.E.2d 673 (1994).

§ 20-141. Speed restrictions.

(a) No person shall drive a vehicle on a highway or in a public vehicular area at a speed greater than is reasonable and prudent under the conditions then existing.

(b) Except as otherwise provided in this Chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:

- (1) Thirty-five miles per hour inside municipal corporate limits for all vehicles.
- (2) Fifty-five miles per hour outside municipal corporate limits for all vehicles except for school buses and school activity buses.

(c) Except while towing another vehicle, or when an advisory safe-speed sign indicates a slower speed, or as otherwise provided by law, it shall be unlawful to operate a passenger vehicle upon the interstate and primary highway system at less than the following speeds:

- (1) Forty miles per hour in a speed zone of 55 miles per hour.
- (2) Forty-five miles per hour in a speed zone of 60 miles per hour or greater.

These minimum speeds shall be effective only when appropriate signs are posted indicating the minimum speed.

(d)(1) Whenever the Department of Transportation determines on the basis of an engineering and traffic investigation that any speed allowed by subsection (b) is greater than is reasonable and safe under the conditions found to exist upon any part of a highway outside the corporate limits of a municipality or upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality), the Department of Transportation shall determine and declare a reasonable and safe speed limit.

(2) Whenever the Department of Transportation determines on the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe under the conditions found to exist upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality) the Department of Transportation shall determine and declare a reasonable and safe speed limit. A speed limit set pursuant to this subsection may not exceed 70 miles per hour.

Speed limits set pursuant to this subsection are not effective until appropriate signs giving notice thereof are erected upon the parts of the highway affected.

(e) Local authorities, in their respective jurisdictions, may authorize by ordinance higher speeds or lower speeds than those set out in

subsection (b) upon all streets which are not part of the State highway system; but no speed so fixed shall authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be effective when appropriate signs giving notice thereof are erected upon the part of the streets affected.

(f) Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe, or that any speed hereinbefore set forth is greater than is reasonable and safe, under the conditions found to exist upon any part of a street within the corporate limits of a municipality and which street is a part of the State highway system (except those highways designated as part of the interstate highway system or other controlled-access highway) said local authorities shall determine and declare a safe and reasonable speed limit. A speed limit set pursuant to this subsection may not exceed 55 miles per hour. Limits set pursuant to this subsection shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The Department of Transportation is authorized to raise or lower the statutory speed limit on all highways on the State highway system within municipalities which do not have a governing body to enact municipal ordinances as provided by law. The Department of Transportation shall determine a reasonable and safe speed limit in the same manner as is provided in G.S. 20-141(d)(1) and G.S. 20-141(d)(2) for changing the speed limits outside of municipalities, without action of the municipality.

(g) Whenever the Department of Transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway considerably impede the normal and reasonable movement of traffic, the Department of Transportation or such local authority may determine and declare a minimum speed below which no person shall operate a motor vehicle except when necessary for safe operation in compliance with law. Such minimum speed limit shall be effective when appropriate signs giving notice thereof are erected on said part of the highway. Provided, such minimum speed limit shall be effective as to those highways and streets within the corporate limits of a municipality which are on the State highway system only when ordinances adopting the minimum speed limit are passed and concurred in by both the Department of Transportation and the local authorities. The provisions of this subsection shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

(h) No person shall operate a motor vehicle on the highway at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law; provided, this provision shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

(i) The Department of Transportation shall have authority to designate and appropriately mark certain highways of the State as truck routes.

(j) A person who does one of the following while fleeing or attempting to elude arrest or apprehension by a law enforcement

officer with authority to enforce the motor vehicle laws is guilty of a Class 1 misdemeanor:

(1) Drives a vehicle on a street or highway in excess of 55 miles per hour and more than 15 miles per hour over the legal limit.

(2) Drives a vehicle in excess of 80 miles per hour.

(j1) A person who drives a vehicle on a highway at a speed that is either more than 15 miles per hour more than the speed limit established by law for the highway where the offense occurred or over 80 miles per hour is guilty of a Class 2 misdemeanor.

(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under G.S. 20-141 is responsible for an infraction and is required to pay a penalty of one hundred dollars (\$100.00). A "highway work zone" is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs motorists of the end of the work zone. This subsection applies only if a sign posted at the beginning of the highway work zone states the penalty for speeding in the work zone.

(k) Repealed by Session Laws 1995 (Regular Session, 1996), c. 652, s. 1, effective October 1, 1996.

(l) Notwithstanding any other provision contained in G.S. 20-141 or any other statute or law of this State, including municipal charters, any speed limit on any portion of the public highways within the jurisdiction of this State shall be uniformly applicable to all types of motor vehicles using such portion of the highway, if on November 1, 1973, such portion of the highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. Provided, however, that a lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. The requirement for a uniform speed limit hereunder shall not apply to any portion of the highway during such time as the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of the highway.

(m) The fact that the speed of a vehicle is lower than the foregoing limits shall not relieve the operator of a vehicle from the duty to decrease speed as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway, and to avoid injury to any person or property.

(n) Notwithstanding any other provision contained in G.S. 20-141 or any other statute or law of this State, the failure of a motorist to stop his vehicle within the radius of its headlights or the range of his vision shall not be held negligence per se or contributory negligence per se. (1937, c. 297, s. 2; c. 407, s. 103; 1939, c. 275; 1941, c. 347; 1947, c. 1067, s. 17; 1949, c. 947, s. 1; 1953, c. 1145; 1955, c. 398; c. 555, ss. 1, 2; c. 1042; 1957, c. 65, s. 11; c. 214; 1959, c. 640; c. 1264, s. 10; 1961, cc. 99, 1147; 1963, cc. 134, 456, 949; 1967, c. 106; 1971, c. 79, ss. 1-3; 1973, c. 507, s. 5; c. 1330, s. 7; 1975, c. 225; 1977, c. 367; c. 464, s. 34; c. 470; 1983, c. 131; 1985, c. 764, ss. 29, 30; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1987, c. 164; 1991 (Reg. Sess., 1992), c. 818, s. 1; c. 1034, s. 1; 1993, c. 539, ss. 366, 367; 1994, Ex. Sess., c. 24, s. 14(c); 1995 (Reg. Sess., 1996), c. 652, s. 1.)

Editor's Note. —

Session Laws 1993, c. 539, ss. 366 and

367 which amended this section, in s. 1359, as amended by Session Laws 1994,

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 637

Short Title: Charlotte Speed Limit Authority.

(Local)

Sponsors: Senators Winner; Dannelly, Odom, and Rucho.

Referred to: Transportation.

April 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY
3 OF CHARLOTTE TO SET CERTAIN SPEED LIMITS.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the City of Charlotte, being Chapter 713 of the
6 1965 Session Laws, is amended by adding the following new section to Article 1 of
7 Subchapter A of Article VI:

8 "Section 6.26. **Speed Limits.** The Director of Transportation may establish speed
9 limits, as required by G.S. 20-141, on streets within the City of Charlotte, on behalf of
10 the local governing body, the Charlotte City Council."

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

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Alvin M. Kantor II

DMV/DOT-

Ruth Sappé

7D 7DT

Ant Withers

En's office

Paul Stickle

NC Bankers Assoc.

VL McBride

NCTA



North Carolina General Assembly
Senate Chamber

TRANSPORTATION COMMITTEE MEETING
APRIL 16, 1997
ROOM 1027, LB

CALL TO ORDER

SENATOR L. SHAW, CHAIRMAN

INTRODUCTIONS

BILLS TO BE CONSIDERED:

HB 349	NEW MV SAFETY INSPECTIONS	REP. COLE
SB 426	MAGISTRATES SPECIAL LICENSE PLATE	SEN. HOYLE
SB 812	SMOKY MOUNTAINS SPECIAL PLATE	SEN. JENKINS
SB 570	CLEAN WATER LICENSE PLATE	SEN. DALTON
SB 884	DOT INFRASTRUCTURE BANK PROGRAM	SEN. SHAW
SB 427	WOOD CHIP HAULING WEIGHT EXEMP.	SEN. HOYLE

SUPPORT STAFF

SGT-AT-ARMS

HUBERT POOLE
STAN JOHNSON

PAGES

CHAD HINTON of Nashville
Sponsored by Sen. Bob Carpenter

Jon Madison of Statesville
Sponsored by Sen. James Forrester

ADJOURNMENT



MINUTES
SENATE COMMITTEE ON TRANSPORTATION
APRIL 16, 1997

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, April 16, in Room 1027 of the Legislative Building. Eight members were present.

Senator Larry Shaw, Chairman, presided. The following bills were on the agenda for consideration:

HB 349 - New Motor Vehicle Safety Inspections.
SB 426 - Magistrates Special License Plate.
SB 812 - Smoky Mountains Special Plate.
SB 570 - Clean Water License Plate.
SB 884 - DOT Infrastructure Bank Program.
SB 427 - Wood Chip Hauling Weight Exemption.

Senator Shaw notified the members that HB 349 was previously included in another bill and was currently law, and therefore, removed from today's agenda.

Senator Shaw recognized Senator Jenkins, sponsor of SB 812, to explain the bill. Ruth Sappie of the Department of Transportation spoke without opposition on the bill. Senator McDaniel moved for a favorable report, seconded by Senator Weinstein. SB 812 was given a favorable report and was re-referred to the Committee on Finance.

Senator Shaw recognized Senator Hoyle who sponsored SB 426. He sent forth a committee substitute. Senator Weinstein moved to approve the committee substitute. Senator Weinstein moved for a favorable report on SB 426. SB 426 was given a favorable report and re-referred to the Committee on Finance.

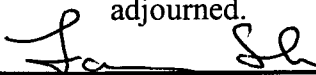
Senator Hoyle, sponsor, was then recognized to speak to SB 427. Dr. Larry Goode stated the Department of Transportation prefers the bill in its original draft. Jerry Arrowood of the Division of Motor Vehicles prefers the bill in its original draft also. Bob Slocumb of the N. C. Forestry Association supports the bill either way. Upon a motion by Senator Carrington, SB 427 was given a favorable report and re-referred to the Committee on Finance.

Senator Shaw recognized co-chairman Weinstein to conduct the meeting at this point. Co-Chairman Weinstein recognized Senator Dalton, sponsor of SB 570, to explain the bill.

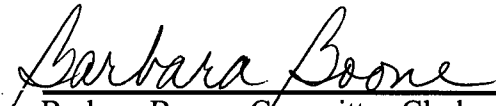
Senator Hoyle moved for a favorable report, the motion passed. SB 570 was given a favorable report and referred to the Committee on Finance.

Senator Weinstein next recognized Senator Larry Shaw, sponsor of SB 884, to explain the bill. Mr. Grayson Kelly of the Attorney General's office spoke in favor of the bill. Dr. Larry Goode addressed the clarification of authority in the bill. Upon a motion by Senator Hoyle, which was passed by the committee, SB 884 was given a favorable report.

There being no further business for this meeting, Senator Weinstein

adjourned.


Senator Larry Shaw, Chairman



Barbara Boone, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Wednesday, April 16, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **427** Wood Chip Hauling Weight Exemption
 Sequential Referral: None
 Recommended Referral: Finance

S.B. **570** Clean Water License Plate
 Sequential Referral: Finance
 Recommended Referral: None

S.B. **812** Smoky Mountains Special Plate
 Sequential Referral: None
 Recommended Referral: Finance

S.B. **884** DOT Infrastructure Bank Program
 Sequential Referral: None
 Recommended Referral: None

TOTAL REPORTED: 4

Committee Clerk Comment: Senator Shaw to sign

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Tuesday, April 22, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B.	426	Magistrates Special License Plates	
		Draft Number	PCS 2711
		Sequential Referral:	None
		Recommended Referral:	Finance
		Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment: Senator Shaw to sign

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..

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

PROPOSED COMMITTEE SUBSTITUTE
S426-SMRW-001

Short Title: Magistrates Special License Plates. (Public)

Sponsors:

Referred to: Transportation.

March 19, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE SPECIAL REGISTRATION PLATES ON COMMERCIAL
3 MOTOR VEHICLES, AND TO PROVIDE SPECIAL MOTOR VEHICLE
4 REGISTRATION PLATES FOR MAGISTRATES.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 20-63(b) reads as rewritten:
7 "(b) Every license plate shall have displayed upon it the
8 registration number assigned to the vehicle for which it is
9 issued, the name of the State of North Carolina, which may be
10 abbreviated, and the year number for which it is issued or the
11 date of expiration, expiration. and, if If the plate is issued
12 for a commercial vehicle, as defined in G.S. 20-4.2(1), the word
13 "commercial," designating "commercial ~~vehicle~~ vehicle" shall
14 appear on the plate, unless the plate is a special registration
15 plate authorized in G.S. 20-79.4. The Division may not issue a
16 plate bearing the word "commercial" for a trailer, or a vehicle
17 licensed for 6,000 pounds or less.
18 A registration plate issued by the Division for a private
19 passenger vehicle or for a private hauler vehicle licensed for
20 6,000 pounds or less shall be a "First in Flight" plate. A
21 "First in Flight" plate shall have the words "First in Flight"
22 printed at the top of the plate above all other letters and

1 numerals. The background of the plate shall depict the Wright
2 Brothers biplane flying over Kitty Hawk Beach, with the plane
3 flying slightly upward and to the right."

4 Section 2. G.S. 20-79.4(a) reads as rewritten:

5 "(a) General. -- Upon application and payment of the required
6 registration fees, a person may obtain from the Division a
7 special registration plate for a motor vehicle registered in that
8 person's name if the person qualifies for the registration plate.
9 A special registration plate, with the exception of a
10 personalized registration plate, may not be issued for a vehicle
11 registered under the International Registration Plan. ~~Plan or for~~
12 ~~a commercial truck.~~ A special registration plate may be issued
13 for a commercial vehicle that is not registered under the
14 International Registration Plan. A holder of a special
15 registration plate who becomes ineligible for the plate, for
16 whatever reason, must return the special plate within 30 days."

17 Section 3. G.S. 20-79.4(b) is amended by adding a new
18 subdivision to read:

19 "(14a) Magistrates. -- Issuable to a current North
20 Carolina magistrate. The plate shall bear the
21 letters 'MJ' followed by a number. The number
22 shall indicate the district court district the
23 magistrate serves followed by a hyphen and a
24 number indicating the seniority of the
25 magistrate. Magistrates from district court
26 districts 9 and 9B shall receive plates with
27 the number '9' as the designation for their
28 district."

29 Section 4. This act becomes effective January 1, 1998,
30 and applies to new or renewal registrations occurring on or after
31 that date.



North Carolina General Assembly Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

Ernie W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 16, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 426 Magistrates Special License Plates
Proposed Committee Substitute

Senate Bill 426 (PCS) makes two changes to the vehicle registration statutes:

1. Special License Plates on Commercial Vehicles:

Section 1 and 2 of the bill would authorize DMV to issue special license plates to commercial vehicles (those vehicles registered for over 4,000 lbs.) that are not registered under the International Registration Plan (IRP). Owners of commercial vehicles would continue to pay the same registration fee, plus the additional fee for the special plate.

2. Magistrate Plates:

Section 3 of the bill would authorize a new type of special registration plate for magistrates. Magistrates would pay the regular registration fee, plus the usual \$10 additional fee for the special plate.

Section 4 of the bill provides that it would become effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 426

Short Title: Magistrates Special License Plates.

(Public)

Sponsors: Senators Hoyle; and Martin of Pitt.

Referred to: Transportation.

March 19, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE SPECIAL MOTOR VEHICLE REGISTRATION PLATES
3 FOR MAGISTRATES.

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 "(14a) Magistrates. -- Issuable to a current North Carolina magistrate.
8 The plate shall bear the letters 'MJ' followed by a number. The
9 number shall indicate the district court district the magistrate
10 serves followed by a hyphen and a number indicating the seniority
11 of the magistrate. Magistrates from district court districts 9 and 9B
12 shall receive plates with the number '9' as the designation for their
13 district."

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



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
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Suite 619, LOB
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Donald W. Fulford, Director
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Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April, 16, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 427 Wood Chip Hauling Weight Exemption
Introduced by Senators Hoyle; Jenkins and Martin of Pitt

G.S. 20-118 provides a schedule of weight limits that must be followed on State highways, and penalties for violation of those limits. G.S. 20-118 (b)(4) authorizes the N.C. Department of Transportation to designate "light-traffic" roads and establish lower weight limits on those roads.

Senate Bill 427 would exempt vehicles transporting "wood chips from the point of origin to a facility for processing" from any light-traffic road limitations imposed by DOT. This means that the regular weight schedule followed on all other state highways would apply to vehicles carrying wood chips.

Senate Bill 427 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 427

Short Title: Wood Chip Hauling Weight Exemption.

(Public)

Sponsors: Senators Hoyle; Jenkins and Martin of Pitt.

Referred to: Transportation.

March 19, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCLUDE WOOD CHIP TRANSPORTERS IN THE LIGHT DUTY
3 ROAD WEIGHT EXEMPTIONS.

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 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.

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.

h. Wood chips from the point of origin to a facility for recycling or processing.

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

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

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

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

(10) Fully enclosed motor vehicles designed specifically for collecting, compacting and hauling garbage from residences, or from garbage dumpsters shall, when operating for those purposes, be allowed a single axle weight not to exceed 23,500 pounds on the steering axle on vehicles equipped with a boom, or on the rear axle on vehicles loaded from the rear. This exemption shall not apply to vehicles transporting hazardous waste as defined in G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5(9a), or radioactive material as defined in G.S. 104E-5(14).

(11) A truck or other motor vehicle shall be exempt for light-traffic road limitations issued under subdivision (b)(4) of this section when transporting heating fuel for on-premises use at a destination located on the light-traffic road.

(12) Subsections (b) and (e) of this section do not apply to a vehicle that meets one of the following descriptions, is hauling agricultural crops from the farm where they were grown to first market, is within 35 miles of that farm, does not operate on an interstate highway while hauling the crops, and does not exceed its registered weight:

a. Is a five-axle combination with a gross weight of no more 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.

1 b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s.
2 13.

3 c. Is a four-axle combination with a gross weight that does not
4 exceed the limit set in subdivision (b)(3) of this section, a
5 single-axle weight of no more than 22,000 pounds, and a
6 tandem-axle weight of no more than 42,000 pounds."
7

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 427

Short Title: Wood Chip Hauling Weight Exemption.

(Public)

Sponsors: Senators Hoyle; Jenkins and Martin of Pitt.

Referred to: Transportation.

March 19, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO INCLUDE WOOD CHIP TRANSPORTERS IN THE LIGHT DUTY
3 ROAD WEIGHT EXEMPTIONS.
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

- 1 the load within the vehicle from one axle to another to comply
2 with the weight limits where the single-axle weight does not exceed
3 the posted limit by 2,500 pounds.
- 4 (4) A truck or other motor vehicle shall be exempt from such light-
5 traffic road limitations provided for pursuant to G.S. 20-118(b)(4),
6 when transporting supplies, material or equipment necessary to
7 carry out a farming operation engaged in the production of meats
8 and agricultural crops and livestock or poultry by-products or a
9 business engaged in the harvest or processing of seafood when the
10 destination of such vehicle and load is located solely upon said
11 light-traffic road.
- 12 (5) The light-traffic road limitations provided for pursuant to
13 subdivision (b)(4) of this section do not apply to a vehicle while
14 that vehicle is transporting only the following from its point of
15 origin on a light-traffic road to the nearest highway that is not a
16 light-traffic road:
- 17 a. Processed or unprocessed seafood from boats or any other
18 point of origin to a processing plant or a point of further
19 distribution.
- 20 b. Meats or agricultural crop products originating from a farm
21 to first market.
- 22 c. Unprocessed forest products originating from a farm or from
23 woodlands to first market.
- 24 d. Livestock or poultry from their point of origin to first
25 market.
- 26 e. Livestock by-products or poultry by-products from their
27 point of origin to a rendering plant.
- 28 f. Recyclable material from its point of origin to a scrap-
29 processing facility for processing. As used in this subpart,
30 the terms 'recyclable' and 'processing' have the same
31 meaning as in G.S. 130A-290(a).
- 32 g. Garbage collected by the vehicle from residences or garbage
33 dumpsters if the vehicle is fully enclosed and is designed
34 specifically for collecting, compacting, and hauling garbage
35 from residences or from garbage dumpsters. As used in this
36 subpart, the term 'garbage' does not include hazardous
37 waste as defined in G.S. 130A-290(a), spent nuclear fuel
38 regulated under G.S. 20-167.1, low-level radioactive waste as
39 defined in G.S. 104E-5, or radioactive material as defined in
40 G.S. 104E-5.
- 41 h. Wood chips from the point of origin to a facility for
42 recycling or processing.
- 43 (6) A truck or other motor vehicle shall be exempt from such light-
44 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 municipality and such motor vehicles are used in connection with installation, restoration or emergency maintenance of utility services.

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

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

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

(10) Fully enclosed motor vehicles designed specifically for collecting, compacting and hauling garbage from residences, or from garbage dumpsters shall, when operating for those purposes, be allowed a single axle weight not to exceed 23,500 pounds on the steering axle on vehicles equipped with a boom, or on the rear axle on vehicles loaded from the rear. This exemption shall not apply to vehicles transporting hazardous waste as defined in G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5(9a), or radioactive material as defined in G.S. 104E-5(14).

(11) A truck or other motor vehicle shall be exempt for light-traffic road limitations issued under subdivision (b)(4) of this section when transporting heating fuel for on-premises use at a destination located on the light-traffic road.

(12) Subsections (b) and (e) of this section do not apply to a vehicle that meets one of the following descriptions, is hauling agricultural crops from the farm where they were grown to first market, is within 35 miles of that farm, does not operate on an interstate highway while hauling the crops, and does not exceed its registered weight:

a. Is a five-axle combination with a gross weight of no more 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.

1 b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s.
2 13.

3 c. Is a four-axle combination with a gross weight that does not
4 exceed the limit set in subdivision (b)(3) of this section, a
5 single-axle weight of no more than 22,000 pounds, and a
6 tandem-axle weight of no more than 42,000 pounds."

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



North Carolina General Assembly Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

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Suite 401, LOB
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Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
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Suite 619, LOB
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Raleigh, NC 27603-5925
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Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 16, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 570 Clean Water License Plate
Introduced by Senators Dalton; and others

Senate Bill 570 would authorize DMV to issue a "Scenic River" plate, upon receipt of 300 applications. The fee for the plate would be the regular registration fee, plus an additional fee of \$20. Revenue derived from this plate in the Collegiate and Cultural Attraction Plate Account would be transferred quarterly to the Clean Water Management Trust Fund.

Senate Bill 570 would become effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 570

Short Title: Clean Water License Plate.

(Public)

Sponsors: Senators Dalton; Jenkins, Kinnaird, Phillips, Weinstein, and Wellons.

Referred to: Transportation.

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. 20-81.12 is amended by adding a new subsection to read:

8 "(b5) Scenic Rivers Plates. -- The Division shall receive 300 or more applications
9 for a scenic rivers plate with the words 'Scenic Rivers' and a picture representing the
10 unique beauty of the scenic rivers of North Carolina before the plate may be
11 developed. The Division shall transfer quarterly the money in the Collegiate and
12 Cultural Attraction Plate Account derived from the sale of scenic rivers plates to the
13 Clean Water Management Trust Fund established by Article 13A of Chapter 113 of
14 the General Statutes."

15 Section 2. G.S. 20-79.4(a) reads as rewritten:

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

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

1	Olympic Games	\$25.00
2	Special Olympics	\$25.00
3	Wildlife Resources	\$20.00
4	<u>Scenic Rivers</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>Scenic Rivers</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 December 1, 1997.



North Carolina General Assembly Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 16, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 812 Smoky Mountains Special Plate

Senate Bill 812 would authorize DMV to issue a State Attractions plate for the benefit the "Friends of the Great Smoky Mountains National Park, Inc.", for use for educational materials, preservation programs, or capital improvements in the NC portion of the Park.

DMV would have to receive applications for 300 of these plates before they could issue the plate. The fee for the plate would be the regular registration fee, plus an additional fee of \$30.

Senate Bill 812 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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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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300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

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Raleigh, NC 27603-5925
(919) 733-4910

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Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 16, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 884 DOT Infrastructure Bank Program
Introduced by Senators Rand, Shaw of Cumberland, and Weinstein

Senate Bill 884 would grant the Department of Transportation authority to establish, administer, and receive federal funds for a state transportation infrastructure banking program, as authorized by federal law.

Detailed explanation of this program, provided by Mr. Grayson Kelley, AG for the Department, is attached.

Senate Bill 884 would become effective when it becomes law.

State Infrastructure Banks

Definition (as defined in the Federal Register Notice) "State Infrastructure Bank (SIB): An infrastructure investment fund established to facilitate and encourage investment in eligible transportation infrastructure projects sponsored by public and/or private entities. Through a SIB, a State can use its initial capital, provided by its Federal-aid highway apportionments, any allocation received under the fiscal year 1997 DOT Appropriations Act, Federal transit allocations, and non-Federal monies, to make loans, provide credit enhancement, serve as a capital reserve for bond or debt financing, subsidize interest rates, issue letters of credit, finance purchase and lease agreements, provide debt financing security, or provide other forms of financial assistance for construction of projects qualified under the Federal-aid highway program and transit capital projects. As the funds are repaid or compensation is provided, the SIB can make new financial assistance available to other projects, continually recycling the initial monies, thus leveraging the initial funds available."

The North Carolina has applied to be designated as one of the pilot states to set up a State Infrastructure Bank (SIB). The 1995 NHS law provides the authority for states to establish SIBs. A state may use up to ten percent of the State's federal-aid apportionment for capitalization. Additionally, the 1997 federal budget authorized \$150 million to be granted to the pilot banks. The proposed 1998 budget has identified another \$150 million to be distributed to these banks. This money does not count against the States' apportionment calculation. Hence, it is essentially free money to encourage states to start these programs.

A State Infrastructure Bank would be used as a revolving loan account for municipal construction programs (either for transit capital projects or highway projects). The bank would make low-interest loans to municipalities to help expedite local transportation construction programs. The security for the loans would be the municipalities *Powell Bill* funds for highway projects and their transit operating and maintenance subsidies for transit projects. The municipalities would be allowed to identify other sources of revenue for repayment, such as parking fees, but the loans would be guaranteed by the aforementioned funds.

Initial interest in the program has been strong by the cities that have been consulted about the potential bank (Charlotte, Greensboro, Raleigh, and Durham). One of the likely first recipients of the funds would be for Greensboro's multi-modal center. Other potential projects could be for a highway project in Charlotte, a multi-modal center in Durham, and a parking deck in Raleigh.

In addition to the loans to municipalities, the SIB could be used to secure bonds for toll authorities, such as the Mid-Currituck Bridge Authority (this would require future legislative initiative, but would be an accepted use of the federal funds)

The announcement of the pilot program designations should be made sometime around the end of April or early May 1997. The apportionment of the \$150 million capitalization grant should be revealed at that time also. Enabling legislation needs to be introduced by April 10, 1997 in order to allow the General Assembly to act on the measure this session. Prompt action is necessary to allow North Carolina to take full advantage of the program. The prevailing theory is that grant money will go to states that can readily implement projects. North Carolina can begin projects almost immediately, if legislation is approved.

Application to:

**UNITED STATES DEPARTMENT OF
TRANSPORTATION**

for

**STATE INFRASTRUCTURE BANK
PROGRAM**

Submitted by:

**NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION**

December 19, 1996

OVERVIEW

The North Carolina Department of Transportation (NCDOT) exists to serve the public by providing a statewide intermodal transportation system for the safe, efficient, and environmentally sound movement of people and goods. With this in mind we are continually searching for means to improve the condition of our transportation system. With continued growth in our state we are struggling to keep up with the transportation demands placed upon the existing system.

North Carolina is committed to providing the infrastructure necessary to promote prosperity through the next century. This is evidenced by the investment the citizens of the state approved in our last election. North Carolina approved \$1.8 billion in bonds for school construction and another \$950 million in bonds for highway construction. This was in addition to the existing Highway Trust Fund that was approved in 1989.

North Carolina has proven it is intent on providing the best transportation system available. To help make this possible the state is submitting this request to be designated as one of the pilot programs for a State Infrastructure Bank (SIB). This bank will help North Carolina accomplish its mission by allowing NCDOT to: Improve cities ability to meet their own transportation needs; accelerate planned projects; and provide a mechanism for non-traditional projects that might not meet criteria for traditional funding.

State Infrastructure Bank Objectives

North Carolina has the largest state maintained road system in the nation. With over 77,000 miles of roadways and 17,000 bridges, this system is the backbone of the economy in the state. The transportation system in North Carolina consists of the state system and municipal systems. Counties have no road building authority. The state maintains all rural roads and strategic urban routes. Cities are responsible for their local streets.

Under North Carolina law transportation funding for construction of projects in urban areas are generally solely funded from state/federal funds or only from city funds. Cities are only allowed to participate in funding state projects at a minimal rate. It is the goal of the SIB to allow the cities to accomplish more additions to its transportation system by providing an inexpensive source of funds.

North Carolina has identified several projects for probable immediate use of the SIB. It has also envisioned uses of the fund for second generation loans. We see the SIB as an opportunity to provide assistance to municipalities to meet the growing concerns over preservation of future transportation corridors. At least part of the SIB's mission to serve as a revolving fund to purchase right-of-way before the opportunity is gone. In the continuing struggle to balance individual property rights versus community rights, the use of an SIB has the potential to help mitigate some of the current dilemmas concerning compensation for reserved use of property.

Innovative Finance Experience

North Carolina has been aggressive in its use of innovative financing, both on the state and federal level. Currently North Carolina is participating in two TE-045 projects. The first one is for the Neuse River Bridge project in New Bern (phased funding) . The other is for construction of the missing I-26 link north of Asheville (advanced construction - partial conversion). In addition to these projects, North Carolina has been active in obtaining private participation agreements on local projects.

The Neuse River Bridge project in New Bern is the largest single contract ever let in North Carolina. The \$120 million cost for construction would have put a sizable dent into our annual construction budget. If the entire amount of the project had to be funded in one fiscal year, then either it would have been delayed or several other projects that were already under construction would have had subsequent sections delayed. The phased funding approach to the Neuse River Bridge allowed NCDOT to proceed with the project without compromising other projects across the state. Similar benefits were realized for the I-26 project.

North Carolina has long been an advocate of advanced construction with partial conversion. We have used a similar technique with our state highway trust fund since 1989.

North Carolina has for sometime participated in public - private construction agreements. When the Department and a private developer have a mutual interest in completion of a planned roadway, the Department may enter into an agreement with the developer to accelerate the construction schedule by allowing the developer to participate in the funding of 50% of the construction cost and provide the right-of-way. This arrangement has allowed the Department to advance many needed projects across the state and helped provide the businesses in the state the opportunity to access needed developments well ahead of schedule.

Creation of an SIB will allow municipalities to encourage private participation in projects similar to the state agreements.

Types of Assistance to be Provided by the SIB

Municipal Loans: The SIB will provide loans to Municipalities to aid their local construction program. Most cities that have been contacted about the possibility of providing this type of assistance have been enthusiastically in favor of the idea. The SIB will provide low interest loans to the municipalities for construction of highway or transit projects.

North Carolina provides aid to the State's municipalities through a dedicated 1.75¢ per gallon fuel tax. These funds are referred to as "Powell Bill Funds". Additionally, in 1989 North Carolina enacted its Highway Trust Fund. Part of that legislation specified that 6% of the revenues collected in the trust fund would be dispersed to the state's municipalities as part of these Powell Bill funds. The funds are distributed based on a combination of municipal

population and local non-state street mileage. In FY 1996 Powell Bill funds totaled \$110 million statewide.

The SIB will make loans to municipalities based on historic revenues from Powell Bill funds. The municipalities will have the option to dedicate a revenue source to the repayment of the loan or specify that their Powell Bill funds be used for this purpose. Under either scenario the Powell Bill Funds will be the collateral used to secure the loans.

A similar program is envisioned for transit projects. North Carolina provides Operating and Maintenance Assistance to the state's 16 urban transit systems. A total of \$6.0 million annually from the highway fund is distributed to the transit systems. The SIB loans would be secured by these funds.

Capital Reserves for Debt Financing: The SIB will provide a loan to the North Carolina Bridge Authority to use as reserves for bonds to construct a toll bridge facility over the Currituck Sound. It is anticipated that toll revenue for the proposed bridge will not be sufficient to cover the bond payments in the first few years of operation. This loan will allow the Bridge Authority to make those payments until the revenues from toll receipts increase enough to cover the debt service. As revenues increase the loans from the SIB will be repaid.

Wetland Banking: Another potential use of the SIB is to finance the acquisition of large wetland mitigation sites. These sites would be acquired in anticipation of mitigation needs in the area. Often we are able to obtain sites that exceed the needs of any one project; however, other projects in the area may require the additional acreage. The NCDOT has developed a forecasting tool that helps determine the anticipated mitigation needs for the state for the next ten years. By doing this we hope to allow earlier acquisition of sites that will help minimize permitting delays for projects. The SIB would allow the sites to be purchased in anticipation of the need. The SIB would be repaid with project funds once the permitting requirements have been satisfied.

Revolving Right-of-Way Fund (second generation loans): Loans will be made to municipalities to allow them to make protective purchases on important future roadway corridors. North Carolina has an array of methods for right-of-way protection; however, we still have many occurrences where planned roadways are disrupted by uncontrolled development. What we are proposing is a revolving account that will allow cities to borrow to purchase property in identified roadway corridors before they can be developed and effectively close the corridors.

One of North Carolina's methods of protecting right-of-way is through the use of Roadway Corridor Official Maps. Both the State and municipalities may use this tool. Cities have been reluctant to incorporate this into their right-of-way protection schemes due to the fact of potential costs later on. Under North Carolina law property that is affected by Roadway Corridor Maps can only be delayed in their development plans by a period of three years. After this period the responsible entity (State or City) must either purchase the required right-of-way or allow the development to occur. Through the combined use of the Corridor Maps and the revolving fund, cities will be able to better protect future roadway corridors.

The cities will not be required to repay the loans until the project either enters the formal right-of-way acquisition phase or the project status changes (i.e. deleted from the state construction program or the city program). The city can repay the loan with project funds, either local, federal or state; or use other local funds such as impact fees. For any right-of-way that was purchased by the city that was not eventually used by the project, the city may use the proceeds from the subsequent sale of that property to repay the loan. Cities will not be allowed to profit from these transactions, all proceeds from the sale of these properties will revert back to the revolving fund.

Identification and Description of Projects

STIP project R-2576, construction of a bridge over the Currituck Sound from Coinjock to Corolla in Currituck County. North Carolina's northern Outer Banks are currently served by two bridges; the Wright Memorial Bridge in Kitty Hawk and the US 264 bridge in Manteo. However, with the continued development of the Corolla area demand for another bridge north of the Wright Memorial is growing. In light of the recent hurricanes to hit North Carolina's coast, the public is continuing to demand better evacuation routes. Construction of a new bridge could cut as much as an hour off of trips under normal conditions. The time savings would be magnified substantially for an evacuation. Due to the high cost of constructing the bridge, and the composition of the users of the facility, this bridge is to be a toll facility. Consistent with the concept that highways and bridges should be funded by the users, a toll facility is the most appropriate method of funding this bridge. Most of the people destined for the Corolla area are vacationers from out-of-state and do not pay a significant amount of gas tax during their stay in North Carolina.

The estimated cost to construct the bridge is \$80 million. The Draft Environmental Impact Statement is scheduled to be completed in January 1997. The Final EIS is scheduled to be completed in early 1999. Right-of-way acquisition can begin in late 1999, with construction to begin the following year. It is anticipated that a total of \$25 million will be needed to subsidize the toll revenue. The toll revenues should begin repaying the SIB in the tenth year of operation.

The current status of the Mid-Currituck Bridge project is for a production schedule to allow right-of-way acquisition to begin in FY 1999. This schedule is contingent on identifying a funding source. This facility is intended to be constructed as a toll facility; however, tolls will not support the bonds required to construct the bridge in the early years. The creation of the SIB will let toll revenues to be subsidized in these first years of operation. Through the use of the SIB the construction of this facility can be advanced several years. Without the SIB the bridge's schedule remains uncertain.

Several projects have been submitted to take advantage of the proposed Municipal loan program. Due to the short time frame to submit an application, North Carolina has not identified which of these will be funded. We anticipate that the demand for these loans will probably exceed the funds available.

The SIB can be used for the construction of the Greensboro Multi-Modal Transportation Center (MMTC). This project will be funded out of the transit account. The center is to be the central transfer facility for service to several modes of passenger transportation. The modes to utilize the facility include the city's fixed route bus service, ADA paratransit service, AMTRAK, and inter-city bus service.

The project has met with federal requirements for its construction. It is the number one priority on the transit portion of the Greater Greensboro Urban Area MPO's Transportation Improvement Program and is included in North Carolina's STIP. The City of Greensboro has pledged to secure funding of the project based on the promise of future grant funds (grant anticipation note). Greensboro has indicated that it would seek private financing of this project. However, the cost savings of obtaining financing through the SIB would allow Greensboro to complete subsequent phases of the project earlier than anticipated. The estimated cost of constructing phase one of this project is \$5.8 million.

Another potential project we are considering is corridor improvements to US 70 in Raleigh. A recent corridor study identified needed improvements to this congested stretch of roadway. That study also recommended that an overlay district be created to assess property owners for the improvements. The SIB would allow the improvements to be made initially with the revenues from the overlay district to repay the loan. This will allow the City to assess the property owners at a rate that is fair and also to make the improvements earlier.

Other projects under consideration are Arequipa Road in Charlotte and a multi-modal center in Durham. The Arequipa Road project will construct a new route, from Margaret Wallace Road to Sam Newell Road, with an estimated cost of \$6.0 million. This project and several others in Charlotte that could be constructed through the use of the SIB are being considered for a local bond scheduled for 2000. Use of the SIB would allow some of these projects to advance earlier. Charlotte receives over \$13 million annually from Powell Bill funds. The multi-modal center in Durham will be a new facility that will be the primary connection point for regional transit service with local bus service, intercity bus service and AMTRAK. The estimated cost for the project is \$8.2 million.

Other projects are under consideration and will be evaluated once the SIB has been created.

Status of Enabling Legislation

North Carolina currently has legislation allowing the support for the toll Authority for the Currituck Sound Bridge. Only a minor revision to North Carolina General Statutes is required to allow Powell Bill funds to guarantee municipal loans. North Carolina General Statutes allow the NCDOT to participate in federal transportation programs. Legislation will be proposed in the 1997 session to allow the state to operate the SIB on a continuing basis, and to allow the SIB to leverage state funds for the municipal loan program. The NCDOT has the authority to set-up the infrastructure bank currently. It can under present conditions receive and distribute federal and

state funds. It can make loans for transportation projects. However, modifications to the general statutes will be required to allow the SIB to operate at its peak efficiency. We anticipate that the evolving nature of the SIB will require fine tuning of the operating procedures of the SIB over a period of years.

SIB Leveraging

Initially the SIB will not leverage funds. However, after enabling legislation has been approved the NCDOT envisions leveraging funds to accommodate the anticipated demand for the municipal loan program.

Sources And Amounts Of Federal Funds That Will Be Used To Capitalize The SIB

The SIB will be capitalized with a combination of federal funds and the required state matching funds. The following is a possible schedule of funding the SIB Highway Account:

<u>Year</u>	<u>Historic Rates</u>	<u>Amount</u>	<u>Fed Share</u>	<u>State Share</u>
FY 1997	(15%)	\$7.1 mil	\$5.7 mil	\$1.4 mil
FY 1998	(53%)	\$25.0 mil	\$20.0 mil	\$5.0 mil
FY 1999	(16%)	\$7.7 mil	\$6.1 mil	\$1.6 mil
<u>FY 2000</u>	(16%)	<u>\$7.6 mil</u>	<u>\$6.1 mil</u>	<u>\$1.5 mil</u>
Total		\$47.4 mil	\$37.9 mil	\$9.5 mil

The Transit Account:

<u>Year</u>	<u>Historic Rates</u>	<u>Amount</u>	<u>Fed Share</u>	<u>State Share</u>
FY 1997	(15%)	\$0.75 mil	\$0.60 mil	\$0.15 mil
FY 1998	(53%)	\$2.65 mil	\$2.12 mil	\$0.53 mil
FY 1999	(16%)	\$0.80 mil	\$0.64 mil	\$0.16 mil
<u>FY 2000</u>	(16%)	<u>\$0.80 mil</u>	<u>\$0.64 mil</u>	<u>\$0.16 mil</u>
Total		\$5.00 mil	\$4.00 mil	\$1.00 mil

Proposed Institutional Framework For SIB

The SIB will be governed by the North Carolina Board of Transportation. The SIB will be managed as all other transportation programs are within the NCDOT. Funding and approval of projects to be supported by the SIB will be the responsibility of the Board of Transportation. Application for loans from the SIB will be on a competitive basis. Requests will be filled until funds are completely dispersed. The program will be monitored and reported in the same fashion as STIP projects. Project selection will be made by the Board of Transportation based on the recommendations from the Secretary of Transportation.

Repayment of loans will go into one account for both transit and highways (transportation account). Interest earned on the first generation accounts will be directed to the second generation transportation account. This account will then be available to make loans to or leverage funds for highway or transit projects. This fund will also be controlled by the Board of Transportation based on recommendations from the secretary.

Proposed Mechanisms And Internal Procedures To Monitor And/Or Track The Flow Of Federal Funds

The NCDOT will manage the SIB accounting functions through its existing fiscal system utilizing additional expertise from the Office of State Controller, State Treasurer, Office of State Budget, and Office of State Auditor. The Program Development Branch will monitor the SIB highway account, and report the account transactions and use of federal funds. The branch currently is responsible for our highway program. The transit account will be housed within the Public Transportation Department. Public Transportation will monitor and report on the SIB transit account in the same fashion that they administer the federal transit grant programs.

SIB Development Of Intermodal Projects

Initial project in Greensboro is a multi-modal center. The municipal loan program will emphasize intermodal connectors such as airport connectors or transit centers. A potential project in Charlotte is the development of bus lanes on Independence Boulevard. The city of Charlotte is responsible for the bus lanes construction and could use the SIB as a source of funds to construct their portion of the project.

Conclusion

The North Carolina Department of Transportation is very interested in the creation of an SIB. We realize that some of the details of the SIB structure are tentative at this time, but we are committed to completing the work necessary to have a SIB operational upon receipt of funds. Please take into consideration the unique opportunities for cooperation between the state, federal and local transportation programs that would be made available by this SIB. North Carolina has provided a program that when all of the details are refined can be an example for others states to emulate.

Potential Projects To Be Funded Through North Carolina's State Infrastructure Bank

Name: Multi-Modal Transportation Facility

Location: Durham, NC

Description: Multi-modal transportation facility that will include the city's main passenger transfer station. The following services will be accessed at the station:

- Triangle Transit Authority regional bus service
- Carolina Trailways inter-city bus station
- Amtrak passenger rail station
- taxicab station
- bicycle facilities (potential)

Project Cost: \$8,188,715 (total)

Funding Sources: Local (1996 Bonds), State, and Federal Funds

Status: 1996 Bonds approved; NCDOT amending STIP

Schedule:	Planning/Arch/Eng	on-going
	Land/ROW	to begin in FY 1997
	Construction	to begin in FY 1998

Benefits: Increased movement of people within and among various modes. Enhanced facilities. Consistency with various local plans.

Name: Multi-Modal Transportation and Community Center

Location: Greensboro, NC

Description: Renovation of Greensboro's "Old Train" Depot

- Greensboro Transit Authority passenger transfer station
- Greyhound/Trailways inter-city bus station
- Amtrak passenger rail station
- Carolina Model Railroaders (community group)
- Friends of the Depot (community functions)

Project Cost: \$16.7 million (total)

\$5.8 million Phase 1 (city responsibility)

\$1.2 million phase 1 (funding by others)

Funding Sources: Local, State, Federal Funds, and private participation.

Status: Planning completed

Schedule: Construction to begin on Phase 1 in FY 1998

Benefits: Increased movement of people within and among various modes. Enhanced facilities. Shared use facilities (transportation and community functions). Consistency with various local plans.

Name: Mid-Currituck Bridge (STIP Project R-2576)

Location: Coinjock to Corolla, Currituck County, NC

Description: New route of 17.8 miles length. New structure over Currituck Sound. Upgrade approaches.

Project Cost: \$82,000,000 (total)

Funding Sources: North Carolina Bridge Authority (tolls)

Status: Draft Environmental Impact Statement is nearing completion.

Schedule:	Planning	on-going; to be completed in FY 1998
	Right-of-Way	acquisition to begin in FY 1999
	Construction	to begin in FY 2000

Benefits: New access to Outer Banks in Corolla area. Reduced traffic congestion on US 158 Wright Memorial Bridge. Improved evacuation routes.

Name: US 70 Corridor Improvements

Location: Raleigh, North Carolina

Description: Upgrade congested arterial to include intersection improvements, removing access points, etc.

Project Cost: \$80.6 million (total)
\$34.4 million (west segment)
\$46.2 million (east segment)

Funding Sources: Surface Transportation Program, City funds, and Impact fees.

Status: Corridor study complete. Planning document has not begun. Project status is in question, depending on identification of an adequate funding source.

Schedule: To be determined

Benefits: US 70 is one of two primary route from Raleigh to Durham through Research Triangle Park. Continued congestion is straining both this route and the alternative route, I-40.

Name: Arequipa Road

Location: Charlotte, North Carolina

Description: Construct new two-lane facility from Margaret Wallace Road to Sam Newell Road.

Project Cost: \$6.0 million

Funding Sources: City Bond funds

Status: Environmental studies to begin later

Schedule: To be determined

Benefits: Arequipa Road is the highest priority on Charlottes City Improvement Program and is scheduled to be constructed using Bonds to be sold in 2000. Use of the SIB would allow other projects to be accelerated.

GENERAL ASSEMBLY OF NORTH CAROLINA - SENATE

SESSION 1997

S 884

APR 14 1997

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SENATE DRS2684-(4.10)

PRINCIPAL CLERK^D

Short Title: DOT Infrastructure Bank Program.

(Public)

Sponsors: Senators Rand, Shaw of Cumberland, and Weinstein.

Referred to:

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
25 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.

VISITOR REGISTRATION SHEET

Transportation
Name of Committee

April 16, 1997
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Ruth Sappie	NC DOT
* Jerry Arrowood	DMV Jerry Arrowood
Bob Bloem	NC Forestry Association
Bud W. Connor	Hedberg Kasper Co
Kenneth Taylor	Crescent Resources Inc.
Bill Holm	LENC / Seira LLC
Michelle Cook	Weyerhaeuser
Ann Case	DEHNR
Orney Page	
Grayson Kelley	AG - DOT
Denny Rogers	NC DOT
RE McMain Jr	Gorgia-Pacific Corp

North Carolina General Assembly
Senate Chamber

TRANSPORTATION COMMITTEE MEETING
APRIL 23, 1997
ROOM 1027, LB

CALL TO ORDER

SENATOR L. SHAW, CHAIRMAN

INTRODUCTIONS

BILLS TO BE CONSIDERED

HB53 82ND AIRBORNE DIV. PLATES REP. WARNER

HB55 PURPLE HEART SPECIAL PLATES REP. WARNER

HB463	FARM PRODUCTS WEIGHT EXEMPTION	REP. OWENS

SB625 SPEEDING ON SCHOOL GROUNDS SEN. PAGE

SB639 SHERIFF'S REGISTRATION PLATES-2 SEN. GULLEY

SUPPORT STAFF

SGT-AT-ARMS

HUBERT POOLE
STAN JOHNSON

PAGES

JOHN DAVENPORT of Clayton
Sponsored by Sen. Allen Wellons

KENDAWA' RUCKMAN of
Morganton
Sponsored by Sen. Basnight

ADJOURNMENT

MINUTES
SENATE COMMITTEE ON TRANSPORTATION
APRIL 23, 1997

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, April 23, 1997, in Room 1027 of the Legislative Building. Five members were present.

Senator Larry Shaw, Chairman, presided. The following bills were on the agenda for consideration:

HB 53 - 82nd Airborne Division Plates.
HB 55 - Purple Heart Special Plates.
HB 463 - Farm Products Weight Exemption.
SB 625 - Speeding on School Grounds.
SB 639 - Sheriff's Registration Plates-2.

Senator Shaw recognized Representative Warner, sponsor of HB 53, to explain the bill. Senator Carrington moved for a favorable report on the bill, the motion passed. Ruth Sappie of the Department of Transportation spoke without opposition on the bill. HB 53 was given a favorable report and re-referred to the Committee on Finance.

Representative Warner, sponsor, next explained HB 55. Upon a motion for favorable report by Senator Page, the committee passed the bill. HB 55 was given a favorable report and re-referred to the Committee on Finance.

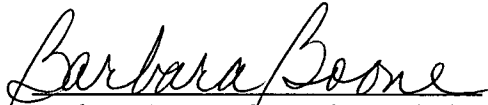
Senator Shaw next recognized Senator Gulley, sponsor, to explain SB 639. Upon a motion for favorable report by Senator Weinstein, SB 639 was given a favorable report and re-referred to the Committee on Finance.

Representative Owens, bill sponsor, was then recognized to explain HB 463. Ruth Sappie, DOT, requested two technical considerations. Senator Shaw introduced the amendment. Captain Gordon Ziegler, DMV Enforcement Section, explained the technical changes for consideration. Discussion followed. Committee Counsel cited General Statute 20-96 as already covering the issue of weights and stated that HB 463 does not affect them. Senator Shaw put the motion for adoption of the amendment before the committee. The proposed amendment failed. Senator Weinstein moved for a favorable report on the bill as presented. The motion passed. HB 463 was given a favorable report and referred to the Committee on Finance.

Senator Shaw recognized Senator Page, sponsor for SB 625, to explain the bill. Senator Weinstein moved for adoption of the committee substitute for SB 625. Upon a motion for favorable report, the committee concurring, SB 625 was given an unfavorable report as to bill, but favorable as to committee substitute bill.

There being no further business for this committee, Senator Shaw adjourned the meeting at 11:45 a.m.


Senator Larry Shaw, Chairman


Barbara Boone, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Thursday, April 24, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B.	625	Speeding On School Grounds	
		Draft Number:	PCS1784
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Wednesday, April 23, 1997

SENATOR SHAW,
submits the following with recommendations as to passage:

FAVORABLE

H.B.	53	82nd Airborne Division Plates	
		Sequential Referral:	Finance
		Recommended Referral:	None

H.B.(CS)	55	Purple Heart/Silver Star Plates	
		Sequential Referral:	Appropriations
		Recommended Referral:	Finance

H.B.(CS)	463	Farm Products Weight Exemption	
		Sequential Referral:	None
		Recommended Referral:	Finance

S.B.	639	Sheriff's Registration Plates-2	
		Sequential Referral:	Finance
		Recommended Referral:	None

TOTAL REPORTED: 4

Committee Clerk Comment:



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 23, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 53 82nd Airborne Division Plates

House Bill 53 authorizes the Division of Motor Vehicles, after receipt of 500 applications, to issue an 82nd Airborne Division Association license plate to members of the Association. The plate would cost \$10, plus the regular registration fee.

House Bill 53 would become effective when it becomes

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 53

Short Title: 82nd Airborne Division Plates.

(Public)

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

Referred to: Transportation, if favorable, Finance.

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(a) is amended by adding a new subdivision that
7 reads:
8 "(9a) 82nd Airborne Division Association Member. -- Issuable to a
9 member of the 82nd Airborne Division Association. 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 500 applications for the
13 plate."
14 Section 2. This act is effective when it becomes law.



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Ernie W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

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Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 23, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 55 Purple Heart/Silver Star Plates
Third Edition

House Bill 55:

- authorizes the Division of Motor Vehicles to issue Purple Heart license plates to surviving spouses of purple heart recipients,
- eliminates the additional \$10.00 for a Purple Heart plate; and
- authorizes DMV to issue a special plate to a Silver Star recipient.

House Bill 55 would become 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
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Ernest W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

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Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

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Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 23, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 463 Farm Products Weight Exemption
Second Edition

House Bill 463 increases the permissible weight of vehicles hauling agricultural crops from farm to market, and within 35 miles of the farm, from 88,000 lbs. to 90,000 lbs.

House Bill 463 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 463
Committee Substitute Favorable 4/2/97

Short Title: Farm Products Weight Exemption.

(Public)

Sponsors:

Referred to:

March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PERMISSIBLE WEIGHT OF AGRICULTURAL CROPS THAT MAY BE TRANSPORTED ON THE HIGHWAYS FROM THE FIELD TO LOCAL MARKETS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-118(c)(12) reads as rewritten:

"(12) Subsections (b) and (e) of this section do not apply to a vehicle that ~~meets one of the following descriptions;~~ (i) is hauling agricultural crops from the farm where they were grown to first market, (ii) is within 35 miles of that farm, (iii) does not operate on an interstate highway or posted bridge while hauling the crops, ~~and does not exceed its registered weight;~~ and meets one of the following descriptions:

- a. Is a five-axle combination with a gross weight of no more than ~~88,000~~ 90,000 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

1 single-axle weight of no more than 22,000 pounds, and a
2 tandem-axle weight of no more than 42,000 pounds."
3 Section 2. This act is effective when it becomes law.



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
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Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 23, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 625 Speeding on School Grounds
Introduced by Senator Page

Under current law, *posted speed limits* can only be enforced on *public streets and highways* (G.S. 20-141). Only one speeding offense, "driving greater than is reasonable and prudent under the conditions" [G.S. 20-141(a)], is enforceable on public streets and highways *and* in "public vehicular areas," which include school driveways and parking lots.

Senate Bill 625 authorizes cities and counties, by ordinance, to make speeding in excess of a *posted speed limit* on the grounds of a public or private school an infraction, punishable by a penalty of up to \$100.

Senate Bill 625 would become effective December 1, 1997, and apply to offenses occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

S

1

SENATE BILL 625

Short Title: Speeding on School Grounds.

(Public)

Sponsors: Senators Page; Albertson, Ballantine, Cochrane, East, Forrester, Foxx,
Garwood, Hoyle, and Lucas.

Referred to: Transportation.

April 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON
3 SCHOOL GROUNDS AN INFRACTION.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-141(e) reads as rewritten:
6 (e) Local authorities, in their respective jurisdictions, may authorize by ordinance
7 higher speeds or lower speeds than those set out in subsection (b) upon all streets
8 which are not part of the State highway ~~system~~; system or upon a public vehicular
9 area on the grounds of a public or private school; but no speed so fixed shall
10 authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this
11 subsection shall be effective when appropriate signs giving notice thereof are erected
12 upon the part of the streets or public vehicular area affected."
13 Section 2. This act becomes effective December 1, 1997, and applies to
14 offenses occurring on or after that date.



North Carolina General Assembly Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

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Suite 401, LOB
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Raleigh, NC 27603-5925
(919) 733-4910

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Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 23, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 639 Sheriffs' Registration Plates
Introduced by Senator Gulley; and others

Senate Bill 639 authorizes the Division of Motor Vehicles to issue a special license plate to current sheriffs, and any retired sheriff who served for 10 or more years. The fee for the plate would be the regular registration fee, plus an additional fee of \$10.

Senate Bill 639 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 639

Short Title: Sheriff's Registration Plate.

(Public)

Sponsors: Senators Gulley; Allran, Ballance, Ballantine, Blust, Carpenter, Carrington, Cochrane, Dalton, Dannelly, Foxx, Garwood, Horton, Hoyle, Jenkins, Kinnaid, Ledbetter, Lee, Lucas, Martin of Pitt, McDaniel, Miller, Perdue, Phillips, Rand, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Weinstein, and Wellons.

Referred to: Transportation.

April 1, 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 to
6 read:
7 "(22a1) Sheriff. -- Issuable to a current sheriff or a retired sheriff, if
8 the retired sheriff served as sheriff for 10 or more years. 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 who served as sheriff for 10 or more years shall bear the
13 words 'Sheriff, Retired', the letter 'S' followed by a number
14 that indicates the county the sheriff served, and the letter
15 'X' indicating the sheriff's retired status."
16 Section 2. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

*Transportation**April 23, 1997*

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

*Lois Creed**NCDMV**Uch Reg 1100 New Bern**Bridon Jr. Ziegler**NE PMV**Enforcement Sect Raleigh**Ruth Soppi**NC DOT*



North Carolina General Assembly
Senate Chamber

TRANSPORTATION COMMITTEE MEETING
APRIL 30, 1997
ROOM 1027, LB

CALL TO ORDER SENATOR L. SHAW, CHAIRMAN

INTRODUCTIONS

BILLS TO BE CONSIDERED

SB 1059	Dealer Plate For Business Only	Sen. Kerr
SB 1000	Hearings On TIP Changes	Sen. Kinnaird
SB 931	Truckload Flag/Light Colors-2	Sen. Dalton
SB 894	MV Fees From Dealers	Sen. Lee
SB 1070	Transfer I/M Program To DEHNR	Sen. Kinnaird
SB 886	Trucking Adjustment Act of 1997	Sen. Jordan

SUPPORT STAFF

SGT-AT-ARMS

HUBERT POOLE
STAN JOHNSON

PAGE

RUTH KROON of Raleigh
Sponsored by Sen. Reeves

ADJOURNMENT



MINUTES
SENATE COMMITTEE ON TRANSPORTATION
APRIL 30, 1997

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, April 30, 1997, in Room 1027 of the Legislative Building. Ten members were present.

Senator Shaw, Chairman, presided. The following bills were on the agenda for consideration:

- SB 1059 - Dealer Plate For Business Only.
- SB 1000 - Hearings On TIP Changes.
- SB 931 - Truckload Flag/Light Colors-2.
- SB 894 - MV Fees From Dealers.
- SB 1070 - Transfer I/M Program To DEHNR.
- SB 886 - Trucking Adjustment Act of 1997.

Senator Shaw recognized Senator Kinnaird, sponsor of SB 1070, to explain the bill. Commissioner Janice Faulkner and Paul Roberts of the DMV spoke in opposition to the bill. Bill Holman of the Sierra Club and Conservation Council, spoke in support of the bill. Discussion followed. Upon a motion from Senator Odom, SB 1070 will be held in committee until further notice.

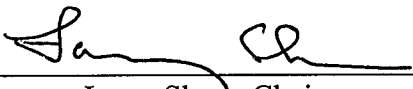
Senator Shaw then recognized Senator Kerr, sponsor of SB 1059, to explain the bill. Mr. Jerry Arrowood of the DMV, and Roger Bone, representing the Automobile Dealers Association, spoke in support of the bill. Upon a motion by Senator Martin, SB 1059 was given an unfavorable as to bill but favorable as to committee substitute bill report.

Next, Senator Shaw recognized Senator Lee to explain SB 894. Upon a motion by Senator Page and seconded by Senator Weinstein, SB 894 was given a favorable report.

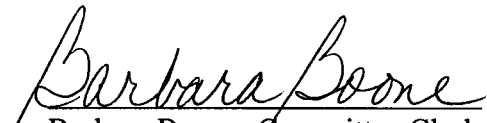
Senator Shaw then recognized Senator Dalton to explain SB 931. Upon a motion by Senator Lee and seconded by Senator Weinstein, SB 931 was given a favorable report.

Next, Senator Shaw recognized Senator Kinnard's bill, SB 1000 for explanation. Due to her absence, SB 1000 will be held in committee until further notice.

There being no further business, upon a motion by Senator Martin, the meeting was adjourned.



Senator Larry Shaw, Chairman



Barbara Boone, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Wednesday, April 30, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	894	MV Fees From Dealers	
		Sequential Referral:	None
		Recommended Referral:	None

S.B.	931	Truckload Flag/Light Colors-2	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 2

Committee Clerk Comment:

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Wednesday, April 30, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 1059	Dealer Plate For Business Only
	Draft Number: PCS 8695
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: Yes

TOTAL REPORTED: 1

Committee Clerk Comment:



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Ernie W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

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Suite 401, LOB
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Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
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Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

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Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 30, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 886 Trucking Adjustment Act of 1997
Introduced by Senator Jordan; and Martin of Guilford

Senate Bill 886 would make changes to several statutes affecting the trucking industry, as follows:

Sections 1, 2, and 3 would exempt Class A and Class B commercial motor vehicles titled on or after the effective date of the bill from the highway use tax. Under current law, these vehicles pay up to \$1,000 highway use tax.

Section 4 would increase the registration fee for property hauling vehicles over 17,000 lbs. from \$1.20/100 lbs. to \$1.30/100 lbs.

Section 5 would eliminate what is commonly referred to as "weight penalty stacking." Current law requires vehicles to comply with single-axle, tandem-axle, and axle-group weight limits. If a vehicle exceeds any of these limits, a penalty is assessed for each violation. This section of the bill would provide that any penalty assessed could not exceed the penalty for the highest axle-group weight that exceeded the allowable limit.

Section 6 would authorize DMV to issue permanent truck and truck-tractor plates.

Section 7 would exempt all forest products from any light traffic road weight limitations imposed by DOT.

Section 8 would clarify the allowable lengths for vehicles with multiple axles.

Section 9 would direct DMV to study a staggered registration system for commercial vehicles under the International Registration Plan.

Section 10 would increase the penalty for operation of a commercial vehicle without proper registration or insurance from \$75 to \$1000.

Senate Bill 886 would become effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

S

1

SENATE BILL 886*

Short Title: Trucking Adjustment Act of 1997.

(Public)

Sponsors: Senators Jordan; and Martin of Guilford.

Referred to: Transportation.

April 16, 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:
18 (1) To the insurer of the motor vehicle under G.S. 20-109.1 because
19 the vehicle is a salvage vehicle.
20 (2) To either a manufacturer, as defined in G.S. 20-286, or a motor
21 vehicle retailer for the purpose of resale.
22 (3) To the same owner to reflect a change or correction in the owner's
23 name.
24 (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~~ 1.30

(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.

- 1 (3) License plates issued at the farmer rate shall be placed upon trucks
2 and truck-tractors that are operated exclusively in the carrying or
3 transportation of applicant's farm products, raised or produced on
4 his farm, and farm supplies and not operated in hauling for hire.
- 5 (4) 'Farm products' means any food crop, livestock, poultry, dairy
6 products, flower bulbs, or other nursery products and other
7 agricultural products designed to be used for food purposes,
8 including in the term 'farm products' also cotton, tobacco, logs,
9 bark, pulpwood, tannic acid wood and other forest products
10 grown, produced, or processed by the farmer.
- 11 (5) The Division shall issue necessary rules and regulations providing
12 for the recall, transfer, exchange or cancellation of 'farmer' plates,
13 when vehicle bearing such plates shall be sold or transferred.
- 14 (5a) Notwithstanding any other provision of this Chapter, license plates
15 issued pursuant to this subsection at the farmer rate may be
16 purchased for any three-month period at one fourth of the annual
17 fee.
- 18 (6) There shall be paid to the Division annually as of the first of
19 January, the following fees for 'wreckers' as defined under G.S. 20-
20 4.01(50): a wrecker fully equipped weighing 7,000 pounds or less,
21 seventy-five dollars (\$75.00); wreckers weighing in excess of 7,000
22 pounds shall pay one hundred forty-eight dollars (\$148.00). Fees to
23 be prorated quarterly. Provided, further, that nothing herein shall
24 prohibit a licensed dealer from using a dealer's license plate to tow
25 a vehicle for a customer."

26 Section 5. G.S. 20-118(e) reads as rewritten:

27 "(e) Penalties. --

- 28 (1) Except as provided in subdivision (2) of this subsection, for each
29 violation of the single-axle or tandem-axle weight limits set in
30 subdivision (b)(1), (b)(2), or (b)(4) of this section, the Department
31 of Transportation shall assess a civil penalty against the owner or
32 registrant of the vehicle in accordance with the following schedule:
33 for the first 1,000 pounds or any part thereof, four cents (4¢) per
34 pound; for the next 1,000 pounds or any part thereof, six cents (6¢)
35 per pound; and for each additional pound, ten cents (10¢) per
36 pound. ~~These penalties apply separately to each weight limit~~
37 ~~violated. In all cases of violation of the weight limitation, the~~
38 ~~penalty shall be computed and assessed on each pound of weight~~
39 ~~in excess of the maximum permitted. The penalty may not exceed~~
40 the amount computed on the highest axle-group weight that
41 exceeds the allowable limit.
- 42 (2) The penalty for a violation of the single-axle or tandem-axle weight
43 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.
- 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 8. G.S. 20-116(d) reads as rewritten:

"(d) A single vehicle having two or more axles shall not exceed ~~35 feet in length~~ the following lengths of extreme overall 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>

Provided, however, a bus or motor home with two axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers. ~~A single vehicle having three axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.~~ Provided, further, trucks transporting unprocessed cotton from farm to gin shall not exceed 48 feet in length overall of dimensions inclusive of front and rear bumpers. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes."

Section 9. The Division of Motor Vehicles shall study the feasibility of establishing a staggered registration system for commercial motor vehicles under the International Registration Plan (IRP). The registration plan shall be coordinated with other states which currently stagger IRP registrations to eliminate, insofar as possible, multiple application dates for the same carrier. The registration plan shall provide for a smooth transition to the staggered system providing for credits and partial fees, as needed. The Division shall report the results of this study along with any legislation to implement the staggered registration system to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division by April 1, 1998.

Section 10. 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 (1) Operates a for-hire motor vehicle in this State without registering
2 its operations, as required by this Part.

3 (2) Operates a for-hire motor vehicle in interstate commerce in this
4 State that does not carry a copy of either an insurance registration
5 receipt issued to the motor carrier or a cab card with an
6 identification stamp issued for the vehicle, as required by G.S. 20-
7 382.

8 (3) Operates a for-hire motor vehicle in intrastate commerce in this
9 State for which it has not verified it has insurance, as required by
10 G.S. 20-382.1.

11 (b) Payment. -- When the Division finds that a for-hire motor vehicle is operated
12 in this State in violation of the registration and insurance verification requirements of
13 this Part, the motor vehicle may not be driven for a purpose other than to park the
14 motor vehicle until the penalty imposed under this section is paid unless the officer
15 that imposes the penalty determines that operation of the motor vehicle will not
16 jeopardize collection of the penalty. A motor carrier that denies liability for a penalty
17 imposed under this section may pay the penalty under protest and apply to the
18 Division for a hearing.

19 (c) Hearing. -- Upon receiving a request for a hearing, the Commissioner ~~must~~
20 shall schedule a hearing within 30 days after receipt of the request. If after the
21 hearing the Commissioner determines that the motor carrier was not liable for the
22 penalty, the amount collected ~~must~~ shall be refunded. If after the hearing the
23 Commissioner determines that the motor carrier was liable for the penalty, the motor
24 carrier may bring an action in the Superior Court of Wake County against the
25 Division for refund of the penalty. A court of this State may not issue a restraining
26 order or an injunction to restrain or enjoin the collection of the penalty or to permit
27 the operation of the vehicle without payment of the penalty.

28 (d) Proceeds. -- A penalty imposed under this section is payable to the Division.
29 Penalties collected under this section shall be credited to the Highway Fund as
30 nontax revenue."

31 Section 11. This act becomes effective October 1, 1997.



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 30, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 894 MV Fees From Dealers
Introduced by Senator Lee

Senate Bill 894 rewrites the statute governing issuance of temporary registration plates by dealers.

Specifically, the bill would require dealers to mail or deliver any registration application forms and fees they receive to DMV or the local tag agent *within 10 days*. Other changes evident in the bill simply rearrange and clarify existing law.

Senate Bill 894 would become 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~~, 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.



North Carolina General Assembly
Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 30, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 931 Optional Flag and Light Colors for Trucks
Introduced by Senator Dalton

Current law requires loads that extend more than four feet beyond the bed or body of a vehicle to be marked with a *red* flag during day, and a *red* light at night.

Senate Bill 931 would allow *orange* flags or *amber* lights in the same situations.

Senate Bill 931 would become effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 931

Short Title: Optional Flag and Light Colors for Trucks.

(Public)

Sponsors: Senator Dalton.

Referred to: Transportation.

April 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR OPTIONS IN FLAG AND LIGHT COLORS FOR
3 EXTENDED TRUCK LOADS.

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 becomes effective October 1, 1997, and applies to acts
15 occurring on or after that date.



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
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Suite 401, LOB
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Raleigh, NC 27603-5925
(919) 733-6660

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Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 30, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 1000 Hearing on TIP changes
Introduced by Senator Kinnaird; and others

Senate Bill 1000 would require DOT to give 45 days notice to any affected local government, and an opportunity for public review and comment, if a change is made in the annual Transportation Improvement Program involving a project of \$800,000 or more.

Senate Bill 1000 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1000

Short Title: Hearings on TIP Changes.

(Public)

Sponsors: Senators Kinnaird; Blust, Foxx, Horton, Jenkins, Lucas, and Miller.

Referred to: Transportation.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO GIVE
3 PUBLIC NOTICE AND FOLLOW OTHER PROCEDURES ON ALL MAJOR
4 ROAD PROJECTS BEFORE THEY ARE ADDED TO, REMOVED FROM, OR
5 MODIFIED ON THE TRANSPORTATION IMPROVEMENT PROGRAM
6 ADOPTED BY THE BOARD OF TRANSPORTATION.
7 The General Assembly of North Carolina enacts:
8 Section 1. G.S. 143B-350(f)(4) reads as rewritten:
9 "(4) To approve a schedule of all major transportation improvement
10 projects and their anticipated cost for a period of seven years into
11 the future. This schedule is designated the Transportation
12 Improvement Program; it ~~must~~ shall be published and copies ~~must~~
13 shall be available for distribution. The document that contains the
14 Transportation Improvement Program, or a separate document that
15 is published at the same time as the Transportation Improvement
16 Program, ~~must~~ shall include the anticipated funding sources for the
17 improvement projects included in the Program, a list of any
18 changes made from the previous year's Program, and the reasons
19 for the ~~changes;~~ changes.
20 Once an annual Transportation Improvement Program is
21 published, the Department of Transportation shall give 45 days
22 written notice to the affected local government and an opportunity
23 for public review and comment before adopting any change to that
24 Transportation Improvement Program involving a project with an

estimated cost of eight hundred thousand dollars (\$800,000) or more. The Department shall state the reason for the change and the source of funds to pay for the project in the notice. Upon a request from the local government, the Department of Transportation shall hold a public hearing on the proposed change."

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



North Carolina General Assembly
Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
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Raleigh, NC 27603-5925
(919) 733-6660

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300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

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Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April, 30, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 1059 Dealer Plate for Business Only
Introduced by Senator Kerr

Senate Bill 1059 would amend the dealer plate law to:

--require dealer plates to be attached to a vehicle in a way that makes the plate readily removable, and prohibit attachment of the plate with screws; and

--only allow a person to drive a vehicle with a dealer plate if the person carries a demonstration permit, is an officer of the dealer and is driving on a business purpose, or is an employee of the dealer and is driving in the course of employment.

Senate Bill 1059 would become effective July 1, 1997

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1059*

Short Title: Dealer Plate For Business Only.

(Public)

Sponsors: Senator Kerr.

Referred to: Transportation.

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:

17		
18	<u>Vehicles Sold In Relevant</u>	<u>Maximum Number of Plates</u>
19	<u>12-Month Period</u>	
20	Fewer than 12	1
21	At least 12 but less than 25	4
22	At least 25 but less than 37	5
23	At least 37 but less than 49	6

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.



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 30, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: Senate Bill 1070 Transfer I/M program to DEHNR
Introduced by Senator Kinnaired

Senate Bill 1070 would transfer the emissions inspection program, currently administered by the Division of Motor Vehicles, to the Department of Environment, Health, and Natural Resources.

The bill would reallocate, but not increase, the fees collected from safety and emissions inspections to account for the separation of the two programs.

The bill would eliminate forty positions devoted to the emissions inspection program in DMV, and establishes thirty positions in DEHNR to administer the emissions inspection program.

Senate Bill 1070 would become effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

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SENATE BILL 1070

Short Title: Transfer I/M program to DEHNR.

(Public)

Sponsors: Senator Kinnaird.

Referred to: Transportation.

April 21, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO TRANSFER THE MOTOR VEHICLE EMISSIONS INSPECTION
3 PROGRAM FROM THE DIVISION OF MOTOR VEHICLES OF THE
4 DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF
5 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.
6 The General Assembly of North Carolina enacts:
7 Section 1. Part 2 of Article 3A of Chapter 20 of the General Statutes is
8 amended by adding a new section to read:
9 "§ 20-183.1A. Administration of safety inspection program and emissions inspection
10 program; definitions.
11 (a) Administration. -- The Division administers the safety inspection program
12 established by this Part. The Department of Environment, Health, and Natural
13 Resources administers the emissions inspection program established by this Part.
14 (b) In addition to the definitions in G.S. 20-4.01, the following definitions apply in
15 this Part:
16 (1) DEHNR. -- The Department of Environment, Health, and Natural
17 Resources.
18 (2) Reserved for future codification purposes."
19 Section 2. G.S. 20-183.4A reads as rewritten:
20 "§ 20-183.4A. License required to perform emissions inspection; qualifications for
21 license.
22 (a) License Required. -- An emissions inspection must be performed by one of the
23 following methods:

1 (1) At a station that has an emissions inspection station license issued
2 by ~~the Division~~ DEHNR and by a mechanic who is employed by
3 the station and has an emissions inspection mechanic license issued
4 by ~~the Division~~ DEHNR.

5 (2) At a place of business of a person who has an emissions
6 self-inspector license issued by ~~the Division~~ DEHNR and by an
7 individual who has an emissions inspection mechanic license.

8 (b) Station Qualifications. -- An applicant for a license as an emissions inspection
9 station must meet all of the following requirements:

10 (1) Have a license as a safety inspection station.

11 (2) Have an emissions analyzer approved by the Environmental
12 Management Commission.

13 (3) Have equipment to transfer information on emissions inspections
14 to ~~the Division~~ DEHNR by electronic means.

15 (4) Regularly employ at least one mechanic who has an emissions
16 inspection mechanic license.

17 (c) Mechanic Qualifications. -- An applicant for a license as an emissions
18 inspection mechanic must meet all of the following requirements:

19 (1) Have a license as a safety inspection mechanic.

20 (2) Have successfully completed an eight-hour course approved by ~~the~~
21 ~~Division~~ DEHNR that teaches students about the causes and effects
22 of the air pollution problem, the purpose of the emissions
23 inspection program, the vehicle emission standards established by
24 the federal Environmental Protection Agency, the emission control
25 devices on vehicles, how to conduct an emissions inspection using
26 an emissions analyzer approved by the Environmental Management
27 Commission, and any other topic required by 40 C.F.R. § 51.367 to
28 be included in the course. Successful completion requires a passing
29 score on a written test and on a hands-on test in which the student
30 is required to conduct an emissions inspection of a motor vehicle.

31 (d) Self-Inspector Qualifications. -- An applicant for a license as an emissions
32 self-inspector must meet all of the following requirements:

33 (1) Have a license as a safety self-inspector.

34 (2) Operate a fleet of at least 10 vehicles that are subject to an
35 emissions inspection.

36 (3) Have, or have a contract with a person who has, an emissions
37 analyzer approved by the Environmental Management
38 Commission.

39 (4) Regularly employ or contract with an individual who has an
40 emissions inspection mechanic license and who will perform an
41 emissions inspection on the vehicles that are part of the
42 self-inspector's fleet."

43 Section 3. G.S. 20-183.4B reads as rewritten:

1 "§ 20-183.4B. Application for license; duration of license; renewal of mechanic
2 license.

3 (a) Application. -- An applicant for a license issued under this Part must complete
4 an application form provided by the ~~Division~~ agency that issues the license. The
5 application must contain the applicant's name and address and any other information
6 needed by the ~~Division~~ agency to determine whether the applicant is qualified for the
7 license. The ~~Division~~ agency must review an application for a license to determine if
8 the applicant qualifies for the license. If the applicant meets the qualifications, the
9 ~~Division~~ agency must issue the license. If the applicant does not meet the
10 qualifications, the ~~Division~~ agency must deny the application and notify the applicant
11 in writing of the reason for the denial.

12 (b) Duration of License. -- A safety inspection mechanic license expires four years
13 after the date it is issued. An emissions mechanic inspection license expires two years
14 after the date it is issued. A safety inspection station license, an emissions inspection
15 station license, and a self-inspector license are effective until surrendered by the
16 license holder or suspended or revoked by the ~~Division~~ agency that issued the
17 license.

18 (c) Renewal of Mechanic License. -- A safety or an emissions inspection mechanic
19 may apply to renew a license by filing an application with the ~~Division~~ agency that
20 issues the license on a form provided by the ~~Division~~ that agency. To renew an
21 emissions inspection mechanic license, an applicant must have successfully
22 completed a four-hour emissions refresher course approved by the ~~Division~~ DEHNR
23 within nine months of applying for renewal. Successful completion requires a passing
24 score on a written test and on a hands-on test in which the student is required to
25 conduct an emissions inspection of a motor vehicle."

26 Section 4. G.S. 20-183.5 reads as rewritten:

27 "§ 20-183.5. When a vehicle that fails an emissions inspection may obtain a waiver
28 from the inspection requirement.

29 (a) Requirements. -- ~~The Division~~ DEHNR may issue a waiver for a vehicle that
30 meets all of the following requirements:

- 31 (1) Fails an emissions inspection because it passes the visual inspection
32 part of the inspection but fails the exhaust emissions analysis part
33 of the inspection.
- 34 (2) Has documented repairs costing at least the waiver amount made
35 to the vehicle to correct the cause of the failure. The waiver
36 amount is seventy-five dollars (\$75.00) if the vehicle is a pre-1981
37 model and is two hundred dollars (\$200.00) if the vehicle is a 1981
38 or newer model.
- 39 (3) Is reinspected and again fails the inspection because it passes the
40 visual inspection part of the inspection but fails the exhaust
41 emissions analysis part of the inspection.
- 42 (4) Meets any other waiver criteria required by 40 C.F.R. § 51.360.

43 (b) Procedure. -- To obtain a waiver, a person must contact a local ~~enforcement~~
44 office of the ~~Division~~ DEHNR or a designated agent of DEHNR. Before issuing a

1 waiver, an employee or agent of ~~the Division~~ DEHNR must review the inspection
2 receipts issued for the inspections of the vehicle, review the documents establishing
3 what repairs were made to the vehicle and at what cost, review any statement
4 denying warranty coverage of the repairs made, and do a visual inspection of the
5 vehicle, if appropriate, to determine if the documented repairs were made. ~~The~~
6 ~~Division~~ DEHNR or its agent must issue a waiver if it determines that the vehicle
7 qualifies for a waiver. A person to whom a waiver is issued must present the waiver
8 to the self-inspector or inspection station performing the inspection to obtain an
9 inspection sticker.

10 (c) Repairs. -- The following repairs and their costs cannot be considered in
11 determining whether the cost of repairs made to a vehicle equals or exceeds the
12 waiver amount:

- 13 (1) Repairs covered by a warranty that applies to the vehicle.
- 14 (2) Repairs needed as a result of tampering with an emission control
15 device of the vehicle.
- 16 (3) If the vehicle is a 1981 or newer model, repairs made by an
17 individual who is not engaged in the business of repairing vehicles.

18 (d) Sticker Expiration. -- An inspection sticker put on a vehicle after the vehicle
19 receives a waiver from the requirement of passing the emissions inspection expires at
20 the same time it would if the vehicle had passed the emissions inspection."

21 Section 5. G.S. 20-183.6, as amended by Senate Bill 260 of the 1997
22 General Assembly, reads as rewritten:

23 "**§ 20-183.6. Businesses that replace windshields must register with Division to get**
24 **inspection stickers.**

25 A person who is engaged in the business of replacing windshields on vehicles that
26 are subject to inspection under this Part may register with the Division and DEHNR
27 to obtain replacement inspection stickers for use on replaced windshields. A
28 replacement inspection sticker put on a windshield that has been replaced must
29 contain the same information and expire at the same time as the inspection sticker it
30 replaces. A person who puts a replacement inspection sticker on a replaced
31 windshield must remove the inspection sticker from the windshield that was replaced,
32 attach the removed inspection sticker to a copy of the statement given the vehicle
33 owner for replacing the windshield, and keep that copy of the statement until 18
34 months after the sticker was removed.

35 A person registered under this section must keep records of replacement stickers
36 put on replaced windshields and must be able to account for all inspection stickers
37 received from the ~~Division~~ Division or DEHNR. ~~The Division~~ Either agency may
38 suspend or revoke the registration of a person under this section if the person fails to
39 keep records required by ~~the Division~~ it or is unable to account for inspection
40 stickers received from the ~~Division~~ it. An auditor of ~~the Division~~ either agency may
41 review the records of a person registered under this section during normal business
42 hours.

43 A person who is registered under this section and has a safety inspection station
44 license or an emissions inspection station license must keep the records of the

1 inspection stickers used on replaced windshields separate from the records of the
2 inspection stickers used on vehicles inspected. A person who is registered under this
3 section and has an inspection station license may not inspect a vehicle whose
4 windshield is being replaced unless the inspection sticker on the windshield has
5 expired or expires at the end of the month in which the windshield is being replaced
6 and the person has the vehicle owner's permission to inspect the vehicle."

7 Section 6. G.S. 20-183.6A reads as rewritten:

8 "**§ 20-183.6A. Administration of Duties of agency administering inspection program;**
9 **duties of license holders.**

10 (a) Division. -- ~~The Division is responsible for administering the safety inspection~~
11 ~~and the emissions inspection programs. In exercising this responsibility, the Division~~
12 administering the safety inspection program or the emissions inspection program, the
13 Division and DEHNR must:

- 14 (1) Conduct performance audits, record audits, and equipment audits
15 of those licensed to perform inspections to ensure that inspections
16 are performed properly.
- 17 (2) Ensure that ~~Division personnel~~ those who audit license holders are
18 knowledgeable about audit procedures and about the requirements
19 of both the safety inspection and the emissions inspection
20 programs.
- 21 (3) Perform an emissions inspection on a vehicle when requested to do
22 so by a vehicle owner so the owner can compare the result of the
23 inspection performed by the Division agency with the result of an
24 inspection performed at an emissions inspection station.
- 25 (4) Investigate complaints about a person licensed to perform
26 inspections and reports of irregularities in performing inspections.
- 27 (5) Establish written procedures for the issuance of inspection stickers
28 to persons licensed to perform inspections.
- 29 (6) Submit information and reports to the federal Environmental
30 Protection Agency as required by 40 C.F.R. Part 51.

31 (b) License Holders. -- A person who is licensed by the Division under this Part
32 must post the license at the place required by the Division issuing agency and must
33 keep a record of inspections performed. The inspection record must identify the
34 vehicle that was inspected, indicate the type of inspection performed and the date of
35 inspection, and contain any other information required by the Division agency that
36 administers the inspection program. A self-inspector or an inspection station must
37 send its records of inspections to the Division agency that administers the inspection
38 program in the form and at the time required by the Division that agency. An
39 auditor or agent of the Division or DEHNR may review the inspection records of a
40 person licensed by ~~the Division~~ it under this Part during normal business hours."

41 Section 7. G.S. 20-183.7, as amended by Senate Bill 260 of the 1997
42 General Assembly, reads as rewritten:

43 "**§ 20-183.7. Fees for performing an inspection and putting an inspection sticker on a**
44 **vehicle; use of civil penalties.**

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

Type	Inspection	Sticker
~~Safety Only, Safety Without~~ After-Factory Tinted Window	\$ 8.25	~~\$1.00~~ \$.50
~~Safety Only, Safety With After-~~ Factory Tinted Window	18.25	~~1.00~~ .50
~~Emissions and Safety, Without~~ ~~After-Factory Tinted Window~~	~~17.00~~ 8.75	~~2.40~~ 1.90.
~~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~~ agency that administers the inspection program. 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 Division of Air Quality of the Department of Environment, Health, and Natural Resources:

<u>Recipient</u>	<u>Safety Only</u> <u>Sticker</u>	<u>Emissions and</u> <u>Safety Sticker</u>
Highway Fund	~~.75~~ .25	.00
Emissions Program Account	.00	1.80
Volunteer Rescue/EMS Fund	.15	~~.15~~ .00
Rescue Squad Workers' Relief Fund	.10	~~.10~~ .00
Division of Air Quality	.00	~~.35~~ .10.

(d) Account. -- The Emissions Program Account is created as a nonreverting account within ~~the Highway Fund~~ DEHNR. ~~The Division~~ DEHNR shall administer

1 the Account. Revenue in the Account may be used only to fund the vehicle emissions
2 inspection and maintenance program.

3 (e) Civil Penalties. -- Civil penalties collected under the safety inspection program
4 in this Part shall be credited to the Highway Fund as nontax revenue. Civil penalties
5 collected under the emissions inspection program in this Part shall be credited to the
6 General Fund as nontax revenue."

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

8 "**§ 20-183.8A. Civil penalties against motorists for emissions violations.**

9 ~~The Division~~ DEHNR must assess a civil penalty against a person who owns or
10 leases a vehicle that is subject to an emissions inspection and who does any of the
11 following:

- 12 (1) Fails to have the vehicle inspected within four months after it is
13 required to be inspected under this Part.
- 14 (2) Instructs or allows a person to tamper with an emission control
15 device of the vehicle so as to make the device inoperative or fail to
16 work properly.
- 17 (3) Incorrectly states the county of registration of the vehicle to avoid
18 having an emissions inspection of the vehicle.

19 The amount of penalty is one hundred dollars (\$100.00) if the vehicle is a pre-1981
20 vehicle and two hundred fifty dollars (\$250.00) if the vehicle is a 1981 or newer
21 model vehicle. As provided in G.S. 20-54, the registration of a vehicle may not be
22 renewed until a penalty imposed under this subsection has been paid."

23 Section 9. G.S. 20-183.8B, as amended by Senate Bill 260 of the 1997
24 General Assembly, reads as rewritten:

25 "**§ 20-183.8B. Civil penalties against license holders and suspension or revocation of**
26 **license for emissions violations.**

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

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

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

- 41 (1) Type I. -- For a first or second Type I violation by an emissions
42 self-inspector or an emissions inspection station, assess a civil
43 penalty of two hundred fifty dollars (\$250.00) and suspend the
44 license of the business for six months. For a third or subsequent

Type I violation within 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 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 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 violation by an emissions inspector mechanic is considered a violation by the station or self-inspector for whom the mechanic is employed.

(d) Missing Stickers. -- ~~The Division~~ DEHNR 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~~ DEHNR may not assess a

1 monetary penalty as a result of missing stickers under both this subsection and
2 subsection (b). Imposition of a monetary penalty under this subsection does not affect
3 suspension or revocation of a license required under subsection (b).

4 (e) Mechanic Training. -- An emissions inspection mechanic whose license has
5 been suspended or revoked must retake the course required under G.S. 20-183.4A
6 and successfully complete the course before the mechanic's license can be reinstated.
7 Failure to successfully complete this course continues the period of suspension or
8 revocation until the course is completed successfully."

9 Section 10. G.S. 20-183.8C, as amended by Senate Bill 260 of the 1997
10 General Assembly, reads as rewritten:

11 "§ 20-183.8C. Acts that are Type I, II, or III emissions violations.

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

14 (1) Put an emissions inspection sticker on a vehicle without
15 performing an emissions inspection of the vehicle.

16 (1a) Put an emissions inspection sticker on a vehicle after performing
17 an emissions inspection of the vehicle and determining that the
18 vehicle did not pass the inspection.

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

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

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

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

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

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

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

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

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

- 1 (3) Put an emissions inspection sticker on a vehicle that is required to
2 have one of the following emissions control devices but does not
3 have it:
4 a. Catalytic converter.
5 b. PCV valve.
6 c. Thermostatic air control.
7 d. Oxygen sensor.
8 e. Unleaded gas restrictor.
9 f. Gasoline tank cap.
10 g. Air injection system.
11 h. Evaporative emissions system.
12 i. Exhaust gas recirculation (EGR) valve.
13 (4) Put an emissions inspection sticker on a vehicle without
14 performing a visual inspection of the vehicle's exhaust system and
15 checking the exhaust system for leaks.
16 (5) Impose no fee for an emissions inspection of a vehicle or the
17 issuance of an emissions inspection sticker or impose a fee for one
18 of these actions in an amount that differs from the amount set in
19 G.S. 20-187.3.

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

- 23 (1) Fail to post an emissions license issued by ~~the Division~~ DEHNR.
24 (2) Fail to send information on emissions inspections to ~~the Division~~
25 DEHNR at the time or in the form required by ~~the Division~~
26 DEHNR.
27 (3) Fail to post emissions information required by federal law to be
28 posted.
29 (4) Fail to put the required information on an inspection sticker in a
30 legible manner using ink.
31 (5) Fail to put the required information on an inspection receipt in a
32 legible manner.
33 (6) Fail to maintain an emissions analyzer maintenance log.

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

38 Section 11. G.S. 20-183.8D, as amended by Senate Bill 260 of the 1997
39 General Assembly, reads as rewritten:

40 "**§ 20-183.8D. Suspension or revocation of license.**

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

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

- 4 (1) The suspension or revocation is imposed under G.S. 20-183.8B.
5 (2) Failure to pay a civil penalty imposed under G.S. 20-183.8B within
6 30 days after it is imposed."

7 Section 12. G.S. 20-183.8D.1, as enacted by Senate Bill 260 of the 1997
8 General Assembly, reads as rewritten:

9 "§ 20-183.8D.1. Requirements for giving certain emissions license holders notice of
10 violations and for taking summary action.

11 (a) Finding of Violation. -- When an auditor of ~~the Division~~ DEHNR finds that an
12 emissions violation has occurred that could result in the suspension or revocation of
13 an emissions inspection station license, an emissions self-inspector license, or an
14 emissions mechanic license, the auditor must give the affected license holder written
15 notice of the finding. The notice must be given within five business days after the
16 violation occurred. The notice must state the period of suspension or revocation that
17 could apply to the violation and any monetary penalty that could apply to the
18 violation. The notice must also inform the license holder of the right to a hearing if
19 ~~the Division~~ DEHNR charges the license holder with the violation.

20 (b) Notice of Charges. -- When ~~the Division~~ DEHNR decides to charge an
21 emissions inspection station, an emissions self-inspector, or an emissions mechanic
22 with a violation that could result in the suspension or revocation of the person's
23 emissions license, an auditor of ~~the Division~~ that agency must deliver a written
24 statement of the charges to the affected license holder. The statement of charges
25 must inform the license holder of this right, instruct the person on how to obtain a
26 hearing, and inform the license holder of the effect of not requesting a hearing. The
27 license holder has the right to a hearing before the license is suspended or revoked.
28 G.S. 20-183.8E sets out the procedure for obtaining a hearing.

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

36 Section 13. G.S. 20-183.8E, as amended by Senate Bill 260 of the 1997
37 General Assembly, reads as rewritten:

38 "§ 20-183.8E. Administrative and judicial review.

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

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

- 1 (2) ~~The Division~~ DEHNR delivers to the person a written statement of
2 charges of an emissions violation that could result in the
3 suspension or revocation of the person's emissions license.
4 (3) The Division or DEHNR summarily suspends or revokes the
5 person's license following review and authorization of the
6 proposed adverse action by a judge.
7 (4) The Division or DEHNR assesses a civil penalty against the person.
8 (5) The Division or DEHNR issues a warning letter to the person.
9 (6) The Division or DEHNR cancels the person's registration.

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

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

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

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

37 (d) All Other Hearings. -- When this section gives a person the right to a hearing
38 and subsection (b) or (c) of this section does not apply to the hearing, the person may
39 obtain a hearing by filing with the ~~Division~~ appropriate agency a written request for a
40 hearing. The request must be filed within 10 days after the person receives written
41 notice of the action for which a hearing is requested. The Division must hold a
42 hearing within 90 days after the Division receives the request. A request made to
43 DEHNR for a hearing is governed by Article 3 of Chapter 150B of the General
44 Statutes.

1 (e) Review of Division Decision by Commissioner. -- The Commissioner may
2 conduct a hearing required to be held by the Division under this section or may
3 designate a person to conduct the hearing. When a person designated by the
4 Commissioner holds a hearing and makes a decision, the person who requested the
5 hearing has the right to request the Commissioner to review the decision. The
6 procedure set by the Division governs the review by the Commissioner of a decision
7 made by a person designated by the Commissioner.

8 (f) Decision. -- A decision made after a hearing on the imposition of a monetary
9 penalty against a motorist for an emissions violation or on a Type I, II, or III
10 emissions violation by an emissions license holder must uphold any monetary penalty,
11 license suspension, license revocation, or warning required by G.S. 20-183.8A or G.S.
12 20-183.8B, respectively, if the decision contains a finding that the motorist or license
13 holder committed the act for which the monetary penalty, license suspension, license
14 revocation, or warning was imposed. A decision made after a hearing on any other
15 action may uphold or modify the action.

16 (g) Judicial Review. -- Article 4 of Chapter 150B of the General Statutes governs
17 judicial review of an administrative decision made under this section."

18 Section 14. G.S. 143-215.106 reads as rewritten:

19 "§ 143-215.106. Administration of air quality program.

20 The Department shall administer the air quality program of the State. The air
21 quality program of the State includes the emissions inspection program administered
22 under G.S. 20-128.2 and Part 2 of Article 3A of Chapter 20 of the General Statutes."

23 Section 15. G.S. 143-215.111 reads as rewritten:

24 "§ 143-215.111. General powers of Commission; auxiliary powers.

25 In addition to the specific powers prescribed elsewhere in this Article and the
26 applicable general powers prescribed in G.S. 143-215.3, and for the purpose of
27 carrying out its duties, the Commission shall have the power:

- 28 (1) To make a continuing study of the effects of the emission of air
29 contaminants from motor vehicles on the quality of the outdoor
30 atmosphere of the State and the several areas thereof, and make
31 recommendations to the General Assembly and other appropriate
32 public and private bodies for the control of such air contaminants.
- 33 (2) To consult, upon request, with any person proposing to construct,
34 install, or otherwise acquire an air pollution source or air-cleaning
35 device for the control of air contaminants concerning the efficacy
36 of such device, or the air problem which may be related to such
37 source, or device; provided, however, that nothing in any such
38 consultation shall be construed to relieve any person from
39 compliance with this Article and Article 21, rules adopted
40 pursuant thereto, or any other provision of law.
- 41 (3) To encourage local units of government to handle air pollution
42 problems within their respective jurisdictions and on a cooperative
43 basis, and to provide such local units technical and consultative
44 assistance to the maximum extent possible.

1 (4) To establish procedures providing for public notice, public
2 comment, and public hearings on applications for permits required
3 by Title V to meet the requirements of Title V and implementing
4 regulations adopted by the United States Environmental Protection
5 Agency.

6 (5) To establish procedures providing for notice to the Administrator
7 of the United States Environmental Protection Agency and affected
8 states of proposals to issue permits required by Title V and
9 allowing affected states the opportunity to submit written comment
10 as required by section 505(a) of Title V (42 U.S.C. § 7661d) and
11 implementing regulations adopted by the United States
12 Environmental Protection Agency.

13 (6) To adopt rules to implement the emissions inspection program
14 administered under G.S. 20-128.2 and Part 2 of Article 3A of
15 Chapter 20 of the General Statutes."

16 Section 16. The balance in the Emissions Program Account on 30 June
17 1998 is transferred from the Division of Motor Vehicles of the Department of
18 Transportation to the Department of Environment, Health, and Natural Resources.

19 Section 17. Forty positions in the Division of Motor Vehicles are
20 eliminated. Thirty positions in the Department of Environment, Health, and Natural
21 Resources are established to implement this act.

22 Section 18. The Division of Motor Vehicles of the Department of
23 Transportation and the Department of Transportation shall jointly report to the
24 Environmental Review Commission on a quarterly basis on the implementation of
25 this act. The first quarterly report under this section is due 1 October 1998.

26 Section 19. This act becomes effective 1 July 1998.

VISITOR REGISTRATION SHEET

Transportation
Name of Committee

April 30, 1997
Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

M. D. Diggins	NC Sierra Club
Warrell Peoples	NCSSA
David Ferrell	Hofen, McNamara, Caldwell, McElroy & Little
Reg Lester	Independent Garage Owners of NC
Ernest Bell	DMU
Paul Faulkner	DMV - Commissioner
Roger Bae	Bone & Assoc / CTADA
Jeff Cunningham	DMV
Koc Borley	NC Aggregators
John Long	Martin Marcella
ROBERT GLABER	N.C. Auto Dealers Assoc.
PAUL ROBERTS	DOT MIS
John Hobbs	CCC / Sierra Club
George Everett	MCIC
Bob Storum	NC Forestry Association
Heather Pail	OSA
KEITH HUNDLEY	WEYERHAEUSER
Laura Hartzell	MCIC
Michelle Cook	Weyerhaeuser
Lain Creed	NCAMV
Julian Kilgus	NCFB

VISITOR REGISTRATION SHEET

Name of Committee

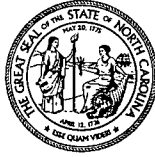
Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

<i>Gene Upchurch</i>	<i>CPFL</i>
<i>Al Lovett</i>	<i>NCSSA</i>
<i>Ray J. Givile</i>	<i>NCDST</i>
<i>AB Surrency</i>	<i>B.F.T.</i>
<i>Frank Smith</i>	<i>WESTR</i>
<i>Henry M Lancaster</i>	<i>DE+NAIR</i>
<i>Eddie Caldwell</i>	<i>H.M.C.M.C.P.A.</i>
<i>Michael Thompson</i>	<i>North Carolina Power</i>
<i>Walter White</i>	<i>AL Scribe</i>



North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808

SENATOR LARRY SHAW
41ST DISTRICT

BUS. ADDRESS: P. O. Box 1195
FAYETTEVILLE, N.C. 28302
TELEPHONE: (910) 323-5303

TRANSPORTATION COMMITTEE MEETING
WEDNESDAY, MAY 28, 1997
ROOM 1027, LB

CALL TO ORDER

SENATOR L. SHAW, CHAIRMAN

BILLS TO BE CONSIDERED

HB 554	Licenses For Disabled Veterans	Reps. Davis & Morris
HB 299	Vietnam Veterans Plates	Rep. Sexton
HB 966	Truckload Flag/Light Colors	Rep. Buchanan
HB 967	Light Duty Road Use	Rep. Buchanan

Support Staff

Sgt-At-Arms

Hubert Poole
Stan Johnson

Pages

Abby Whitaker of Carthage
Senator Kinnaird, Sponsor

Brian Bell of Jackson Springs
Senator Kinnaird, Sponsor

Clay Kirk of Salisbury
Senator Cochrane, Sponsor

ADJOURNMENT



MINUTES
SENATE COMMITTEE ON TRANSPORTATION
MAY 28, 1997

The Senate Committee on Transportation met on Wednesday, May 28, 1997 at 11: 00 a.m. in Room 1027 of the Legislative Building. Nine members were present.

Senator Weinstein, Vice Chairman, presided. The following bills were on the agenda for consideration:

HB 554	Licenses For Disabled Veterans
HB 299	Vietnam Veterans Plates
HB 966	Truckload Flag/Light Colors
HB 967	Light Duty Road Use

Senator Weinstein recognized Rep. Davis to explain HB 554. Upon the motion for favorable report by Senator McDaniel, HB 554 was given a favorable report and re-referred to the Committee on Finance.

Next, Senator Weinstein recognized committee members' discussion on House Bill 966. (Rep. Buchanan, the bill sponsor, was attending to a bill in another committee.) Upon the motion by Senator Gulley, seconded by Senator McDaniel, HB 966 was given a favorable report.

Senator Weinstein recognized Senator Gulley to explain HB 299. Senator Clark moved for a favorable report. House Bill 299 was given a favorable report and referred to the Finance Committee.

Senator Gulley was then recognized to open discussion on HB 976. Senator Weinstein recognized Mr. Bob Slocumb of the N.C. Forestry Association, who spoke in

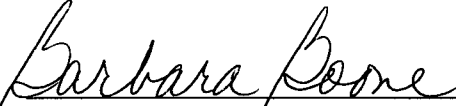
Senate Committee On Transportation
Page Two
May 28, 1997

support of the legislation. Upon the Vice-Chairman's ruling, HB 967 was pulled from today's agenda in order to allow time for Rep. Buchanan and DMV representation to speak to the bill.

There being no further business, Senator Weinstein adjourned the meeting.



Senator David Weinstein, Vice-Chairman



Barbara Boone, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Wednesday, May 28, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS)299	Vietnam Veterans Plates	
	Sequential Referral:	None
	Recommended Referral:	Finance

H.B.(CS)554	Licenses For Disabled Veterans	
	Sequential Referral:	Finance
	Recommended Referral:	None

H.B. 966	Truckload Flag/Light Colors	
	Sequential Referral:	None
	Recommended Referral:	None

TOTAL REPORTED: 3

Committee Clerk Comment:

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Wednesday, May 28, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS)299	Vietnam Veterans Plates
	Sequential Referral: None
	Recommended Referral: Finance

H.B.(CS)554	Licenses For Disabled Veterans
	Sequential Referral: Finance
	Recommended Referral: None

H.B. 966	Truckload Flag/Light Colors
	Sequential Referral: None
	Recommended Referral: None

TOTAL REPORTED: 3

Committee Clerk Comment:

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Wednesday, May 28, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS)299	Vietnam Veterans Plates
	Sequential Referral: None
	Recommended Referral: Finance

H.B.(CS)554	Licenses For Disabled Veterans
	Sequential Referral: Finance
	Recommended Referral: None

H.B. 966	Truckload Flag/Light Colors
	Sequential Referral: None
	Recommended Referral: None

TOTAL REPORTED: 3

Committee Clerk Comment:



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

May 28, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 299 Vietnam Veterans Plates
House Committee Substitute #2 Favorable 4/21/97

House Bill 299 would authorize the Division of Motor Vehicles to issue a Vietnam Veterans license plate to a veteran who served in Vietnam, upon receipt of at least 300 applications. The plate would cost \$10, plus the regular registration fee. The \$10 additional fee would be credited to the North Carolina Veterans Home Trust Fund.

House Bill 299 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 299
Committee Substitute Favorable 4/2/97
Committee Substitute #2 Favorable 4/21/97

Short Title: Vietnam Veterans Plates.

(Public)

Sponsors:

Referred to:

February 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO
3 DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR
4 VIETNAM VETERANS AND TO PROVIDE THAT THE TEN-DOLLAR
5 ADDITIONAL FEE CHARGED FOR THE PLATE WILL BE USED TO
6 SUPPORT THE NORTH CAROLINA VETERANS HOME.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 20-79.4(b) is amended by adding a new subdivision to
9 read:

10 "(28a) Vietnam Veteran. -- Issuable to a veteran of the armed forces of
11 the United States who served in Vietnam. The Division may not
12 issue the plate authorized by this subdivision unless it receives at
13 least 300 applications for the plate."

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

15 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
16 Collegiate and Cultural Attraction Plate Account are established within the Highway
17 Fund. The Division must credit the additional fee imposed for the special
18 registration plates listed in subsection (a) among the Special Registration Plate
19 Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA),
20 ~~and~~ the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-
21 77.7, and the North Carolina Veterans Home Trust Fund (VHTF), which is
22 established under G.S. 165-48, as follows:

	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTE</u>	<u>VHTE</u>
1 <u>Special Plate</u>				
2 Historical Attraction	\$10	\$20	0	
3 In-State Collegiate				
4 Insignia	\$10	\$15	0	
5 Out-of-state				
6 Collegiate Insignia	\$10	0	\$15	
7 Personalized	\$10	0	\$10	
8 Special Olympics	\$10	\$15	0	
9 Olympic Games	\$10	\$15	0	
10 State Attraction	\$10	\$20	0	
11 <u>Vietnam Veteran</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>\$10</u>
12 Wildlife Resources	\$10	\$10	0	
13 All other Special Plates	\$10	0	~~0~~ 0	<u>0</u> "
14	Section 3. This act is effective when it becomes law.			



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

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Fiscal Research Division
Suite 619, LOB
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Raleigh, NC 27603-5925
(919) 733-4910

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Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

May 28, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 554 Licenses for Disabled Veterans
House Committee Substitute Favorable 4/23/97

House Bill 554 would authorize the Division of Motor Vehicles to issue free Class C drivers licenses and combination hunting and fishing licenses to 70% (or more) disabled war veterans.

House Bill 554 would become effective December 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 554
Committee Substitute Favorable 4/23/97

Short Title: Licenses for Disabled Veterans.

(Public)

Sponsors:

Referred to:

March 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FREE DRIVERS, HUNTING, AND FISHING LICENSES
3 FOR CERTAIN DISABLED VETERANS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-7 is amended by adding a new subsection to read:

6 "(q) Notwithstanding the fee schedules in subsection (i) of this section, the
7 Division shall issue Class C drivers licenses without charge to any qualified disabled
8 war veteran who is seventy percent (70%) or more disabled due to a service-
9 connected disability as determined by the Veterans Administration."

10 Section 2. G.S. 113-270.1C reads as rewritten:

11 **"§ 113-270.1C. Combination hunting and fishing licenses.**

12 (a) The combination hunting and fishing licenses set forth in subsection (b) of this
13 section entitle the holder to take, except on game lands, all wild birds and wild
14 animals, other than big game and waterfowl, by all lawful methods and in all open
15 seasons, and to fish with hook and line in all inland and joint fishing waters, except
16 public mountain trout waters.

17 (b) Combination hunting and fishing licenses issued by the Wildlife Resources
18 Commission are:

- 19 (1) Resident Annual Combination Hunting and Fishing License --
20 \$20.00. This license shall be issued only to an individual resident
21 of the State.
22 (2) Fifty percent (50%) Disabled Veteran Lifetime Combination
23 Hunting and Fishing License -- \$7.50. This license shall be issued

1 only to an individual resident of the State who is a fifty percent
2 (50%) or more disabled war veteran as determined by the Veterans
3 Administration and remains valid for the lifetime of the individual
4 so long as the individual remains fifty percent (50%) or more
5 disabled.

6 (2a) Seventy Percent (70%) Disabled Veteran Lifetime Combination
7 Hunting and Fishing License -- no charge. This license shall be
8 issued only to an individual resident of the State who is a seventy
9 percent (70%) or more disabled war veteran as determined by the
10 Veterans Administration and remains valid for the lifetime of the
11 individual so long as the individual remains seventy percent (70%)
12 or more disabled.

13 (3) Totally Disabled Resident Lifetime Combination Hunting and
14 Fishing License -- \$7.50. This license shall be issued only to an
15 individual resident of the State who is totally disabled and is valid
16 for the lifetime of the individual so long as the individual remains
17 totally disabled. For purposes of this section, 'totally disabled'
18 means physically incapable of being gainfully employed."

19 Section 3. This act becomes effective December 1, 1997.



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Legislative Services Office

George R. Hall, Legislative Services Officer
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Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

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Suite 401, LOB
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Raleigh, NC 27603-5925
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Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

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Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

May 28, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 966 Truckload Flag/Light Colors
Introduced by Representatives Buchanan; and Church

Current law requires loads that extend more than four feet beyond the bed or body of a vehicle to be marked with a *red* flag during day, and a *red* light at night.

House Bill 966 would allow *orange* flags or *amber* lights in the same situations.

House Bill 966 would become effective when it becomes law..

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.



North Carolina General Assembly
Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

May 28, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 967 Light Duty Road Use
Introduced by Representatives Buchanan; and Church

G.S. 20-118 sets the weight limits for State Highways. In this statute, DOT is granted authority to designate light traffic roads, and set lower weight limits on those roads. Vehicles carrying specified agricultural products or solid waste are exempt from these lower light-traffic road weight limits while traveling to the *nearest* highway.

House Bill 967 would allow those exempt vehicles to travel to *either* of the *two* nearest highways, instead of the closest one, with weight in excess of the light-traffic weight limit.

House Bill 967 would become effective when it becomes law.

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.

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

James A. Woodard	NCDVA
Charly F. Smith	NCDVA
Bob Spurr	NC Forestry Association
Michelle Cook	Weyerhaeuser
AB Swindlell	BFI
R.D. Higgins	Town of Spinn, Cde
Benny Franklin	WSPPA
Mike Carpenter	NCHSA
Ken Honeycutt	D.A. 20th Dist. NC.
JAMES C. GALT, MD	MEDICAL DOCTOR OF NC
Rosemary Waldorf	Mayor of Chapel Hill
A. Sullivan	BMS
John Smith	H. Smith Assoc.



North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808

SENATOR LARRY SHAW
41ST DISTRICT

BUS. ADDRESS: P. O. BOX 1195
FAYETTEVILLE, N.C. 28302
TELEPHONE: (910) 323-5303

TRANSPORTATION COMMITTEE MEETING
JULY 9, 1997
AGENDA

CALL TO ORDER

SEN. LARRY SHAW, CHAIRMAN

BILLS TO BE CONSIDERED:

HB 344 Motor Vehicle Occupant Restraints
HB 967 Light Duty Road Use
HB 1082 Native American Special Plates
HB 1137 Soil and Water Conservation Plates

Rep. Clary
Rep. Buchanan
Rep. Sutton
Rep. Culp

Sgt-At-Arms

Hubert Poole
Stan Johnson

Pages

Tyler Allen of Cary
Karen Gupton of Raleigh
Courtney Lomonte of Raleigh

Sen. Basnight, Sponsor
Sen. Basnight, Sponsor
Sen. Lucas, Sponsor

Adjournment



MINUTES
SENATE COMMITTEE ON TRANSPORTATION
JULY 9, 1997

The Senate Committee on Transportation met on Wednesday, July 9, 1997 at 11:00 a.m. in Room 1027 of the Legislative Building. Nine members were present.

Senator Shaw, Chairman, presided. The following bills were on the agenda for consideration:

HB 344	Motor Vehicle Occupant Restraints
HB 967	Light Duty Road Use
HB 1082	Native-American Special Plates
HB 1137	Soil and Water Conservation Plates
SB 886	Trucking Adjustment Act of 1997

Senator Shaw recognized Senator Rand to explain HB 967. Senator moved for adoption of the committee substitute for HB 967. Senator Robert Martin moved for a favorable report, seconded by Senator Gully. The motion passed. The Senate Committee substitute for HB 967 was given a favorable report.

Next, Senator Shaw recognized Rep. Culp to explain HB 1137. Senator Garwood moved for a favorable report. The motion carried. House Bill 1137 was given a favorable report and re-referred to the Committee on Finance.

Rep. Sutton was recognized to explain HB 1082. Senator Gulley moved for the adoption of the committee substitute. Upon the motion by Senator Weinstein which carried, Senate Bill 1082 was given a favorable report and referred to the Committee on Finance.

Rep. Morris was recognized to explain HB 1156. Senator Martin moved for a favorable report, and the motion carried. House Bill 1156 was given a favorable report

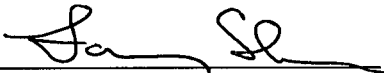
and referred to the Committee on Finance.

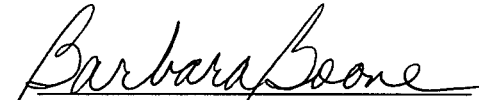
Next, Senator Shaw recognized Rep. Clary to explain HB 344. The committee substitute was received by Senator Shaw and the committee members. Mr. Bill Hall of the Governor's Highway Safety Research Center spoke in support of the bill. Major Ralph Price of the Highway Patrol Headquarters also spoke in support of the bill. Senator Shaw moved for adoption of the amendment. The motion carried. Senator Weinstein moved for a favorable report on the Senate committee substitute bill. The motion passed with Senator Clark stating his opposition. House Bill 344 was given an unfavorable report as to committee substitute bill #2, but favorable as to Senate Committee.

Substitute Bill report.

Senator Jordan was next recognized to explain SB 886. Senator Shaw recognized Giles Perry to explain the committee substitute for SB 886. Senator Martin moved for a favorable report on the committee substitute bill; the motion carried. Senate Bill 886 was given an unfavorable as to bill, but favorable as to committee substitute bill report, and re-referred to the Committee on Finance

There being no further business, Senator Shaw adjourned the meeting.


Senator Larry Shaw, Chairman


Barbara Boone, Committee Clerk

July 25, 1997

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1)1082

Native American Special Plates.

Draft Number: PCS 4134

Sequential Referral: Finance

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 6

Committee Clerk Comment:

Senator Larry Shaw to sign.



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

July 9, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 344 Motor Vehicle Occupant Restraints
Proposed Committee Substitute(PCS)

House Bill 344 (Proposed Committee Substitute) makes the following changes to the motor vehicles restraint law in North Carolina.

Section 1 would require all occupants 16 or older (*front* or *back* seat) and the driver to wear seat belts. Current law requires *front* seat occupants and the driver to wear seat belts.

Section 2 would increase the penalty for failure to wear a seat belt from \$25 to \$50.

Section 3 would require drivers license points (NOT insurance points) to be assessed for failure to wear a seat belt.

Section 4 would require drivers transporting passengers less than 16 years of age (now – 12) to have the child in an age-appropriate restraint. The penalty for this violation would continue to be \$25, with no drivers license or insurance points.

House Bill 344 would become effective July 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997.

S

D

HOUSE BILL 344*
Committee Substitute Favorable 4/29/97
Committee Substitute #2 Favorable 4/30/97
H344-CSRW-001

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
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~~
18 ~~restrained in accordance with G.S. 20-137.1 shall be secured as~~
19 ~~required by that section."~~
20 Section 2. G.S. 20-135.2A(e) reads as rewritten:

1 ~~"(e) Any person violating this section during the period from~~
2 ~~October 1, 1985, to December 31, 1986, shall be given a warning~~
3 ~~of violation only. Thereafter, any person violating Any driver or~~
4 ~~passenger who fails to wear a seat belt as required by this~~
5 ~~section shall have committed an infraction and shall pay a fine~~
6 ~~penalty of twenty-five dollars (\$25.00)- fifty dollars (\$50.00).~~
7 ~~An infraction is an unlawful act that is not a crime. The~~
8 ~~procedure for charging and trying an infraction is the same as~~
9 ~~for a misdemeanor, but conviction of an infraction has no~~
10 ~~consequence other than payment of a fine. A person convicted of~~
11 ~~an infraction found responsible for a violation of this section~~
12 ~~may not be assessed court costs."~~

13 Section 3. G.S. 20-135.2A(f) reads as rewritten:

14 ~~"(f) No drivers license points or insurance surcharge shall be~~
15 ~~assessed on account of violation of this section. Drivers~~
16 ~~license points shall be assigned for a violation of this~~
17 ~~section."~~

18 Section 4. G.S. 20-137.1(a) reads as rewritten:

19 ~~"(a) Every driver who is transporting a child passenger of~~
20 ~~less than 12 16 years of age shall have the child passenger~~
21 ~~properly secured in a child an age-appropriate child passenger~~
22 ~~restraint system (car safety seat) which meets federal standards~~
23 ~~applicable at the time of its manufacture. The requirements of~~
24 ~~this section may be met when the child is four years of age or~~
25 ~~older by securing the child in a seat safety belt. system.~~

26 ~~When a child is less than five years of age and less than 60~~
27 ~~pounds in weight, the requirements of this section shall be met~~
28 ~~by securing the child in a car safety seat which meets federal~~
29 ~~standards applicable at the time of its manufacture. The car~~
30 ~~safety seat shall be secured in a rear seat of the vehicle if the~~
31 ~~vehicle has a rear seat that will accommodate a car safety seat.~~

32 ~~When a child is five years of age or older or is 60 pounds or~~
33 ~~more in weight, the requirements of this section may be met by~~
34 ~~securing the child in a seat safety belt."~~

35 Section 5. This act becomes effective July 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 344*
Committee Substitute Favorable 4/29/97
Committee Substitute #2 Favorable 4/30/97

Short Title: Motor Vehicle Occupant Restraints.

(Public)

Sponsors:

Referred to:

February 26, 1997

A BILL TO BE ENTITLED

AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-135.2A(a) reads as rewritten:

"(a) Each front seat occupant who is 16 years of age or older and each driver of a passenger motor vehicle manufactured with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have such a safety belt properly fastened about his body at all times when the vehicle is in forward motion on a street or highway in this State. Each driver of a passenger motor vehicle manufactured with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, who is transporting in the front seat a person who is (1) under 16 years of age and (2) not required to be restrained in accordance with G.S. 20-137.1, shall have the person secured by such a safety belt at all times when the vehicle is operated in forward motion on a street or highway in this State. Persons required to be restrained in accordance with G.S. 20-137.1 shall be secured as required by that section."

Section 2. G.S. 20-135.2A(e) reads as rewritten:

"(e) ~~Any person violating this section during the period from October 1, 1985, to December 31, 1986, shall be given a warning of violation only. Thereafter, any person violating~~ Any driver or passenger who fails to wear a seat belt as required by this section shall have committed an infraction and shall pay a fine penalty of twenty-five dollars (\$25.00). fifty dollars (\$50.00). ~~An infraction is an unlawful act that is not a crime. The procedure for charging and trying an infraction is the same as for a~~

1 ~~misdemeanor, but conviction of an infraction has no consequence other than payment~~
2 ~~of a fine. A person convicted of an infraction~~ found responsible for a violation of
3 this section may not be assessed court costs."

4 Section 3. G.S. 20-137.1(a) reads as rewritten:

5 "(a) Every driver who is transporting a ~~child~~ passenger of less than ~~12~~ 16 years of
6 age shall have the ~~child~~ passenger properly secured in a ~~child~~ an age-appropriate
7 child passenger restraint system (car safety seat) which meets federal standards
8 ~~applicable at the time of its manufacture. The requirements of this section may be~~
9 ~~met when the child is four years of age or older by securing the child in a seat safety~~
10 ~~belt system.~~

11 When a child is less than five years of age and less than 60 pounds in weight, the
12 requirements of this section shall be met by securing the child in a car safety seat
13 which meets federal standards applicable at the time of its manufacture. The car
14 safety seat shall be secured in a rear seat of the vehicle if the vehicle has a rear seat
15 that will accommodate a car safety seat.

16 When a child is five years of age or older or is 60 pounds or more in weight, the
17 requirements of this section may be met by securing the child in a seat safety belt."

18 Section 4. This act becomes effective July 1, 1998.



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Edward W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

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Donald W. Fulford, Director
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300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

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Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

July 9, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 967 Light Duty Road Use
Proposed Committee Substitute (PCS)

G.S. 20-118 sets the weight limits for State Highways. In this statute, DOT is granted authority to designate light traffic roads, and set lower weight limits on those roads. Vehicles carrying specified agricultural products or solid waste are exempt from these lower light-traffic road weight limits while traveling to the *nearest* highway.

Section 1 of House Bill 967 (PCS) would allow those exempt vehicles to travel to *either* of the *two* nearest highways, instead of the closest one, with weight in excess of the light-traffic weight limit.

Section 2 and 3 of House Bill 967 (PCS) would authorize DOT to adopt a temporary rule to authorize issuance of special weight permits for vehicles transporting wood residuals on non-interstate highways.

House Bill 967 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H967-CSRW-006

PROPOSED COMMITTEE SUBSTITUTE

H

D

HOUSE BILL 967

Short Title: Light Duty Road Use.

(Public)

Sponsors:

Referred to: Transportation.

April 16, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE SELECTION OF EITHER OF THE TWO NEAREST ROUTES
3 TO A NON-LIGHT-TRAFFIC ROAD, AND TO SPECIFY THAT THE DEPARTMENT
4 OF TRANSPORTATION MAY ADOPT A RULE ALLOWING SPECIAL WEIGHT
5 PERMITS TO BE ISSUED FOR VEHICLES TRANSPORTING WOOD RESIDUALS
6 ON NON-INTERSTATE HIGHWAYS, AS AUTHORIZED BY EXISTING STATE
7 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-
11 118(b) and 20-118(e).

12 (1) Two consecutive sets of tandem axles may carry a
13 gross weight of 34,000 pounds each without penalty
14 provided the overall distance between the first and
15 last axles of the consecutive sets of tandem axles
16 is 36 feet or more.

17 (2) When a vehicle is operated in violation of G.S. 20-
18 118(b)(1), 20-118(b)(2), or 20-118(b)(3), but the
19 gross weight of the vehicle or combination of
20 vehicles does not exceed that permitted by G.S. 20-
21 118(b)(3), the owner of the vehicle shall be
22 permitted to shift the load within the vehicle,

- 1 without penalty, from one axle to another to comply
2 with the weight limits in the following cases:
- 3 a. Where the single-axle load exceeds the
4 statutory limits, but does not exceed 21,000
5 pounds.
- 6 b. Where the vehicle or combination of vehicles
7 has tandem axles, but the tandem-axle weight
8 does not exceed 40,000 pounds.
- 9 (3) When a vehicle is operated in violation of G.S. 20-
10 118(b)(4) the owner of the vehicle shall be
11 permitted, without penalty, to shift the load
12 within the vehicle from one axle to another to
13 comply with the weight limits where the single-axle
14 weight does not exceed the posted limit by 2,500
15 pounds.
- 16 (4) A truck or other motor vehicle shall be exempt from
17 such light-traffic road limitations provided for
18 pursuant to G.S. 20-118(b)(4), when transporting
19 supplies, material or equipment necessary to carry
20 out a farming operation engaged in the production
21 of meats and agricultural crops and livestock or
22 poultry by-products or a business engaged in the
23 harvest or processing of seafood when the
24 destination of such vehicle and load is located
25 solely upon said light-traffic road.
- 26 (5) The light-traffic road limitations provided for
27 pursuant to subdivision (b)(4) of this section do
28 not apply to a vehicle while that vehicle is
29 transporting only the following from its point of
30 origin on a light-traffic road to either one of the
31 two nearest ~~highway~~ highways that is not a light-
32 traffic road:
- 33 a. Processed or unprocessed seafood from boats or
34 any other point of origin to a processing
35 plant or a point of further distribution.
- 36 b. Meats or agricultural crop products
37 originating from a farm to first market.
- 38 c. Unprocessed forest products originating from a
39 farm or from woodlands to first market.
- 40 d. Livestock or poultry from their point of
41 origin to first market.
- 42 e. Livestock by-products or poultry by-products
43 from their point of origin to a rendering
44 plant.

- 1 f. Recyclable material from its point of origin
2 to a scrap-processing facility for processing.
3 As used in this subpart, the terms
4 'recyclable' and 'processing' have the same
5 meaning as in G.S. 130A-290(a).
- 6 g. Garbage collected by the vehicle from
7 residences or garbage dumpsters if the vehicle
8 is fully enclosed and is designed specifically
9 for collecting, compacting, and hauling
10 garbage from residences or from garbage
11 dumpsters. As used in this subpart, the term
12 'garbage' does not include hazardous waste as
13 defined in G.S. 130A-290(a), spent nuclear
14 fuel regulated under G.S. 20-167.1, low-level
15 radioactive waste as defined in G.S. 104E-5,
16 or radioactive material as defined in G.S.
17 104E-5.
- 18 (6) A truck or other motor vehicle shall be exempt from
19 such light-traffic road limitations provided by
20 G.S. 20-118(b)(4) when such motor vehicles are
21 owned, operated by or under contract to a public
22 utility, electric or telephone membership
23 corporation or municipality and such motor vehicles
24 are used in connection with installation,
25 restoration or emergency maintenance of utility
26 services.
- 27 (7) A wrecker may tow a disabled vehicle or combination
28 of vehicles in an emergency to the nearest feasible
29 point for parking or storage without being in
30 violation of G.S. 20-118 provided that the wrecker
31 and towed vehicle or combination of vehicles
32 otherwise meet all requirements of this section.
- 33 (8) A firefighting vehicle operated by any member of a
34 municipal or rural fire department in the
35 performance of his duties, regardless of whether
36 members of that fire department are paid or
37 voluntary and any vehicle of a voluntary lifesaving
38 organization, when operated by a member of that
39 organization while answering an official call shall
40 be exempt from such light-traffic road limitations
41 provided by G.S. 20-118(b)(4).
- 42 (9) Repealed by Session Laws 1993 (Reg. Sess., 1994),
43 c. 761, s. 12.

(10) Fully enclosed motor vehicles designed specifically for collecting, compacting and hauling garbage from residences, or from garbage dumpsters shall, when operating for those purposes, be allowed a single axle weight not to exceed 23,500 pounds on the steering axle on vehicles equipped with a boom, or on the rear axle on vehicles loaded from the rear. This exemption shall not apply to vehicles transporting hazardous waste as defined in G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5(9a), or radioactive material as defined in G.S. 104E-5(14).

(11) A truck or other motor vehicle shall be exempt for light-traffic road limitations issued under subdivision (b)(4) of this section when transporting heating fuel for on-premises use at a destination located on the light-traffic road.

(12) Subsections (b) and (e) of this section do not apply to a vehicle that meets one of the following descriptions, is hauling agricultural crops from the farm where they were grown to first market, is within 35 miles of that farm, does not operate on an interstate highway while hauling the crops, and does not exceed its registered weight:

a. Is a five-axle combination with a gross weight of no more 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.

1 Section 3. This act constitutes a recent act of the
2 General Assembly within the meaning of G.S. 150B-21.1. The
3 Department may adopt the rule authorized by Section 2 of this act
4 as a temporary rule no later than September 1, 1997.

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

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.



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Ernest W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

July 9, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 1082 Native American Special Plates
Proposed Committee Substitute (PCS)

House Bill 1082 (PCS) would authorize the Division of Motor Vehicles to develop and issue a Native American license plate, upon receipt of 300 applications.

Persons applying for a Native American license plate would be charged the regular registration fee, plus a \$10 additional fee to be deposited in the special registration account.

House Bill 1082 (PCS) would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1082
PROPOSED COMMITTEE SUBSTITUTE
H1082-CSRW-001

Short Title: Native American Special Plates.

(Public)

Sponsors:

Referred to: Transportation, if favorable, Finance.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A
3 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
6 subdivision to read:
7 "(17a) Native American. -- Issuable to the
8 registered owner of a motor vehicle. The
9 plate may bear a phrase or an insignia
10 representing Native Americans. The Division
11 must receive 300 or more applications for
12 the plate before it may be developed."
13 Section 2. G.S.20-79.4(b)(17a) reads as rewritten:
14 ~~(17a)~~ (17b) Olympic Games. -- Issuable to the registered
15 owner of a motor vehicle in accordance with
16 G.S. 20-81.12. The plate may bear a phrase
17 or insignia representing the Olympic Games."
18 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1082
Committee Substitute Favorable 5/21/97

Short Title: Native American Special Plates.

(Public)

Sponsors:

Referred to:

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 "(17.1) Native American. -- Issuable to the registered owner of a motor
8 vehicle in accordance with G.S. 20-81.12. The plate may bear a
9 phrase or an insignia representing Native Americans. The
10 Division must receive 300 or more applications for the plate
11 before it may be developed."
12 Section 2. This act is effective when it becomes law.



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Raleigh, NC 27603-5925
(919) 733-4910

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Raleigh, NC 27603-5925
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Raleigh, NC 27603-5925
(919) 733-2578

July 9, 1997

To: Members of the Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: House Bill 1137 Soil and Water Conservation Plates
House Committee Substitute #2 Favorable 5/21/97

House Bill 1137 would authorize the Division of Motor Vehicles to develop and issue a Soil and Water Conservation Plate, upon receipt of 300 applications.

Persons applying for the Soil and Water Conservation plate would be charged the regular registration fee, plus a \$20 additional fee. Half of the additional fee (\$10) would be deposited in the Collegiate And Cultural Resources Account, to be transferred quarterly to the newly created Soil and Water Conservation Account in the Department of Environment, Health, and Natural Resources for environmental and water quality education. The other half of the additional fee (\$10) would be deposited in the Special Registration Account.

House Bill 1137 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 1137

Committee Substitute Favorable 4/29/97
Committee Substitute #2 Favorable 5/21/97

Short Title: Soil and Water Conservation Plates.

(Public)

Sponsors:

Referred to:

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
4 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(b) is amended by adding a new subdivision to
8 read:

9 "(22a1) Soil and Water Conservation. -- Issuable to the registered
10 owner of a motor vehicle in accordance with G.S. 20-81.12.
11 The plate may bear a phrase and picture appropriate to the
12 subject of water quality and environmental protection in North
13 Carolina."

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 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

1	Collegiate Insignia	\$25.00
2	Olympic Games	\$25.00
3	Special Olympics	\$25.00
4	<u>Soil and Water Conservation</u>	<u>\$20.00</u>
5	Wildlife Resources	\$20.00
6	Personalized	\$20.00
7	Active Member of the National Guard	None
8	All Other Special Plates	\$10.00."

9 Section 3. G.S. 20-79.7(b) reads as rewritten:

10 "(b) Distribution of Fees. -- The Special Registration Plate Account and the
11 Collegiate and Cultural Attraction Plate Account are established within the Highway
12 Fund. The Division must credit the additional fee imposed for the special
13 registration plates listed in subsection (a) among the Special Registration Plate
14 Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA),
15 and the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-
16 77.7, as follows:

17 <u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>
18 Historical Attraction	\$10	\$20	0
19 In-State Collegiate Insignia	\$10	\$15	0
20 Out-of-state Collegiate Insignia	\$10	0	\$15
21 Personalized	\$10	0	\$10
22 Special Olympics	\$10	\$15	0
23 Olympic Games	\$10	\$15	0
24 State Attraction	\$10	\$20	0
25 <u>Soil and Water Conservation</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>
26 Wildlife Resources	\$10	\$10	0
27 All other Special Plates	\$10	0	0."

28 Section 4. G.S. 20-81.12 is amended by adding a new subsection to read:

29 "(b5) Soil and Water Conservation Plates. -- The Division must receive 300 or
30 more applications for a soil and water conservation plate before the plate may be
31 developed. The Division shall transfer quarterly the money in the Collegiate and
32 Cultural Attraction Plate Account derived from the sale of the soil and water
33 conservation plates to the Soil and Water Conservation Account established in G.S.
34 143B-297.1."

35 Section 5. Part 7 of Article 7 of Chapter 143B is amended by adding a
36 new section to read:

37 "§ 143B-297.1. Soil and Water Conservation Account.

38 The Soil and Water Conservation Account is established as a nonreverting account
39 within the Department of Environment, Health, and Natural Resources. The
40 Account consists of revenue credited to the Account from the sale of soil and water
41 conservation special license plates. The Commission shall use the revenue from the
42 account to fund environmental education and water quality education in North
43 Carolina."

44 Section 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

PROPOSED COMMITTEE SUBSTITUTE

SENATE BILL 886

S886-CSLK-1

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

9-JUL-97 10:43:12

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 LEGISLATIVE RESEARCH
7 COMMISSION.
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>
34 <u>2</u>	<u>35 feet</u>
35 <u>3</u>	<u>40 feet</u>
36 <u>4 or more</u>	<u>45 feet</u>

37
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 Legislative Research Commission may
18 study the following issues encouraging the growth of the trucking
19 industry in North Carolina through increased truck registrations:

- 20 (1) The feasibility of removing the highway use tax on
21 vehicles with a gross weight rating of more than
22 26,000 pounds;
- 23 (2) The replacement of the revenue from the removal of
24 the highway use tax studied in subdivision (1) of
25 this section by an increase in registration fees
26 for the same vehicles by ten cents (10¢) per one
27 hundred pounds of registered weight; and
- 28 (3) Eliminate the stacking of overweight penalties by
29 restricting the penalties so that they do not
30 exceed the highest axle-group weight that exceeds
31 the allowable limits rather than assessing
32 separate penalties for each axle-group and
33 stacking those penalties for the same weight
34 violations.

35 The Legislative Research Commission may make an interim report
36 of the study authorized by this section to the 1998 Session of
37 the General Assembly and may make a final report to the 1999
38 Session of the General Assembly.

39 Section 7. Sections 5, 6, and 7 of this act are
40 effective when this act becomes law. Sections 1 through 4 of
41 this act become effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 886*

Short Title: Trucking Adjustment Act of 1997.

(Public)

Sponsors: Senators Jordan; and Martin of Guilford.

Referred to: Transportation.

April 16, 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:

- 18 (1) To the insurer of the motor vehicle under G.S. 20-109.1 because
19 the vehicle is a salvage vehicle.
- 20 (2) To either a manufacturer, as defined in G.S. 20-286, or a motor
21 vehicle retailer for the purpose of resale.
- 22 (3) To the same owner to reflect a change or correction in the owner's
23 name.
- 24 (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~~ 1.30

- (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.

- 1 (3) License plates issued at the farmer rate shall be placed upon trucks
2 and truck-tractors that are operated exclusively in the carrying or
3 transportation of applicant's farm products, raised or produced on
4 his farm, and farm supplies and not operated in hauling for hire.
- 5 (4) 'Farm products' means any food crop, livestock, poultry, dairy
6 products, flower bulbs, or other nursery products and other
7 agricultural products designed to be used for food purposes,
8 including in the term 'farm products' also cotton, tobacco, logs,
9 bark, pulpwood, tannic acid wood and other forest products
10 grown, produced, or processed by the farmer.
- 11 (5) The Division shall issue necessary rules and regulations providing
12 for the recall, transfer, exchange or cancellation of 'farmer' plates,
13 when vehicle bearing such plates shall be sold or transferred.
- 14 (5a) Notwithstanding any other provision of this Chapter, license plates
15 issued pursuant to this subsection at the farmer rate may be
16 purchased for any three-month period at one fourth of the annual
17 fee.
- 18 (6) There shall be paid to the Division annually as of the first of
19 January, the following fees for 'wreckers' as defined under G.S. 20-
20 4.01(50): a wrecker fully equipped weighing 7,000 pounds or less,
21 seventy-five dollars (\$75.00); wreckers weighing in excess of 7,000
22 pounds shall pay one hundred forty-eight dollars (\$148.00). Fees to
23 be prorated quarterly. Provided, further, that nothing herein shall
24 prohibit a licensed dealer from using a dealer's license plate to tow
25 a vehicle for a customer."

26 Section 5. G.S. 20-118(e) reads as rewritten:

27 "(e) Penalties. --

- 28 (1) Except as provided in subdivision (2) of this subsection, for each
29 violation of the single-axle or tandem-axle weight limits set in
30 subdivision (b)(1), (b)(2), or (b)(4) of this section, the Department
31 of Transportation shall assess a civil penalty against the owner or
32 registrant of the vehicle in accordance with the following schedule:
33 for the first 1,000 pounds or any part thereof, four cents (4¢) per
34 pound; for the next 1,000 pounds or any part thereof, six cents (6¢)
35 per pound; and for each additional pound, ten cents (10¢) per
36 pound. ~~These penalties apply separately to each weight limit~~
37 ~~violated. In all cases of violation of the weight limitation, the~~
38 ~~penalty shall be computed and assessed on each pound of weight~~
39 ~~in excess of the maximum permitted. The penalty may not exceed~~
40 ~~the amount computed on the highest axle-group weight that~~
41 exceeds the allowable limit.
- 42 (2) The penalty for a violation of the single-axle or tandem-axle weight
43 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.
- 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.

- 1 f. Recyclable material from its point of origin to a scrap-
2 processing facility for processing. As used in this subpart,
3 the terms 'recyclable' and 'processing' have the same
4 meaning as in G.S. 130A-290(a).
5 g. Garbage collected by the vehicle from residences or garbage
6 dumpsters if the vehicle is fully enclosed and is designed
7 specifically for collecting, compacting, and hauling garbage
8 from residences or from garbage dumpsters. As used in this
9 subpart, the term 'garbage' does not include hazardous
10 waste as defined in G.S. 130A-290(a), spent nuclear fuel
11 regulated under G.S. 20-167.1, low-level radioactive waste as
12 defined in G.S. 104E-5, or radioactive material as defined in
13 G.S. 104E-5."

14 Section 8. G.S. 20-116(d) reads as rewritten:

15 "(d) A single vehicle having two or more axles shall not exceed ~~35 feet in length~~
16 the following lengths of extreme overall dimensions inclusive of front and rear
17 ~~bumpers. bumpers:~~

18	<u>Axles</u>	<u>Length</u>
19	<u>2</u>	<u>35 feet</u>
20	<u>3</u>	<u>40 feet</u>
21	<u>4 or more</u>	<u>45 feet</u>

22 Provided, however, a bus or motor home with two axles shall not exceed 40 feet in
23 length overall of dimensions inclusive of front and rear bumpers. ~~A single vehicle~~
24 ~~having three axles shall not exceed 40 feet in length overall of dimensions inclusive of~~
25 ~~front and rear bumpers.~~ Provided, further, trucks transporting unprocessed cotton
26 from farm to gin shall not exceed 48 feet in length overall of dimensions inclusive of
27 front and rear bumpers. A truck-tractor and semitrailer shall be regarded as two
28 vehicles for the purpose of determining lawful length and license taxes."

29 Section 9. The Division of Motor Vehicles shall study the feasibility of
30 establishing a staggered registration system for commercial motor vehicles under the
31 International Registration Plan (IRP). The registration plan shall be coordinated with
32 other states which currently stagger IRP registrations to eliminate, insofar as possible,
33 multiple application dates for the same carrier. The registration plan shall provide
34 for a smooth transition to the staggered system providing for credits and partial fees,
35 as needed. The Division shall report the results of this study along with any
36 legislation to implement the staggered registration system to the Joint Legislative
37 Transportation Oversight Committee and the Fiscal Research Division by April 1,
38 1998.

39 Section 10. G.S. 20-382.2 reads as rewritten:

40 "§ 20-382.2. Penalty for failure to comply with registration or insurance verification
41 requirements.

42 (a) Acts. -- A motor carrier who does any of the following is subject to a civil
43 penalty of ~~seventy five dollars (\$75.00)~~ one thousand dollars (\$1,000):

1 (1) Operates a for-hire motor vehicle in this State without registering
2 its operations, as required by this Part.

3 (2) Operates a for-hire motor vehicle in interstate commerce in this
4 State that does not carry a copy of either an insurance registration
5 receipt issued to the motor carrier or a cab card with an
6 identification stamp issued for the vehicle, as required by G.S. 20-
7 382.

8 (3) Operates a for-hire motor vehicle in intrastate commerce in this
9 State for which it has not verified it has insurance, as required by
10 G.S. 20-382.1.

11 (b) Payment. -- When the Division finds that a for-hire motor vehicle is operated
12 in this State in violation of the registration and insurance verification requirements of
13 this Part, the motor vehicle may not be driven for a purpose other than to park the
14 motor vehicle until the penalty imposed under this section is paid unless the officer
15 that imposes the penalty determines that operation of the motor vehicle will not
16 jeopardize collection of the penalty. A motor carrier that denies liability for a penalty
17 imposed under this section may pay the penalty under protest and apply to the
18 Division for a hearing.

19 (c) Hearing. -- Upon receiving a request for a hearing, the Commissioner ~~must~~
20 shall schedule a hearing within 30 days after receipt of the request. If after the
21 hearing the Commissioner determines that the motor carrier was not liable for the
22 penalty, the amount collected ~~must~~ shall be refunded. If after the hearing the
23 Commissioner determines that the motor carrier was liable for the penalty, the motor
24 carrier may bring an action in the Superior Court of Wake County against the
25 Division for refund of the penalty. A court of this State may not issue a restraining
26 order or an injunction to restrain or enjoin the collection of the penalty or to permit
27 the operation of the vehicle without payment of the penalty.

28 (d) Proceeds. -- A penalty imposed under this section is payable to the Division.
29 Penalties collected under this section shall be credited to the Highway Fund as
30 nontax revenue."

31 Section 11. This act becomes effective October 1, 1997.

MINUTES
SENATE COMMITTEE ON TRANSPORTATION
AUGUST 13, 1997

Members of the Senate Transportation Committee met at the desk of Senator Larry Shaw in the Senate Chamber on Wednesday, August 13, 1997. Six members were present.

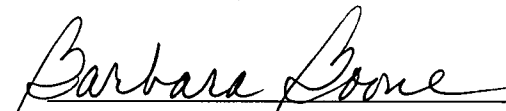
HB 1096 was the only bill before the committee for consideration.

Senator Shaw recognized Senator Hoyle to explain HB 1096. Senator Hoyle brought forward his amendment to the bill. Senator Shaw moved for adoption, and the motion carried. Upon a motion by Senator Shaw, HB 1096 was given a favorable report as amended.

There being no further business for the committee, Senator Shaw adjourned the meeting.



Senator Larry Shaw, Chairman



Barbara Boone, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Thursday, August 14, 1997

SENATOR LARRY SHAW,
submits the following with recommendations as to passage:

FAVORABLE, AS AMENDED

H.B. 1096	Trucking Adjustment Act of 1997
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 1

Committee Clerk Comment:

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."

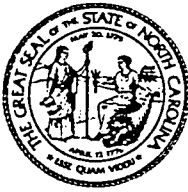
16 Section 4. The Division of Motor Vehicles shall study the feasibility of
17 establishing a staggered registration system for commercial motor vehicles under the
18 International Registration Plan (IRP). The registration plan shall be coordinated with
19 other states which currently stagger IRP registrations 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.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1096

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

H1096-ALK-2

Date August 13, 1997

Comm. Sub. [YES]
Amends Title []
Third Edition

Hoyle
Senator Hoyle

- 1 moves to amend the bill on page 2, line 7,
2 by rewriting that line to read:
3 "transported from a farm or from woodlands to first
4 market, market without interruption or delay for
5 further packaging or processing after initiating
6 transport.";
7 and further moves to amend the bill on page 2, line 24,
8 by rewriting that line to read:
9 "G.S. 104E-5.
10 h. Treated sludge collected from a wastewater treatment
11 facility.'" "
12

SIGNED [Signature]
Amendment Sponsor

SIGNED [Signature]
Committee Chair if Senate Committee Amendment

ADOPTED ✓

FAILED _____

TABLED _____