

1998

**SENATE
TRANSPORTATION
COMMITTEE**

MINUTES

SENATE COMMITTEE ON TRANSPORTATION
MEMBERSHIP LIST

<u>Senator</u>	<u>Office</u>	<u>Phone</u>
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
Senator David Hoyle	300A LOB	3-5734
Senator Bob Martin	410 LOB	5-3040
Senator Mark McDaniel	522 LOB	3-5620
Senator Fountain Odom	300B LOB	3-5707
Senator Dan Page	1414 LB	3-7659
Senator Aaron Plyler	627 LOB	3-5739
Senator Tony Rand	300C LOB	3-9892
Barbara Boone, Clerk	625 LOB	3-4809
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
 SENATE: TRANSPORTION

1997-98 Regular Session

Valid Through 19-DEC-1998

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S 426	HOYLE	MAGISTRATES/TRUCK SPECIAL PLATES	*R -CH. SL 97-0461	03-19-97	04-22-97
S 427	HOYLE	APPLE/XMAS TREE TRUCK WEIGHTS.	*R -CH. SL 98-0177	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
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	
S1173	PERDUE	DOT STRUCTURE	S -RE-REF COM ON TRANSPRT	07-14-98	
S1187=	JORDAN	MV TECHNICAL CHANGES	S -REF TO COM ON TRANSPRT	05-20-98	
S1206	ODOM	INCREASE APPLE TRUCK WT. LIMIT	S -REF TO COM ON TRANSPRT	05-21-98	
S1285=	ALBERTSON	AG. TRANSPORT/TEMP CONSERVATION RULE	*R -CH. SL 98-0165	05-27-98	08-12-98
S1290=	GULLEY W	TRANSIT RT OF WAY PROTECTION	S -REF TO COM ON TRANSPRT	05-27-98	
S1291=	GULLEY W	TRANSPORTATION CORRIDORS	*R -CH. SL 98-0184	05-27-98	06-11-98
S1291=	GULLEY W	TRANSPORTATION CORRIDORS	*R -CH. SL 98-0184	06-17-98	07-15-98
S1291=	GULLEY W	TRANSPORTATION CORRIDORS	*R -CH. SL 98-0184	07-16-98	07-16-98
S1453	SHAW L	WIDEN INTERSTATES	H -REF TO COM ON TRANSPOR	05-28-98	06-10-98
S1495=	KINNAIRD	DOT REQUIRED TO COMPOST	S -REF TO COM ON TRANSPRT	05-28-98	
S1567	BLUST	BD. OF TRANSPORTATION IMPROVEMENTS	S -REF TO COM ON TRANSPRT	06-01-98	
S1592	BALLANCE	REOPEN S.R. 1109 IN BERTIE	S -REF TO COM ON TRANSPRT	06-01-98	

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

SENATE: TRANSPORTION

Valid Through 19-DEC-1998

1997-98 Regular Session

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, SILVER/BRONZE STAR	*R -CH. SL 98-0163	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	*HF-POSTPONED INDEFINITELY	05-06-97	07-14-97
H 349	DICKSON	SALISBURY ST. PARKING	*R -CH. SL 98-0156	04-02-97	08-06-98
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 PLATES/HOUSING	*R -CH. SL 98-0155	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
H1304	BOWIE	RESTRUCTURE DOT BOARD	*R -CH. SL 98-0169	07-13-98	07-27-98
H1474=	MCMAHAN	MV TECHNICAL CHANGES	*R -CH. SL 98-0149	07-27-98	08-06-98
H1474=	MCMAHAN	MV TECHNICAL CHANGES	*R -CH. SL 98-0149	08-13-98	08-19-98
H1518	EDDINS	EAGLE SCOUT/GOLD AWARD PLATES	*R -CH. SL 98-0160	07-30-98	08-05-98
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 APPROPR	02-25-97	03-12-97
S 260=	ODOM	MODIFY EMISSIONS INSPECTION LAWS	*R -CH. SL 97-0029	02-27-97	03-05-97

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BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

TRANSPORTATION COMMITTEE

Wednesday, June 10, 1998

AGENDA

Call to Order

Senator David Weinstein, Vice Chair

Bills:

SB 1291, Transportation Corridors.
SB 1453, Widen Interstates.

Sen. Wib Gulley, Sponsor
Sen. Larry Shaw, Sponsor

Adjournment

SENATE TRANSPORTATION COMMITTEE

Wednesday, June 10, 1998

MINUTES

The Senate Transportation Committee met at 10:00 a.m. on Wednesday, June 10, 1998, in Room 1027 of the Legislative Building. Eight members of the committee were present. Senator David Weinstein, Vice Chair, presided.

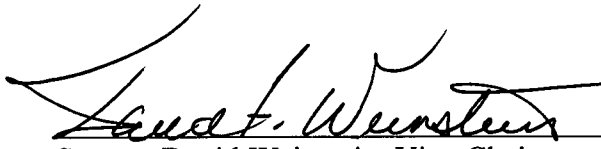
The following bills were on the agenda for consideration:

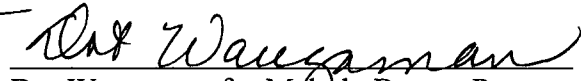
- Senate Bill 1291, Transportation Corridors
- Senate Bill 1453, Widen Interstates

Senator Gulley was recognized to speak on SB 1291. He moved the adoption of a committee substitute for the bill. The motion carried unanimously. Senator Gulley stated that back in 1987, the General Assembly adopted legislation known as the Map Act. It allowed DOT and municipalities to reserve corridors that would be used for road construction within a year to prevent development in rights of way. The current bill would extend these rights for Regional Transportation Authorities for transportation corridors and be good for two years instead of the original one year. Senator Shaw moved an unfavorable report of the bill but favorable as to the committee substitute. The motion carried unanimously.

Senator Shaw was recognized to speak on SB 1453 which would authorize the widening of I-95. Recent federal legislation would give the state an additional \$200 million toward the Highway Fund for widening I-95. Senator Gulley moved a favorable report of the bill. The motion carried unanimously.

The meeting adjourned at 11:00 a.m.


Senator David Weinstein, Vice-Chair


Dot Waugaman for Melody Brown-Peyton

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman**

Thursday, July 16, 1998

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

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2,
BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 3**

S.B.(CS #2)1291	Transportation Corridors	
	Draft Number:	PCS 9514
	Sequential Referral:	None
	Recommended Referral:	Finance
	Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman**

Wednesday, June 10, 1998

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

FAVORABLE

S.B. 1453	Widen Interstates	
	Sequential Referral:	None
	Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1453

Short Title: Widen Interstates.

(Public)

Sponsors: Senators Shaw of Cumberland; Ballance, Cooper, Dannelly, Jenkins, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Rand, Reeves, Warren, Weinstein, Wellons, and Winner.

Referred to: Transportation.

May 28, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE THE DEPARTMENT OF TRANSPORTATION TO
3 USE ADDITIONAL FUNDS FROM THE FEDERAL HIGHWAY
4 REAUTHORIZATION BILL OF 1998 TO EXPEDITE WIDENING OF
5 INTERSTATE HIGHWAYS TO AT LEAST SIX LANES.

6 Whereas, the recent widening of selected interstate highways in North
7 Carolina have helped to sustain the remarkable economic growth in the Charlotte to
8 Raleigh region, by ensuring the continued rapid flow of goods and services to
9 business and industry in that area; and

10 Whereas, the updated and improved Piedmont interstate corridor has
11 recently attracted additional industrial development, benefiting the citizens of the
12 State by creating additional and better job opportunities; and

13 Whereas, the benefits of the rapid economic growth in the State have not
14 been evenly distributed among all of North Carolina's citizens; and

15 Whereas, expanded and modern multilane limited access interstates are
16 vital for balanced economic growth in other regions of the State, such as eastern and
17 southeastern North Carolina; and

18 Whereas, high traffic volume on interstate highways in the eastern and
19 southeastern part of the State pose a threat to the safety of thousands of North
20 Carolinians and visitors each day; and

1 Whereas, North Carolina stands to receive a substantial increase in
2 federal highway funds from the recently enacted federal transportation act; Now,
3 therefore,

4 The General Assembly of North Carolina enacts:

5 Section 1. Notwithstanding any other provision of law, the Department of
6 Transportation shall consider giving higher priority to planning, design, and
7 engineering work on expansion of interstate highways in the State to six lanes. The
8 Department shall consider accelerating interstate expansions and improvements in
9 underserved areas of the State, such as eastern and southeastern North Carolina. The
10 Department shall consider using the additional federal transportation funds received
11 in fiscal year 1998-99 that are in excess of the amount of federal transportation funds
12 received in fiscal year 1997-98 to begin or accelerate planning, design, and
13 engineering work on these interstate highway projects. The Department shall report
14 to the General Assembly by February 1, 1999, on its efforts to speed interstate
15 expansion projects.

16 Section 2. This act becomes effective July 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 1291*
Transportation Committee Substitute Adopted 6/11/98

Short Title: Transportation Corridors.

(Public)

Sponsors:

Referred to:

May 27, 1998

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION,
3 REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL
4 TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION
5 CORRIDORS AND PROTECT THEM FROM DEVELOPMENT.
6 The General Assembly of North Carolina enacts:
7 Section 1. Article 2E of Chapter 136 reads as rewritten:
8 "ARTICLE 2E.
9 "~~Roadway~~ Transportation Corridor Official Map Act.
10 "**§ 136-44.50. Roadway Transportation corridor official map act.**
11 (a) A ~~roadway~~ transportation corridor official map may be adopted or ~~amended~~
12 amended by any of the following:
13 (1) ~~by the~~ The governing board of any city for any thoroughfare
14 included as part of a comprehensive plan for streets and highways
15 adopted pursuant to ~~G.S. 136-66.2 or~~ G.S. 136-66.2 or for any
16 proposed public transportation corridor included in the adopted
17 long-range transportation plan.
18 (2) ~~by the~~ The Board of Transportation for any portion of the existing
19 or proposed State highway ~~system.~~ system or for any public
20 transportation corridor, to include rail, that is in the
21 Transportation Improvement Program.
22 (3) Regional public transportation authorities created pursuant to
23 Article 26 of Chapter 160A of the General Statutes or regional

1 transportation authorities created pursuant to Article 27 of Chapter
2 160A of the General Statutes for any proposed public
3 transportation corridor included in the adopted long-range
4 transportation plan.

5 Before a city adopts a roadway transportation corridor official map that extends
6 beyond the extraterritorial jurisdiction of its building permit issuance and subdivision
7 control ordinances, or adopts an amendment to a roadway transportation corridor
8 official map outside the extraterritorial jurisdiction of its building permit issuance and
9 subdivision control ordinances, the city ~~must~~ shall obtain approval from the Board of
10 County Commissioners.

11 No roadway transportation corridor official map shall be adopted or amended, nor
12 may any property be regulated under this Article until:

13 (1) The governing board of the ~~city~~ city, the regional transportation
14 authority, or the Department of Transportation ~~in each county~~
15 ~~affected by the map,~~ has held a public hearing in each county
16 affected by the map on the proposed map or amendment. Notice
17 of the hearing shall be provided:

- 18 a. By publication at least once a week for four successive
19 weeks prior to the hearing in a newspaper having general
20 circulation in the county in which the roadway
21 transportation corridor to be designated is located.
22 b. By two week written notice to the Secretary of
23 Transportation, the Chairman of the Board of County
24 Commissioners, and the Mayor of any city or town through
25 whose corporate or extraterritorial jurisdiction the roadway
26 transportation corridor passes.
27 c. By posting copies of the proposed roadway transportation
28 corridor map or amendment at the courthouse door for at
29 least 21 days prior to the hearing date. The notice required
30 in sub-subdivision a. above shall make reference to this
31 posting.

32 (2) A permanent certified copy of the roadway transportation corridor
33 official map or amendment has been filed with the register of
34 deeds. The boundaries may be defined by map or by written
35 description, or a combination thereof. The copy shall measure
36 approximately 20 inches by 12 inches, including no less than one
37 and one-half inches binding space on the left-hand side.

38 (b) Roadway Transportation corridor official maps and amendments shall be
39 distributed and maintained in the following manner:

40 (1) A copy of the official map and each amendment thereto shall be
41 filed in the office of the city clerk and in the office of the district
42 engineer.

43 (2) A copy of the official map, each amendment thereto and any
44 variance therefrom granted pursuant to G.S. 136-44.52 shall be

1 furnished to the tax supervisor of any county and tax collector of
2 any city affected thereby. The portion of properties embraced
3 within a ~~roadway~~ transportation corridor and any variance granted
4 shall be clearly indicated on all tax maps maintained by the county
5 or city for such period as the designation remains in effect.

6 (3). Notwithstanding any other provision of law, the certified copy filed
7 with the register of deeds shall be placed in a book maintained for
8 that purpose and cross-indexed by number of road, street name, or
9 other appropriate description. The register of deeds shall collect a
10 fee of five dollars (\$5.00) for each map sheet or page recorded.

11 (c) Repealed by Session Laws 1989, c. 595, s. 1.

12 (d) Within ~~one-year~~ two years following the establishment of a ~~roadway~~
13 transportation corridor official map or amendment, work shall begin on an
14 environmental impact statement or preliminary engineering. The failure to begin
15 work within the ~~one-year~~ two-year period shall constitute an abandonment of the
16 corridor, and the provisions of this Article shall no longer apply to properties or
17 portions of properties embraced within the ~~roadway~~ transportation corridor. A city
18 may prepare environmental impact studies and preliminary engineering work in
19 connection with the establishment of a ~~roadway~~ transportation corridor official map
20 or amendments to a ~~roadway~~ transportation corridor official map. When a city
21 prepares a ~~roadway~~ transportation corridor official map for a street or highway that
22 has been designated a State responsibility pursuant to G.S. 136-66.2, the
23 environmental impact study and preliminary engineering work shall be reviewed and
24 approved by the Department of Transportation.

25 **"§ 136-44.51. Effect of ~~roadway~~ transportation corridor official map.**

26 (a) After a ~~roadway~~ transportation corridor official map is filed with the register
27 of deeds, no building permit shall be issued for any building or structure or part
28 thereof located within the ~~roadway~~ transportation corridor, nor shall approval of a
29 subdivision, as defined in G.S. 153A-335 and G.S. 160A-376, be granted with respect
30 to property within the ~~roadway~~ transportation corridor. The ~~district engineer of the~~
31 ~~Highway District in which the roadway corridor is located~~ Secretary of
32 Transportation or his designee shall be notified within 10 days of all requests for
33 building permits or subdivision approval within the ~~roadway~~ transportation corridor.
34 The provisions of this section shall not apply to valid building permits issued prior to
35 August 7, 1987, or to building permits for buildings and structures which existed prior
36 to the filing of the ~~roadway~~ transportation corridor provided the size of the building
37 or structure is not increased and the type of building code occupancy as set forth in
38 the North Carolina Building Code is not changed.

39 (b) No application for building permit issuance or subdivision plat approval shall
40 be delayed by the provisions of this section for more than three years from the date
41 of its original submittal.

42 **"§ 136-44.52. Variance from ~~roadway~~ transportation corridor official map.**

43 (a) The Department of ~~Transportation or~~ Transportation, the regional public
44 transportation authority, the regional transportation authority, or the city which

1 initiated the roadway transportation corridor official map shall establish procedures
2 for considering petitions for variance from the requirements of G.S. 136-44.51.

3 (b) The procedure established by the State shall provide for written notice to the
4 Mayor and Chairman of the Board of County Commissioners of any affected city or
5 county, and for the hearing to be held in the county where the affected property is
6 located.

7 (c) Cities may provide for petitions for variances to be heard by the board of
8 adjustment or other boards or commissions which can hear variances authorized by
9 G.S. 160A-388. The procedures for boards of adjustment shall be followed except
10 that no vote greater than a majority shall be required to grant a variance.

11 (d) A variance may be granted upon a showing that:

12 (1) Even with the tax benefits authorized by this Article, no reasonable
13 return may be earned from the land; and

14 (2) The requirements of G.S. 136-44.51 result in practical difficulties
15 or unnecessary hardships.

16 "**§ 136-44.53. Advance acquisition of right-of-way within the roadway transportation**
17 **corridor.**

18 (a) After a roadway transportation corridor official map is filed with the register
19 of deeds, the Department of ~~Transportation or~~ Transportation, the regional public
20 transportation authority, the regional transportation authority, or the city which
21 initiated the roadway transportation corridor official map ~~is authorized to~~ may make
22 advanced acquisition of specific parcels of property when ~~such~~ that acquisition is
23 determined by the respective governing board to be in the best public interest to
24 protect the roadway transportation corridor from development or when the roadway
25 transportation corridor official map creates an undue hardship on the affected
26 property owner.

27 (b) Prior to making any ~~such~~ advanced acquisition of right-of-way under the
28 authority of this Article, the Board of Transportation or the respective ~~municipal~~
29 governing board which initiated the roadway transportation corridor official map
30 shall develop and adopt appropriate policies and procedures to govern ~~such~~ the
31 advanced acquisition of right-of-way and to assure ~~such~~ that the advanced acquisition
32 is in the best overall public interest.

33 (c) When a city makes an advanced right-of-way acquisition of property within a
34 roadway transportation corridor official map for a street or highway that has been
35 determined to be a State responsibility pursuant to the provisions of G.S. 136-66.2,
36 the Department of Transportation shall reimburse the city for the cost of ~~such~~ any
37 advanced right-of-way acquisition at the time the street or highway is constructed.
38 The Department of Transportation shall have no responsibility to reimburse a
39 municipality for any advanced right-of-way acquisition for a street or highway that
40 has not been designated a State responsibility pursuant to the provisions of G.S. 136-
41 66.2 prior to the initiation of the advanced acquisition by the city. The city shall
42 obtain the concurrence of the Department of Transportation in all instances of
43 advanced acquisition.

1 (d) In exercising the authority granted by this section, a municipality is authorized
2 to expend municipal funds for the protection of rights-of-way shown on a duly
3 adopted ~~roadway~~ transportation corridor official map whether the right-of-way to be
4 acquired is located inside or outside the municipal corporate limits."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

SENATE
COMMITTEE SUBSTITUTE

JUL 16 1998

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ADOPTED D

SENATE BILL 1291*

Transportation Committee Substitute Adopted 6/11/98
Proposed Committee Substitute S1291-PCS9514-RW003

Short Title: Transportation Corridors.

(Public)

Sponsors:

Referred to:

May 27, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION,
3 REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL
4 TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION
5 CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, AND TO
6 INSURE PROPER NOTICE TO ALL PROPERTY OWNERS AFFECTED BY
7 THE CORRIDORS.

8 The General Assembly of North Carolina enacts:

9 Section 1. Article 2E of Chapter 136 reads as rewritten:

10 "ARTICLE 2E.

11 "~~Roadway~~ Transportation Corridor Official Map Act.

12 "§ 136-44.50. Roadway Transportation corridor official map act.

13 (a) A ~~roadway~~ transportation corridor official map may be adopted or ~~amended~~
14 amended by any of the following:

15 (1) ~~by the~~ The governing board of any city for any thoroughfare
16 included as part of a comprehensive plan for streets and highways
17 adopted pursuant to ~~G.S. 136-66.2 or G.S. 136-66.2~~ or for any
18 proposed public transportation corridor included in the adopted
19 long-range transportation plan.

20 (2) ~~by the~~ The Board of Transportation for any portion of the existing
21 or proposed State highway ~~system; system~~ or for any public

1 transportation corridor, to include rail, that is in the
2 Transportation Improvement Program.

- 3 (3) Regional public transportation authorities created pursuant to
4 Article 26 of Chapter 160A of the General Statutes or regional
5 transportation authorities created pursuant to Article 27 of Chapter
6 160A of the General Statutes for any proposed public
7 transportation corridor included in the adopted long-range
8 transportation plan.

9 Before a city adopts a roadway transportation corridor official map that extends
10 beyond the extraterritorial jurisdiction of its building permit issuance and subdivision
11 control ordinances, or adopts an amendment to a roadway transportation corridor
12 official map outside the extraterritorial jurisdiction of its building permit issuance and
13 subdivision control ordinances, the city ~~must~~ shall obtain approval from the Board of
14 County Commissioners.

15 No roadway transportation corridor official map shall be adopted or amended, nor
16 may any property be regulated under this Article until:

- 17 (1) The governing board of the ~~city~~ city, the regional transportation
18 authority, or the Department of Transportation ~~in each county~~
19 ~~affected by the map~~, has held a public hearing in each county
20 affected by the map on the proposed map or amendment. Notice
21 of the hearing shall be provided:

- 22 a. By publication at least once a week for four successive
23 weeks prior to the hearing in a newspaper having general
24 circulation in the county in which the roadway
25 transportation corridor to be designated is located.
26 b. By two week written notice to the Secretary of
27 Transportation, the Chairman of the Board of County
28 Commissioners, and the Mayor of any city or town through
29 whose corporate or extraterritorial jurisdiction the roadway
30 transportation corridor passes.
31 c. By posting copies of the proposed roadway transportation
32 corridor map or amendment at the courthouse door for at
33 least 21 days prior to the hearing date. The notice required
34 in sub-subdivision a. above shall make reference to this
35 posting.

- 36 (2) A permanent certified copy of the roadway transportation corridor
37 official map or amendment has been filed with the register of
38 deeds. The boundaries may be defined by map or by written
39 description, or a combination thereof. The copy shall measure
40 approximately 20 inches by 12 inches, including no less than one
41 and one-half inches binding space on the left-hand side.

- 42 (3) The names of all property owners affected by the corridor have
43 been submitted to the Register of Deeds.

1 (b) ~~roadway~~ Transportation corridor official maps and amendments shall be
2 distributed and maintained in the following manner:

3 (1) A copy of the official map and each amendment thereto shall be
4 filed in the office of the city clerk and in the office of the district
5 engineer.

6 (2) A copy of the official map, each amendment thereto and any
7 variance therefrom granted pursuant to G.S. 136-44.52 shall be
8 furnished to the tax supervisor of any county and tax collector of
9 any city affected thereby. The portion of properties embraced
10 within a ~~roadway~~ transportation corridor and any variance granted
11 shall be clearly indicated on all tax maps maintained by the county
12 or city for such period as the designation remains in effect.

13 (3) Notwithstanding any other provision of law, the certified copy filed
14 with the register of deeds shall be placed in a book maintained for
15 that purpose and cross-indexed by number of road, street name, or
16 other appropriate description. The register of deeds shall collect a
17 fee of five dollars (\$5.00) for each map sheet or page recorded.

18 (4) The names submitted as required under subdivision (a)(3) of this
19 section shall be indexed in the 'grantor' index by the Register of
20 Deeds.

21 (c) Repealed by Session Laws 1989, c. 595, s. 1.

22 (d) Within ~~one-year~~ two years following the establishment of a ~~roadway~~
23 transportation corridor official map or amendment, work shall begin on an
24 environmental impact statement or preliminary engineering. The failure to begin
25 work on the environmental impact statement or preliminary engineering within the
26 ~~one-year~~ two-year period shall constitute an abandonment of the corridor, and the
27 provisions of this Article shall no longer apply to properties or portions of properties
28 embraced within the ~~roadway~~ transportation corridor. A city may prepare
29 environmental impact studies and preliminary engineering work in connection with
30 the establishment of a ~~roadway~~ transportation corridor official map or amendments to
31 a ~~roadway~~ transportation corridor official map. When a city prepares a ~~roadway~~
32 transportation corridor official map for a street or highway that has been designated a
33 State responsibility pursuant to G.S. 136-66.2, the environmental impact study and
34 preliminary engineering work shall be reviewed and approved by the Department of
35 Transportation. An amendment to a corridor shall not extend the two-year period
36 provided by this section unless it establishes a substantially different corridor in a
37 primarily new location.

38 (e) The term 'amendment' for purposes of this section includes any change to a
39 transportation corridor official map, including:

40 (1) Failure of the Department of Transportation, a city, or a regional
41 transportation authority to begin work on an environmental impact
42 statement or preliminary engineering as required by this section; or

43 (2) Deletion of the corridor from the transportation corridor official
44 map by action of the Board of Transportation, or deletion of the

1 corridor from the long-range transportation plan of a city or
2 regional transportation authority by action of the city or regional
3 transportation authority governing Board.

4 "**§ 136-44.51. Effect of roadway transportation corridor official map.**

5 (a) After a roadway transportation corridor official map is filed with the register
6 of deeds, no building permit shall be issued for any building or structure or part
7 thereof located within the roadway transportation corridor, nor shall approval of a
8 subdivision, as defined in G.S. 153A-335 and G.S. 160A-376, be granted with respect
9 to property within the roadway transportation corridor. ~~The district engineer of the~~
10 ~~Highway District in which the roadway corridor is located~~ Secretary of
11 Transportation or his designee shall be notified within 10 days of all requests for
12 building permits or subdivision approval within the roadway transportation corridor.
13 The provisions of this section shall not apply to valid building permits issued prior to
14 August 7, 1987, or to building permits for buildings and structures which existed prior
15 to the filing of the roadway transportation corridor provided the size of the building
16 or structure is not increased and the type of building code occupancy as set forth in
17 the North Carolina Building Code is not changed.

18 (b) ~~No~~ In any event, no application for building permit issuance or subdivision plat
19 approval for a tract subject to a valid transportation corridor official map shall be
20 delayed by the provisions of this section for more than three years from the date of its
21 original submittal.

22 "**§ 136-44.52. Variance from roadway transportation corridor official map.**

23 (a) The Department of ~~Transportation or~~ Transportation, the regional public
24 transportation authority, the regional transportation authority, or the city which
25 initiated the roadway transportation corridor official map shall establish procedures
26 for considering petitions for variance from the requirements of G.S. 136-44.51.

27 (b) The procedure established by the State shall provide for written notice to the
28 Mayor and Chairman of the Board of County Commissioners of any affected city or
29 county, and for the hearing to be held in the county where the affected property is
30 located.

31 (c) Cities may provide for petitions for variances to be heard by the board of
32 adjustment or other boards or commissions which can hear variances authorized by
33 G.S. 160A-388. The procedures for boards of adjustment shall be followed except
34 that no vote greater than a majority shall be required to grant a variance.

35 (d) A variance may be granted upon a showing that:

- 36 (1) Even with the tax benefits authorized by this Article, no reasonable
37 return may be earned from the land; and
38 (2) The requirements of G.S. 136-44.51 result in practical difficulties
39 or unnecessary hardships.

40 "**§ 136-44.53. Advance acquisition of right-of-way within the roadway transportation**
41 **corridor.**

42 (a) After a roadway transportation corridor official map is filed with the register
43 of deeds, the Department of ~~Transportation or~~ Transportation, the regional public
44 transportation authority, the regional transportation authority, or then it becomes law

1 a city which initiated the roadway transportation corridor official map is ~~authorized~~
2 ~~to~~ may make advanced acquisition of specific parcels of property when ~~such~~ that
3 acquisition is determined by the respective governing board to be in the best public
4 interest to protect the roadway transportation corridor from development or when the
5 roadway transportation corridor official map creates an undue hardship on the
6 affected property owner.

7 (b) Prior to making any ~~such~~ advanced acquisition of right-of-way under the
8 authority of this Article, the Board of Transportation or the respective ~~municipal~~
9 governing board which initiated the roadway transportation corridor official map
10 shall develop and adopt appropriate policies and procedures to govern ~~such~~ the
11 advanced acquisition of right-of-way and to assure ~~such~~ that the advanced acquisition
12 is in the best overall public interest.

13 (c) When a city makes an advanced right-of-way acquisition of property within a
14 roadway transportation corridor official map for a street or highway that has been
15 determined to be a State responsibility pursuant to the provisions of G.S. 136-66.2;
16 the Department of Transportation shall reimburse the city for the cost of ~~such~~ any
17 advanced right-of-way acquisition at the time the street or highway is constructed.
18 The Department of Transportation shall have no responsibility to reimburse a
19 municipality for any advanced right-of-way acquisition for a street or highway that
20 has not been designated a State responsibility pursuant to the provisions of G.S. 136-
21 66.2 prior to the initiation of the advanced acquisition by the city. The city shall
22 obtain the concurrence of the Department of Transportation in all instances of
23 advanced acquisition.

24 (d) In exercising the authority granted by this section, a municipality is authorized
25 to expend municipal funds for the protection of rights-of-way shown on a duly
26 adopted roadway transportation corridor official map whether the right-of-way to be
27 acquired is located inside or outside the municipal corporate limits."

28 "§ 136-44.54. Standard for appraisal of right-of-way within corridor.

29 The Department shall utilize the criteria contained in 49 C.F.R. § 24.103 (1997)
30 when appraising right-of-way in a transportation corridor designated under this
31 Article."

32 Section 2. G.S. 105-277.9 reads as rewritten:

33 "§ 105-277.9. Taxation of property inside certain roadway corridors.

34 Real property that lies within a roadway transportation corridor marked on an
35 official map filed under Article 2E of Chapter 136 of the General Statutes is
36 designated a special class of property under Article V, Sec. 2(2) of the North
37 Carolina Constitution and is taxable at twenty percent (20%) of the general tax rate
38 levied on real property by the taxing unit in which the property is situated if:

39 (1) As of January 1, no building or other structure is located on the
40 property; and

41 (2) The property has not been subdivided, as defined in G.S. 153A-335
42 or G.S. 160A-376, since it was included in the corridor."

43 Section 3. G.S. 136-102.6(j) reads as rewritten:

1 "(j) The Division of Highways and district engineers of the Division of Highways
2 of the Department of Transportation shall issue a certificate of approval for any
3 subdivision affected by a ~~roadway~~ transportation corridor official map established by
4 the Board of Transportation only if the subdivision conforms to Article 2E of this
5 Chapter or conforms to any variance issued in accordance with that Article."

6 Section 4. G.S. 160A-458.4 reads as rewritten:

7 "**§ 160A-458.4. Designation of ~~roadway~~ transportation corridor official maps.**

8 Any city may establish ~~roadway~~ transportation corridor official maps and may
9 enact and enforce ordinances pursuant to Article 2E of Chapter 136 of the General
10 Statutes."

11 Section 5. This act becomes effective October 1, 1998, and applies to
12 transportation corridor official maps, or amendments to those maps, adopted on or
13 after the effective date of this act.

TRANSPORTATION COMMITTEE

Wednesday, July 23, 1998

AGENDA

Call to Order

Senator Larry Shaw, Chair

Bills:

HB 1304, Restructure DOT Board.

Rep. Joanne Bowie, Sponsor

Adjournment

SENATE TRANSPORTATION COMMITTEE

**Wednesday, July 23, 1998 at 9:00 a.m.
Room 1027, LB**

MINUTES

The Senate Transportation Committee met at 9:00 a.m. on Wednesday, July 23, 1998, in Room 1027 of the Legislative Building. Eight members of the committee were present. Senator Larry Shaw, Chair, presided.

Senator Shaw introduced Mr. Norris Tolson, Secretary of the Department of Transportation for some comments concerning the restructuring of the Board of Transportation. He spoke in support of the approach taken in the bill introduced by Senator Beverly Perdue (in the form of a committee substitute for HB 1304, Restructure DOT Board).. He added that several of the provisions of the law would put into statute some of the things the Department has already begun to implement with the current Board.

Senator Shaw introduced Senator Beverly Perdue who brought a committee substitute for HB 1304 to the committee. She explained the provisions of the committee substitute. Senator Shaw introduced the sponsor of the original bill, Representative Bowie, to speak on the bill. She commented that there were a lot of similarities in the two bills and that she felt a compromised could be worked out by the end of the Session.

Senator Shaw introduced Mr. Bob Hall from Democracy South to speak on the bill. He said that Democracy South and the John Locke Foundation had written the letter to trigger the audit of the Board of Transportation. The auditor identified two key areas that needed attention: (1) the composition of the Board and (2) the authority of the Board.

Ms. Molly Dickens, State Director of the North Carolina Chapter of the Sierra Club also commented on the bill. The Sierra Club is pleased with the steps taken in the legislation proposed by the Senate Select Committee by (1) reducing the role of campaign fund-raising in Board appointments, (2) ending the reality (or the perception) of self-dealing by Board members, (3) respecting and supporting local decision-making and (4) encouraging a more cooperative partnership between local government and the Department of Transportation.

Mr. Nathaniel Mund, Conservation Council of North Carolina, spoke in agreement with Ms. Dickens' comments.

Senator Rand proposed an amendment on page 7, line 2 to change the words "solicit and secured" to "solicit and acquired." Senator Rand moved adoption of the amendment. The motion carried unanimously.

Senator Odom moved adoption of an amendment to address concerns related to disclosure. The amendment would change page 7, line 3, by adding "state-wide or legislative" before "elective office." The motion carried unanimously.

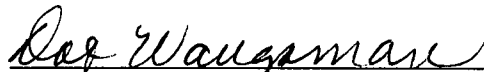
Senator Odom moved adoption of a third amendment to change page 7, line 4, beginning with the word "any" and going to line 8 to the "." to "include any political party executive committee or political committee acting on behalf of a candidate for statewide or legislative office." The motion carried unanimously.

Senator Rand moved for an unfavorable report of the bill but favorable report of the committee substitute including amendments. Senator Hoyle seconded the motion. The motion carried unanimously.

The meeting was adjourned at 10:00 a.m.



Senator Larry Shaw, Chair



Dot Waugaman for Melody Brown-Peyton

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman**

Monday, July 27, 1998

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

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 3,
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #3)1304	Restructure DOT Board
	Draft Number: PCS3162
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: Yes

TOTAL REPORTED: 1

Committee Clerk Comment:

HOUSE BILL 1304

Committee Substitute Favorable 6/17/98

Committee Substitute #2 Favorable 7/2/98

Committee Substitute #3 Favorable 7/7/98

Fifth Edition Engrossed 7/8/98

Proposed Senate Committee Substitute H1304-PCS3162-RW001

Short Title: BOT Reform.

(Public)

Sponsors:

Referred to:

May 18, 1998

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REFORM THE BOARD OF TRANSPORTATION BY ALTERING
3 ITS GOVERNANCE STRUCTURE, AUTHORIZING A NEW ETHICS POLICY,
4 REQUIRING DISCLOSURE OF POLITICAL CONTRIBUTIONS BY BOARD
5 MEMBERS, INCREASING PUBLIC PARTICIPATION IN ITS DECISIONS,
6 AND CHANGING THE PENALTIES FOR MISUSE OF A DOT BOARD
7 POSITION.
8 The General Assembly of North Carolina enacts:
9 Section 1. Part 2 of Article 8 of Chapter 143B of the General Statutes
10 reads as rewritten:
11 "Part 2. Board of Transportation—Secondary
12 Roads Council. Transportation.
13 "§ 143B-350. Board of Transportation -- organization; powers and duties, etc.
14 (a) ~~There is hereby created a Board of Transportation. The Board shall carry out~~
15 ~~its duties consistent with the needs of the State as a whole and it shall not sacrifice~~
16 ~~the general statewide interest to the purely local desires of any particular area. The~~
17 ~~Board may, from time to time, provide that one or more of its members or~~
18 ~~representatives shall hear any person or persons concerning transportation.~~
19 (b) ~~The Board of Transportation shall have two ex officio members. The Secretary~~
20 ~~of Transportation shall be an ex officio member of the Board of Transportation and~~

~~1 shall be the chairman of the Board of Transportation. The chairman of the North
2 Carolina Rail Council shall be an ex officio member of the Board of Transportation.~~

~~3 (e) The Board of Transportation shall have 20 members appointed by the
4 Governor. One member shall be appointed from each of the 14 transportation
5 engineering divisions and six members shall be appointed from the State at large.
6 One at-large member shall be a registered voter of a political party other than the
7 political party of the Governor. At least one at-large member shall possess a broad
8 knowledge of public transportation matters. No more than two members provided for
9 in this subsection shall reside in the same engineering division while serving in office.
10 The initial members shall serve terms beginning July 1, 1977, and ending January 14,
11 1981, or until their successors are appointed and qualified. The succeeding terms of
12 office shall be for a period of four years beginning January 15, 1981, and each four
13 years thereafter. The Governor shall have the authority to remove for cause sufficient
14 to himself, any member appointed by the Governor.~~

~~15 (d) The Board of Transportation shall have four members appointed by the
16 General Assembly. Two of these members shall be appointed upon the
17 recommendation of the Speaker of the House of Representatives, and two shall be
18 appointed upon the recommendation of the President Pro Tempore of the Senate in
19 accordance with G.S. 120-121. The initial members appointed by the General
20 Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors
21 shall serve for two-year terms beginning July 1 of odd-numbered years. Vacancies in
22 appointments made by the General Assembly shall be filled in accordance with G.S.
23 120-122.~~

24 (a) Board of Transportation. -- There is hereby created a Board of Transportation.
25 The Board shall carry out its duties consistent with the needs of the State as a whole.
26 The diversity and size of the State require that regional differences be considered by
27 Board members as they develop transportation policy and projects for the benefit of
28 the citizens of the State.

29 (b) Membership of the Board. --

30 (1) Number, appointment. -- The Board of Transportation shall have
31 19 voting members. Fourteen of the members shall be division
32 members appointed by the Governor. Five shall be at-large
33 members appointed by the Governor. The Secretary of
34 Transportation shall serve as an ex officio nonvoting member of
35 the Board. No more than two members of the Board may reside in
36 the same highway division.

37 (2) Division members. -- One member shall be appointed from and a
38 resident of each of the 14 highway divisions. The Governor, in
39 selecting division members, shall consider for appointment persons
40 suggested by the Transportation Advisory Committees located
41 within each division. Division members shall direct their primary
42 effort to developing transportation policy and addressing
43 transportation problems in the region they represent. Division
44 members shall regularly consult with and consider the views of

1 local government units and transportation advisory committees in
2 the region they represent.

3 (3) At-large members. -- Five members shall be appointed by the
4 Governor from the State at large. At-large members appointed
5 pursuant to this subdivision shall develop transportation policy and
6 address transportation problems with a statewide perspective. At-
7 large members appointed under this subdivision shall possess the
8 following qualifications:

9 a. One at-large member shall be a person with expertise in
10 environmental issues affecting the State;

11 b. One at-large member shall be a person familiar with the
12 State Ports and aviation;

13 c. One at-large member shall be a person residing in an urban
14 area of the State with broad knowledge of and experience in
15 transportation issues affecting urban areas;

16 d. One at-large member shall be a person residing in a rural
17 area of the State with broad knowledge of and experience in
18 transportation issues affecting rural areas;

19 e. One at-large member shall be a person with expertise in
20 mass transit.

21 (c) Staggered Terms. -- The terms of all Board members serving on the Board
22 prior to January 15, 1999, shall expire on January 14, 1999. A new board of 19
23 members shall be appointed with terms beginning on January 15, 1999. The Board
24 shall serve the following terms: division members representing divisions 1, 3, 5, 7, 9,
25 11, and 13 and the three at-large members filling the positions designated in
26 subdivisions (b)(3)a., b., and e., of this section shall serve two-year terms beginning
27 on January 15, 1999, and four-year terms thereafter; and division members
28 representing divisions 2, 4, 6, 8, 10, 12, and 14 and the two at-large members filling
29 the positions designated in subdivisions (b)(3)c. and d. of this section shall serve four-
30 year terms beginning January 15, 1999, and four-year terms thereafter.

31 (d) Holdover Terms; Vacancies; Removal. -- Members shall continue to serve until
32 their successors are appointed. The Governor may appoint a member to serve out
33 the unexpired term of any Board member. The Governor may remove any member
34 of the Board for any cause the Governor finds sufficient. The Governor shall remove
35 any member of the Board upon conviction of a felony, conviction of any other
36 offense involving a violation of the Board member's official duties, or a violation of
37 the provisions of subsections (i), (j), and (k) of this section or any other code of ethics
38 applicable to members of the Board as determined by the Governor or the
39 Governor's designee.

40 (e) Organization and Meetings at the Board. -- Within 60 days after January 15,
41 1999, and thereafter within 60 days following the beginning of the regular term of the
42 Governor, the Governor or his designee shall call the Board into session. The Board
43 shall then select a chair and vice-chair from among its membership for two-year
44 terms. The Board may select a chair or vice-chair for one additional two-year term.

1 The Board of Transportation shall meet once in each 60 days at such regular meeting
2 times as the Board may by rule provide and at any place in the State as the Board
3 may provide. The Board may hold special meetings at any time at the call of the
4 chairman or any three members. The Board shall have the power to adopt and
5 enforce rules and regulations for the government of its business and proceedings. The
6 Board shall keep minutes of its meetings, which shall at all times be open to public
7 inspection. The majority of the Board shall constitute a quorum for the transaction of
8 business. Board members shall receive per diem and necessary travel and subsistence
9 expenses in accordance with G.S. 138-5 and G.S. 138-6, as appropriate.

10 (f) Duties of the Board. -- The Board of Transportation shall have duties and
11 powers:

- 12 (1) To formulate policies and priorities for all modes of transportation
13 under the Department of Transportation;
- 14 (2) To advise the Secretary on matters to achieve the maximum public
15 benefit in the performance of the functions assigned to the
16 Department;
- 17 (3) To ascertain the transportation needs and the alternative means to
18 provide for these needs through an integrated system of
19 transportation taking into consideration the social, economic and
20 environmental impacts of the various ~~alternatives~~ alternatives;
- 21 (4) To approve a schedule of all major transportation improvement
22 projects and their anticipated cost for a period of seven years into
23 the future. This schedule is designated the Transportation
24 Improvement Program; it must be published and copies must be
25 available for distribution. The document that contains the
26 Transportation Improvement Program, or a separate document that
27 is published at the same time as the Transportation Improvement
28 Program, must include the anticipated funding sources for the
29 improvement projects included in the Program, a list of any
30 changes made from the previous year's Program, and the reasons
31 for the changes;
- 32 (5) To consider and advise the Secretary of Transportation upon any
33 other transportation matter that the Secretary may refer to it;
- 34 (6) To assist the Secretary of Transportation in the performance of his
35 duties in the development of programs and approve priorities for
36 programs within the Department;
- 37 (7) To allocate all highway construction and maintenance funds
38 appropriated by the General Assembly as well as federal-aid funds
39 which may be available;
- 40 (8) To approve all highway construction programs;
- 41 (9) To approve all highway construction projects and construction
42 plans for the construction of projects;
- 43 (10) To review all statewide maintenance functions;
- 44 (11) To award all highway construction contracts;

1 (12) To authorize the acquisition of rights-of-way for highway
2 improvement projects, including the authorization for acquisition
3 of property by eminent domain;

4 (13) To promulgate rules, regulations, and ordinances concerning all
5 transportation functions assigned to the Department.

6 (f1) The ability of a municipality to pay in part or whole for any transportation
7 improvement project shall not be a factor considered by the Board of Transportation
8 in its development and approval of a schedule of major State highway system
9 improvement projects to be undertaken by the Department under G.S. 143B-
10 350(f)(4).

11 (g) Delegation of Board Duties. -- The Board of Transportation may, in its
12 discretion, delegate to the Secretary of Transportation the authority:

13 (1) To approve all highway construction projects and construction
14 plans for the construction of projects;

15 (2) To award all highway construction contracts;

16 (3) To promulgate rules, regulations, and ordinances concerning all
17 transportation functions assigned to the Department.

18 The Secretary may, in turn, subdelegate these duties and powers.

19 (h) Consultation of Board Members. -- Each member of the Board of
20 Transportation who is appointed to represent a transportation engineering division or
21 who resides in a division shall be consulted before the Board makes a decision
22 affecting that division.

23 (i) Disclosure of Contributions. -- A person appointed to the Board of
24 Transportation shall disclose at the time the person is sworn in as a member of the
25 Board any contributions the person or the person's immediate family made to the
26 political campaign of the appointing Governor in the two years preceding the date of
27 appointment. The term 'immediate family', as used in this subsection, means a
28 person's spouse, children, parents, brothers, and sisters. Disclosure forms shall be
29 filed with the Governor or the Governor's designee and in a manner as prescribed by
30 the Governor. Disclosure forms shall not be a public record under the provisions of
31 Chapter 132 of the General Statutes until such time as the person who is filing the
32 statement is sworn in as a member of the Board.

33 (j) Disclosure of Campaign Fund-raising. -- A person appointed to the Board of
34 Transportation shall disclose at the time the person is sworn in as a member of the
35 Board any contributions the person personally acquired in the two years prior to
36 appointment for: any political campaign for a statewide or legislative elected office in
37 North Carolina; any political party executive committee or political committee acting
38 on behalf of a candidate for statewide or legislative office. Disclosure forms shall be
39 filed with the Governor or the Governor's designee and in a manner as prescribed by
40 the Governor. Disclosure forms shall not be a public record under the provisions of
41 Chapter 132 of the General Statutes until such time as the person filing the statement
42 is sworn in as a member of the Board.

43 (k) Ethics Policy. -- The Board shall adopt a code of ethics applicable to members
44 of the Board. Any code of ethics adopted by the Board shall be supplemental to any

1 other code of ethics that may be applicable to members of the Board. A code of
2 ethics adopted pursuant to this subsection shall:

3 (1) Include a prohibition against a member taking action as a Board
4 member when a conflict of interest, or the appearance of a conflict
5 of interest, exists. The ethics policy adopted pursuant to this
6 section shall specify that a conflict of interest exists when the use
7 of the Board member's position, or any official action taken by the
8 Board member, would result in financial benefit, direct or indirect,
9 to the Board member, a member of the Board member's
10 immediate family, or an individual with whom, or business with
11 which, the Board member is associated. The ethics policy adopted
12 pursuant to this section shall specify that an appearance of a
13 conflict of interest exists when a reasonable person would conclude
14 from the circumstances that the Board member's ability to protect
15 the public interest, or perform public duties, would be
16 compromised by personal interest, even in the absence of an actual
17 conflict of interest. The performance of usual and customary
18 duties associated with the public position or the advancement of
19 public policy goals or constituent services, without compensation,
20 shall not constitute the use of the Board member's position for
21 financial benefit. The conflict of interest provision of the ethics
22 policy adopted pursuant to this section shall not apply to financial
23 or other benefits derived by a Board member that the Board
24 member would enjoy to an extent no greater than that which other
25 citizens of the State would or could enjoy.

26 (2) Require the filing of a statement of economic interest. The
27 statement of economic interest shall include a listing of the
28 nominee's real estate holdings in the State, and a statement of the
29 nominee's financial interest in any business related to the State's
30 transportation system. The statement of economic interest shall be
31 filed with the Governor, or the Governor's designee, and in a
32 manner as prescribed by the Governor.

33 (3) Require the filing of a statement of potential bias. The statement of
34 potential bias shall include a statement of the nominee's
35 membership or other affiliation with, including offices held, in
36 societies, organizations, or advocacy groups pertaining the State's
37 transportation system. The statement of potential bias shall be
38 filed with the Governor, or the Governor's designee, and in a
39 manner as prescribed by the Governor.

40 Any statement of economic interest or statement of potential bias filed with the
41 Governor or the Governor's designee shall not be a public record under the
42 provisions of Chapter 132 of the General Statutes until such time as the person filing
43 the statement is sworn in as a member of the Board.

1 (l) Ethics and Board Duties Education. -- The Board shall institute and conduct
2 annually an education program on ethics and on the duties and responsibilities of
3 Board members. The training session shall be comprehensive in nature and shall
4 include input from the Institute of Government, the Board of Ethics, the Attorney
5 General's Office, the University of North Carolina Highway Safety Research Center,
6 and senior career employees of the various divisions of the Department. This
7 program shall include an initial orientation for new members of the Board and
8 continuing education programs for Board members at least once each year."

9 Section 2. Article 1 of Chapter 136 is amended by adding a new section
10 to read:

11 "§ G.S. 136-11.1. Local consultation on transportation projects.

12 Prior to any action of the Board on a transportation project, the Department shall
13 inform all municipalities and counties affected by a planned transportation project
14 and request each affected municipality or county to submit within 60 days a written
15 resolution expressing their views on the project. Upon receipt of a written resolution
16 from all affected municipalities and counties or the expiration of the 60-day period,
17 whichever occurs first, the Board may take action. The Department and the Board
18 shall consider, but shall not be bound by, the views of the affected municipalities and
19 counties on each transportation project. The failure of a county or municipality to
20 express their views within the time provided shall not prevent the Department or the
21 Board from taking action. The Department shall not be required to send notice under
22 this section if it has already received a written resolution from the affected county or
23 municipality on the planned transportation project. 'Action of the Board', as used in
24 this section, includes approval by the Board of: the Transportation Improvement
25 Program, amendments to the Transportation Improvement Program, awards of
26 highway construction contracts, funds for secondary road projects, funds for access
27 and public service road projects, additions and abandonment to the State Secondary
28 Road System, funds for any contingency, discretionary, or safety projects, funds for
29 specific State construction projects, funds for any North Carolina Highway Trust
30 Fund projects, funds for specific federal aid projects, and any other action on a
31 transportation project."

32 Section 3. G.S. 136-14 reads as rewritten:

33 "§ 136-14. Members not eligible for other employment with Department; no sales to
34 Department by employees; members not to sell or trade property with Department;
35 profiting from official position: position; misuse of confidential information by Board
36 members.

37 (a) No Board member of the Board of Transportation shall be eligible to any
38 other employment in connection with the Department of Transportation, and no
39 Department.

40 (b) No Board member of the Board of Transportation or any salaried employee of
41 the Department of Transportation shall furnish or sell any supplies or materials,
42 directly or indirectly, to the Department of Transportation, nor shall any Department.

1 (c) No Board member of the Board of Transportation, shall, directly or indirectly,
2 engage in any transaction involving the sale of or trading of real or personal property
3 with the Department of Transportation, or Department.

4 (d) No Board member shall profit in any manner by reason of his the Board
5 member's official action or his official position, except to receive such salary, fees and
6 allowances as by law provided.

7 (e) No Board member shall take any official action or use the Board member's
8 official position which profits in any manner the Board member's immediate family, a
9 business with which the Board member or the Board member's immediate family has
10 a business association, or a client of the Board member or the Board member's
11 immediate family with whom the Board member, or the Board member's immediate
12 family, has an existing business relationship for matters before the Board.

13 (f) No Board member, in contemplation of official action by the Board member,
14 by the Board, or in reliance on information which was made known to the Board
15 member in the Board member's official capacity and which has not been made
16 public, shall commit any of the following acts:

17 (1) Acquire a pecuniary interest in any property, transaction, or
18 enterprise or gain any pecuniary benefit which may be affected by
19 such information or official action; or

20 (2) Intentionally aid another to do any of the above acts.

21 (g) As used in this section, the following terms mean:

22 (1) 'Board'. -- The Board of Transportation.

23 (2) 'Board member'. -- A member of the Board of Transportation.

24 (3) 'Business association'. -- A director, employee, officer, or partner
25 of a business entity, or owner of more than ten percent (10%)
26 interest in any business entity.

27 (4) 'Department'. -- The Department of Transportation.

28 (5) 'Immediate family'. -- Spouse, children, parents, brothers, and
29 sisters.

30 (6) 'Official action'. -- Actions taken while a Board member related to
31 or in connection with the person's duties as a Board member
32 including, but not limited to, voting on matters before the Board,
33 proposing or objecting to proposals for transportation actions by
34 the Department or the Board, discussing transportation matters
35 with other Board members or Department staff or employees in an
36 effort to further the matter after the conflict of interest has been
37 discovered, or taking actions in the course and scope of the
38 position as a Board member and actions leading to or resulting in
39 profit.

40 (7) 'Profit'. -- Receive monetary or economic gain or benefit, including
41 an increase in value whether or not recognized by sale or trade.

42 (h) Violation of this section shall be a Class I H felony which may include a fine
43 of not more than twenty thousand dollars (\$20,000), or three times the value of the
44 transaction: transaction, whichever amount is greater."

1 Section 4. The Secretary of the Department of Transportation shall study
2 realignment and reorganization of the 14 Transportation Divisions of the State to
3 more closely match the urban and rural regions that have developed in the State over
4 the past 40 years and to improve the efficiency of the operations of the Department.
5 The Secretary shall give primary consideration to the boundaries of the metropolitan
6 planning regions of the State as he considers realignment of the Transportation
7 Divisions. The Secretary shall report his findings to the General Assembly on or
8 before December 31, 1998.

9 Section 5. The Department of Transportation shall develop a plan to
10 establish Rural Transportation Planning Organizations (RPOs) as a counterpart to the
11 existing Metropolitan Planning Organizations (MPOs). The Department shall report
12 its plan to establish these organizations to the General Assembly by December 31,
13 1998.

14 Section 6. The Department of Transportation shall study the backlog of
15 maintenance needs for the State's highways and suggest methods for addressing this
16 issue, including sources of funds. The Department shall report its findings and
17 recommendations to the General Assembly by December 31, 1998.

18 Section 7. Section 1 of this act becomes effective January 15, 1999.
19 Members of the Board of Transportation serving on January 14, 1999, shall continue
20 to serve until the date their successors are appointed. Section 2 of this act becomes
21 effective December 31, 1998, and applies to actions taken by the Board of
22 Transportation on or after April 1, 1999. Section 3 of this act becomes effective
23 December 1, 1998, and applies to offenses committed on or after that date. The
24 remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

5

HOUSE BILL 1304

Committee Substitute Favorable 6/17/98
Committee Substitute #2 Favorable 7/2/98
Committee Substitute #3 Favorable 7/7/98
Fifth Edition Engrossed 7/8/98

Short Title: Restructure DOT Board.

(Public)

Sponsors:

Referred to:

May 18, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRUCTURE THE BOARD OF TRANSPORTATION.

3 The General Assembly of North Carolina enacts:

4 Section 1. Effective January 15, 2001, Part 2 of Article 8 of Chapter 143B
5 of the General Statutes, as amended by Sections 2 and 3 of this act, reads as
6 rewritten:

7 "Part 2. Board of ~~Transportation~~—~~Secondary~~
8 ~~Roads Council.~~ Transportation.

9 "§ 143B-350. Board of Transportation -- organization; powers and duties, etc.

10 (a) There is hereby created a Board of Transportation. The Board shall carry out
11 its duties consistent with the needs of the State as a whole and it shall not sacrifice
12 the general statewide interest to the purely local desires of any particular area. The
13 Board may, from time to time, provide that one or more of its members or
14 representatives shall hear any person or persons concerning transportation.

15 ~~(b) The Board of Transportation shall have two ex officio members. The Secretary~~
16 ~~of Transportation shall be an ex officio member of the Board of Transportation and~~
17 ~~shall be the chairman of the Board of Transportation. The chairman of the North~~
18 ~~Carolina Rail Council shall be an ex officio member of the Board of Transportation.~~

19 ~~(c) The Board of Transportation shall have 20 members appointed by the~~
20 ~~Governor. One member shall be appointed from each of the 14 transportation~~
21 ~~engineering divisions and six members shall be appointed from the State at large.~~

~~One at-large member shall be a registered voter of a political party other than the political party of the Governor. At least one at-large member shall possess a broad knowledge of public transportation matters. No more than two members provided for in this subsection shall reside in the same engineering division while serving in office. The initial members shall serve terms beginning July 1, 1977, and ending January 14, 1981, or until their successors are appointed and qualified. The succeeding terms of office shall be for a period of four years beginning January 15, 1981, and each four years thereafter. The Governor shall have the authority to remove for cause sufficient to himself, any member appointed by the Governor.~~

~~(d) The Board of Transportation shall have four members appointed by the General Assembly. Two of these members shall be appointed upon the recommendation of the Speaker of the House of Representatives, and two shall be appointed upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The initial members appointed by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.~~

(b) Composition of the Board. --

(1) Number; nomination; confirmation. -- The Board of Transportation shall have 19 members nominated by the Governor and subject to confirmation by a majority vote of each house of the General Assembly. If the nomination is made while the General Assembly is in regular session, the General Assembly must act upon the nomination within 30 legislative days following the nomination, or before adjournment of that session, whichever occurs first. If the nomination is made when the General Assembly is not in session, the General Assembly must act on the nomination within the first 30 legislative days of the next regular session, or before the adjournment of that session, whichever occurs first. If the General Assembly fails to act upon a nomination within the time periods provided by this subdivision, the Board nominee shall be deemed confirmed.

(2) Division members. -- One member shall be nominated from each of the 14 highway divisions. Each division member shall be a resident of the division he or she is nominated to represent. The Governor shall consider nominating division representatives who are residents of counties that have been historically underrepresented on the Board.

(3) At-large members; qualifications. -- Five members shall be nominated from the State at large. No more than one at-large member shall reside in a highway division. The at-large members shall possess the following qualifications:

a. One at-large member shall be a professional engineer;

- 1 b. One at-large member shall be a land-use planner;
2 c. One at-large member shall be a scientist familiar with
3 environmental issues affecting water, air, and soil;
4 d. One at-large member shall have experience in and
5 knowledge of public transportation, or a combination of
6 experience in and knowledge of public transportation and
7 passenger rail service; and
8 e. One at-large member shall be a certified public accountant
9 with background in governmental accounting.
10 (4) Partisan representation. -- At least six members of the Board shall
11 be registered voters of a political party other than the political
12 party of the Governor.
13 (c) Staggered Terms. -- The terms of all members serving on the Board prior to
14 January 14, 2001, shall expire on that date. The terms of seven of the division
15 members and three of the at-large members specified in this section shall initially be
16 for four years beginning January 15, 2001, and for four years thereafter. The terms of
17 the other seven division members and the other two at-large members specified in
18 this section shall initially be for two years beginning January 15, 2001, and for four
19 years thereafter.
20 (d) Holdover Term. -- Members shall continue to serve until their successors are
21 nominated and confirmed.
22 (e) Limit on Terms. -- No member of the Board shall serve more than two
23 consecutive terms, plus an interim term of two years or less, or any holdover term
24 pending selection of a successor.
25 (e1) Vacancies. -- The Governor may fill a vacancy on the Board by appointing an
26 interim member of the Board to complete the unexpired term of a member. If the
27 interim appointment is made at a time when the General Assembly is not in regular
28 session, the appointment must be confirmed by the General Assembly within 30
29 calendar days of the convening of the next regular session, or the term of the interim
30 member shall expire on that date. If the interim appointment is made when the
31 General Assembly is in regular session, the appointment must be confirmed prior to
32 the adjournment of the regular session, or the term of the interim member shall
33 expire upon adjournment.
34 (e2) Removal. -- The Governor may remove any member of the Board for any
35 cause the Governor finds sufficient.
36 (e3) Organization and Meetings of the Board. -- Within 60 days after January 15,
37 2001, and thereafter within 60 days following the beginning of the regular term of the
38 Governor, the Governor or his designee shall call the Board into session. The Board
39 shall then select a chair and vice-chair from among its membership. The Board of
40 Transportation shall meet once in each 60 days at such regular meeting times as the
41 Board may by rule provide and at any place in the State as the Board may provide.
42 The Board may hold special meetings at any time at the call of the chairman or any
43 three members. The Board shall have the power to adopt and enforce rules and
44 regulations for the government of its business and proceedings. The Board shall keep

1 minutes of its meetings, which shall at all times be open to public inspection. The
2 majority of the Board shall constitute a quorum for the transaction of business. Board
3 members shall receive per diem and necessary travel and subsistence expenses in
4 accordance with G.S. 138-5 and G.S. 138-6, as appropriate.

5 (f) The Board of Transportation shall have duties and powers:

- 6 (1) To formulate policies and priorities for all modes of transportation
7 under the Department of Transportation;
- 8 (2) To advise the Secretary on matters to achieve the maximum public
9 benefit in the performance of the functions assigned to the
10 Department;
- 11 (3) To ascertain the transportation needs and the alternative means to
12 provide for these needs through an integrated system of
13 transportation taking into consideration the social, economic and
14 environmental impacts of the various alternatives.
- 15 (4) To approve a schedule of all major transportation improvement
16 projects and their anticipated cost for a period of seven years into
17 the future. This schedule is designated the Transportation
18 Improvement Program; it must be published and copies must be
19 available for distribution. The document that contains the
20 Transportation Improvement Program, or a separate document that
21 is published at the same time as the Transportation Improvement
22 Program, must include the anticipated funding sources for the
23 improvement projects included in the Program, a list of any
24 changes made from the previous year's Program, and the reasons
25 for the changes;
- 26 (5) To consider and advise the Secretary of Transportation upon any
27 other transportation matter that the Secretary may refer to it;
- 28 (6) To assist the Secretary of Transportation in the performance of his
29 duties in the development of programs and approve priorities for
30 programs within the Department;
- 31 (7) To allocate all highway construction and maintenance funds
32 appropriated by the General Assembly as well as federal-aid funds
33 which may be available;
- 34 (8) To approve all highway construction programs;
- 35 (9) To approve all highway construction projects and construction
36 plans for the construction of projects;
- 37 (10) To review all statewide maintenance functions;
- 38 (11) To award all highway construction contracts;
- 39 (12) To authorize the acquisition of rights-of-way for highway
40 improvement projects, including the authorization for acquisition
41 of property by eminent domain;
- 42 (13) To promulgate rules, regulations, and ordinances concerning all
43 transportation functions assigned to the Department.

(14) To hire a Transportation Board staff executive director, an administrative assistant, and three other professional staff members with expertise in one or more of the following areas: engineering, land-use planning, environmental issues, public transportation and passenger rail, and governmental accounting. Staff authorized under this subdivision shall be subject to the supervision, direction and control of the Board and shall serve at the pleasure of the Board.

(f1) The ability of a municipality to pay in part or whole for any transportation improvement project shall not be a factor considered by the Board of Transportation in its development and approval of a schedule of major State highway system improvement projects to be undertaken by the Department under G.S. 143B-350(f)(4).

(g) The Board of Transportation may, in its discretion, delegate to the Secretary of Transportation the authority:

- (1) To approve all highway construction projects and construction plans for the construction of projects;
- (2) To award all highway construction contracts;
- (3) To promulgate rules, regulations, and ordinances concerning all transportation functions assigned to the Department.

The Secretary may, in turn, subdelegate these duties and powers.

(h) Each member of the Board of Transportation who is appointed to represent a transportation engineering division or who resides in a division shall be consulted before the Board makes a decision affecting that division.

(i) Board Ethics Policy. -- The Board shall adopt a comprehensive ethics policy governing actions by Board members. The Board Chair shall ensure that Board members receive training on the ethics policy and related State laws and policies at least once a year.

(j) Disclosure. --

(1) Board members. -- Any person nominated for a seat on the Board of Transportation shall publicly disclose in writing under oath all real estate holdings and any transportation-related business interests prior to confirmation and appointment to the Board. Disclosure forms shall be filed with the Board of Ethics.

(2) Secretary of Transportation. -- The Secretary of Transportation shall publicly disclose in writing under oath all real estate holdings and any transportation-related business interests prior to beginning his or her employment as Secretary. Disclosure forms shall be filed with the Board of Ethics."

Section 2. G.S. 143B-350(f) is amended by adding a new subdivision to read:

"(14) To hire a Transportation Board staff executive director, an administrative assistant, and three other professional staff members with expertise in one or more of the following areas: engineering,

land-use planning, environmental issues, public transportation and passenger rail, and governmental accounting. Staff authorized under this subdivision shall be subject to the supervision, direction, and control of the Board and shall serve at the pleasure of the Board."

Section 3. G.S. 143B-350 is amended by adding a new subsection to read:

"(i) Board Ethics Policy. -- The Board shall adopt a comprehensive ethics policy governing actions by Board members. The Board Chair shall ensure that Board members receive training on the ethics policy and related State laws and policies at least once a year."

Section 4. Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-348.1. Qualifications of the Secretary of Transportation.

The Secretary of Transportation shall be a person with excellent management and leadership skills and knowledge of and experience in the transportation field."

Section 5. G.S. 136-13 reads as rewritten:

"§ 136-13. Malfeasance of officers and employees of Department of Transportation, members of Board of Transportation, contractors, and others.

(a) It is unlawful for any person, firm, or corporation to directly or indirectly corruptly give, offer, or promise anything of value to any officer or employee of the Department of Transportation or member of the Board of Transportation, or to promise any officer or employee of the Department of Transportation or any member of the Board of Transportation to give anything of value to any other person with intent:

- (1) To influence any official act of any officer or employee of the Department of Transportation or member of the Board of Transportation;
- (2) To influence such member of the Board of Transportation, or any officer or employee of the Department of Transportation to commit or aid in committing, or collude in, or allow, any fraud, or to make opportunity for the commission of any fraud on the State of North Carolina; and
- (3) To induce a member of the Board of Transportation, or any officer or employee of the Department of Transportation to do or omit to do any act in violation of his lawful duty.

(b) It shall be unlawful for any member of the Board of Transportation, or any officer or employee of the Department of Transportation, directly or indirectly, to corruptly ask, demand, exact, solicit, accept, receive, or agree to receive anything of value for himself or any other person or entity in return for:

- (1) Being influenced in his performance of any official act;
- (2) Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or to make opportunity for the commission of any fraud on the State of North Carolina; and

1 (3) Being induced to do or omit to do any act in violation of his
2 official duty.

3 **(b1) If a member of the Board of Transportation would benefit from a proposed**
4 **project of the Department of Transportation, and such benefit is greater than that**
5 **which would be realized by other persons living in the area where the project is**
6 **located, then not only shall that member abstain from voting on that issue, but once**
7 **the conflict of interest is apparent, the member shall not discuss the project with any**
8 **other Board member or other officer or employee of the Department except to state**
9 **that a conflict of interest exists. This subsection also applies where the benefit is to**
10 **be realized by an immediate family member or a business in which the member is a**
11 **partner, officer, or director or owns more than ten percent (10%) of any class of**
12 **stock or more than a ten percent (10%) interest.**

13 (c) The violation of any of the provisions of this section shall be cause for
14 forfeiture of public office and shall be a Class H felony which may include a fine of
15 not more than twenty thousand dollars (\$20,000) or three times the monetary
16 equivalent of the thing of value whichever is greater."

17 Section 6. There is appropriated from the Highway Fund to the
18 Department of Transportation the sum of five hundred thousand dollars (\$500,000)
19 for fiscal year 1998-99 for use by the Board of Transportation to hire five staff
20 members to assist the Board in carrying out its statutory duties. The Board shall hire
21 a staff director, an administrative assistant, and three other professional staff members
22 with expertise in one or more of the following areas: engineering, land-use planning,
23 environmental issues, public transportation and passenger rail, and governmental
24 accounting. Staff authorized under this section shall be subject to the supervision,
25 direction, and control of the Board and shall serve at the pleasure of the Board.

26 Section 7. Sections 1 and 4 of this act become effective January 15, 2001.
27 Sections 2, 3, 6, and 7 become effective July 1, 1998. Section 5 becomes effective
28 December 1, 1998, and applies to offenses occurring on or after that date.

TRANSPORTATION COMMITTEE

Wednesday, August 5, 1998

AGENDA

Call to Order

Senator Larry Shaw, Chair

Bills:

HB 349, New Motor Vehicle Safety Inspections.

HB 1474, Motor Vehicle Technical Changes.

HB 518, Eagle Scout Special Plates.

Rep. Dickson, Sponsor

Rep. McMahan, Sponsor

Rep. Eddins, Sponsor

Adjournment

TRANSPORTATION COMMITTEE MEETING
Wednesday August 5, 1998
ROOM 1027, LB

CALL TO ORDER

SENATOR LARRY SHAW, CHAIRMAN

BILLS TO BE CONSIDERED:

HB 349 New Motor Vehicle Safety Inspections
HB 1474 Motor Vehicle Technical Changes
HB 1518 Eagle Scout Special Plates

Rep. Dickson
Rep. McMahan
Rep. Eddins

SUPPORT STAFF:

SGT-AT-ARMS

Jennifer Edwards
Michael Houser
Hubert Pool
Leslie Wright

PAGES

Courtney Monsour of Fayetteville
Jamey Wilkinson of Kenly

Sponsored by Senator Rand
Sponsored by Senator Reeves

ADJOURNMENT

SENATE TRANSPORTATION COMMITTEE

Wednesday, August 5, 1998

MINUTES

The Senate Transportation Committee met at 10:00 a.m. on Wednesday, August 5, 1998, in Room 1027 of the Legislative Building. Fourteen members of the committee were present. Senator Larry Shaw, Chair, presided.

Senator Shaw introduced the Assistant Sergeants-at-Arms and the Pages helping the committee.


He introduced Mr. Terry Sullivan of the Research Division to speak on a committee substitute for HB 349, New Motor Vehicle Safety Inspections, who was speaking on behalf of Mr. George Hall, Legislative Services Officer, to explain the bill. The committee substitute addresses parking in the legislative complex. During the legislative sessions, the legislature has access to all the land to the far curb line of all the streets that surround the Legislative Building. Due to the increase in the number of sessions and the activity of the legislature during the interims, Mr. Hall has requested the legislature pass legislation that would grant the same access to the legislature in the interim that they have during legislative sessions on Salisbury Street. (The provisions of HB 349 in its original form had been passed during 1997 at part of another bill.) Senator Shaw moved adoption of the committee substitute, Senator McDaniel seconded it, and the motion carried unanimously. Senator McDaniel moved for a favorable report of the committee substitute, and the motion carried unanimously.

Representative Eddins was introduced to speak on HB 1518, Eagle Scout Special Plates. He described the two sections of the bill: Section 1 authorizes a special license plate for Eagle Scouts; Section 2 adds that trailers for motorcycles would be allowed to have the same size plate as motorcycles. Senator Carpenter moved for a favorable report of the bill and the motion carried unanimously. Senator Garwood asked if there is a moratorium on special plates. Ms. Ruth Sappie, Legislative Liaison for DOT, commented that there was a bill last year that put a moratorium on special plate legislation until the Division of Motor Vehicles (DMV) had the opportunity to come to the Transportation Oversight Committee with recommendations. Ms. Sappie offered a copy of the report made by DMV to the Committee to anyone who requested it. Senator Shaw asked that all members of the Transportation Committee receive a copy.

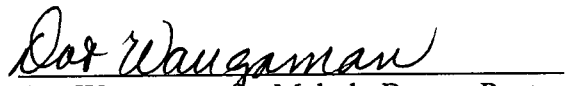
Representative McMahan was introduced to speak on HB 1474, MV Technical and Other Changes. Mr. Giles Perry, Counsel to the Committee, provided an explanation of the bill (attached). Senator McDaniel put forth an amendment to exempt fire-fighting vehicles from weight restrictions. Ms. Sappie commented that the Department's position on the amendment is that they would allow the exemption, but have a maximum gross weight limit, and have the matter addressed in an amendment on the floor or in the next

biennium. Senator McDaniel moved the adoption of the amendment (#1) which carried unanimously. Mr. Perry passed out another amendment (#2) and explained the problem of supervising drivers it addresses. Mr. Wayne Hurder, Director of the Driver's License Section, commented that the Department favored the change to accommodate unusual custodial situations. Senator Carpenter moved adoption of the amendment which carried unanimously. Senator McDaniel moved for a favorable report of the bill as amended, and to have the changes incorporated into a committee substitute. The motion carried unanimously.

The meeting adjourned at 10:50 a.m.



Senator Larry Shaw, Chair



Dot Waugaman for Melody Brown-Peyton

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman**

Thursday, August 06, 1998

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

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

H.B. 349	New MV Safety Inspections.
	Draft Number: PCS2411
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: Yes

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2,
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #2)1474	MV Technical and Other Changes.
	Draft Number: PCS1606
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comment:

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman**

Wednesday, August 05, 1998

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

FAVORABLE

H.B.(CS)1518	Eagle Scout Special Plates.	
	Sequential Referral:	Finance
	Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comment:

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

H

1

HOUSE BILL 349
PROPOSED SENATE COMMITTEE SUBSTITUTE
H349-CSRA-001
24-JUL-98 09:51:04

Short Title:

(Public)

Sponsors:

Referred to:

February 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND THE TERRITORIAL JURISDICTION OF THE LEGISLATIVE
3 SERVICES COMMISSION TO ALL OF SALISBURY STREET PROXIMATE TO THE
4 STATE LEGISLATIVE BUILDING.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 120-32.1(d) reads as rewritten:

7 "(d) For the purposes of this section, the term "State
8 legislative buildings and grounds" means:

9 (1) At all times:

10 a. The State Legislative Building;

11 al. The areas between the outer walls of the State
12 Legislative Building and the near curblin of
13 those sections of ~~Jones, Wilmington, and~~
14 Salisbury Jones and Wilmington Streets which
15 border land on which it is situated;

16 a2. The area between the outer walls of the State
17 Legislative Building and the far curblin of

- 1 ~~that section of Lane Street which borders~~
2 ~~those sections of Lane and Salisbury Streets~~
3 ~~which border the land on which it is situated;~~
4 b. The Legislative Office Building and the areas
5 between its outer walls and the near curblin
6 of those sections of Lane and Salisbury
7 Streets that border the land on which it is
8 situated;
9 c. Any State-owned parking lot which is leased to
10 the General Assembly; and
11 d. The bridge between the State Legislative
12 Building and the State Governmental Mall.
13 (2) In addition, the surface area to the far curblin
14 of those sections of ~~Jones, Wilmington, and~~
15 ~~Salisbury~~ Jones and Wilmington Streets which border
16 the land on which the State Legislative Building is
17 situated:
18 a. When the General Assembly is in regular or
19 extra session; and
20 b. On other days on which one or more standing
21 committees of either or both houses of the
22 General Assembly are meeting and the
23 Legislative Services Officer determines that
24 additional parking is needed for the
25 functioning of the General Assembly and files
26 notice of the committee's or committees'
27 meetings and his finding that additional
28 parking is needed in the office of the
29 Secretary of State and that of Clerk of the
30 Superior Court of Wake County."
31 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1518
Committee Substitute Favorable 6/18/98

Short Title: Eagle Scout Special Plates.

(Public)

Sponsors:

Referred to:

May 27, 1998

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE
3 EAGLE SCOUT SPECIAL REGISTRATION PLATES TO EAGLE SCOUTS
4 OR THEIR PARENTS OR GUARDIANS AND TO AUTHORIZE THE
5 DIVISION OF MOTOR VEHICLES TO ISSUE SMALLER REGISTRATION
6 PLATES FOR MOTORCYCLES AND MOTORCYCLE TRAILERS.
7 The General Assembly of North Carolina enacts:
8 Section 1. G.S. 20-79.4(b) reads as rewritten:
9 "(b) Types. -- The Division shall issue the following types of special registration
10 plates:
11 (1) Administrative Officer of the Courts. -- Issuable to the Director of
12 the Administrative Office of the Courts. The plate shall bear the
13 phrase "J-20".
14 (2) Amateur Radio Operator. -- Issuable to an amateur radio operator
15 who holds an unexpired and unrevoked amateur radio license
16 issued by the Federal Communications Commission and who
17 asserts to the Division that a portable transceiver is carried in the
18 vehicle. The plate shall bear the phrase "Amateur Radio". The
19 plate shall bear the operator's official amateur radio call letters, or
20 call letters with numerical or letter suffixes so that an owner of
21 more than one vehicle may have the call letters on each.
22 (3) American Legion. -- Issuable to a member of the American Legion.
23 The plate shall bear the words "American Legion" and the

1 emblem of the American Legion. The Division may not issue the
2 plate authorized by this subdivision unless it receives at least 300
3 applications for the plate.

- 4 (4) Civil Air Patrol Member. -- Issuable to an active member of the
5 North Carolina Wing of the Civil Air Patrol. The plate shall bear
6 the phrase "Civil Air Patrol". A plate issued to an officer member
7 shall begin with the number "201" and the number shall reflect the
8 seniority of the member; a plate issued to an enlisted member, a
9 senior member, or a cadet member shall begin with the number
10 "501".

- 11 (5) Civic Club. -- Issuable to a member of a nationally recognized
12 civic organization whose member clubs in the State are exempt
13 from State corporate income tax under G.S. 105-130.11(a)(5).
14 Examples of these clubs include Jaycees, Kiwanis, Optimist,
15 Rotary, Ruritan, and Shrine. The plate shall bear a word or phrase
16 identifying the civic club and the emblem of the civic club. The
17 Division may not issue a civic club plate authorized by this
18 subdivision unless it receives at least 300 applications for that civic
19 club plate.

- 20 (6) Class D Citizen's Radio Station Operator. -- Issuable to a Class D
21 citizen's radio station operator. For an operator who has been
22 issued Class D citizen's radio station call letters by the Federal
23 Communications Commission, the plate shall bear the operator's
24 official Class D citizen's radio station call letters. For an operator
25 who has not been issued Class D citizen's radio station call letters
26 by the Federal Communications Commission, the plate shall bear
27 the phrase "Citizen's Band Radio".

- 28 (7) Clerk of Superior Court. -- Issuable to a current or retired clerk of
29 superior court. A plate issued to a current clerk shall bear the
30 phrase "Clerk Superior Court" and the letter "C" followed by a
31 number that indicates the county the clerk serves. A plate issued to
32 a retired clerk shall bear the phrase "Clerk Superior Court,
33 Retired", the letter "C" followed by a number that indicates the
34 county the clerk served, and the letter "X" indicating the clerk's
35 retired status.

- 36 (8) Coast Guard Auxiliary Member. -- Issuable to an active member of
37 the United States Coast Guard Auxiliary. The plate shall bear the
38 phrase "Coast Guard Auxiliary".

- 39 (9) Collegiate Insignia Plate. -- Issuable to the registered owner of a
40 motor vehicle in accordance with G.S. 20-81.12. The plate may
41 bear a phrase or an insignia representing a public or private
42 college or university.

- 43 (10) Combat Veteran. -- Issuable to a veteran of the armed forces who
44 served in a combat zone, or in waters adjacent to a combat zone,

1 during a period of war and who was separated from the armed
2 forces under honorable conditions. The Division may not issue the
3 plate authorized by this subdivision unless it receives at least 300
4 applications for the plate. A "period of war" is any of the
5 following:

- 6 a. World War I, which began April 16, 1917, and ended
7 November 11, 1918.
- 8 b. World War II, which began December 7, 1941, and ended
9 December 31, 1946.
- 10 c. The Korean Conflict, which began June 27, 1950, and ended
11 January 31, 1955.
- 12 d. The Vietnam Era, which began August 5, 1964, and ended
13 May 7, 1975.
- 14 e. The Persian Gulf War.
- 15 f. Any other campaign, expedition, or engagement for which
16 the United States Department of Defense authorizes a
17 campaign badge or medal.

18 (11) County Commissioner. -- Issuable to a county commissioner of a
19 county in this State. The plate shall bear the words "County
20 Commissioner" followed first by a number representing the
21 commissioner's county and then by a letter or number that
22 distinguishes plates issued to county commissioners of the same
23 county. The number of a county shall be the order of the county in
24 an alphabetical list of counties that assigns number one to the first
25 county in the list and a letter or number to distinguish different
26 cars owned by the county commissioners in that county. The
27 Division may not issue the plate authorized by this subdivision
28 unless it receives at least 300 applications for the plate.

29 (12) Disabled Veteran. -- Issuable to a veteran of the armed forces of
30 the United States who suffered a 100% service-connected
31 disability.

32 (13) District Attorney. -- Issuable to a North Carolina or United States
33 District Attorney. The plate issuable to a North Carolina district
34 attorney shall bear the letters "DA" followed by a number that
35 represents the prosecutorial district the district attorney serves. The
36 plate for a United States attorney shall bear the phrase "U.S.
37 Attorney" followed by a number that represents the district the
38 attorney serves, with 1 being the Eastern District, 2 being the
39 Middle District, and 3 being the Western District.

40 (13a) Eagle Scout. -- Issuable to a young man who has been certified as
41 an Eagle Scout by the Boy Scouts of America, or to his parents or
42 guardians. The plate shall bear the insignia of the Boy Scouts of
43 America and shall bear the words "Eagle Scout". The Division

may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.

- (14) 82nd Airborne Division Association Member. -- Issuable to a member of the 82nd Airborne Division Association, Inc. The plate shall bear the insignia of the 82nd Airborne Division Association, Inc. The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.
- (15) Fire Department or Rescue Squad Member. -- Issuable to an active regular member or volunteer member of a fire department, rescue squad, or both a fire department and rescue squad. The plate shall bear the words "Firefighter", "Rescue Squad", or "Firefighter-Rescue Squad".
- (16) Future Farmers of America. -- Issuable to a member or a supporter of the National Future Farmers of America Organization. The plate shall bear the emblem of the organization and the letters "FFA". The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.
- (17) Historic Vehicle Owner. -- Issuable for a motor vehicle that is at least 35 years old measured from the date of manufacture. The plate for an historic vehicle shall bear the word "Antique" unless the vehicle is a model year 1943 or older. The plate for a vehicle that is a model year 1943 or older shall bear the word "Antique" or the words "Horseless Carriage", at the option of the vehicle owner.
- (18) Historical Attraction Plate. -- Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate may bear a phrase or an insignia representing a publicly owned or nonprofit historical attraction located in North Carolina.
- (19) Honorary Plate. -- Issuable to a member of the Honorary Consular Corps, who has been certified by the U. S. State Department, the plate shall bear the words "Honorary Consular Corps" and a distinguishing number based on the order of issuance.
- (20) Judge or Justice. -- Issuable to a sitting or retired judge or justice in accordance with G.S. 20-79.6.
- (21) Legion of Valor. -- Issuable to a recipient of one of the following military decorations: the Congressional Medal of Honor, the Distinguished Service Cross, the Navy Cross, or the Air Force Cross. The plate shall bear the emblem and name of the recipient's decoration.
- (22) Legislator. -- Issuable to a member of the North Carolina General Assembly. The plate shall bear "The Great Seal of the State of North Carolina" and, as appropriate, the word "Senate" or "House" followed by the Senator's or Representative's assigned seat number.

- (23) Magistrate. -- Issuable to a North Carolina magistrate. The plate shall bear the letters "MJ" followed by a number indicating the district court district the magistrate serves, then by a hyphen, and then by a number indicating the seniority of the magistrate. The Division shall use the number "9" to designate District Court Districts 9 and 9B.
- (24) March of Dimes. -- Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate may bear a phrase or an insignia representing the March of Dimes Foundation.
- (25) Marshal. -- Issuable to a United States Marshal. The plate shall bear the phrase "U.S. Marshal" followed by a number that represents the district the Marshal serves, with 1 being the Eastern District, 2 being the Middle District, and 3 being the Western District.
- (26) Military Reservist. -- Issuable to a member of a reserve component of the armed forces of the United States. The plate shall bear the name and insignia of the appropriate reserve component. Plates shall be numbered sequentially for members of a component with the numbers 1 through 5000 reserved for officers, without regard to rank.
- (27) Military Retiree. -- Issuable to an individual who has retired from the armed forces of the United States. The plate shall bear the word "Retired" and the name and insignia of the branch of service from which the individual retired. The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.
- (28) National Guard Member. -- Issuable to an active or a retired member of the North Carolina National Guard. The plate shall bear the phrase "National Guard". A plate issued to an active member shall bear a number that reflects the seniority of the member; a plate issued to a commissioned officer shall begin with the number "1"; a plate issued to a noncommissioned officer with a rank of E7, E8, or E9 shall begin with the number "1601"; a plate issued to an enlisted member with a rank of E6 or below shall begin with the number "3001". The plate issued to a retired or separated member shall indicate the member's retired status.
- (29) Olympic Games. -- Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate may bear a phrase or insignia representing the Olympic Games.
- (30) Partially Disabled Veteran. -- Issuable to a veteran of the armed forces of the United States who suffered a service connected disability of less than 100%.
- (31) Pearl Harbor Survivor. -- Issuable to a veteran of the armed forces of the United States who was present at and survived the attack on

Pearl Harbor on December 7, 1941. The plate will bear the phrase "Pearl Harbor Survivor" and the insignia of the Pearl Harbor Survivors' Association.

(32) Personalized. -- Issuable to the registered owner of a motor vehicle. The plate will bear the letters or letters and numbers requested by the owner. The Division may refuse to issue a plate with a letter combination that is offensive to good taste and decency. The Division may not issue a plate that duplicates another plate.

(33) Prisoner of War. -- Issuable to the following:

a. A member or veteran member of the armed forces of the United States who has been captured and held prisoner by forces hostile to the United States while serving in the armed forces.

b. The surviving spouse of a person who had a prisoner of war plate at the time of death so long as the surviving spouse continues to renew the plate and does not remarry.

(34) Professional Sports Fan. -- Issuable to the registered owner of a motor vehicle. The plate shall bear the logo of a professional sports team located in North Carolina. The Division shall receive 300 or more applications for a professional sports fan plate before a plate may be issued. The Division shall not develop a professional sports fan plate unless the professional sports team licenses, without charge, the State to use the official team logo on the plate.

(35) Purple Heart Recipient. -- Issuable to a recipient of the Purple Heart award. The plate shall bear the phrase "Purple Heart Veteran, Combat Wounded" and the letters "PH".

(36) Register of Deeds. -- Issuable to a register of deeds. The plate shall bear the words "Register of Deeds" and the letter "R" followed by a number representing the county of the register of deeds. The number of a county shall be the order of the county in an alphabetical list of counties that assigns number one to the first county in the list.

(37) Scenic Rivers. -- Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall bear the words "Scenic Rivers" and a picture representing the unique beauty of the scenic rivers of North Carolina.

(38) School Technology. -- Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate may bear a phrase or an insignia representing the public school system in North Carolina.

(39) Sheriff. -- Issuable to a current sheriff or to a retired sheriff who served as sheriff for at least 10 years before retiring. A plate issued to a current sheriff shall bear the word "Sheriff" and the letter "S" followed by a number that indicates the county the sheriff serves.

- 1 A plate issued to a retired sheriff shall bear the phrase "Sheriff,
2 Retired", the letter "S" followed by a number that indicates the
3 county the sheriff served, and the letter "X" indicating the sheriff's
4 retired status.
- 5 (40) Soil and Water Conservation. -- Issuable to the registered owner of
6 a motor vehicle in accordance with G.S. 20-81.12. The plate may
7 bear a phrase and picture appropriate to the subject of water
8 quality and environmental protection in North Carolina.
- 9 (41) Special Olympics. -- Issuable to the registered owner of a motor
10 vehicle in accordance with G.S. 20-81.12. The plate may bear a
11 phrase or an insignia representing the North Carolina Special
12 Olympics.
- 13 (42) Square Dance Clubs. -- Issuable to a member of a recognized
14 square dance organization exempt from corporate income tax
15 under G.S. 105-130.11(a)(5). The plate shall bear a word or phrase
16 identifying the club and the emblem of the club. The Division shall
17 not issue a dance club plate authorized by this subdivision unless it
18 receives at least 300 applications for that dance club plate.
- 19 (43) State Government Official. -- Issuable to elected and appointed
20 members of State government in accordance with G.S. 20-79.5.
- 21 (44) State Attraction. -- Issuable to the registered owner of a motor
22 vehicle in accordance with G.S. 20-81.12. The plate may bear a
23 phrase or an insignia representing a publicly owned or nonprofit
24 State or federal attraction located in North Carolina.
- 25 (45) Street Rod Owner. -- Issuable to the registered owner of a
26 modernized private passenger motor vehicle manufactured prior to
27 the year 1949 or designed to resemble a vehicle manufactured
28 prior to the year 1949. The plate shall bear the phrase "Street
29 Rod". The Division may not issue the plate authorized by this
30 subdivision unless it receives at least 300 applications for the plate.
- 31 (46) Transportation Personnel. -- Issuable to various members of the
32 Divisions of the Department of Transportation. The plate shall
33 bear the letters "DOT" followed by a number from 1 to 85, as
34 designated by the Governor.
- 35 (47) U.S. Representative. -- Issuable to a United States Representative
36 for North Carolina. The plate shall bear the phrase "U.S. House"
37 and shall be issued on the basis of Congressional district numbers.
- 38 (48) U.S. Senator. -- Issuable to a United States Senator for North
39 Carolina. The plates shall bear the phrase "U.S. Senate" and shall
40 be issued on the basis of seniority represented by the numbers 1
41 and 2.
- 42 (49) Veterans of Foreign Wars. -- Issuable to a member or a supporter
43 of the Veterans of Foreign Wars. The plate shall bear the words
44 "Veterans of Foreign Wars" or "VFW" and the emblem of the

VFW. The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.

(50) Vietnam Veteran. -- Issuable to a veteran of the armed forces of the United States who served in Vietnam. The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.

(51) Wildlife Resources. -- Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall bear a picture representing a native wildlife species occurring in North Carolina."

Section 2. G.S. 20-63(d) reads as rewritten:

"(d) Registration plates issued for a motor vehicle other than a motorcycle, trailer, or semitrailer shall be attached thereto, one in the front and the other in the rear: Provided, that when only one registration plate is issued for a motor vehicle other than a truck-tractor, said registration plate shall be attached to the rear of the motor vehicle. The registration plate issued for a truck-tractor shall be attached to the front thereof. Provided further, that when only one registration plate is issued for a motor vehicle and this motor vehicle is transporting a substance that may adhere to the plate so as to cover or discolor the plate or if the motor vehicle has a mechanical loading device that may damage the plate, the registration plate may be attached to the front of the motor vehicle.

Any motor vehicle of the age of 35 years or more from the date of manufacture may bear the license plates of the year of manufacture instead of the current registration plates, if the current registration plates are maintained within the vehicle and produced upon the request of any person.

The Division shall provide registered owners of motorcycles and motorcycle trailers with suitably reduced size registration plates."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

4

HOUSE BILL 1474*
Committee Substitute Favorable 6/22/98
Committee Substitute #2 Favorable 7/7/98
Fourth Edition Engrossed 7/21/98

Short Title: MV Technical and Other Changes.

(Public)

Sponsors:

Referred to:

May 25, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH
3 FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-4.01(25a) reads as rewritten:

6 "(25a) Out of Service Order. -- ~~A temporary prohibition against driving a~~
7 ~~commercial motor vehicle. A declaration that a driver, a~~
8 ~~commercial motor vehicle, or a motor carrier operation is out-of-~~
9 ~~service."~~

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

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

20 A drivers license that was issued by the Division and is renewed by the Division
21 expires five years after the expiration date of the license that is renewed. A person

1 may apply to the Division to renew a license during the ~~60-day~~ 180-day period before
2 the license expires. The Division may not accept an application for renewal made
3 before the ~~60-day~~ 180-day period begins.

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

- 6 (1) Is serving on active duty in the armed forces of the United States
7 and is stationed outside this State.
- 8 (2) Is a resident of this State and has been residing outside the State
9 for at least 30 continuous days.

10 When renewing a license by mail, the Division may waive the examination that
11 would otherwise be required for the renewal and may impose any conditions it finds
12 advisable. A license renewed by mail is a temporary license that expires 60 days after
13 the person to whom it is issued returns to this State."

14 Section 2.1. G.S. 20-11(h) reads as rewritten:

15 "(h) ~~Out-of-State Exceptions.~~ -- Exception for persons 16 to 18 who have an
16 unrestricted out-of-state license. -- A person who is at least 16 years old but less than
17 18 years old, who was a resident of another state and has an unrestricted drivers
18 license issued by that state, and who becomes a resident of this State may obtain one
19 of the following:

- 20 (1) A temporary permit, if the person has not completed a drivers
21 education program that meets the requirements of the
22 Superintendent of Public Instruction but is currently enrolled in a
23 drivers education program that meets these requirements. A
24 temporary permit is valid for the period specified in the permit
25 and authorizes the holder of the permit to drive a specified type or
26 class of motor vehicle when in possession of the permit, subject to
27 any restrictions imposed by the Division concerning time of
28 driving, supervision, and passenger limitations. The period must
29 end within 10 days after the expected completion date of the
30 drivers education program in which the applicant is enrolled.
- 31 (2) A full provisional license, if the person has completed a drivers
32 education program that meets the requirements of the
33 Superintendent of Public Instruction, has held the license issued by
34 the other state for at least 12 months, and has not been convicted
35 during the preceding six months of a motor vehicle moving
36 violation, a seat belt infraction, or an offense committed in another
37 jurisdiction that would be a motor vehicle moving violation or seat
38 belt infraction if committed in this State.
- 39 (3) A limited provisional license, if the person has completed a drivers
40 education program that meets the requirements of the
41 Superintendent of Public Instruction but either did not hold the
42 license issued by the other state for at least 12 months or was
43 convicted during the preceding six months of a motor vehicle
44 moving violation, a seat belt infraction, or an offense committed in

another jurisdiction that would be a motor vehicle moving violation or seat belt infraction if committed in this State."

Section 2.2. G.S. 20-11 is amended by adding a new subsection to read:

"(h1) Exception for persons 16 to 18 who have an out-of-state restricted license. -- A person who is at least 16 years old but less than 18 years old, who was a resident of another state and has a restricted drivers license issued by that state, and who becomes a resident of this State may obtain one of the following:

(1) A limited provisional license, if the person has completed a drivers education program that meets the requirements of the Superintendent of Public Instruction, held the restricted license issued by the other state for at least twelve months, and whose parent or guardian certifies that the person not been convicted during the preceding six months of a motor vehicle moving violation, a seat belt infraction, or an offense committed in another jurisdiction that would be a motor vehicle moving violation or seat belt infraction if committed in this State.

(2) A limited learners permit, if person has completed a drivers education program that meets the requirements of the Superintendent of Public Instruction but either did not hold the restricted license issued by the other state for at 12 months or was convicted during the preceding six months of a motor vehicle moving violation, a seat belt infraction, or an offense committed in another jurisdiction that would be a motor vehicle moving violation or seat belt infraction if committed in this State. A person who qualifies for a limited learners permit under this subdivision and whose parent or guardian attests by affidavit that the person has not been convicted of a moving violation in the preceding six months shall be deemed to have held a limited learners permit in this State for each month the person held a restricted license in another state."

Section 2.3. G.S. 20-11 is amended by adding a new subsection to read:

"(h2) Exception for persons age 15 who have an out-of-state unrestricted or restricted license. -- A person who is age 15, who was a resident of another state, has an unrestricted or restricted drivers license issued by that state, and who becomes a resident of this State may obtain a limited learners permit if the person has completed a drivers education program that meets the requirements of the Superintendent of Public Instruction. A person who qualifies for a limited learners permit under this subdivision and whose parent or guardian attests by affidavit that the person has not been convicted of a moving violation in the preceding six months shall be deemed to have held a limited learners permit in this State for each month the person held an unrestricted or restricted license in another state."

Section 3. G.S. 20-17.4 reads as rewritten:

"§ 20-17.4. Disqualification to drive a commercial motor vehicle.

1 (a) One Year. -- Any of the following disqualifies a person from driving a
2 commercial motor vehicle for one year:

- 3 (1) A first conviction of G.S. 20-138.1, driving while impaired, that
4 occurred while the person was driving a commercial motor vehicle.
5 (2) A first conviction of G.S. 20-138.2, driving a commercial motor
6 vehicle while impaired.
7 (3) A first conviction of G.S. 20-166, hit and run, involving a
8 commercial motor vehicle driven by the person.
9 (4) A first conviction of a felony in the commission of which a
10 commercial motor vehicle was used.
11 (5) Refusal to submit to a chemical test when charged with an implied-
12 consent offense, as defined in G.S. 20-16.2, that occurred while the
13 person was driving a commercial motor vehicle.

14 (b) Modified Life. -- A person who has been disqualified from driving a
15 commercial motor vehicle for a conviction or refusal described in subsection (a) who,
16 as the result of a separate incident, is subsequently convicted of an offense or
17 commits an act requiring disqualification under subsection (a) is disqualified for life.
18 The Division may adopt guidelines, including conditions, under which a
19 disqualification for life under this subsection may be reduced to 10 years.

20 (c) Life. -- A person is disqualified from driving a commercial motor vehicle for
21 life if that person uses a commercial motor vehicle in the commission of any felony
22 involving the manufacture, distribution, or dispensing of a controlled substance, or
23 possession with intent to manufacture, distribute, or dispense a controlled substance.

24 (d) Less Than a Year. -- A person is disqualified from driving a commercial motor
25 vehicle for 60 days if that person is convicted of two serious traffic violations, or 120
26 days if convicted of three or more serious traffic violations, committed in a
27 commercial motor vehicle arising from separate incidents occurring within a three-
28 year period.

29 (e) Three Years. -- A person is disqualified from driving a commercial motor
30 vehicle for three years if that person is convicted of an offense or commits an act
31 requiring disqualification under subsection (a) and the offense or act occurred while
32 the person was transporting a hazardous material that required the motor vehicle
33 driven to be placarded.

34 (f) Revocation Period. -- A person is disqualified from driving a commercial
35 motor vehicle for the period during which the person's regular or commercial drivers
36 license is revoked.

37 (g) Violation of Out-of-Service Order. -- Any person convicted for violating an
38 out-of-service order, except as described in subsection (h) of this section, shall be
39 disqualified as follows:

- 40 (1) A person is disqualified from driving a commercial vehicle for a
41 period of 90 days if convicted of a first violation of an out-of-
42 service order.

- 1 (2) A person is disqualified for a period of one year if convicted of a
 2 second violation of an out-of-service order during any 10-year
 3 period, arising from separate incidents.
 4 (3) A person is disqualified for a period of three years if convicted of a
 5 third or subsequent violation of an out-of-service order during any
 6 10-year period, arising from separate incidents.

7 (h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and
 8 Passenger Offenses. -- Any person convicted for violating an out-of-service order
 9 while transporting hazardous materials or while operating a commercial vehicle
 10 designed or used to transport more than 15 passengers, including the driver, shall be
 11 disqualified as follows:

12 (1) A person is disqualified for a period of 180 days if convicted of a
 13 first violation of an out-of-service order.

14 (2) A person is disqualified for a period of three years if convicted of a
 15 second or subsequent violation of an out-of-service order during
 16 any 10-year period, arising from separate incidents.

17 (i) Disqualification for Out-of-State Violations. -- The Division shall withdraw the
 18 privilege to operate a commercial vehicle of any resident of this State upon receiving
 19 notice of the person's conviction in another state for an offense that, if committed in
 20 this State, would be grounds for disqualification. The period of disqualification shall
 21 be the same as if the offense occurred in this State.

22 (j) Disqualification of Persons Without Commercial Drivers Licenses. -- Any
 23 person convicted of an offense that requires disqualification under this section, but
 24 who does not hold a commercial drivers license, shall be disqualified from operating
 25 a commercial vehicle in the same manner as if the person held a valid commercial
 26 drivers license."

27 Section 4. G.S. 20-37.12(b) reads as rewritten:

28 "(b) The out-of-service criteria as referred to in 49 C.F.R. §§~~392.5 and 395.13~~, as
 29 ~~adopted by the Division, Subchapter B~~ apply to a person who drives a commercial
 30 motor vehicle. No person shall drive a commercial motor vehicle on the highways of
 31 this State in violation of an out-of-service order."

32 Section 5. G.S. 20-37.16(c) reads as rewritten:

33 "(c) Endorsements. -- The endorsements required to drive certain motor vehicles
 34 are as follows:

<u>Endorsement</u>	<u>Vehicles That Can Be Driven</u>
H	Vehicles carrying hazardous materials, other than tank vehicles <u>Vehicles,</u> regardless of size or class, except tank vehicles, when transporting hazardous materials that require the vehicle to be placarded
M	Motorcycles
N	Tank vehicles not carrying hazardous materials

1	P	Vehicles carrying passengers
2	T	Double trailers
3	X	Tank vehicles carrying hazardous
4		materials.

5 To obtain an H or an X endorsement, an applicant must take a test. This
6 requirement applies when a person first obtains an H or an X endorsement and each
7 time a person renews an H or an X endorsement. An applicant who has an H or an
8 X endorsement issued by another state who applies for an H or an X endorsement
9 must take a test unless the person has passed a test that covers the information set out
10 in 49 C.F.R. § 383.121 within the preceding two years."

11 Section 6. G.S. 20-115.1(b) reads as rewritten:

12 "(b) Motor vehicle combinations consisting of a semitrailer of not more than 53
13 feet in length and a truck tractor may be operated on the interstate highways (except
14 those exempted by the United States Secretary of Transportation pursuant to 49
15 U.S.C. 2311(i)) and federal-aid primary system highways designated by the United
16 States Secretary of Transportation provided ~~that that~~:

17 (1) ~~any~~ Any semitrailer in excess of 48 feet in length shall not be
18 permitted ~~unless unless~~:

19 a. ~~the~~ The distance between the kingpin of the trailer and the
20 rearmost ~~axle axle~~, or a point midway between the two rear
21 axles, if the two rear axles are a tandem axle, does not
22 exceed 41 feet; ~~and or~~

23 b. The semitrailer is used exclusively or primarily to transport
24 vehicles in connection with motorsports competition events,
25 and the distance between the kingpin of the trailer and the
26 rearmost axle, or a point midway between the two rear
27 axles, if the two rear axles are a tandem axle, does not
28 exceed 46 feet; and

29 (2) ~~provided that any~~ Any semitrailer in excess of 48 feet is equipped
30 with a rear underride guard of substantial construction consisting
31 of a continuous lateral beam extending to within four inches of the
32 lateral extremities of the semitrailer and located not more than 30
33 inches from the surface as measured with the vehicle empty and on
34 a level surface."

35 Section 7. G.S. 20-116(d) reads as rewritten:

36 "(d) A single vehicle having two axles shall not exceed ~~35~~ 40 feet in length of
37 extreme overall dimensions inclusive of front and rear bumpers. ~~Provided, however, a~~
38 ~~bus or motor home with two axles shall not exceed 40 feet in length overall of~~
39 ~~dimensions inclusive of front and rear bumpers.~~ A single vehicle having three axles
40 shall not exceed 40 feet in length overall of dimensions inclusive of front and rear
41 bumpers. Provided, ~~further,~~ however, trucks transporting unprocessed cotton from
42 farm to gin shall not exceed 48 feet in length overall of dimensions inclusive of front
43 and rear bumpers. A truck-tractor and semitrailer shall be regarded as two vehicles
44 for the purpose of determining lawful length and license taxes."

Section 8. G.S. 20-118(b)(3) reads as rewritten:

"(3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance Between Axles*	Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	38000					
5	38000					
6	38000					
7	38000					
8 or less	38000	38000				
more than 8	38000	42000				
9	39000	42500				
10	40000	43500				
11		44000				
12		45000	50000			
13		45500	50500			
14		46500	51500			
15		47000	52000			
16		48000	52500	58000		
17		48500	53500	58500		
18		49500	54000	59000		
19		50000	54500	60000		
20		51000	55500	60500	66000	
21		51500	56000	61000	66500	
22		52500	56500	61500	67000	
23		53000	57500	62500	68000	
24		54000	58000	63000	68500	74000
25		54500	58500	63500	69000	74500
26		55500	59500	64000	69500	75000
27		56000	60000	65000	70000	75500
28		57000	60500	65500	71000	76500
29		57500	61500	66000	71500	77000
30		58500	62000**	66500	72000	77500
31		59000	62500**	67500	72500	78000
32		60000	63500**	68000	73000	78500
33			64000**	68500	74000	79000
34			64500**	69000	74500	80000
35			65500**	70000	75000	
36			66000**	70500	75500	

1	37	66500**	71000	76000
2	38	67500**	72000	77000
3	39	68000	72500	77500
4	40	68500	73000	78000
5	41	69500	73500	78500
6	42	70000	74000	79000
7	43	70500	75000	80000
8	44	71500	75500	
9	45	72000	76000	
10	46	72500	76500	
11	47	73500	77500	
12	48	74000	78000	
13	49	74500	78500	
14	50	75500	79000	
15	51	76000	80000	
16	52	76500		
17	53	77500		
18	54	78000		
19	55	78500		
20	56	79500		
21	57	80000		

22 *Distance in Feet Between the Extremes of any Group of Two or More
23 Consecutive Axles.

24 **See exception in G.S. 20-118(c)(1)."

25 Section 9. G.S. 20-118(c)(10) reads as rewritten:

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

37 Section 10. G.S. 20-217(a) reads as rewritten:

38 "(a) The driver of any vehicle upon approaching from any direction on the same
39 ~~street or highway~~ street, highway, or public vehicular area any school bus (including
40 privately owned buses transporting children and school buses transporting senior
41 citizens under G.S. 115C-243), while the bus is displaying its mechanical stop signal
42 or flashing red stoplights, and is stopped for the purpose of receiving or discharging
43 passengers, shall bring ~~his~~ the vehicle to a full stop before passing or attempting to
44 pass the bus, and shall remain stopped until the mechanical stop signal has been

1 withdrawn, the flashing red stoplights have been turned off, and the bus has moved
2 on."

3 Section 11. G.S. 20-376(1) reads as rewritten:

4 "(1) Federal safety and hazardous materials regulations. -- The federal
5 motor carrier safety regulations contained in 49 C.F.R. Parts 170
6 through 190, ~~382~~ 382, and 390 through 398."

7 Section 11.1. G.S. 163-82.19 reads as rewritten:

8 "**§ 163-82.19. Voter registration at drivers license offices.**

9 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State
10 Board of Elections, modify its forms so that any eligible person who applies for
11 original issuance, renewal or correction of a drivers license, or special identification
12 card issued under G.S. 20-37.7 may, on a part of the form, complete an application to
13 register to vote or to update his registration if the voter has changed his address or
14 moved from one precinct to another or from one county to another. The person
15 taking the application shall ask if the applicant is a citizen of the United States. If
16 the applicant states that the applicant is not a citizen of the United States, or declines
17 to answer the question, the person taking the application shall inform the applicant
18 that it is a felony for a person who is not a citizen of the United States to apply to
19 register to vote. Any person who willfully and knowingly and with fraudulent intent
20 gives false information on the application is guilty of a Class I felony. The application
21 shall state in clear language the penalty for violation of this section. The necessary
22 forms shall be prescribed by the State Board of Elections. The form must ask for the
23 previous voter registration address of the voter, if any. If a previous address is listed,
24 and it is not in the county of residence of the applicant, the appropriate county board
25 of elections shall treat the application as an authorization to cancel the previous
26 registration and also process it as such under the procedures of G.S. 163-82.9. If a
27 previous address is listed and that address is in the county where the voter applies to
28 register, the application shall be processed as if it had been submitted under G.S.
29 163-82.9.

30 Registration shall become effective as provided in G.S. 163-82.7. Applications to
31 register to vote accepted at a drivers license office under this section until the
32 deadline established in G.S. 163-82.6(c)(2) shall be treated as timely made for an
33 election, and no person who completes an application at that drivers license office
34 shall be denied the vote in that election for failure to apply earlier than that deadline.

35 All applications shall be forwarded by the Department of Transportation to the
36 appropriate board of elections not later than five business days after the date of
37 acceptance, according to rules which shall be promulgated by the State Board of
38 Elections."

39 Section 12. G.S. 20-381 reads as rewritten:

40 "**§ 20-381. Specific powers and duties of Division applicable to motor carriers.**

41 The Division has the following powers and duties concerning motor carriers:

42 (1) To prescribe qualifications and maximum hours of service of
43 drivers and their helpers.

- 1 (1a) To set safety standards for vehicles of motor carriers engaged in
2 foreign, interstate, or intrastate commerce over the highways of this
3 State and for the safe operation of these vehicles. The Division
4 may stop, enter upon, and perform inspections of motor carriers'
5 vehicles in operation to determine compliance with these standards
6 and may conduct any investigations and tests it finds necessary to
7 promote the safety of equipment and the safe operation on the
8 highway of these vehicles.
- 9 (1b) To enforce this Article, rules adopted under this Article, and the
10 federal safety and hazardous materials regulations.
- 11 (2) To enter the premises of a motor carrier to inspect a motor vehicle
12 or any equipment used by the motor carrier in transporting
13 passengers ~~{or property}~~. or property.
- 14 (2a) To prohibit the use by a motor carrier of any motor vehicle or
15 motor vehicle equipment the Division finds unsafe for use in the
16 transportation of passengers or property on a highway. If an agent
17 of the Division finds a motor vehicle of a motor carrier in actual
18 use upon the highways in the transportation of passengers or
19 property to be unsafe or any parts thereof or any equipment
20 thereon to be unsafe and is of the opinion that further use of such
21 vehicle, parts or equipment are imminently dangerous, the agent
22 may require the operator thereof to discontinue its use and to
23 substitute therefor a safe vehicle, parts or equipment at the earliest
24 possible time and place, having regard for both the convenience
25 and the safety of the passengers or property. When an inspector or
26 agent stops a motor vehicle on the highway, under authority of this
27 section, and the motor vehicle is in operative condition and its
28 further movement is not dangerous to the passengers or property
29 or to the users of the highways, it shall be the duty of the inspector
30 or agent to guide the vehicle to the nearest point of substitution or
31 correction of the defect. Such agents or inspectors shall also have
32 the right to stop any motor vehicle which is being used upon the
33 public highways for the transportation of passengers or property by
34 a motor carrier subject to the provisions of this Article and to eject
35 therefrom any driver or operator who shall be operating or be in
36 charge of such motor vehicle while under the influence of
37 ~~alcoholic beverages~~. beverages or impairing substances. It shall be
38 the duty of all inspectors and agents of the Division to make a
39 written report, upon a form prescribed by the Division, of
40 inspections of all motor equipment and a copy of each such written
41 report, disclosing defects in such equipment, shall be served
42 promptly upon the motor carrier operating the same, either in
43 person by the inspector or agent or by mail. Such agents and
44 inspectors shall also make and serve a similar written report in

1 cases where a motor vehicle is operated in violation of this
2 Chapter or, if the motor vehicle is subject to regulation by the
3 North Carolina Utilities Commission, of Chapter 62 of the General
4 Statutes.
5 (3) To relieve the highways of all undue burdens and safeguard traffic
6 thereon by adopting and enforcing rules and orders designed and
7 calculated to minimize the dangers attending transportation on the
8 highways of all hazardous materials and other commodities."
9 Section 13. This act becomes effective December 1, 1998. Sections 2.1,
10 2.2, and 2.3 are effective when this act becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 000

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

H000-ARW-001

Date 8/5, 1998

Comm. Sub. ☐
Amends Title ☐

Sen. McDaniel
Rep. Watson

1 moves to amend the bill on page 8, lines 24-25
2 by adding the following new section between those lines
3 8.1
4 "Section *. G.S. 20-118(c) is amended by adding a new
5 subdivision to read:
6 '(13) Vehicles specifically designed for fire-fighting
7 that are owned or operated by a municipal or
8 rural fire department shall be exempt from the
9 provisions of subsections (a) and (e) of this
10 section.'."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1474

AMENDMENT NO. 2

(to be filled in by
Principal Clerk)

H1474-ARW-020

Page 1 of

Date 8/5, 1998

Comm. Sub. [YES]
Amends Title []
Fourth Edition

Senator

1 moves to amend the bill on page 3, lines 41-42
2 by adding between those lines the following:

3 "Section 2.4. G.S. 20-11(i) reads as rewritten:

4 '(i) Application. -- An application for a permit or license
5 authorized by this section must be signed by both the applicant
6 and another person. That person must be:

7 (1) the applicant's parent or ~~guardian if the parent or~~
8 ~~guardian resides in this State and is qualified to be a~~
9 ~~supervising driver. In all other circumstances, that~~
10 ~~person must be an adult approved by the Division.~~
11 guardian;

12 (2) a person approved by the applicant's parent or
13 guardian; or

14 (3) a person approved by the Division.'

15 Section 2.5. G.S. 20-11(k) reads as rewritten:

16 '(k) Supervising Driver. -- A supervising driver must be a
17 parent or guardian of the permit holder or license holder ~~if a~~
18 ~~parent or guardian signed the application for the permit or~~
19 ~~license. If a parent or guardian did not sign the application,~~
20 ~~the supervising driver must be the adult who signed the~~
21 ~~application.~~ or a responsible person approved by the parent or
22 guardian or the Division. A supervising driver must be a licensed
23 driver who has been licensed to drive for at least five years.

A supervising driver must sign the application
for a permit or license.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1474

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of ____

H1474-ARW-020

1 Each permit or license issued pursuant to this section shall be
2 limited to a maximum of two supervising drivers.'"; and
3
4 on page 3, lines 26 and 38
5 by deleting the phrase "attests by affidavit" and substituting
6 the word "certifies"; and
7
8 on page 3, line 10
9 by deleting "and 2.3" and
10 substituting "2.3, 2.4, and 2.5".
11
12
13
14
15
16
17

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



**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

August 5, 1998

To: Senate Transportation Committee

From: Giles S. Perry, Committee Counsel

Re: H 1474 MV Technical and Other Changes

Section 1 of the bill clarifies the definition of "out-of-service order" so that it corresponds with the definition in federal regulations (49 CFR 390.5). An out-of-service order is an order issued by a certified DMV officer for violation of a federal motor carrier safety regulation.

Section 2 of the bill would allow persons who want to renew their drivers license early to do so up to 180 days before their current license expires. Under current law, a drivers license can be renewed up to 60 days early.

Section 2.1, 2.2, and 2.3 change the graduated drivers license law to authorize DMV to give credit for out-of-state driving experience under a learner's permit or other restricted license. Current law only allows DMV to recognize out-of-state experience under an unrestricted out-of-state license.

Section 3 of the bill adds the following to the list of grounds for disqualifying a person from driving a commercial motor vehicle, as provided in federal regulations (49 CFR 383.51):

- conviction for violation of an out-of-service order, including an out of state conviction, and
- conviction for any listed offense under G.S. 20-17.4, if the person does not have a commercial drivers license.

Section 4 of the bill clarifies that the out-of-service criteria referred to in 49 CFR Subchapter B apply to a person who drives a commercial motor vehicle in N.C.

Section 5 clarifies the definition of a Class H endorsement

Section 6 authorizes certain motorsports related trailers up to 46 feet in length, as required by federal regulations (49 CFR 658.17).

Section 7 authorizes single vehicles with two axles up to 40 feet in length. Current law allows 35 feet.

Section 8 deletes an out of date reference in G.S. 20-11(b)(3).

Section 9 clarifies that the weight exception in 20-118(c)(1) does not apply on interstate highways.

Section 10 clarifies that a person may not pass a stopped school bus in a "public vehicular area."

Section 11 and 12 clarify that federal hazardous materials regulation enforcement is part of DMV enforcement's motor carrier safety duties.

Section 11.1 changes the procedure for voter registration at DMV offices to require that the person taking an application ask if the applicant is a citizen, and tell anyone declining to answer the question, or answering "no", that it is a felony for a non-citizen to apply to register to vote.

Section 13 provides that the bill would become effective December 1, 1998. Sections 2.1, 2.2, and 2.3 would become effective upon ratification.

VISITOR REGISTRATION SHEET

Transportation 8/5/98

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Ruth Sappia	NCDOT
CAPT J L Edwards	DMU ENFORCEMENT
CAPT H. Gray	DMU ENFORCEMENT
Wayne Hunter	NC DMV Driver License
LYMAN COOPER	LSX CORP
VL McBride	NCTA

SENATE TRANSPORTATION COMMITTEE

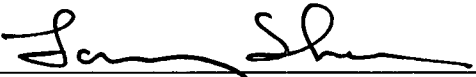
Wednesday, August 19, 1998

MINUTES

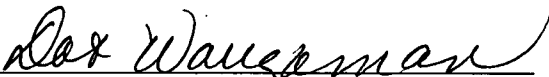
The Senate Transportation Committee met at 1:55 p.m. on Wednesday, August 19, 1998, in the Senate Chamber. Fourteen members of the committee were present. Senator Larry Shaw, Chair, presided.

Senator Shaw presented a committee substitute for HB 1474, MV Technical and Other Changes, which made three technical changes. Senator McDaniel moved adoption of the committee substitute that carried unanimously. Senator Lee moved for a favorable report of the committee substitute. The motion carried unanimously.

The meeting adjourned at 2:00 p.m.



Senator Larry Shaw, Chair



Dot Waugaman for Melody Brown-Peyton

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT
Senator Larry Shaw, Chairman

Wednesday, August 19, 1998

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

**UNFAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 1,
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 2**

H.B.(SCS #1)	1474	MV Technical and Other Changes.
		Draft Number: PCS6468
		Sequential Referral: None
		Recommended Referral: None
		Long Title Amended: No

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

SENATE
COMMITTEE SUBSTITUTE

AUG 19 1998

H

ADOPTED

D

HOUSE BILL 1474*
Committee Substitute Favorable 6/22/98
Committee Substitute #2 Favorable 7/7/98
Fourth Edition Engrossed 7/21/98
Senate Transportation Committee Substitute Adopted 8/6/98
Proposed Senate Committee Substitute H1474-PCS6468-RW050

Short Title: MV Technical and Other Changes.

(Public)

Sponsors:

Referred to:

May 25, 1998

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH
3 FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-4.01(25a) reads as rewritten:
6 "(25a) Out of Service Order. -- ~~A temporary prohibition against driving a~~
7 ~~commercial motor vehicle. A declaration that a driver, a~~
8 commercial motor vehicle, or a motor carrier operation is out-of-
9 service."
10 Section 2. G.S. 20-7(f) reads as rewritten:
11 "(f) Expiration and Temporary License. -- The first drivers license the Division
12 issues to a person expires on the person's fourth or subsequent birthday that occurs
13 after the license is issued and on which the individual's age is evenly divisible by five,
14 unless this subsection sets a different expiration date. The first drivers license the
15 Division issues to a person who is at least 17 years old but is less than 18 years old
16 expires on the person's twentieth birthday. The first drivers license the Division issues
17 to a person who is at least 62 years old expires on the person's birthday in the fifth
18 year after the license is issued, whether or not the person's age on that birthday is
19 evenly divisible by five.

1 A drivers license that was issued by the Division and is renewed by the Division
2 expires five years after the expiration date of the license that is renewed. A person
3 may apply to the Division to renew a license during the ~~60-day~~ 180-day period before
4 the license expires. The Division may not accept an application for renewal made
5 before the ~~60-day~~ 180-day period begins.

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

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

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

12 When renewing a license by mail, the Division may waive the examination that
13 would otherwise be required for the renewal and may impose any conditions it finds
14 advisable. A license renewed by mail is a temporary license that expires 60 days after
15 the person to whom it is issued returns to this State."

16 Section 2.1. G.S. 20-11(h) reads as rewritten:

17 "(h) ~~Out of State Exceptions.~~ Exception for Persons 16 to 18 Who Have an
18 Unrestricted Out-of-State License. -- A person who is at least 16 years old but less
19 than 18 years old, who was a resident of another state and has an unrestricted drivers
20 license issued by that state, and who becomes a resident of this State may obtain one
21 of the following upon submission of a driving eligibility certificate or a high school
22 diploma or its equivalent:

23 (1) A temporary permit, if the person has not completed a drivers
24 education program that meets the requirements of the
25 Superintendent of Public Instruction but is currently enrolled in a
26 drivers education program that meets these requirements. A
27 temporary permit is valid for the period specified in the permit
28 and authorizes the holder of the permit to drive a specified type or
29 class of motor vehicle when in possession of the permit, subject to
30 any restrictions imposed by the Division concerning time of
31 driving, supervision, and passenger limitations. The period must
32 end within 10 days after the expected completion date of the
33 drivers education program in which the applicant is enrolled.

34 (2) A full provisional license, if the person has completed a drivers
35 education program that meets the requirements of the
36 Superintendent of Public Instruction, has held the license issued by
37 the other state for at least 12 months, and has not been convicted
38 during the preceding six months of a motor vehicle moving
39 violation, a seat belt infraction, or an offense committed in another
40 jurisdiction that would be a motor vehicle moving violation or seat
41 belt infraction if committed in this State.

42 (3) A limited provisional license, if the person has completed a drivers
43 education program that meets the requirements of the
44 Superintendent of Public Instruction but either did not hold the

1 license issued by the other state for at least 12 months or was
2 convicted during the preceding six months of a motor vehicle
3 moving violation, a seat belt infraction, or an offense committed in
4 another jurisdiction that would be a motor vehicle moving
5 violation or seat belt infraction if committed in this State."

6 Section 2.2. G.S. 20-11 is amended by adding a new subsection to read:

7 "(h1) Exception for Persons 16 to 18 Who Have an Out-of-State Restricted
8 License. -- A person who is at least 16 years old but less than 18 years old, who was a
9 resident of another state and has a restricted drivers license issued by that state, and
10 who becomes a resident of this State may obtain one of the following:

11 (1) A limited provisional license, if the person has completed a drivers
12 education program that meets the requirements of the
13 Superintendent of Public Instruction, held the restricted license
14 issued by the other state for at least 12 months, and whose parent
15 or guardian certifies that the person has not been convicted during
16 the preceding six months of a motor vehicle moving violation, a
17 seat belt infraction, or an offense committed in another jurisdiction
18 that would be a motor vehicle moving violation or seat belt
19 infraction if committed in this State.

20 (2) A limited learners permit, if the person has completed a drivers
21 education program that meets the requirements of the
22 Superintendent of Public Instruction but either did not hold the
23 restricted license issued by the other state for at least 12 months or
24 was convicted during the preceding six months of a motor vehicle
25 moving violation, a seat belt infraction, or an offense committed in
26 another jurisdiction that would be a motor vehicle moving
27 violation or seat belt infraction if committed in this State. A
28 person who qualifies for a limited learners permit under this
29 subdivision and whose parent or guardian certifies that the person
30 has not been convicted of a moving violation in the preceding six
31 months shall be deemed to have held a limited learners permit in
32 this State for each month the person held a restricted license in
33 another state."

34 Section 2.3. G.S. 20-11 is amended by adding a new subsection to read:

35 "(h2) Exception for Persons Age 15 Who Have an Out-of-State Unrestricted or
36 Restricted License. -- A person who is age 15, who was a resident of another state,
37 has an unrestricted or restricted drivers license issued by that state, and who becomes
38 a resident of this State may obtain a limited learners permit if the person has
39 completed a drivers education program that meets the requirements of the
40 Superintendent of Public Instruction. A person who qualifies for a limited learners
41 permit under this subsection and whose parent or guardian certifies that the person
42 has not been convicted of a moving violation in the preceding six months shall be
43 deemed to have held a limited learners permit in this State for each month the
44 person held an unrestricted or restricted license in another state."

Section 2.4. G.S. 20-11(i) reads as rewritten:

"(i) Application. -- An application for a permit or license authorized by this section must be signed by both the applicant and another person. That person must be be:

(1) ~~the The applicant's parent or guardian if the parent or guardian resides in this State and is qualified to be a supervising driver. In all other circumstances, that person must be an adult approved by the Division.~~ guardian;

(2) A person approved by the applicant's parent or guardian; or

(3) A person approved by the Division."

Section 2.5. G.S. 20-11(k) reads as rewritten:

"(k) Supervising Driver. -- A supervising driver must be a parent or guardian of the permit holder or license holder ~~if a parent or guardian signed the application for the permit or license. If a parent or guardian did not sign the application, the supervising driver must be the adult who signed the application.~~ or a responsible person approved by the parent or guardian or the Division. A supervising driver must be a licensed driver who has been licensed to drive for at least five years. A supervising driver must sign the application for a permit or license. Each permit or license issued pursuant to this section shall be limited to a maximum of two supervising drivers."

Section 3. G.S. 20-17.4 reads as rewritten:

"§ 20-17.4. Disqualification to drive a commercial motor vehicle.

(a) One Year. -- Any of the following disqualifies a person from driving a commercial motor vehicle for one year:

- (1) A first conviction of G.S. 20-138.1, driving while impaired, that occurred while the person was driving a commercial motor vehicle.
- (2) A first conviction of G.S. 20-138.2, driving a commercial motor vehicle while impaired.
- (3) A first conviction of G.S. 20-166, hit and run, involving a commercial motor vehicle driven by the person.
- (4) A first conviction of a felony in the commission of which a commercial motor vehicle was used.
- (5) Refusal to submit to a chemical test when charged with an implied-consent offense, as defined in G.S. 20-16.2, that occurred while the person was driving a commercial motor vehicle.

(b) Modified Life. -- A person who has been disqualified from driving a commercial motor vehicle for a conviction or refusal described in subsection (a) who, as the result of a separate incident, is subsequently convicted of an offense or commits an act requiring disqualification under subsection (a) is disqualified for life. The Division may adopt guidelines, including conditions, under which a disqualification for life under this subsection may be reduced to 10 years.

(c) Life. -- A person is disqualified from driving a commercial motor vehicle for life if that person uses a commercial motor vehicle in the commission of any felony

1 involving the manufacture, distribution, or dispensing of a controlled substance, or
2 possession with intent to manufacture, distribute, or dispense a controlled substance.

3 (d) Less Than a Year. -- A person is disqualified from driving a commercial motor
4 vehicle for 60 days if that person is convicted of two serious traffic violations, or 120
5 days if convicted of three or more serious traffic violations, committed in a
6 commercial motor vehicle arising from separate incidents occurring within a three-
7 year period.

8 (e) Three Years. -- A person is disqualified from driving a commercial motor
9 vehicle for three years if that person is convicted of an offense or commits an act
10 requiring disqualification under subsection (a) and the offense or act occurred while
11 the person was transporting a hazardous material that required the motor vehicle
12 driven to be placarded.

13 (f) Revocation Period. -- A person is disqualified from driving a commercial
14 motor vehicle for the period during which the person's regular or commercial drivers
15 license is revoked.

16 (g) Violation of Out-of-Service Order. -- Any person convicted for violating an
17 out-of-service order, except as described in subsection (h) of this section, shall be
18 disqualified as follows:

19 (1) A person is disqualified from driving a commercial vehicle for a
20 period of 90 days if convicted of a first violation of an out-of-
21 service order.

22 (2) A person is disqualified for a period of one year if convicted of a
23 second violation of an out-of-service order during any 10-year
24 period, arising from separate incidents.

25 (3) A person is disqualified for a period of three years if convicted of a
26 third or subsequent violation of an out-of-service order during any
27 10-year period, arising from separate incidents.

28 (h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and
29 Passenger Offenses. -- Any person convicted for violating an out-of-service order
30 while transporting hazardous materials or while operating a commercial vehicle
31 designed or used to transport more than 15 passengers, including the driver, shall be
32 disqualified as follows:

33 (1) A person is disqualified for a period of 180 days if convicted of a
34 first violation of an out-of-service order.

35 (2) A person is disqualified for a period of three years if convicted of a
36 second or subsequent violation of an out-of-service order during
37 any 10-year period, arising from separate incidents.

38 (i) Disqualification for Out-of-State Violations. -- The Division shall withdraw the
39 privilege to operate a commercial vehicle of any resident of this State upon receiving
40 notice of the person's conviction in another state for an offense that, if committed in
41 this State, would be grounds for disqualification. The period of disqualification shall
42 be the same as if the offense occurred in this State.

43 (j) Disqualification of Persons Without Commercial Drivers Licenses. -- Any
44 person convicted of an offense that requires disqualification under this section, but

1 who does not hold a commercial drivers license, shall be disqualified from operating
 2 a commercial vehicle in the same manner as if the person held a valid commercial
 3 drivers license."

4 Section 4. G.S. 20-37.12(b) reads as rewritten:

5 "(b) The out-of-service criteria as referred to in 49 C.F.R. §§~~392.5 and 395.13~~, ~~as~~
 6 ~~adopted by the Division, Subchapter B~~ apply to a person who drives a commercial
 7 motor vehicle. No person shall drive a commercial motor vehicle on the highways of
 8 this State in violation of an out-of-service order."

9 Section 5. G.S. 20-37.16(c) reads as rewritten:

10 "(c) Endorsements. -- The endorsements required to drive certain motor vehicles
 11 are as follows:

12 Endorsement

Vehicles That Can Be Driven

13 H

~~Vehicles carrying hazardous materials, other~~
 14 ~~than tank vehicles~~ Vehicles, regardless of size
 15 or class, except tank vehicles, when
 16 transporting hazardous materials that require
 17 the vehicle to be placarded

18 M

Motorcycles

19 N

Tank vehicles not carrying hazardous materials

20 P

Vehicles carrying passengers

21 T

Double trailers

22 X

Tank vehicles carrying hazardous materials.

23 To obtain an H or an X endorsement, an applicant must take a test. This
 24 requirement applies when a person first obtains an H or an X endorsement and each
 25 time a person renews an H or an X endorsement. An applicant who has an H or an
 26 X endorsement issued by another state who applies for an H or an X endorsement
 27 must take a test unless the person has passed a test that covers the information set out
 28 in 49 C.F.R. § 383.121 within the preceding two years."

29 Section 6. G.S. 20-115.1(b) reads as rewritten:

30 "(b) Motor vehicle combinations consisting of a semitrailer of not more than 53
 31 feet in length and a truck tractor may be operated on the interstate highways (except
 32 those exempted by the United States Secretary of Transportation pursuant to 49
 33 U.S.C. 2311(i)) and federal-aid primary system highways designated by the United
 34 States Secretary of Transportation provided ~~that~~ that:

35 (1) ~~any~~ Any semitrailer in excess of 48 feet in length shall not be
 36 permitted ~~unless~~ unless:

37 a. ~~the~~ The distance between the kingpin of the trailer and the
 38 rearmost ~~axle~~ axle, or a point midway between the two rear
 39 axles, if the two rear axles are a tandem axle, does not
 40 exceed 41 feet; ~~and~~ or

41 b. The semitrailer is used exclusively or primarily to transport
 42 vehicles in connection with motorsports competition events,
 43 and the distance between the kingpin of the trailer and the
 44 rearmost axle, or a point midway between the two rear

axles, if the two rear axles are a tandem axle, does not exceed 46 feet; and

- (2) ~~provided that any~~ Any semitrailer in excess of 48 feet is equipped with a rear underride guard of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than 30 inches from the surface as measured with the vehicle empty and on a level surface."

Section 7. G.S. 20-116(d) reads as rewritten:

"(d) A single vehicle having two axles shall not exceed ~~35~~ 40 feet in length of extreme overall dimensions inclusive of front and rear bumpers. ~~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,~~ however, 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 8. G.S. 20-118(b)(3) reads as rewritten:

- "(3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance Between Axles*	Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	38000					
5	38000					
6	38000					
7	38000					
8 or less	38000	38000				
more than 8	38000	42000				
9	39000	42500				
10	40000	43500				
11		44000				
12		45000	50000			
13		45500	50500			
14		46500	51500			
15		47000	52000			
16		48000	52500	58000		
17		48500	53500	58500		
18		49500	54000	59000		

1	19	50000	54500	60000		
2	20	51000	55500	60500	66000	
3	21	51500	56000	61000	66500	
4	22	52500	56500	61500	67000	
5	23	53000	57500	62500	68000	
6	24	54000	58000	63000	68500	74000
7	25	54500	58500	63500	69000	74500
8	26	55500	59500	64000	69500	75000
9	27	56000	60000	65000	70000	75500
10	28	57000	60500	65500	71000	76500
11	29	57500	61500	66000	71500	77000
12	30	58500	62000**	66500	72000	77500
13	31	59000	62500**	67500	72500	78000
14	32	60000	63500**	68000	73000	78500
15	33		64000**	68500	74000	79000
16	34		64500**	69000	74500	80000
17	35		65500**	70000	75000	
18	36		66000**	70500	75500	
19	37		66500**	71000	76000	
20	38		67500**	72000	77000	
21	39		68000	72500	77500	
22	40		68500	73000	78000	
23	41		69500	73500	78500	
24	42		70000	74000	79000	
25	43		70500	75000	80000	
26	44		71500	75500		
27	45		72000	76000		
28	46		72500	76500		
29	47		73500	77500		
30	48		74000	78000		
31	49		74500	78500		
32	50		75500	79000		
33	51		76000	80000		
34	52		76500			
35	53		77500			
36	54		78000			
37	55		78500			
38	56		79500			
39	57		80000			

40 *Distance in Feet Between the Extremes of any Group of Two or More
 41 Consecutive Axles.

42 **See exception in G.S. 20-118(c)(1)."

43 Section 9. G.S. 20-118(c)(10) reads as rewritten:

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

12 Section 9.1. G.S. 20-118(c) is amended by adding a new subdivision to
13 read:

14 "(13) Vehicles specifically designed for fire fighting that are owned by a
15 municipal or rural fire department. This exception does not apply
16 to vehicles operating on interstate highways."

17 Section 9.2. G.S. 20-183(b) reads as rewritten:

18 "(b) In addition to other duties and powers heretofore existing, all
19 law-enforcement officers charged with the duty of enforcing the motor vehicle laws
20 are authorized to issue warning tickets to motorists for conduct constituting a
21 potential hazard to the motoring public which does not amount to a definite,
22 clear-cut, substantial violation of the motor vehicle laws. Each warning ticket issued
23 ~~shall be prenumbered and~~ shall contain information necessary to identify the
24 offender, and shall be signed by the issuing officer. A copy of each warning ticket
25 issued shall be delivered to ~~such offender and a copy thereof forwarded by the issuing~~
26 ~~officer forthwith to the Driver License Section of the Division of Motor Vehicles~~ the
27 offender. Information from issued warning tickets shall be made available to the
28 Drivers License Section of the Division of Motor Vehicles in a manner approved by
29 the Commissioner but shall not be filed with or in any manner become a part of the
30 offender's driving record. Warning tickets issued as well as the fact of issuance shall
31 be privileged information and available only to authorized personnel of the Division
32 for statistical and analytical purposes."

33 Section 10. G.S. 20-217(a) reads as rewritten:

34 "(a) The driver of any vehicle upon approaching from any direction on the same
35 ~~street or highway~~ street, highway, or public vehicular area any school bus (including
36 privately owned buses transporting children and school buses transporting senior
37 citizens under G.S. 115C-243), while the bus is displaying its mechanical stop signal
38 or flashing red stoplights, and is stopped for the purpose of receiving or discharging
39 passengers, shall bring ~~his~~ the vehicle to a full stop before passing or attempting to
40 pass the bus, and shall remain stopped until the mechanical stop signal has been
41 withdrawn, the flashing red stoplights have been turned off, and the bus has moved
42 on."

43 Section 11. G.S. 20-376(1) reads as rewritten:

1 "(1) Federal safety and hazardous materials regulations. -- The federal
2 motor carrier safety regulations contained in 49 C.F.R. Parts 170
3 through 190, 382 382, and 390 through 398."

4 Section 11.1. G.S. 163-82.19 reads as rewritten:

5 **"§ 163-82.19. Voter registration at drivers license offices.**

6 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State
7 Board of Elections, modify its forms so that any eligible person who applies for
8 original issuance, renewal or correction of a drivers license, or special identification
9 card issued under G.S. 20-37.7 may, on a part of the form, complete an application to
10 register to vote or to update his registration if the voter has changed his address or
11 moved from one precinct to another or from one county to another. The person
12 taking the application shall ask if the applicant is a citizen of the United States. If
13 the applicant states that the applicant is not a citizen of the United States, or declines
14 to answer the question, the person taking the application shall inform the applicant
15 that it is a felony for a person who is not a citizen of the United States to apply to
16 register to vote. Any person who willfully and knowingly and with fraudulent intent
17 gives false information on the application is guilty of a Class I felony. The application
18 shall state in clear language the penalty for violation of this section. The necessary
19 forms shall be prescribed by the State Board of Elections. The form must ask for the
20 previous voter registration address of the voter, if any. If a previous address is listed,
21 and it is not in the county of residence of the applicant, the appropriate county board
22 of elections shall treat the application as an authorization to cancel the previous
23 registration and also process it as such under the procedures of G.S. 163-82.9. If a
24 previous address is listed and that address is in the county where the voter applies to
25 register, the application shall be processed as if it had been submitted under G.S.
26 163-82.9.

27 Registration shall become effective as provided in G.S. 163-82.7. Applications to
28 register to vote accepted at a drivers license office under this section until the
29 deadline established in G.S. 163-82.6(c)(2) shall be treated as timely made for an
30 election, and no person who completes an application at that drivers license office
31 shall be denied the vote in that election for failure to apply earlier than that deadline.

32 All applications shall be forwarded by the Department of Transportation to the
33 appropriate board of elections not later than five business days after the date of
34 acceptance, according to rules which shall be promulgated by the State Board of
35 Elections."

36 Section 12. G.S. 20-381 reads as rewritten:

37 **"§ 20-381. Specific powers and duties of Division applicable to motor carriers.**

38 The Division has the following powers and duties concerning motor carriers:

39 (1) To prescribe qualifications and maximum hours of service of
40 drivers and their helpers.

41 (1a) To set safety standards for vehicles of motor carriers engaged in
42 foreign, interstate, or intrastate commerce over the highways of this
43 State and for the safe operation of these vehicles. The Division
44 may stop, enter upon, and perform inspections of motor carriers'

1 vehicles in operation to determine compliance with these standards
2 and may conduct any investigations and tests it finds necessary to
3 promote the safety of equipment and the safe operation on the
4 highway of these vehicles.

5 (1b) To enforce this Article, rules adopted under this Article, and the
6 federal safety and hazardous materials regulations.

7 (2) To enter the premises of a motor carrier to inspect a motor vehicle
8 or any equipment used by the motor carrier in transporting
9 passengers ~~[or property]~~ or property.

10 (2a) To prohibit the use by a motor carrier of any motor vehicle or
11 motor vehicle equipment the Division finds unsafe for use in the
12 transportation of passengers or property on a highway. If an agent
13 of the Division finds a motor vehicle of a motor carrier in actual
14 use upon the highways in the transportation of passengers or
15 property to be unsafe or any parts thereof or any equipment
16 thereon to be unsafe and is of the opinion that further use of such
17 vehicle, parts or equipment are imminently dangerous, the agent
18 may require the operator thereof to discontinue its use and to
19 substitute therefor a safe vehicle, parts or equipment at the earliest
20 possible time and place, having regard for both the convenience
21 and the safety of the passengers or property. When an inspector or
22 agent stops a motor vehicle on the highway, under authority of this
23 section, and the motor vehicle is in operative condition and its
24 further movement is not dangerous to the passengers or property
25 or to the users of the highways, it shall be the duty of the inspector
26 or agent to guide the vehicle to the nearest point of substitution or
27 correction of the defect. Such agents or inspectors shall also have
28 the right to stop any motor vehicle which is being used upon the
29 public highways for the transportation of passengers or property by
30 a motor carrier subject to the provisions of this Article and to eject
31 therefrom any driver or operator who shall be operating or be in
32 charge of such motor vehicle while under the influence of
33 ~~alcoholic beverages~~ beverages or impairing substances. It shall be
34 the duty of all inspectors and agents of the Division to make a
35 written report, upon a form prescribed by the Division, of
36 inspections of all motor equipment and a copy of each such written
37 report, disclosing defects in such equipment, shall be served
38 promptly upon the motor carrier operating the same, either in
39 person by the inspector or agent or by mail. Such agents and
40 inspectors shall also make and serve a similar written report in
41 cases where a motor vehicle is operated in violation of this
42 Chapter or, if the motor vehicle is subject to regulation by the
43 North Carolina Utilities Commission, of Chapter 62 of the General
44 Statutes.

1 (3) To relieve the highways of all undue burdens and safeguard traffic
2 thereon by adopting and enforcing rules and orders designed and
3 calculated to minimize the dangers attending transportation on the
4 highways of all hazardous materials and other commodities."
5 Section 13. Sections 1 through 12 of this act become effective December
6 1, 1998. Sections 2.1, 2.2, 2.3, 2.4, 2.5, and 13 are effective when this act becomes
7 law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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5

HOUSE BILL 1474*
Committee Substitute Favorable 6/22/98
Committee Substitute #2 Favorable 7/7/98
Fourth Edition Engrossed 7/21/98
Senate Transportation Committee Substitute Adopted 8/6/98

Short Title: MV Technical and Other Changes.

(Public)

Sponsors:

Referred to:

May 25, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH
3 FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 20-4.01(25a) reads as rewritten:
6 "(25a) Out of Service Order. -- ~~A temporary prohibition against driving a~~
7 ~~commercial motor vehicle. A declaration that a driver, a~~
8 commercial motor vehicle, or a motor carrier operation is out-of-
9 service."
10 Section 2. G.S. 20-7(f) reads as rewritten:
11 "(f) Expiration and Temporary License. -- The first drivers license the Division
12 issues to a person expires on the person's fourth or subsequent birthday that occurs
13 after the license is issued and on which the individual's age is evenly divisible by five,
14 unless this subsection sets a different expiration date. The first drivers license the
15 Division issues to a person who is at least 17 years old but is less than 18 years old
16 expires on the person's twentieth birthday. The first drivers license the Division issues
17 to a person who is at least 62 years old expires on the person's birthday in the fifth
18 year after the license is issued, whether or not the person's age on that birthday is
19 evenly divisible by five.
20 A drivers license that was issued by the Division and is renewed by the Division
21 expires five years after the expiration date of the license that is renewed. A person

1 may apply to the Division to renew a license during the ~~60-day~~ 180-day period before
2 the license expires. The Division may not accept an application for renewal made
3 before the ~~60-day~~ 180-day period begins.

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

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

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

10 When renewing a license by mail, the Division may waive the examination that
11 would otherwise be required for the renewal and may impose any conditions it finds
12 advisable. A license renewed by mail is a temporary license that expires 60 days after
13 the person to whom it is issued returns to this State."

14 Section 2.1. G.S. 20-11(h) reads as rewritten:

15 "(h) ~~Out-of-State Exceptions.~~ Exception for Persons 16 to 18 Who Have an
16 Unrestricted Out-of-State License. -- A person who is at least 16 years old but less
17 than 18 years old, who was a resident of another state and has an unrestricted drivers
18 license issued by that state, and who becomes a resident of this State may obtain one
19 of the following upon submission of a driving eligibility certificate or a high school
20 diploma or its equivalent:

21 (1) A temporary permit, if the person has not completed a drivers
22 education program that meets the requirements of the
23 Superintendent of Public Instruction but is currently enrolled in a
24 drivers education program that meets these requirements. A
25 temporary permit is valid for the period specified in the permit
26 and authorizes the holder of the permit to drive a specified type or
27 class of motor vehicle when in possession of the permit, subject to
28 any restrictions imposed by the Division concerning time of
29 driving, supervision, and passenger limitations. The period must
30 end within 10 days after the expected completion date of the
31 drivers education program in which the applicant is enrolled.

32 (2) A full provisional license, if the person has completed a drivers
33 education program that meets the requirements of the
34 Superintendent of Public Instruction, has held the license issued by
35 the other state for at least 12 months, and has not been convicted
36 during the preceding six months of a motor vehicle moving
37 violation, a seat belt infraction, or an offense committed in another
38 jurisdiction that would be a motor vehicle moving violation or seat
39 belt infraction if committed in this State.

40 (3) A limited provisional license, if the person has completed a drivers
41 education program that meets the requirements of the
42 Superintendent of Public Instruction but either did not hold the
43 license issued by the other state for at least 12 months or was
44 convicted during the preceding six months of a motor vehicle

1 moving violation, a seat belt infraction, or an offense committed in
2 another jurisdiction that would be a motor vehicle moving
3 violation or seat belt infraction if committed in this State."

4 Section 2.2. G.S. 20-11 is amended by adding a new subsection to read:

5 "(h1) Exception for Persons 16 to 18 Who Have an Out-of-State Restricted
6 License. -- A person who is at least 16 years old but less than 18 years old, who was a
7 resident of another state and has a restricted drivers license issued by that state, and
8 who becomes a resident of this State may obtain one of the following:

9 (1) A limited provisional license, if the person has completed a drivers
10 education program that meets the requirements of the
11 Superintendent of Public Instruction, held the restricted license
12 issued by the other state for at least 12 months, and whose parent
13 or guardian certifies that the person has not been convicted during
14 the preceding six months of a motor vehicle moving violation, a
15 seat belt infraction, or an offense committed in another jurisdiction
16 that would be a motor vehicle moving violation or seat belt
17 infraction if committed in this State.

18 (2) A limited learners permit, if the person has completed a drivers
19 education program that meets the requirements of the
20 Superintendent of Public Instruction but either did not hold the
21 restricted license issued by the other state for at 12 months or was
22 convicted during the preceding six months of a motor vehicle
23 moving violation, a seat belt infraction, or an offense committed in
24 another jurisdiction that would be a motor vehicle moving
25 violation or seat belt infraction if committed in this State. A
26 person who qualifies for a limited learners permit under this
27 subdivision and whose parent or guardian certifies that the person
28 has not been convicted of a moving violation in the preceding six
29 months shall be deemed to have held a limited learners permit in
30 this State for each month the person held a restricted license in
31 another state."

32 Section 2.3. G.S. 20-11 is amended by adding a new subsection to read:

33 "(h2) Exception for Persons Age 15 Who Have an Out-of-State Unrestricted or
34 Restricted License. -- A person who is age 15, who was a resident of another state,
35 has an unrestricted or restricted drivers license issued by that state, and who becomes
36 a resident of this State may obtain a limited learners permit if the person has
37 completed a drivers education program that meets the requirements of the
38 Superintendent of Public Instruction. A person who qualifies for a limited learners
39 permit under this subdivision and whose parent or guardian certifies that the person
40 has not been convicted of a moving violation in the preceding six months shall be
41 deemed to have held a limited learners permit in this State for each month the
42 person held an unrestricted or restricted license in another state."

43 Section 2.4. G.S. 20-11(i) reads as rewritten:

1 "(i) Application. -- An application for a permit or license authorized by this
2 section must be signed by both the applicant and another person. That person must
3 be be:

- 4 (1) ~~the~~ The applicant's parent or guardian ~~if the parent or guardian~~
5 ~~resides in this State and is qualified to be a supervising driver. In~~
6 ~~all other circumstances, that person must be an adult approved by~~
7 ~~the Division.~~ guardian;
8 (2) A person approved by the applicant's parent or guardian; or
9 (3) A person approved by the Division."

10 Section 2.5. G.S. 20-11(k) reads as rewritten:

11 "(k) Supervising Driver. -- A supervising driver must be a parent or guardian of
12 the permit holder or license holder ~~if a parent or guardian signed the application for~~
13 ~~the permit or license. If a parent or guardian did not sign the application, the~~
14 ~~supervising driver must be the adult who signed the application. or a responsible~~
15 person approved by the parent or guardian or the Division. A supervising driver must
16 be a licensed driver who has been licensed to drive for at least five years. A
17 supervising driver must sign the application for a permit or license. Each permit or
18 license issued pursuant to this section shall be limited to a maximum of two
19 supervising drivers."

20 Section 3. G.S. 20-17.4 reads as rewritten:

21 "**§ 20-17.4. Disqualification to drive a commercial motor vehicle.**

22 (a) One Year. -- Any of the following disqualifies a person from driving a
23 commercial motor vehicle for one year:

- 24 (1) A first conviction of G.S. 20-138.1, driving while impaired, that
25 occurred while the person was driving a commercial motor vehicle.
26 (2) A first conviction of G.S. 20-138.2, driving a commercial motor
27 vehicle while impaired.
28 (3) A first conviction of G.S. 20-166, hit and run, involving a
29 commercial motor vehicle driven by the person.
30 (4) A first conviction of a felony in the commission of which a
31 commercial motor vehicle was used.
32 (5) Refusal to submit to a chemical test when charged with an implied-
33 consent offense, as defined in G.S. 20-16.2, that occurred while the
34 person was driving a commercial motor vehicle.

35 (b) Modified Life. -- A person who has been disqualified from driving a
36 commercial motor vehicle for a conviction or refusal described in subsection (a) who,
37 as the result of a separate incident, is subsequently convicted of an offense or
38 commits an act requiring disqualification under subsection (a) is disqualified for life.
39 The Division may adopt guidelines, including conditions, under which a
40 disqualification for life under this subsection may be reduced to 10 years.

41 (c) Life. -- A person is disqualified from driving a commercial motor vehicle for
42 life if that person uses a commercial motor vehicle in the commission of any felony
43 involving the manufacture, distribution, or dispensing of a controlled substance, or
44 possession with intent to manufacture, distribute, or dispense a controlled substance.

1 (d) Less Than a Year. -- A person is disqualified from driving a commercial motor
2 vehicle for 60 days if that person is convicted of two serious traffic violations, or 120
3 days if convicted of three or more serious traffic violations, committed in a
4 commercial motor vehicle arising from separate incidents occurring within a three-
5 year period.

6 (e) Three Years. -- A person is disqualified from driving a commercial motor
7 vehicle for three years if that person is convicted of an offense or commits an act
8 requiring disqualification under subsection (a) and the offense or act occurred while
9 the person was transporting a hazardous material that required the motor vehicle
10 driven to be placarded.

11 (f) Revocation Period. -- A person is disqualified from driving a commercial
12 motor vehicle for the period during which the person's regular or commercial drivers
13 license is revoked.

14 (g) Violation of Out-of-Service Order. -- Any person convicted for violating an
15 out-of-service order, except as described in subsection (h) of this section, shall be
16 disqualified as follows:

17 (1) A person is disqualified from driving a commercial vehicle for a
18 period of 90 days if convicted of a first violation of an out-of-
19 service order.

20 (2) A person is disqualified for a period of one year if convicted of a
21 second violation of an out-of-service order during any 10-year
22 period, arising from separate incidents.

23 (3) A person is disqualified for a period of three years if convicted of a
24 third or subsequent violation of an out-of-service order during any
25 10-year period, arising from separate incidents.

26 (h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and
27 Passenger Offenses. -- Any person convicted for violating an out-of-service order
28 while transporting hazardous materials or while operating a commercial vehicle
29 designed or used to transport more than 15 passengers, including the driver, shall be
30 disqualified as follows:

31 (1) A person is disqualified for a period of 180 days if convicted of a
32 first violation of an out-of-service order.

33 (2) A person is disqualified for a period of three years if convicted of a
34 second or subsequent violation of an out-of-service order during
35 any 10-year period, arising from separate incidents.

36 (i) Disqualification for Out-of-State Violations. -- The Division shall withdraw the
37 privilege to operate a commercial vehicle of any resident of this State upon receiving
38 notice of the person's conviction in another state for an offense that, if committed in
39 this State, would be grounds for disqualification. The period of disqualification shall
40 be the same as if the offense occurred in this State.

41 (j) Disqualification of Persons Without Commercial Drivers Licenses. -- Any
42 person convicted of an offense that requires disqualification under this section, but
43 who does not hold a commercial drivers license, shall be disqualified from operating

1 a commercial vehicle in the same manner as if the person held a valid commercial
 2 drivers license."

3 Section 4. G.S. 20-37.12(b) reads as rewritten:

4 "(b) The out-of-service criteria as referred to in 49 C.F.R. §§392.5 and 395.13, as
 5 adopted by the Division, Subchapter B apply to a person who drives a commercial
 6 motor vehicle. No person shall drive a commercial motor vehicle on the highways of
 7 this State in violation of an out-of-service order."

8 Section 5. G.S. 20-37.16(c) reads as rewritten:

9 "(c) Endorsements. -- The endorsements required to drive certain motor vehicles
 10 are as follows:

<u>Endorsement</u>	<u>Vehicles That Can Be Driven</u>
H	Vehicles carrying hazardous materials, other than tank vehicles <u>Vehicles, regardless of size or class, except tank vehicles, when transporting hazardous materials that require the vehicle to be placarded</u>
M	Motorcycles
N	Tank vehicles not carrying hazardous materials
P	Vehicles carrying passengers
T	Double trailers
X	Tank vehicles carrying hazardous materials.

22 To obtain an H or an X endorsement, an applicant must take a test. This
 23 requirement applies when a person first obtains an H or an X endorsement and each
 24 time a person renews an H or an X endorsement. An applicant who has an H or an
 25 X endorsement issued by another state who applies for an H or an X endorsement
 26 must take a test unless the person has passed a test that covers the information set out
 27 in 49 C.F.R. § 383.121 within the preceding two years."

28 Section 6. G.S. 20-115.1(b) reads as rewritten:

29 "(b) Motor vehicle combinations consisting of a semitrailer of not more than 53
 30 feet in length and a truck tractor may be operated on the interstate highways (except
 31 those exempted by the United States Secretary of Transportation pursuant to 49
 32 U.S.C. 2311(i)) and federal-aid primary system highways designated by the United
 33 States Secretary of Transportation provided ~~that~~ that:

- 34 (1) ~~any~~ Any semitrailer in excess of 48 feet in length shall not be
 35 permitted ~~unless~~ unless:
- 36 a. ~~the~~ The distance between the kingpin of the trailer and the
 37 rearmost ~~axle~~ axle, or a point midway between the two rear
 38 axles, if the two rear axles are a tandem axle, does not
 39 exceed 41 feet; ~~and~~ or
- 40 b. The semitrailer is used exclusively or primarily to transport
 41 vehicles in connection with motorsports competition events,
 42 and the distance between the kingpin of the trailer and the
 43 rearmost axle, or a point midway between the two rear

axles, if the two rear axles are a tandem axle, does not exceed 46 feet; and

- (2) ~~provided that any~~ Any semitrailer in excess of 48 feet is equipped with a rear underride guard of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than 30 inches from the surface as measured with the vehicle empty and on a level surface."

Section 7. G.S. 20-116(d) reads as rewritten:

"(d) A single vehicle having two axles shall not exceed ~~35~~ 40 feet in length of extreme overall dimensions inclusive of front and rear bumpers. ~~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,~~ however, 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 8. G.S. 20-118(b)(3) reads as rewritten:

- "(3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance Between Axles*	Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	38000					
5	38000					
6	38000					
7	38000					
8 or less	38000	38000				
more than 8	38000	42000				
9	39000	42500				
10	40000	43500				
11		44000				
12		45000	50000			
13		45500	50500			
14		46500	51500			
15		47000	52000			
16		48000	52500	58000		
17		48500	53500	58500		
18		49500	54000	59000		

1	19	50000	54500	60000		
2	20	51000	55500	60500	66000	
3	21	51500	56000	61000	66500	
4	22	52500	56500	61500	67000	
5	23	53000	57500	62500	68000	
6	24	54000	58000	63000	68500	74000
7	25	54500	58500	63500	69000	74500
8	26	55500	59500	64000	69500	75000
9	27	56000	60000	65000	70000	75500
10	28	57000	60500	65500	71000	76500
11	29	57500	61500	66000	71500	77000
12	30	58500	62000**	66500	72000	77500
13	31	59000	62500**	67500	72500	78000
14	32	60000	63500**	68000	73000	78500
15	33		64000**	68500	74000	79000
16	34		64500**	69000	74500	80000
17	35		65500**	70000	75000	
18	36		66000**	70500	75500	
19	37		66500**	71000	76000	
20	38		67500**	72000	77000	
21	39		68000	72500	77500	
22	40		68500	73000	78000	
23	41		69500	73500	78500	
24	42		70000	74000	79000	
25	43		70500	75000	80000	
26	44		71500	75500		
27	45		72000	76000		
28	46		72500	76500		
29	47		73500	77500		
30	48		74000	78000		
31	49		74500	78500		
32	50		75500	79000		
33	51		76000	80000		
34	52		76500			
35	53		77500			
36	54		78000			
37	55		78500			
38	56		79500			
39	57		80000			

40 *Distance in Feet Between the Extremes of any Group of Two or More
 41 Consecutive Axles.

42 **See exception in G.S. 20-118(c)(1)."

43 Section 9. G.S. 20-118(c)(10) reads as rewritten:

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

12 Section 9.1. G.S. 20-118(c) is amended by adding a new subdivision to
13 read:

14 "(13) Vehicles specifically designed for fire-fighting that are owned by a
15 municipal or rural fire department."

16 Section 10. G.S. 20-217(a) reads as rewritten:

17 "(a) The driver of any vehicle upon approaching from any direction on the same
18 ~~street or highway~~ street, highway, or public vehicular area any school bus (including
19 privately owned buses transporting children and school buses transporting senior
20 citizens under G.S. 115C-243), while the bus is displaying its mechanical stop signal
21 or flashing red stoplights, and is stopped for the purpose of receiving or discharging
22 passengers, shall bring ~~his~~ the vehicle to a full stop before passing or attempting to
23 pass the bus, and shall remain stopped until the mechanical stop signal has been
24 withdrawn, the flashing red stoplights have been turned off, and the bus has moved
25 on."

26 Section 11. G.S. 20-376(1) reads as rewritten:

27 "(1) Federal safety and hazardous materials regulations. -- The federal
28 motor carrier safety regulations contained in 49 C.F.R. Parts 170
29 through 190, 382 382, and 390 through 398."

30 Section 11.1. G.S. 163-82.19 reads as rewritten:

31 **"§ 163-82.19. Voter registration at drivers license offices.**

32 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State
33 Board of Elections, modify its forms so that any eligible person who applies for
34 original issuance, renewal or correction of a drivers license, or special identification
35 card issued under G.S. 20-37.7 may, on a part of the form, complete an application to
36 register to vote or to update his registration if the voter has changed his address or
37 moved from one precinct to another or from one county to another. The person
38 taking the application shall ask if the applicant is a citizen of the United States. If
39 the applicant states that the applicant is not a citizen of the United States, or declines
40 to answer the question, the person taking the application shall inform the applicant
41 that it is a felony for a person who is not a citizen of the United States to apply to
42 register to vote. Any person who willfully and knowingly and with fraudulent intent
43 gives false information on the application is guilty of a Class I felony. The application
44 shall state in clear language the penalty for violation of this section. The necessary

1 forms shall be prescribed by the State Board of Elections. The form must ask for the
2 previous voter registration address of the voter, if any. If a previous address is listed,
3 and it is not in the county of residence of the applicant, the appropriate county board
4 of elections shall treat the application as an authorization to cancel the previous
5 registration and also process it as such under the procedures of G.S. 163-82.9. If a
6 previous address is listed and that address is in the county where the voter applies to
7 register, the application shall be processed as if it had been submitted under G.S.
8 163-82.9.

9 Registration shall become effective as provided in G.S. 163-82.7. Applications to
10 register to vote accepted at a drivers license office under this section until the
11 deadline established in G.S. 163-82.6(c)(2) shall be treated as timely made for an
12 election, and no person who completes an application at that drivers license office
13 shall be denied the vote in that election for failure to apply earlier than that deadline.

14 All applications shall be forwarded by the Department of Transportation to the
15 appropriate board of elections not later than five business days after the date of
16 acceptance, according to rules which shall be promulgated by the State Board of
17 Elections."

18 Section 12. G.S. 20-381 reads as rewritten:

19 **"§ 20-381. Specific powers and duties of Division applicable to motor carriers.**

20 The Division has the following powers and duties concerning motor carriers:

- 21 (1) To prescribe qualifications and maximum hours of service of
22 drivers and their helpers.
23 (1a) To set safety standards for vehicles of motor carriers engaged in
24 foreign, interstate, or intrastate commerce over the highways of this
25 State and for the safe operation of these vehicles. The Division
26 may stop, enter upon, and perform inspections of motor carriers'
27 vehicles in operation to determine compliance with these standards
28 and may conduct any investigations and tests it finds necessary to
29 promote the safety of equipment and the safe operation on the
30 highway of these vehicles.
31 (1b) To enforce this Article, rules adopted under this Article, and the
32 federal safety and hazardous materials regulations.
33 (2) To enter the premises of a motor carrier to inspect a motor vehicle
34 or any equipment used by the motor carrier in transporting
35 passengers ~~or property~~ or property.
36 (2a) To prohibit the use by a motor carrier of any motor vehicle or
37 motor vehicle equipment the Division finds unsafe for use in the
38 transportation of passengers or property on a highway. If an agent
39 of the Division finds a motor vehicle of a motor carrier in actual
40 use upon the highways in the transportation of passengers or
41 property to be unsafe or any parts thereof or any equipment
42 thereon to be unsafe and is of the opinion that further use of such
43 vehicle, parts or equipment are imminently dangerous, the agent
44 may require the operator thereof to discontinue its use and to

1 substitute therefor a safe vehicle, parts or equipment at the earliest
2 possible time and place, having regard for both the convenience
3 and the safety of the passengers or property. When an inspector or
4 agent stops a motor vehicle on the highway, under authority of this
5 section, and the motor vehicle is in operative condition and its
6 further movement is not dangerous to the passengers or property
7 or to the users of the highways, it shall be the duty of the inspector
8 or agent to guide the vehicle to the nearest point of substitution or
9 correction of the defect. Such agents or inspectors shall also have
10 the right to stop any motor vehicle which is being used upon the
11 public highways for the transportation of passengers or property by
12 a motor carrier subject to the provisions of this Article and to eject
13 therefrom any driver or operator who shall be operating or be in
14 charge of such motor vehicle while under the influence of
15 ~~alcoholic beverages~~ beverages or impairing substances. It shall be
16 the duty of all inspectors and agents of the Division to make a
17 written report, upon a form prescribed by the Division, of
18 inspections of all motor equipment and a copy of each such written
19 report, disclosing defects in such equipment, shall be served
20 promptly upon the motor carrier operating the same, either in
21 person by the inspector or agent or by mail. Such agents and
22 inspectors shall also make and serve a similar written report in
23 cases where a motor vehicle is operated in violation of this
24 Chapter or, if the motor vehicle is subject to regulation by the
25 North Carolina Utilities Commission, of Chapter 62 of the General
26 Statutes.

- 27 (3) To relieve the highways of all undue burdens and safeguard traffic
28 thereon by adopting and enforcing rules and orders designed and
29 calculated to minimize the dangers attending transportation on the
30 highways of all hazardous materials and other commodities."

31 Section 13. This act becomes effective December 1, 1998. Sections 2.1,
32 2.2, 2.3, 2.4, and 2.5 are effective when this act becomes law.