2003-2004

HOUSE TRANSPORTATION

COMMITTEE MINUTES

HOUSE STANDING COMMITTEE ON
TRANSPORTATION
2003 SESSION
Book 1 of 2

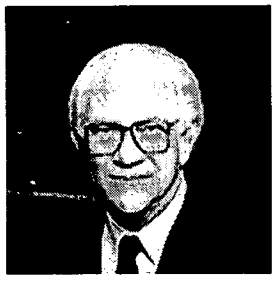
Representative Cary Allred
Representative Lorene Coates
Chairs

Representative William Daughtridge
Representative Arthur Williams
Representative Keith Williams
Vice Chairs

Committee Counsel:
Giles Perry and Wendy Graf-Ray
Research Division

Committee Assistants:
Jean Allred and Melissa Lennon

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE STANDING COMMITTEE ON TRANSPORTATION
2003 – 2004 SESSION

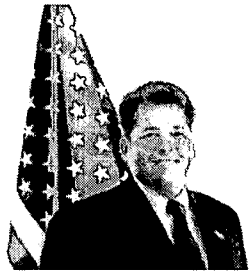


Rep. Cary Allred
Chair

Rep. Lorene Coates
Chair

Rep. Wm. Daughtridge
Vice chair

Rep. Arthur Williams
Vice chair



Rep. Keith Williams
Vice chair

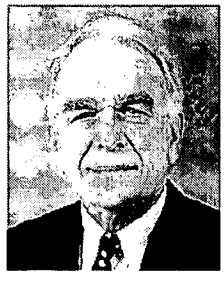
Rep. Gordon Allen
Member

Rep. Lucy Allen
Member

Rep. Nelson Cole
Member

Rep. James Crawford
Member

Rep. Phillip Frye
Member



Rep. Phillip Haire
Member

Rep. Dewey Hill
Member

Rep. Mark Hilton
Member

Rep. George Holmes
Member

Rep. Stephen LaRoque
Member

Rep. David Lewis
Member

Rep. Timothy Moore
Member

Rep. Edd Nye
Member

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE STANDING COMMITTEE ON TRANSPORTATION
2003 – 2004 SESSION

Rep. Raymond Rapp
Member

Rep. Karen Ray
Member

Rep. Edgar Starnes
Member

Rep. Ronnie Sutton
Member

Rep. Thomas Wright
Member

Rep. Brubaker
Ex-officio

Rep. Culpepper
Ex-officio

Rep. Cunningham
Ex-officio

Rep. Eddins
Ex-officio

Permanent Directory
HOUSE COMMITTEE ON TRANSPORTATION
2003/2004 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Rep. Cary D. Allred, Co-Chair	Jean Allred Committee Assistant	733-5905	606	38
Rep. Lorene Coates, Co-Chair	Melissa Lennon Committee Assistant	733-5784	633	80
Rep. Wm. Daughtridge, Vice Chair	Monica Saunders	733-5802	604	66
Rep. Arthur Williams, Vice Chair	Linda Uzzle	733-5906	637	22
Rep. Keith Williams, Vice Chair	Martha Hoover	715-3009	418C	5
Rep. Gordon Allen	Nancy Brantley	733-5747	535	10
Rep. Lucy Allen	Melissa Riddle	733-5860	1307	92
Rep. Nelson Cole	Suzanne Smith	733-5779	1218	45
Rep. James Crawford	Linda Winstead	733-5824	1301	24
Rep. Phillip Frye	Mary Hayes	733-5661	1019	62
Rep. Phillip Haire	Sara Jane Morris	715-3005	419B	47
Rep. Dewey Hill	Gennie Thurlow	733-5830	1309	21
Rep. Mark Hilton	Anne Soles	733-5988	1021	61
Rep. George Holmes	Glenda Jacobs	733-5654	1211	77
Rep. Stephen LaRoque	Patricia Freije	715-3017	417B	16

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Rep. David Lewis	Marie Strickland	715-3015	509	73
Rep. Timothy Moore	Nancy Garriss	733-4838	502	53
Rep. Edd Nye	Jo Bobbitt	733-5477	639	23
Rep. Raymond Rapp	Dot Barber	733-5732	2213	118
Rep. Karen Ray	Susan Brothers	733-5741	1315	75
Rep. Edgar V. Starnes	Pattie Fleming	733-5931	513	30
Rep. Ronnie Sutton	Juanita Coley	715-0875	1321	71
Rep. Thomas Wright	Clarestene Stewart	733-5754	528	19
Rep. Harold Brubaker **Ex-officio Member**	Cindy Coley	715-4946	1229	2
Rep. William Culpepper **Ex-officio Member**	Dot Crocker	715-3028	404	36
Rep. Pete Cunningham **Ex-officio Member**	Valerie Rustin	733-5778	541	7
Rep. Rick Eddins **Ex-officio Member**	Dorie Monroe	733-5828	1002	26

ATTENDANCE

HOUSE STANDING COMMITTEE ON TRANSPORTATION

2003-Session

DATES	3/ 12	3/ 19	3/ 26	4/ 02	4/ 09	4/ 16	4/ 22	4/ 23	4/ 24	4/ 29	5/ 21	6/ 04	6/ 11
ALLRED, Cary, Chairman	X	X	X	X	X	X	X	X	X		X	X	X
COATES, Lorene, Chairman	X	X	X	X	X	X	X	X	X	X	X	X	X
DAUGHTRIDGE, William, Vice Chair	X	X	X	X	X	X	X	X	X	X		X	X
WILLIAMS, Arthur, Vice Chair	X	X	X	X	X	X	X	X	X	X	X	X	X
WILLIAMS, Keith, Vice Chair	X	X	X	X	X		X	X	X		X	X	X
ALLEN, Gordon	X	X		X	X	X	X	X	X		X		X
ALLEN, Lucy	X	X	X	X	X	X	X		X	X	X	X	X
COLE, Nelson	X	X	X	X	X	X	X	X	X	X		X	X
CRAWFORD, James		X	X	X		X		X	X	X	X	X	
FRYE, Phillip	X	X	X	X	X	X	X	X	X	X		X	X
HAIRE, Phillip	X	X	X	X		X	X	X			X	X	X
HILL, Dewey	X	X	X	X	X		X	X	X	X			X
HILTON, Mark	X	X	X	X	X	X	X	X			X		X
HOLMES, George	X	X	X		X	X	X			X			
LaROQUE, Stephen	X	X	X	X	X		X	X	X	X		X	
LEWIS, David	X	X		X		X	X		X			X	
MOORE, Timothy	X	X	X	X	X	X	X	X			X		X
NYE, Edd	X	X	X	X			X	X	X		X	X	
RAPP, Raymond	X	X	X	X	X	X	X	X	X			X	X
RAY, Karen	X	X	X	X	X	X	X			X	X	X	X
STARNES, Edgar		X			X	X		X	X		X	X	
SUTTON, Ronnie		X	X		X	X	X			X	X	X	
WRIGHT, Thomas		X				X						X	X

ATTENDANCE

HOUSE STANDING COMMITTEE ON TRANSPORTATION

2003-2004 Session

DATES	3/ 12	3/ 19	3/ 26	4/ 02	4/ 09	4/ 16	4/ 22	4/ 23	4/ 24	4/ 29	5/ 21	6/ 04	6/ 11
Ex officio Members:													
BRUBAKER, Harold													
CULPEPPER, Bill													
CUNNINGHAM, Pete													
EDDINS, Rick									X				
Staff:													
GRAF-RAY, Wendy	X	X	X	X	X	X	X	X	X	X	X	X	X
PERRY, Giles	X	X	X	X	X	X	X	X	X		X		X
Committee Assistants:													
ALLRED, Jean	X	X	X	X	X	X		X	X		X		X
LENNON, Melissa	X	X	X	X	X	X	X	X	X	X		X	

2003-2004 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
$ H0021=	**Crawford**	**HIGHWAY TRUST FUND MATCH/CONTINUING BUDGET AUTH.**	***H**	**Conf Com Appointed**	**02-17-03**	**03-27-03**
H0022=	Crawford	DOT RESURFACING/ SECONDARY ROAD FUND USE.	*HR	Ch. SL 2003-112	02-17-03	03-27-03
H0023=	Crawford	DOT TRANSIT SAFETY OVERSIGHT.	H	Signed By Gov. 8/ 7/2003	02-17-03	03-27-03
$ H0048	**Crawford**	**MOVING AHEAD TRANSPORTATION INITIATIVE**	***HR**	**Ch. SL 2003-383**	**02-20-03**	**04-23-03**
H0344	Jeffus	FORMULA COST-EFFECTIVE VEH. REPLACEMENT.-AB	*HR	Ch. SL 2003-177	03-06-03	04-16-03
H0425	Sexton	HORSE TRAILER/WEIGH STATIONS.	*HR	Ch. SL 2003-338	03-12-03	04-23-03
H0430	Miller	ELECT BOARD OF TRANSPORTATION.	H	Ref to the Com on Transportation and, if favorable, to the Com on Rules, Calendar, and Operations of the House	03-12-03	
H0439	Sexton	CARTWAYS.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	03-13-03	04-29-03
H0471=	Crawford	CDL CHANGES/STUDY MOPED TAG IDENTIFICATION.	*H	Re-ref Com On Appropriations/ Base Budget	03-13-03	04-30-03
H0627=	Adams	GREENSBORO CONSTRUCT ROADS OUTSIDE CITY.	*HR	Ch. SL 2003-132	04-02-03	04-09-03
H0651	Crawford	DURHAM TRAFFIC CONTROL MEASURES.	HR	Ch. SL 2003-85	03-25-03	04-03-03
H0666=	Sutton	CONTRACT AGENCY COMPENSATION.	*H	Re-ref Com On Appropriations	03-26-03	06-11-03
H0674=	Luebke	DURHAM NORTHERN LOOP CORRIDOR.	*H	Conf Com Appointed	03-26-03	04-03-03
H0692	Mitchell	AUTO AUCTIONEERS-NO DEALER LICENSE NEEDED.	*HR	Ch. SL 2003-265	03-26-03	04-07-03
H0707	Stiller	OCEAN ISLE BEACH TRAFFIC CAMERAS.	H	Ref To Com On Transportation	03-27-03	
H0729	Gorman	STOPLIGHTS ON U.S. HIGHWAY 70.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	03-27-03	04-23-03
H0730	Gorman	REPORTS ON TIP PROJECT DELAYS.	H	Ref To Com On Transportation	03-27-03	
H0824	Allred	DOT BRIDGE ENCROACHMENTS.	*HR	Ch. SL 2003-267	04-01-03	04-03-03
H0824	Allred	DOT BRIDGE ENCROACHMENTS.	*HR	Ch. SL 2003-267	04-08-03	04-09-03
H0921	Frye	EXPEDITE CERTAIN HIGHWAY CORRIDORS.	*H	Re-ref Com On Appropriations Subcommittee on	04-08-03	06-05-03

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

2003-2004 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				Transportation		
H0929	Brubaker	LEMON LAW FOR COMMERCIAL VEHICLES.	H	Ref To Com On Transportation	04-08-03	
H0944	Mitchell	REQUIRED NOTICES FOR TOWING PAYMENTS.	*HR	Ch. SL 2003-336	04-08-03	04-29-03
H0970	K. Williams	SCHOOL BUS DRIVER MEDICAL EVALUATIONS.	*H	Ref To Com On Transportation	04-09-03	04-23-03
H1019	Allred	I-40 U.S. VETERANS MEMORIAL HIGHWAY.	*H	Re-ref Com On Appropriations	04-10-03	04-24-03
H1020	Allred	SAFETY MARKERS FOR CONTRACT TRUCKERS.	H	Ref To Com On Transportation	04-10-03	
H1069=	Miner	REGIONAL PUBLIC TRANSPORTATION LIABILITY.	H	Ref To Com On Transportation	04-10-03	
H1140	Allred	NORTH CAROLINA 'QUICK CLEARANCE' ACT.	*HR	Ch. SL 2003-310	04-10-03	04-23-03
H1140	Allred	NORTH CAROLINA 'QUICK CLEARANCE' ACT.	*HR	Ch. SL 2003-310	06-10-03	06-12-03
H1141	Pate	VERIFY RESIDENCY FOR DRIVERS LICENSE.	H	Re-ref Com On Appropriations	04-10-03	04-23-03
H1174	Creech	SAFE TRANSPORTATION FOR SCHOOL STUDENTS.	*H	Re-ref Com On Appropriations	04-10-03	04-24-03
$ H1230	**Luebke**	**RAIL CORRIDOR USES.**	***H**	**Re-ref Com On Appropriations Subcommittee on Transportation**	**04-22-03**	**06-05-03**
S0035=	Wib Gulley	CHARTER SCHOOLS/DEED REGISTRATION.	*HR	Ch. SL 2003-354	04-22-03	06-12-03
S0038=	Wib Gulley	DOT SAFETY AND LOGO SIGNS.	*HR	Ch. SL 2003-184	03-27-03	05-22-03
S0232	Eleanor Kinnaird	BIKEWAY FUNDING.	*HR	Ch. SL 2003-256	05-05-03	06-05-03
S0384=	Wib Gulley	DURHAM NORTHERN LOOP CORRIDOR.	*H	Re-ref Com On Appropriations Subcommittee on Transportation	04-03-03	04-30-03
S0777	Virginia Foxx	AMEND DEALER LICENSING LAW.	*HR	Ch. SL 2003-254	04-21-03	05-27-03
S1008	Wib Gulley	VA-NC HIGH SPEED RAIL COMMISSION.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05-01-03	05-21-03

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

March 12, 2003

11:00 A.M.

Room 1228 LB

OPENING REMARKS
Representative Cary Allred, Chair
Representative Lorene Coates, Chair

INTRODUCTION OF COMMITTEE

INTRODUCTION OF STAFF

PRESENTATION
Department of Transportation

QUESTIONS AND COMMENTARY

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

March 12, 2003

The HOUSE COMMITTEE ON TRANSPORTATION met on Wednesday, March 12, 2003, in Room 1228 of the Legislative Building at 11:00 A.M. for its organizational meeting for the 2003-2004 Session. The following were present: Representative Allred, presiding Chair, Representative Coates, Chair, Representatives Daugthridge, A. Williams and K. Williams, Vice chairs and Representatives G. Allen, L. Allen, Cole, Frye, Haire, Hill, Hilton, Holmes, LaRoque, Lewis, Moore, Nye, Rapp and Ray. Assisting with the meeting were Giles Perry and Wendy Graf-Ray, Staff Counsel, Jean Allred and Melissa Lennon, Committee Assistants. Also attending were Dusty Rhodes, Martha Parrish and Bob Fowler, House Sergeants-at-Arms and Miss Emily Shank, sponsored by Representative Jeffus, Guilford County and Ashlea Roberts, sponsored by Representative Dickson, Harnett County serving as committee Pages.

Representative Allred, Presiding Chair called the meeting to order welcoming the new committee members. Representative Coates, Chair, addressed the committee pledging to work with each member. Next, Representative Allred introduced the House Sergeants-at-Arms and the House Pages. Representative Allred presented the staff and the Vice Chairs to the committee and asked the remaining members to introduce themselves.

Representative Allred recognized Lyndo Tippett, Secretary of Transportation to address the committee. Secretary Tippett outlined the mission of NCDOT and the structure of NCDOT. He stated the top priorities of NCDOT were to eliminate the highway maintenance backlog, explained SB 1005, passed in 2001, which allowed the department to use about $428 million from the Highway Trust Fund cash balance to advance heavy maintenance work on primary highways across the state by letting out projects; in FY 2001-02, the Board approved contracts to improve more that 500 highway miles, with contracts to improve more than 420 miles awarded in FY 2002-03. Secretary Tippett also explained *North Carolina: Moving Ahead!* which would pay for maintenance, modernization and public transportation projects across the state (see attachments). Secretary Tippett entertained questions from the committee.

Next, Wayne Stallings, Chief Financial Officer, NCDOT addressed the committee by reviewing the NCDOT budget revenue. His presentation was followed by questions from the committee. See attachments provided by Mr. Stallings.

With time running out, the meeting adjourned at 11:50 A.M.

Respectfully submitted,

Representative Cary Allred
Presiding Chair

Jean Allred
Committee Assistant

Attachments
Visitors Registration

/

Mission of NCDOT

- Provide a safe, well-maintained and integrated transportation system for all citizens in support of Governor Easley's One North Carolina.

Structure of NCDOT

- Oversee the state's transportation system, operating a $3 billion annual budget and employing more than 14,000 people statewide.
- Highways -- 14 divisions throughout the state.
- Rail
- Public Transportation
- Ferries
- Bicycle Paths and Pedestrian Walkways
- DMV Lic & theft Enforcement to Crime Patrol & Public Safety
- Secretary -- BOT (19) Set policy
  Constituent Service

Budget Revenue

- Three primary sources -- Highway Fund, Highway Trust Fund and federal funds
- Highway Fund -- dates back to 1921, which is when the General Assembly first imposed the gas tax of .01 cents per gallon on all motor vehicle fuels sold. Today, nearly $1.2 billion of the department's funding comes from the Highway Fund.
- Highway Trust Fund law -- enacted in 1989 identifies specific highways that will be four-laned or improved to complete a 3,600-mile intrastate system. In addition, the law provides funding for loops of our seven largest cities and money to complete the paving of most of the state's secondary roads
- Federal Funds -- About $800 million comes from federal highway dollars

Top priorities:

- Eliminate the highway maintenance backlog.
- SB 1005 -- allowed the department to use about $428 million over three years from the Highway Trust Fund cash balance to advance heavy maintenance work on primary highways across

the state. After passage of the bill in 2001, the department immediately began letting projects for the first year of funding. In FY 2001-02, the Board approved contracts to improve more than 500 highway miles, with contracts to improve more than 420 miles awarded in FY 2002-03.

- **North Carolina: Moving Ahead!** -- We propose to invest $700 million from the Trust Fund to pay for maintenance, modernization and public transportation projects across the state.
    - Increase the highway maintenance budget by nearly 45 percent, allowing us to rehabilitate highways across the state.
    - Increase highway modernization by 25 percent through improvements such as wider lanes and shoulders, updated traffic signal systems and the replacement of substandard bridges across the state.
    - Expand public transportation by about 25 percent, which will allow us to help fund regional rail systems in the Triangle, Triad and Charlotte metro areas and to modernize the aging public transportation infrastructure in both rural and urban areas.
    - NO TIP PROJECTS WILL BE AFFECTED.
    - Not only will safety be improved, but economic development as well.
        - According to The Road Information Program (or TRIP) 42,000 jobs are created by every $1 billion spent in road construction and every $1 in highway spending has a $5.7 impact on the economy.
        - Based on these figures, we estimate that this program will make a $4 billion impact here in North Carolina -- which will result in about 33,000 new jobs.
- We'll ask you to revise the Highway Trust Fund law -- which currently requires all cash outlays be used for expansion.
    - We'll then sell $700 million in bonds already approved by voters to reimburse the Trust Fund

- We'll still keep our commitment to other Highway Trust Fund bond projects using the $1 billion in revenue generated by the Trust Fund.

- N.C. Moving Ahead! will also allow our small and minority contractors to have a chance to get some work because the projects are small in nature.
  - We're making great strides with minority outreach: appointed first-ever minority affairs coordinator; created a diversity council; initiated a pilot-mentoring program; formed the Minority Contractor Expansion Council.

TIP

- Helps ensure an equitable distribution by serving as the department's blueprint for a period of seven years.
- Reflects our best information for costs and schedules at the time it's being developed.
- Because both costs and schedules can change over time, we update this plan every two years.

State Revenue Sources to the Transportation Funds
Budgeted or Estimated 2002-03 through 2004-05
(In Millions)

	2002-03 Budget			2003-04 Estimate			2004-05 Estimate		
	Highway	Trust	Total	Highway	Trust	Total	Highway	Trust	Total
Revenue Source									
Motor Fuel Tax	$ 861.4	$ 287.1	$ 1,148.5	$ 921.8	$ 307.2	$ 1,229.0	$ 931.9	$ 310.6	$ 1,242.5
Highway Use Tax		579.4	579.4		598.6	598.6		635.7	635.7
Titles and Registration	155.2	93.3	248.5	157.9	94.2	252.1	162.6	96.8	259.4
Commercial Vehicle Registration	114.2		114.2	110.4		110.4	113.9		113.9
Other Vehicle Fees	62.2		62.2	66.7		66.7	68.5		68.5
Driver License	71.6		71.6	72.9		72.9	74.5		74.5
Investment Income	12.0	15.0	27.0	21.2	10.0	31.2	21.6	6.0	27.6
	$ 1,276.6	$ 974.8	$ 2,251.4	$ 1,350.9	$ 1,010.0	$ 2,360.9	$ 1,373.0	$ 1,049.1	$ 2,422.1
% Annual Change Estimated				5.8%	3.6%	4.9%	1.6%	3.9%	2.6%
1989-90 Actual Revenue	$ 962.6	$ 408.5	$ 1,371.1						
% Change to 2002-03	32.6%	138.6%	64.2%						
General Fund 1989-90			$ 6,988.4						
General Fund 2002-03			$ 14,330.2						
% Change 1989-90 to 2002-03			105%						
Annual General Fund Change for Upcoming Biennium						2.6%			6.4%

North Carolina Transportation Program, 2003-04

	Highway Fund	Highway Trust Fund	Department Receipts	Federal Funds	General Fund	Total
Department of Transportation						
Administration	$ 72,625,987	$ 5,783,145	$ 311,000	$ -	$ -	$ 78,720,132
Division of Highways						
Administration	28,190,393	20,911,449	486,112			49,587,954
Transportation Improvement Program		590,727,216		815,360,000		1,406,087,216
Local Paving and Small Projects	124,700,000	79,337,221				204,037,221
Maintenance	596,982,883					596,982,883
Planning and Research	4,160,000			16,640,000		20,800,000
OSHA Program	425,000					425,000
Ferry Operations	19,677,283					19,677,283
State Aid						
Municipalities	89,600,000	44,134,792				133,734,792
Public Transportation	79,905,266			10,000,000		89,905,266
Airports	-			15,478,062	11,429,525	26,907,587
Railroads	15,090,919					15,090,919
Governor's Highway Safety	292,449			4,580,924		4,873,373
Division of Motor Vehicles	100,255,703	4,315,379	5,906,778	4,053,680		114,531,540
Other State Agencies	200,818,117					200,818,117
Reserves and Transfers	11,206,000					11,206,000
Transfer to General Fund	-	252,422,125				252,422,125
Committed Trust Fund Admin.	-		-			
Uncommitted Trust Fund Admin.	-	12,407,673				12,407,673
Total Operating	$ 1,343,930,000	$ 1,010,039,000	$ 6,703,890	$ 866,112,666	$ 11,429,525	$ 3,238,215,081
Capital Improvements	$ 7,000,000					7,000,000
Grand Total	**$ 1,350,930,000**	**$ 1,010,039,000**	**$ 6,703,890**	**$ 866,112,666**	**$ 11,429,525**	**$ 3,245,215,081**

North Carolina Transportation Program, 2004-05

	Highway Fund	Highway Trust Fund	Department Receipts	Federal Funds	General Fund	Total
Department of Transportation						
Administration	$ 72,648,211	$ 5,787,639	$ 311,000			$ 78,746,850
Division of Highways						
Administration	28,150,605	20,916,152	486,112			49,552,869
Transportation Improvement Program		640,174,153		838,880,000		1,479,054,153
Local Paving and Small Projects	125,690,000	83,982,103				209,672,103
Maintenance	572,304,548					572,304,548
Planning and Research	4,280,000			17,120,000		21,400,000
OSHA Program	425,000					425,000
Ferry Operations	19,677,283					19,677,283
State Aid						
Municipalities	90,590,000	47,829,103				138,419,103
Public Transportation	114,325,772			10,000,000		124,325,772
Airports				15,478,062	11,460,101	26,938,163
Railroads	15,531,153					15,531,153
Governor's Highway Safety	293,118			4,582,653		4,875,771
Division of Motor Vehicles	100,323,363	4,316,683	5,911,275	4,053,680		114,605,001
Other State Agencies	200,737,347					200,737,347
Reserves and Transfers	18,103,600					18,103,600
Transfer to General Fund	-	231,774,330				231,774,330
Committed Trust Fund Admin.	-					-
Uncommitted Trust Fund Admin.		14,290,837				14,290,837
Total Operating	$ 1,363,080,000	$ 1,049,071,000	$ 6,708,387	$ 890,114,395	$ 11,460,101	$ 3,320,433,883
Capital Improvements	10,000,000					10,000,000
Grand Total	**$ 1,373,080,000**	**$ 1,049,071,000**	**$ 6,708,387**	**$ 890,114,395**	**$ 11,460,101**	**$ 3,330,433,883**

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — MARCH 12,2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Craig Deal	NCDENR
Steve Hall	Conservation Council
Grady McAllister	NC - Locomotive Network
BERRY Jenkins	CAROLINAS AGC
Hope Mozingo	DMV Communications Office
Lan Sanderson	NCDOT
Betsy Bailey	NCPTA
[illegible]	Capitol Group
Julie Allen	NC Statewatch
Christy Barbee	CAPA
Susan Conrad	NCDOT
Paul H. Taylor	Hearing Assn, City of Hickory

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — **Name of Committee**

MARCH 12,2003 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Wayne Stallings	NCDOT
BRUCE THOMPSON	PBAS
Jane Pinsky	AAA Carolinas
Lynda Tippett	NCDOT
Jonathan Hill	NCCCE
Kathryn Sawyer	Charlotte Chamber
Durward Loughridge	NS
Lynn Bonner	N&O
[illegible]	Rep.
John Cyrus	N.C. State Employees

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — MARCH 12,2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
H - Sgt. Dusty Rhodes	Emily Shank - Maggie Jeffus
Martha Parrish	Ashlea Roberts
Bob Fowler	Rep. Dickson
	Page

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

March 19, 2003

11:00 A.M.

Room 1228 LB

Representative Lorene Coates, Presiding Chair
Representative Cary Allred, Chair

Department of Transportation Presentation
Secretary Lyndo Tippett

Questions and Comments
ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON TRANSPORTATION

March 19, 2003

The House Committee on Transportation met on Wednesday March 19, 2003 at 11:00 AM in room 1228 of the Legislative Building. The following members were present: Representative Cary Allred, Chair; Representative Lorene Coates, Chair; Representative William Daughtridge, Vice Chair; Representative Arthur Williams, Vice Chair; Representative Keith Williams, Vice Chair and Representatives G. Allen, L. Allen, Cole, Crawford, Frye, Haire, Hill, Hilton, Holmes, LaRoque, Lewis, Moore, Nye, Rapp, Ray, Starnes, Sutton, and Wright. Also present were Giles Perry and Wendy Graf Ray, Committee Counsel and Melissa Lennon and Jean Allred, Committee Assistants. A Visitor Registration Sheet is attached as part of the minutes.

Representative Coates, presiding Chair, called the meeting to order and introduced Pages: Mark Bryan from Cumberland County, sponsored by Representative Dickson; Sue Ellen Myers from New Hanover County, sponsored by Representative McComas and Brian Thompson from Wake County, sponsored by Representative Weiss.

Representative Coates introduced Wayne Stallings from the Department of Transportation to explain transportation bond issues. Mr. Stallings distributed a handout (see attachment) to members and discussed the current bonds and how they are managed. He spoke about the importance of creating new money for transportation needs by moving some of the funds from one source to another. He gave an example of funding that is designated for only one purpose and while the funds build up faster than the projects are completed the balance of the fund sits unused. At the same time other needs, like maintenance go unmet due to a lack of available funding. So the decision was made to seek the ability to move funds as needs dictate. Mr. Stallings introduced Calvin Leggett to explain the equity funding formula used statewide to distribute dollars to the transportation districts.
A lengthy discussion followed on the formula and the number of unpaved roads still in the system and concluded with a request from the committee for more detailed information on the unpaved roads by district.

There being no further business, the Chair adjourned the meeting at 11:50 AM.

Respectfully Submitted,

Lorene Coates
Lorene T. Coates, Presiding Chair

Melissa Lennon
Melissa Lennon, Committee Assistant

VISITOR REGISTRATION SHEET

TRANSPORTATION
Name of Committee

3-15-02
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
~~Susan Lovin~~	NCDOT
Mike Carey	NC Plan Assoc.
Pages	Mark Bryan - Cumberland, Rep. Dickson
	Sue Ellen Myers - New Hanover Rep. McComas
	Brian Thompson - Wake Rep. Weiss

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — MARCH 12,2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Withrow	NC State Natch
Sandra Long	Martin Marietta Materials
Wayne Stallings	NCDOT
Calvin Leggett	NCDOT
Ruth Sappie	NCDOT
Betsy Bailey	NCPTA
Kathryn Sawyer	Charlotte Chamber
Susan Markham	NC State Ports Authority
John Long	Martin Marietta
Yvonne Berry	FCHC
David Dodd	Rowan Co

Susa

North Carolina Transportation Program, 2004-05

	Highway Fund	Highway Trust Fund	Department Receipts	Federal Funds	General Fund	Total
Department of Transportation						
Administration	$ 72,648,211	$ 5,787,639	$ 311,000			$ 78,746,850
Division of Highways						49,552,869
Administration	28,150,605	20,916,152	486,112			1,479,054,153
Transportation Improvement Program		640,174,153		838,880,000		209,672,103
Local Paving and Small Projects	125,690,000	83,982,103				572,304,548
Maintenance	572,304,548					21,400,000
Planning and Research	4,280,000			17,120,000		425,000
OSHA Program	425,000					
						19,677,283
Ferry Operations	19,677,283					
State Aid						138,419,103
Municipalities	90,590,000	47,829,103				124,325,772
Public Transportation	114,325,772			10,000,000		26,938,163
Airports				15,478,062	11,460,101	15,531,153
Railroads	15,531,153					
						4,875,771
Governor's Highway Safety	293,118			4,582,653		114,605,001
Division of Motor Vehicles	100,323,363	4,316,683	5,911,275	4,053,680		200,737,347
Other State Agencies	200,737,347					18,103,600
Reserves and Transfers	18,103,600					231,774,330
Transfer to General Fund	-	231,774,330				-
Committed Trust Fund Admin.	-					14,290,837
Uncommitted Trust Fund Admin.		14,290,837				
Total Operating	$ 1,363,080,000	$ 1,049,071,000	$ 6,708,387	$ 890,114,395	$ 11,460,101	$ 3,320,433,883
						10,000,000
Capital Improvements	10,000,000					
Grand Total	**$ 1,373,080,000**	**$ 1,049,071,000**	**$ 6,708,387**	**$ 890,114,395**	**$ 11,460,101**	**$ 3,330,433,883**

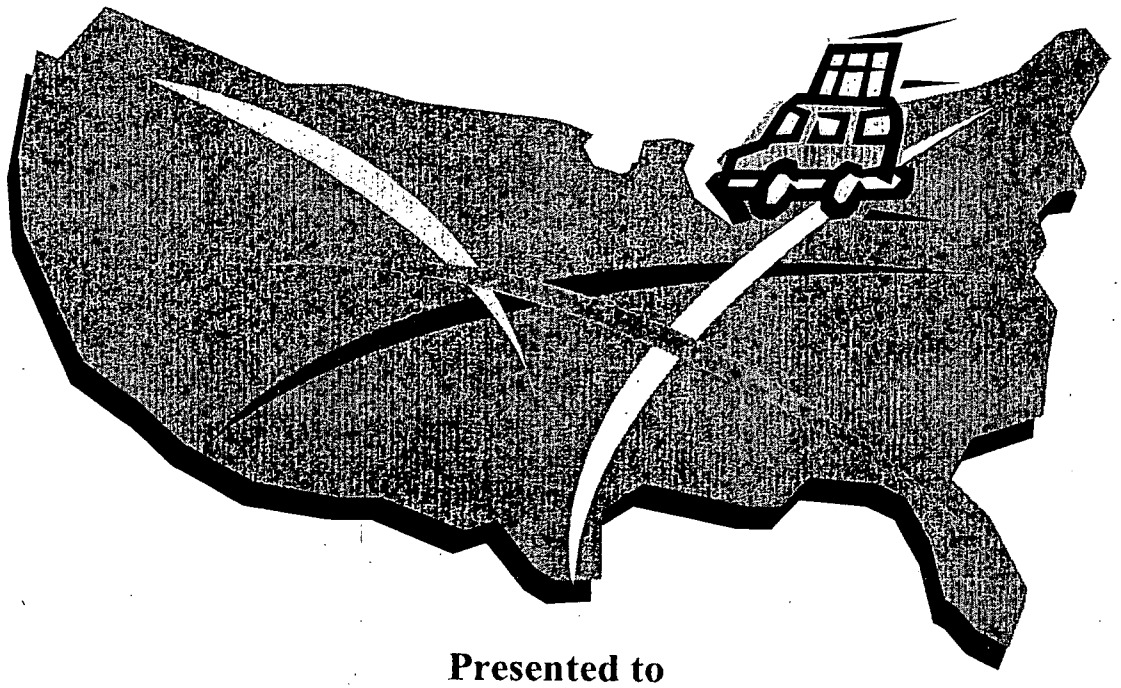
North Carolina Transportation Program, 2003-04

	Highway Fund	Highway Trust Fund	Department Receipts	Federal Funds	General Fund	Total
Department of Transportation						
Administration	$ 72,625,987	$ 5,783,145	$ 311,000	$ -	$ -	$ 78,720,132
Division of Highways						
Administration	28,190,393	20,911,449	486,112			49,587,954
Transportation Improvement Program		590,727,216		815,360,000		1,406,087,216
Local Paving and Small Projects	124,700,000	79,337,221				204,037,221
Maintenance	596,982,883					596,982,883
Planning and Research	4,160,000			16,640,000		20,800,000
OSHA Program	425,000					425,000
Ferry Operations	19,677,283					19,677,283
State Aid						
Municipalities	89,600,000	44,134,792				133,734,792
Public Transportation	79,905,266			10,000,000		89,905,266
Airports	-			15,478,062	11,429,525	26,907,587
Railroads	15,090,919					15,090,919
Governor's Highway Safety	292,449			4,580,924		4,873,373
Division of Motor Vehicles	100,255,703	4,315,379	5,906,778	4,053,680		114,531,540
Other State Agencies	200,818,117					200,818,117
Reserves and Transfers	11,206,000					11,206,000
Transfer to General Fund	-	252,422,125				252,422,125
Committed Trust Fund Admin.	-		-			
Uncommitted Trust Fund Admin.	-	12,407,673				12,407,673
Total Operating	$ 1,343,930,000	$ 1,010,039,000	$ 6,703,890	$ 866,112,666	$ 11,429,525	$ 3,238,215,081
Capital Improvements	$ 7,000,000					7,000,000
Grand Total	**$ 1,350,930,000**	**$ 1,010,039,000**	**$ 6,703,890**	**$ 866,112,666**	**$ 11,429,525**	**$ 3,245,215,081**

State Revenue Sources to the Transportation Funds
Budgeted or Estimated 2002-03 through 2004-05
(In Millions)

	2002-03 Budget			2003-04 Estimate			2004-05 Estimate		
	Highway	Trust	Total	Highway	Trust	Total	Highway	Trust	Total
Revenue Source									
Motor Fuel Tax	$ 861.4	$ 287.1	$ 1,148.5	$ 921.8	$ 307.2	$ 1,229.0	$ 931.9	$ 310.6	$ 1,242.5
Highway Use Tax		579.4	579.4		598.6	598.6		635.7	635.7
Titles and Registration	155.2	93.3	248.5	157.9	94.2	252.1	162.6	96.8	259.4
Commercial Vehicle Registration	114.2		114.2	110.4		110.4	113.9		113.9
Other Vehicle Fees	62.2		62.2	66.7		66.7	68.5		68.5
Driver License	71.6		71.6	72.9		72.9	74.5		74.5
Investment Income	12.0	15.0	27.0	21.2	10.0	31.2	21.6	6.0	27.6
	$ 1,276.6	$ 974.8	$ 2,251.4	$ 1,350.9	$ 1,010.0	$ 2,360.9	$ 1,373.0	$ 1,049.1	$ 2,422.1
% Annual Change Estimated				5.8%	3.6%	4.9%	1.6%	3.9%	2.6%
1989-90 Actual Revenue	$ 962.6	$ 408.5	$ 1,371.1						
% Change to 2002-03	32.6%	138.6%	64.2%						
General Fund 1989-90			$ 6,988.4						
General Fund 2002-03			$ 14,330.2						
% Change 1989-90 to 2002-03			105%						
Annual General Fund Change for Upcoming Biennium						2.6%			6.4%

COMPARATIVE DATA REPORT ON STATE TRANSPORTATION PROGRAMS



Presented to
Fiscal Affairs and Government Operations Committee
Southern Legislative Conference
Council of State Governments
November 2002

Robert Weiss
Fiscal Research Division
North Carolina General Assembly

INTRODUCTION

The sixteen states of the Southern Legislative Conference (SLC):

- are home to 37% of the nation's people,
- have 38% of the nation's licensed drivers,
- have 36% of the nation's registered motor vehicles, and
- account for 41% of the nation's Vehicle Miles Traveled (VMT).

About 30% of the South's roads are state controlled, compared to 20% for the nation. The South is *more dependent* on user taxes and fees but *less dependent* on tolls and bonds.

In nine SLC states, the Governor appoints the Secretary or Director of the Department of Transportation. In six of those states, this appointment is confirmed by the legislature. In ten states the DOT agency head works with a board or commission, usually appointed by the Governor.

TABLE OF CONTENTS

Major Recent Transportation Legislation 1

Quick Facts 5

State Rankings 23

Highway Finance 29

Fuel Taxes 35

Public Transportation 39

Bridges 43

Fatalities 47

Administration 51

MAJOR RECENT TRANSPORTATION LEGISLATION

Major Recent Transportation Legislation

Arkansas

- Reduced the blood alcohol content for DWI from 0.10% to 0.08%.

Louisiana

- Authorized the use of Grant Anticipation Revenue Vehicles (GARVEE Bonds) to allow Louisiana to leverage federal highway funds.

Mississippi

- Passed **Vision 21**, a $3.6 billion pay-as-you-go highway program to upgrade existing highways and build new highways according to need, with no new taxes from the public.
- Lowered the legal blood alcohol level from 0.10% to 0.08%.
- Assisted in the recruitment of engineers for Mississippi Department of Transportation by instituting paid education leave for students pursuing civil engineering degrees.

Missouri

- Eliminated the sunset provision on a 6-cent fuel tax.
- Reduced the number of billboards permitted along highways.
- Passed a $483 million transportation tax package that was defeated by the voters in an August election.

North Carolina

- Created the North Carolina Turnpike Authority as a public agency to construct, operate, and maintain up the three toll roads or bridges and to plan for up to three additional toll road or bridge projects.

South Carolina

- Required greater accountability by the County Transportation Committees on the use of "C Funds" – state gas tax revenues paid to counties for use on local roads.

- Established a graduated driver license system for teenagers.

Virginia

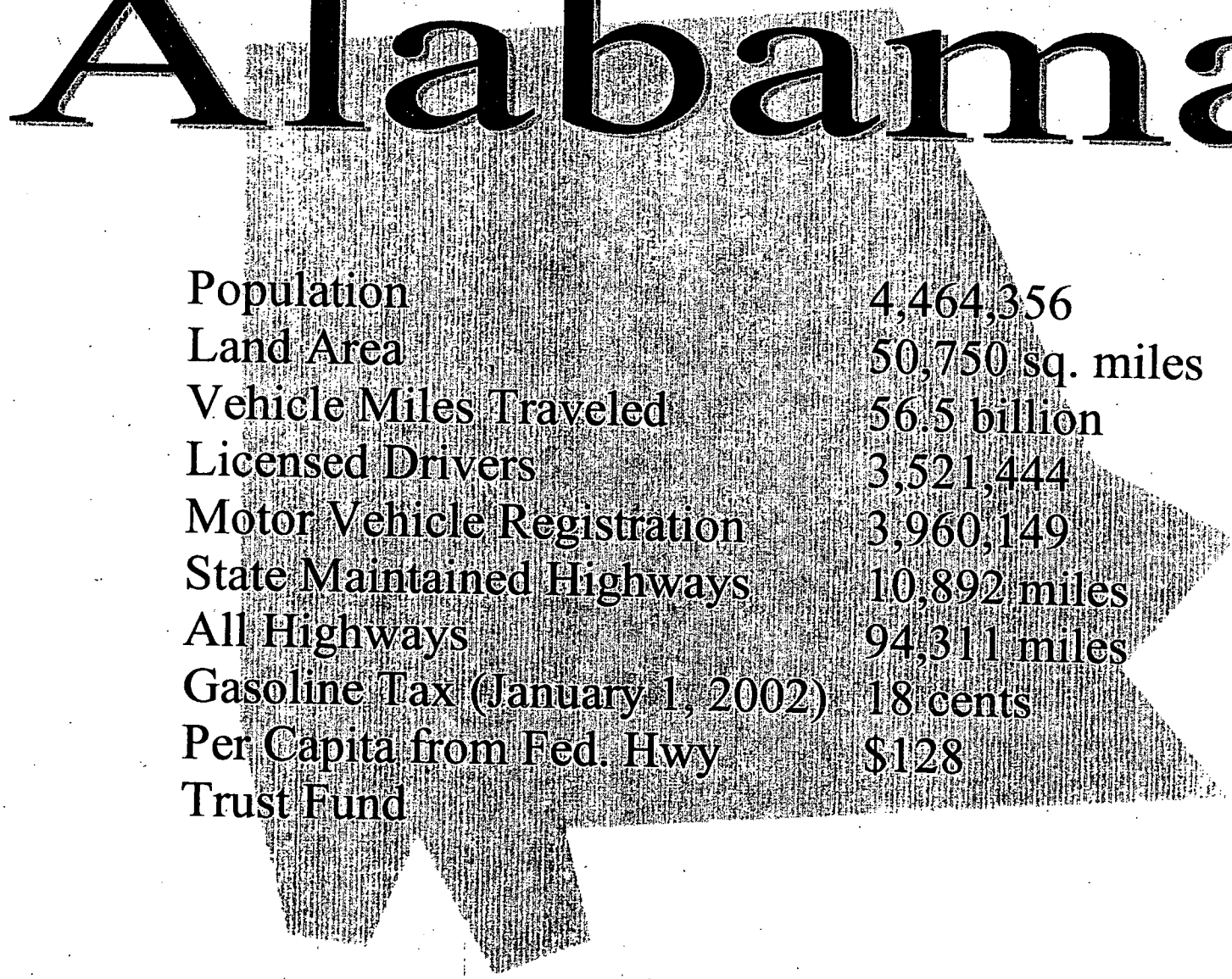
- Allowed use by cities or towns of urban construction allocations for maintenance under certain conditions.
- Expressed the intent of the General Assembly that the Statewide Transportation Plan be produced with a genuinely statewide focus, and not merely as an aggregation of smaller local, district, or regional plans.

West Virginia

- Increased automobile inspection fees from $7 to $12.
- Authorized truck weight enforcement personnel to carry handguns, with training provided at the State Police Academy.
- A bill to lower the blood alcohol content to 0.08% did not pass.

QUICK FACTS

Alabama

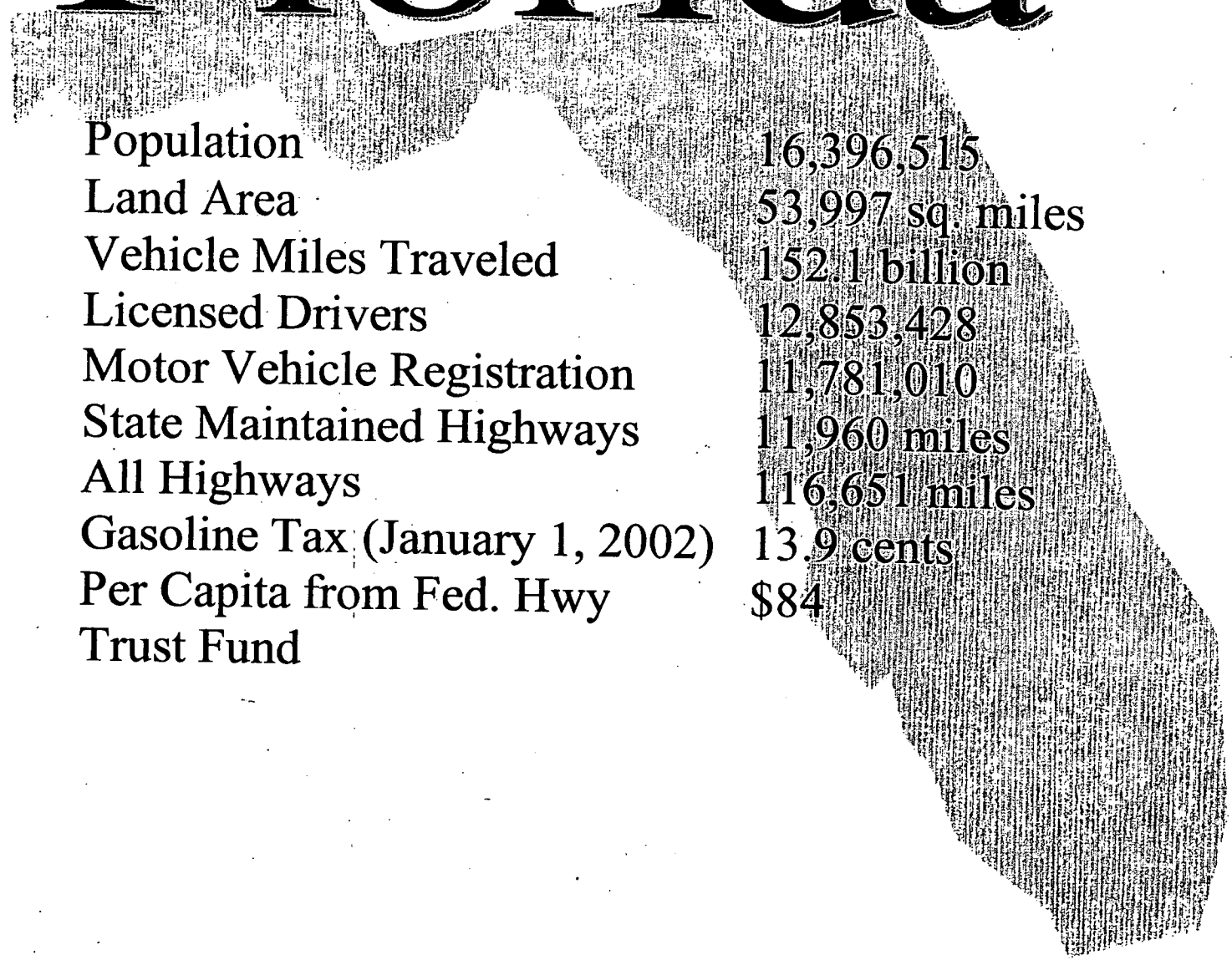


Population	4,464,356
Land Area	50,750 sq. miles
Vehicle Miles Traveled	56.5 billion
Licensed Drivers	3,521,444
Motor Vehicle Registration	3,960,149
State Maintained Highways	10,892 miles
All Highways	94,311 miles
Gasoline Tax (January 1, 2002)	18 cents
Per Capita from Fed. Hwy Trust Fund	$128

Arkansas

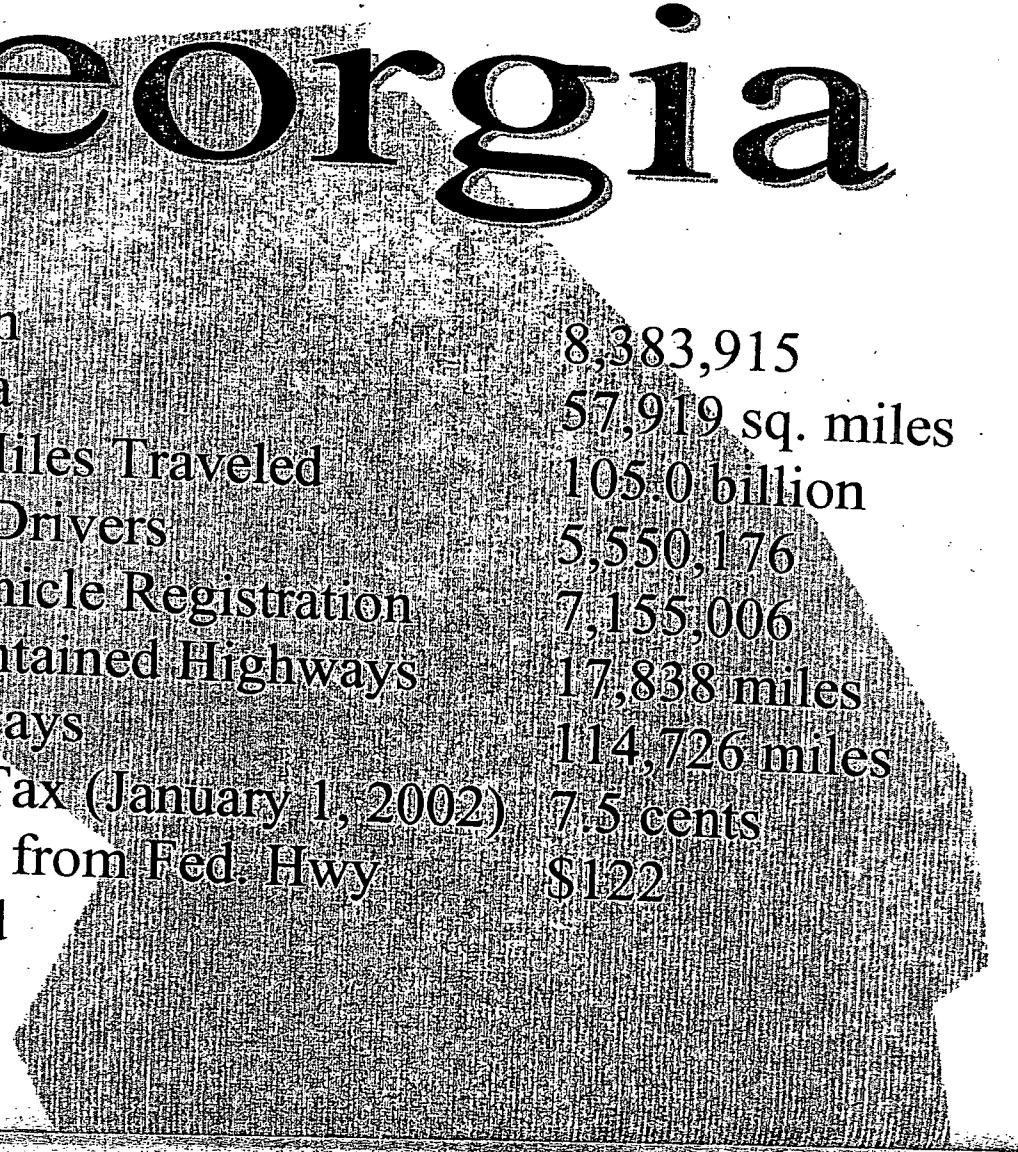
Population	2,692,090
Land Area	52,075 sq. miles
Vehicle Miles Traveled	29.2 billion
Licensed Drivers	1,947,867
Motor Vehicle Registration	1,840,193
State Maintained Highways	16,374 miles
All Highways	97,600 miles
Gasoline Tax (January 1, 2002)	21.7 cents
Per Capita from Fed. Hwy Trust Fund	$138

Florida



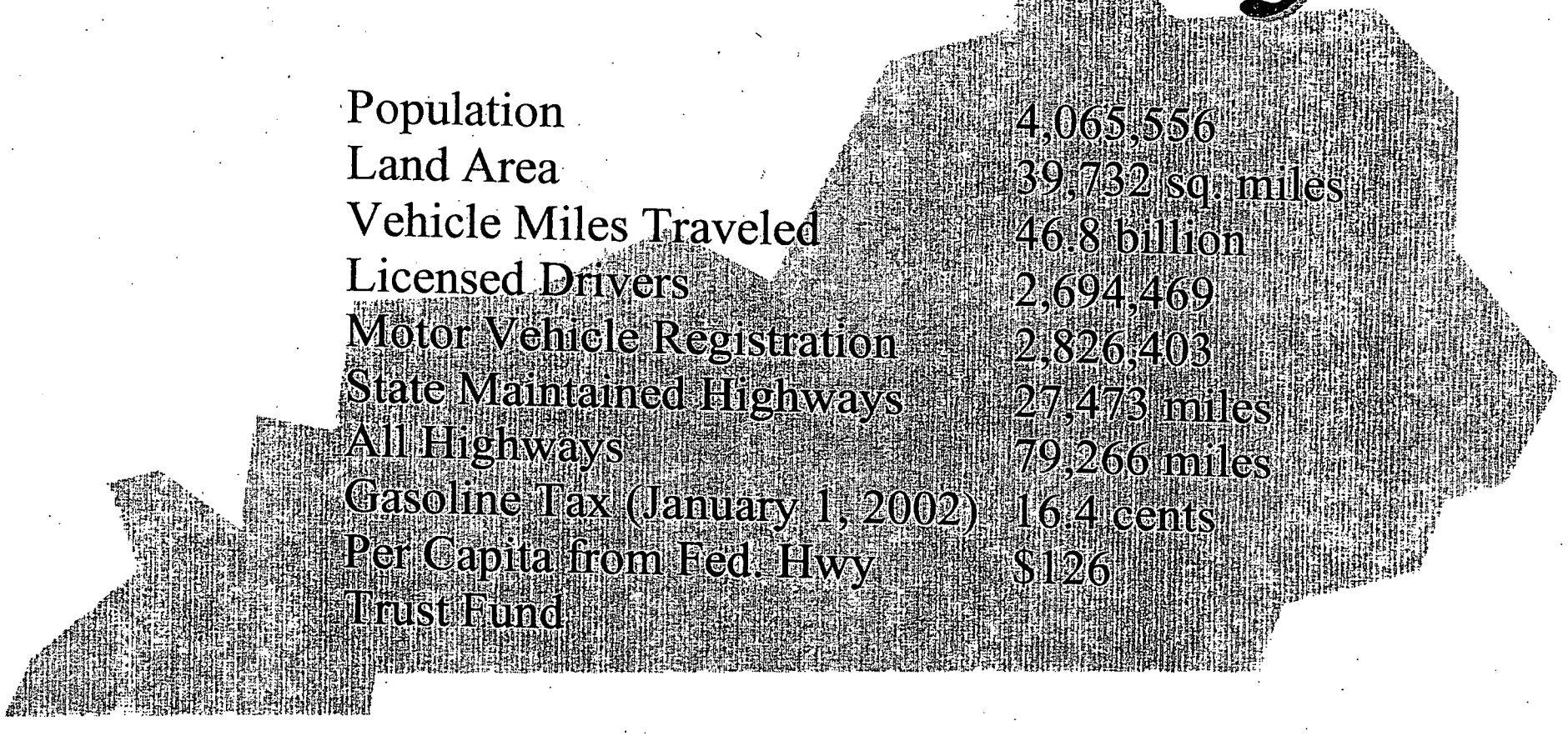
Population	16,396,515
Land Area	53,997 sq. miles
Vehicle Miles Traveled	152.1 billion
Licensed Drivers	12,853,428
Motor Vehicle Registration	11,781,010
State Maintained Highways	11,960 miles
All Highways	116,651 miles
Gasoline Tax (January 1, 2002)	13.9 cents
Per Capita from Fed. Hwy Trust Fund	$84

Georgia



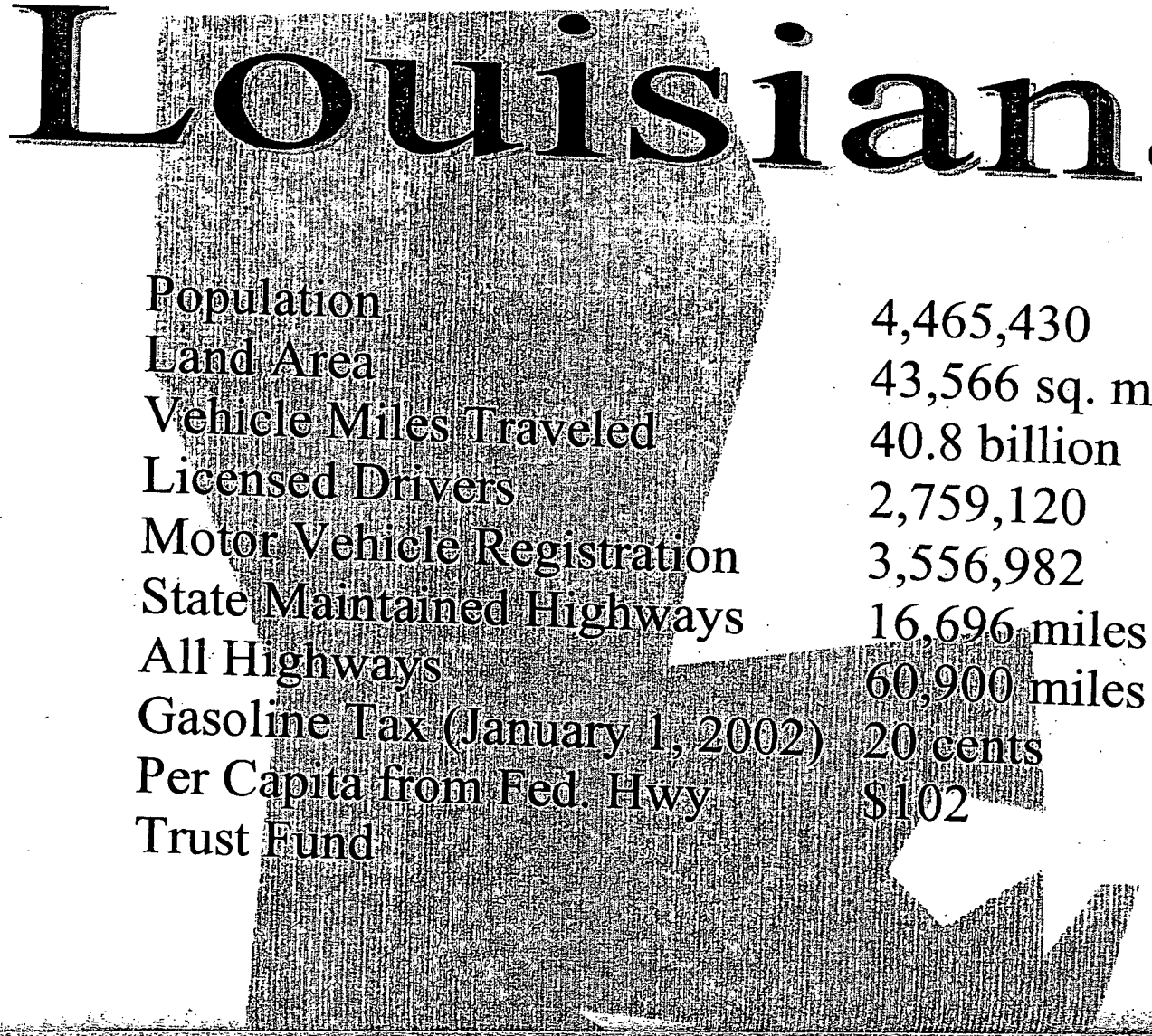
Population	8,383,915
Land Area	57,919 sq. miles
Vehicle Miles Traveled	105.0 billion
Licensed Drivers	5,550,176
Motor Vehicle Registration	7,155,006
State Maintained Highways	17,838 miles
All Highways	114,726 miles
Gasoline Tax (January 1, 2002)	7.5 cents
Per Capita from Fed. Hwy Trust Fund	$122

Kentucky



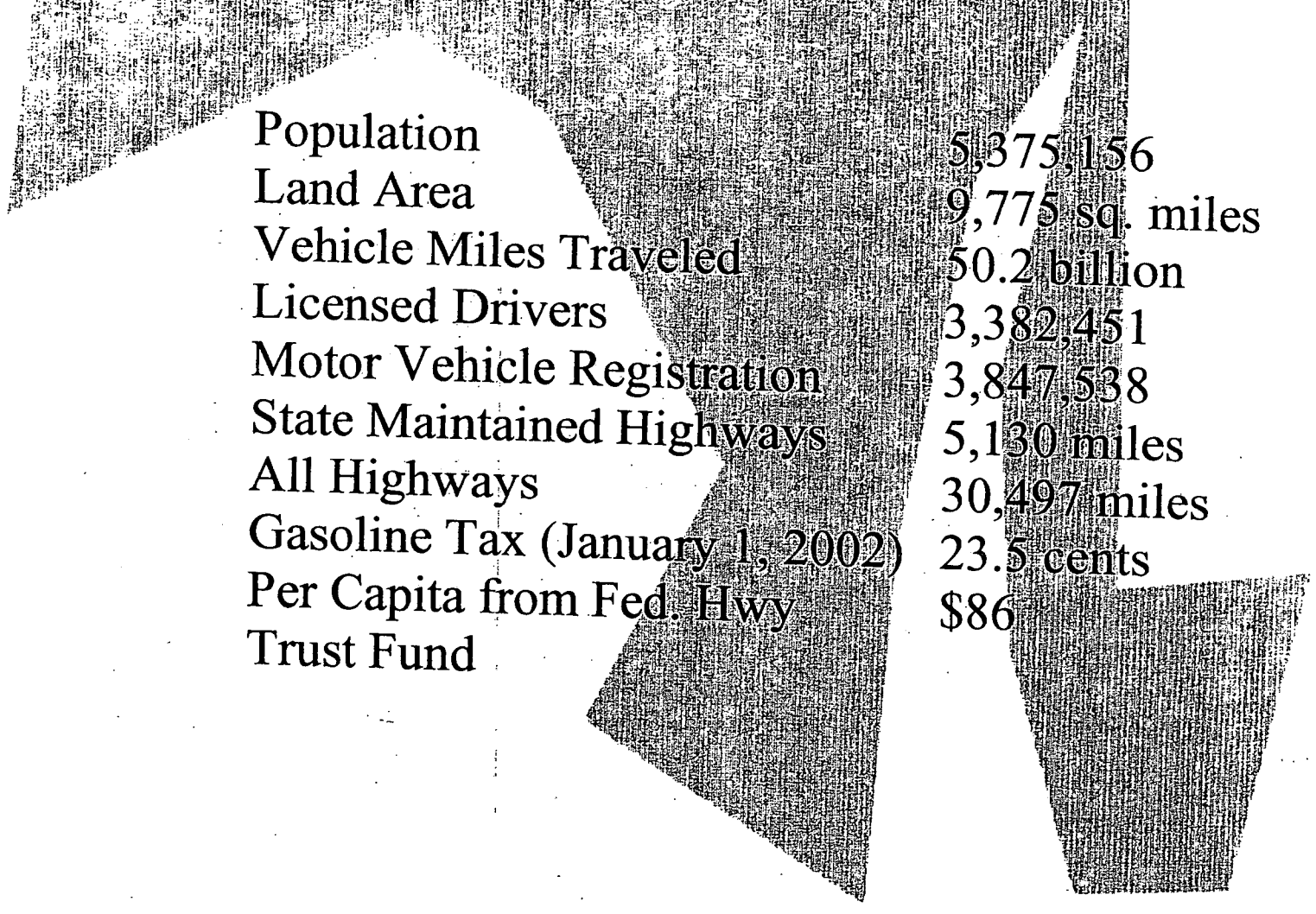
Population	4,065,556
Land Area	39,732 sq. miles
Vehicle Miles Traveled	46.8 billion
Licensed Drivers	2,694,469
Motor Vehicle Registration	2,826,403
State Maintained Highways	27,473 miles
All Highways	79,266 miles
Gasoline Tax (January 1, 2002)	16.4 cents
Per Capita from Fed. Hwy Trust Fund	$126

Louisiana



Population	4,465,430
Land Area	43,566 sq. miles
Vehicle Miles Traveled	40.8 billion
Licensed Drivers	2,759,120
Motor Vehicle Registration	3,556,982
State Maintained Highways	16,696 miles
All Highways	60,900 miles
Gasoline Tax (January 1, 2002)	20 cents
Per Capita from Fed. Hwy Trust Fund	$102

Maryland

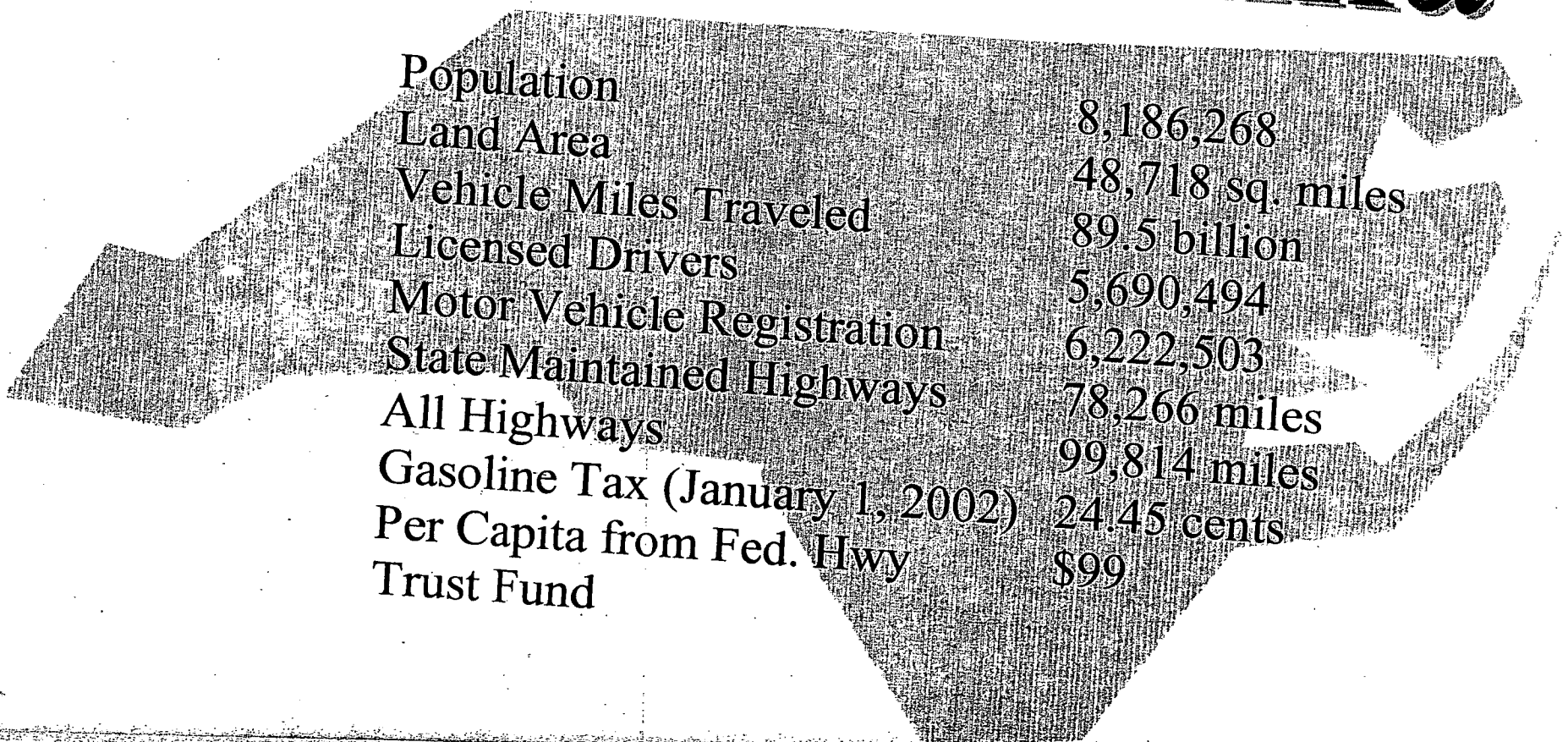


Population	5,375,156
Land Area	9,775 sq. miles
Vehicle Miles Traveled	50.2 billion
Licensed Drivers	3,382,451
Motor Vehicle Registration	3,847,538
State Maintained Highways	5,130 miles
All Highways	30,497 miles
Gasoline Tax (January 1, 2002)	23.5 cents
Per Capita from Fed. Hwy Trust Fund	$86

Mississippi

Population	2,858,029
Land Area	46,914 sq. miles
Vehicle Miles Traveled	35.5 billion
Licensed Drivers	2,007,746
Motor Vehicle Registration	2,289,411
State Maintained Highways	10,651 miles
All Highways	73,500 miles
Gasoline Tax (January 1, 2002)	18.4 cents
Per Capita from Fed. Hwy Trust Fund	$128

North Carolina

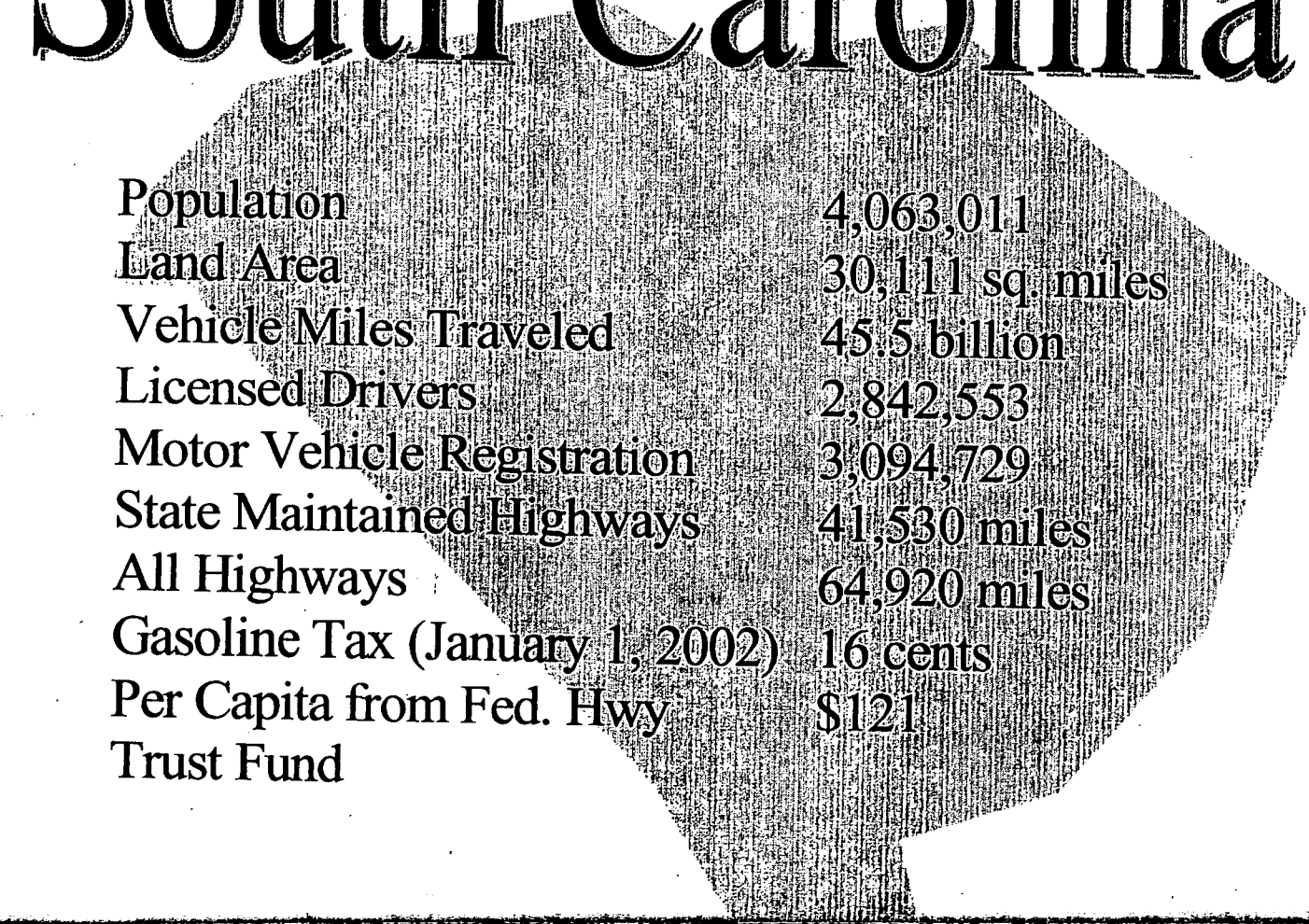


Population	8,186,268
Land Area	48,718 sq. miles
Vehicle Miles Traveled	89.5 billion
Licensed Drivers	5,690,494
Motor Vehicle Registration	6,222,503
State Maintained Highways	78,266 miles
All Highways	99,814 miles
Gasoline Tax (January 1, 2002)	24.45 cents
Per Capita from Fed. Hwy Trust Fund	$99

Oklahoma

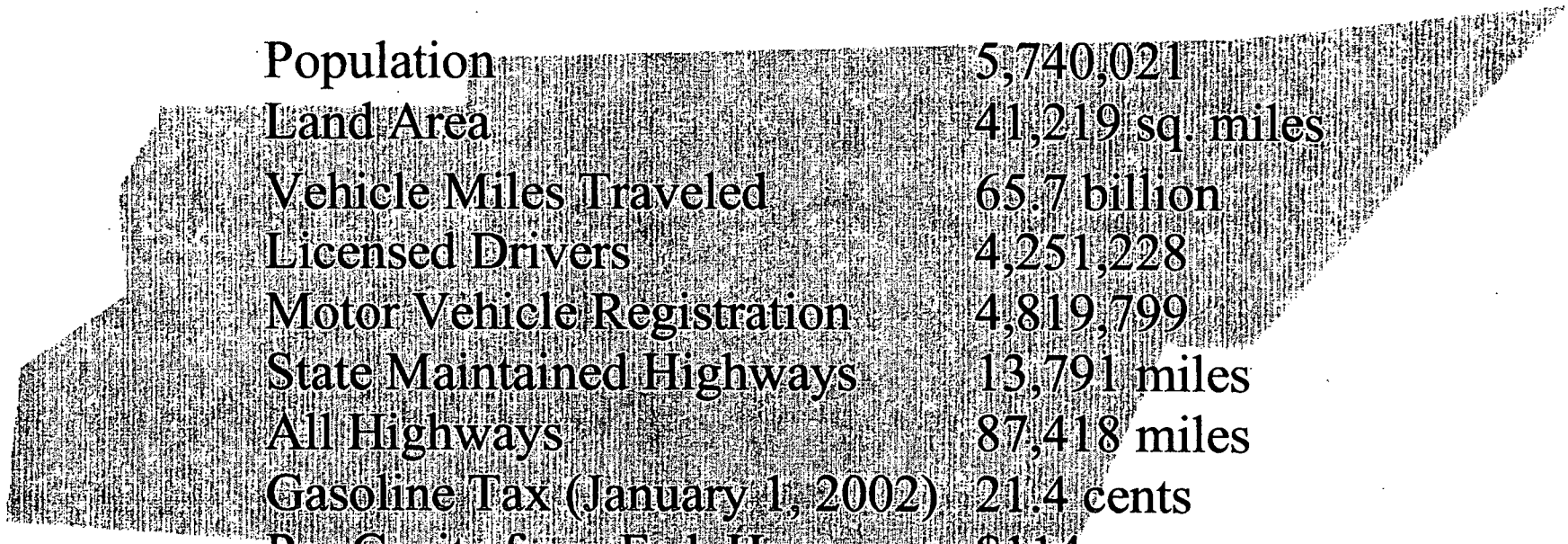
Population	3,460,097
Land Area	68,679 sq. miles
Vehicle Miles Traveled	43.4 billion
Licensed Drivers	2,295,036
Motor Vehicle Registration	3,014,491
State Maintained Highways	12,271 miles
All Highways	112,634 miles
Gasoline Tax (January 1, 2002)	17 cents
Per Capita from Fed. Hwy Trust Fund	$128

South Carolina



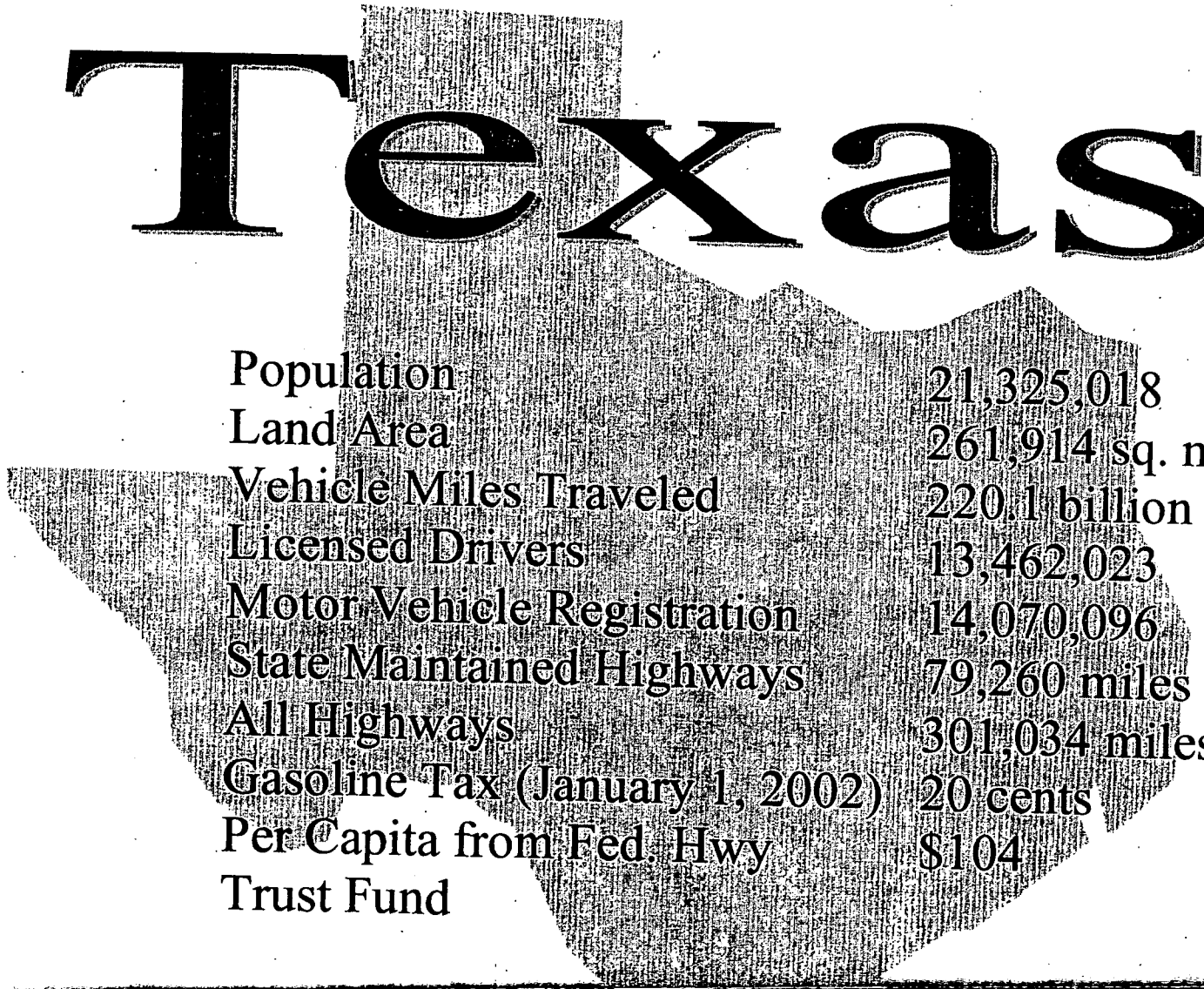
Population	4,063,011
Land Area	30,111 sq. miles
Vehicle Miles Traveled	45.5 billion
Licensed Drivers	2,842,553
Motor Vehicle Registration	3,094,729
State Maintained Highways	41,530 miles
All Highways	64,920 miles
Gasoline Tax (January 1, 2002)	16 cents
Per Capita from Fed. Hwy Trust Fund	$121

Tennessee



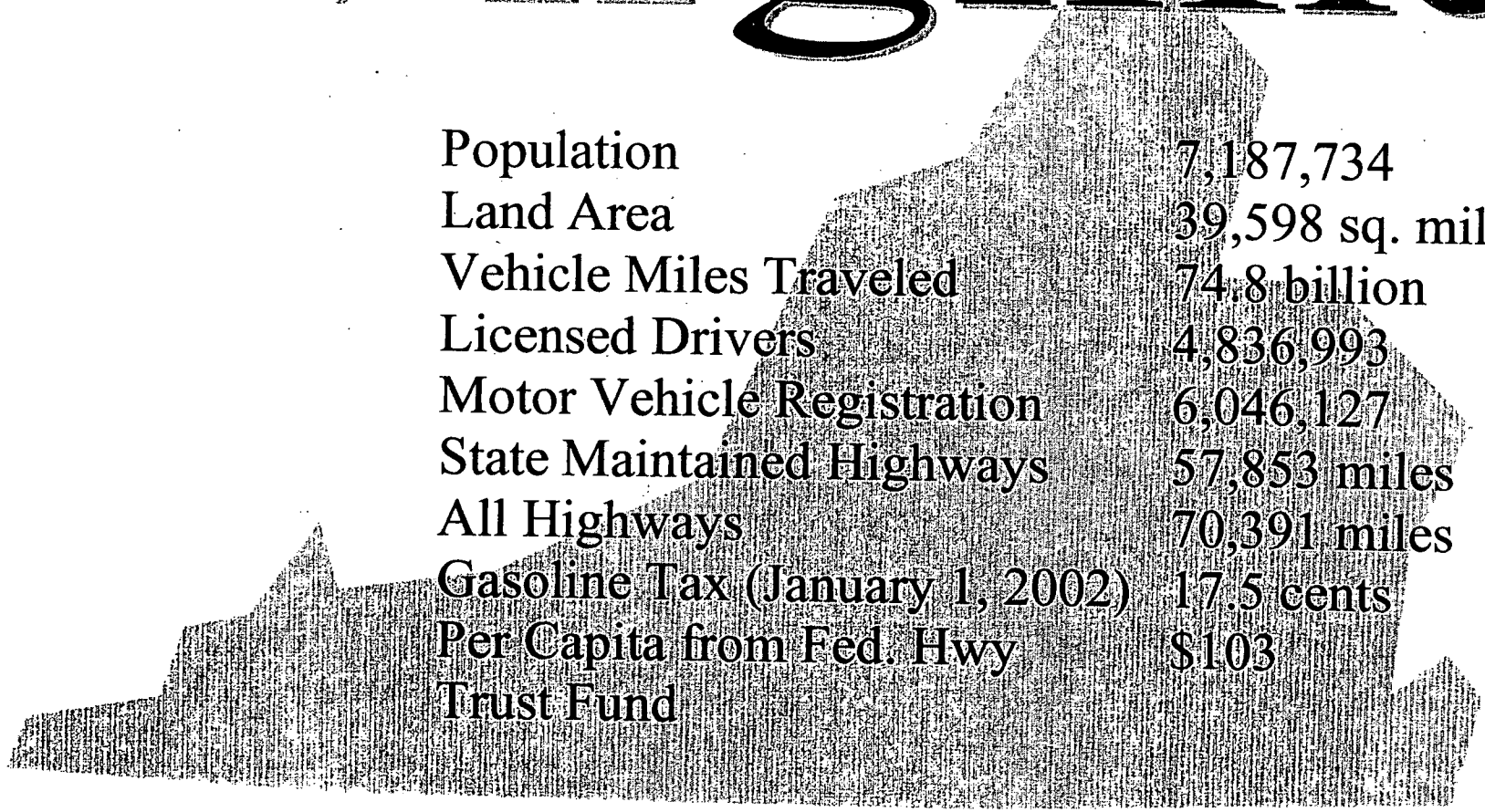
Population	5,740,021
Land Area	41,219 sq. miles
Vehicle Miles Traveled	65.7 billion
Licensed Drivers	4,251,228
Motor Vehicle Registration	4,819,799
State Maintained Highways	13,791 miles
All Highways	87,418 miles
Gasoline Tax (January 1, 2002)	21.4 cents
Per Capita from Fed. Hwy Trust Fund	$114

Texas



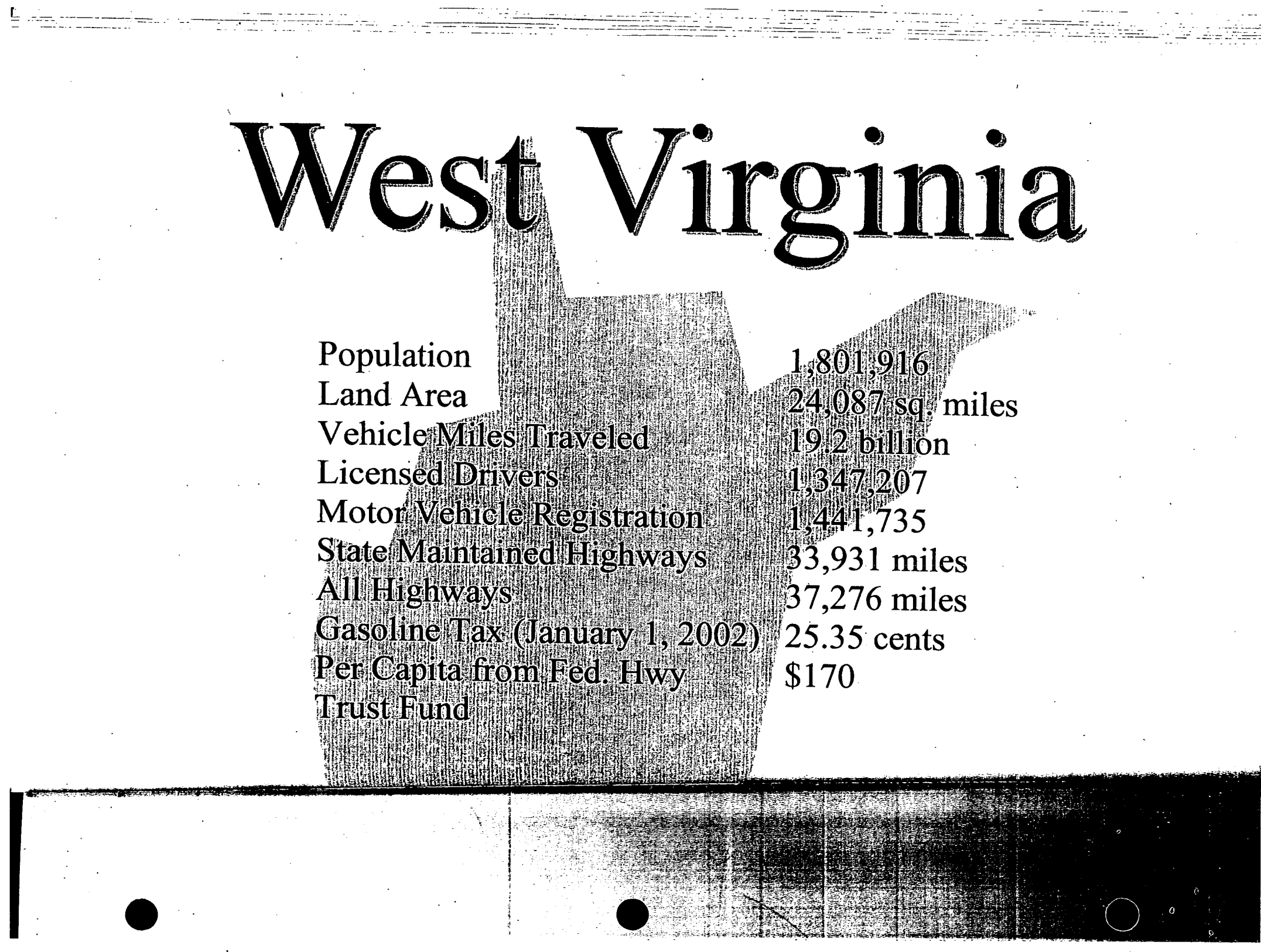
Population	21,325,018
Land Area	261,914 sq. miles
Vehicle Miles Traveled	220.1 billion
Licensed Drivers	13,462,023
Motor Vehicle Registration	14,070,096
State Maintained Highways	79,260 miles
All Highways	301,034 miles
Gasoline Tax (January 1, 2002)	20 cents
Per Capita from Fed. Hwy Trust Fund	$104

Virginia



Population	7,187,734
Land Area	39,598 sq. miles
Vehicle Miles Traveled	74.8 billion
Licensed Drivers	4,836,993
Motor Vehicle Registration	6,046,127
State Maintained Highways	57,853 miles
All Highways	70,391 miles
Gasoline Tax (January 1, 2002)	17.5 cents
Per Capita from Fed. Hwy Trust Fund	$103

West Virginia



Population	1,801,916
Land Area	24,087 sq. miles
Vehicle Miles Traveled	19.2 billion
Licensed Drivers	1,347,207
Motor Vehicle Registration	1,441,735
State Maintained Highways	33,931 miles
All Highways	37,276 miles
Gasoline Tax (January 1, 2002)	25.35 cents
Per Capita from Fed. Hwy Trust Fund	$170

STATE RANKINGS

STATE RANKINGS 2000

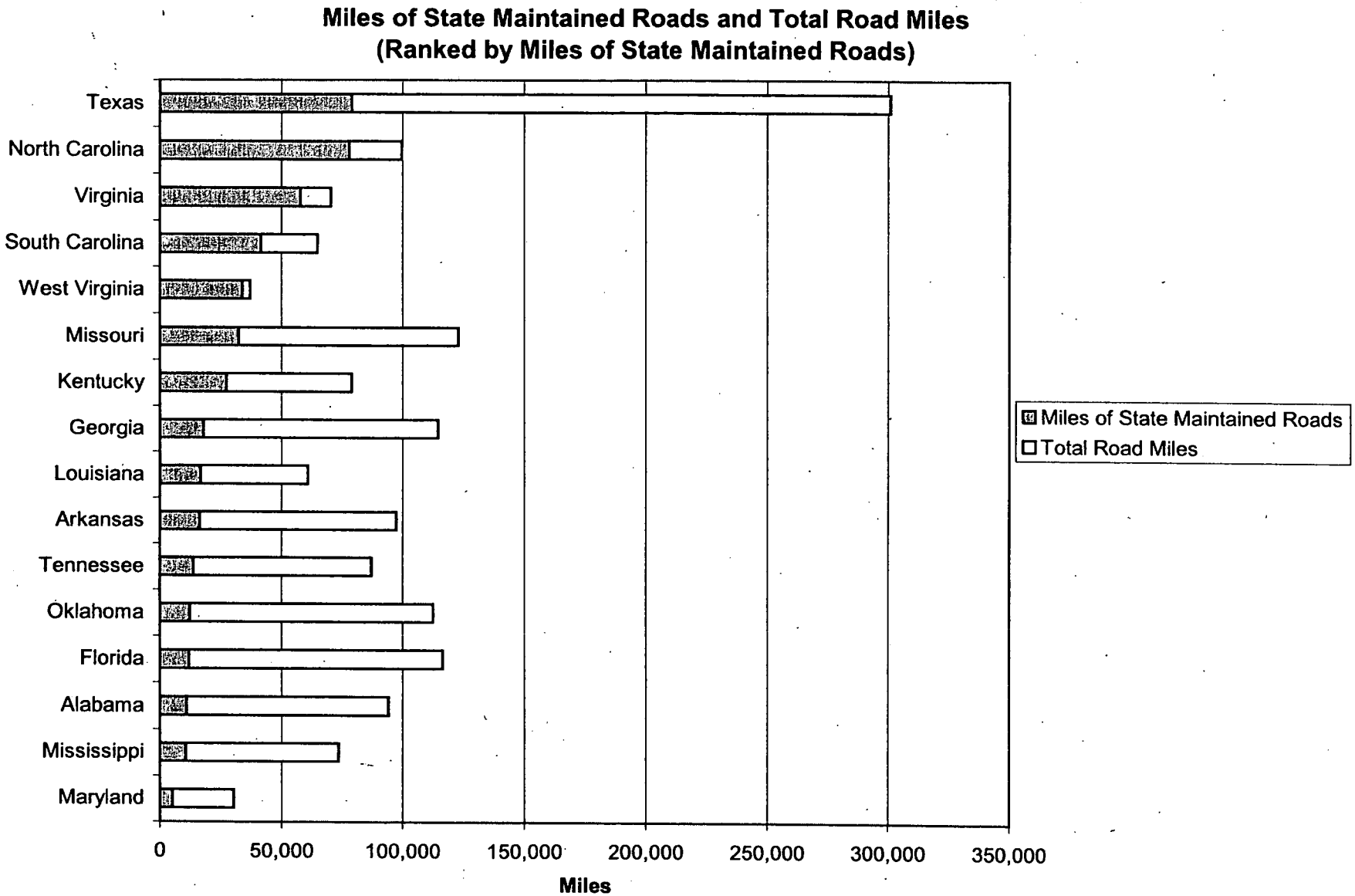
State	Land Area (Sq. Mi.)	Rank	2001 Population	Rank	Licensed Drivers	Rank	MV Registration	Rank	Vehicle Miles Traveled (billions)	Rank
Alabama	50,750	7	4,464,356	10	3,521,444	8	3,960,149	8	56.5	8
Arkansas	52,075	6	2,692,090	15	1,947,867	15	1,840,193	15	29.2	15
Florida	53,997	5	16,396,515	2	12,853,428	2	11,781,010	2	152.1	2
Georgia	57,919	4	8,383,915	3	5,550,176	4	7,155,006	3	105.0	3
Kentucky	39,732	12	4,065,556	11	2,694,469	12	2,826,403	13	46.8	10
Louisiana	43,566	10	4,465,430	9	2,759,120	11	3,556,982	10	40.8	13
Maryland	9,775	16	5,375,156	8	3,382,451	9	3,847,538	9	50.2	9
Mississippi	46,914	9	2,858,029	14	2,007,746	14	2,289,411	14	35.5	14
Missouri	68,898	2	5,629,707	7	3,856,271	7	4,579,629	7	67.1	6
North Carolina	48,718	8	8,186,268	4	5,690,494	3	6,222,503	4	89.5	4
Oklahoma	68,679	3	3,460,097	13	2,295,036	13	3,014,491	12	43.4	12
South Carolina	30,111	14	4,063,011	12	2,842,553	10	3,094,729	11	45.5	11
Tennessee	41,219	11	5,740,021	6	4,251,228	6	4,819,799	6	65.7	7
Texas	261,914	1	21,325,018	1	13,462,023	1	14,070,096	1	220.1	1
Virginia	39,598	13	7,187,734	5	4,836,993	5	6,046,127	5	74.8	5
West Virginia	24,087	15	1,801,916	16	1,347,207	16	1,441,735	16	19.2	16
Total	**937,952**		**106,094,819**		**73,298,506**		**80,545,801**		**1,141.4**	

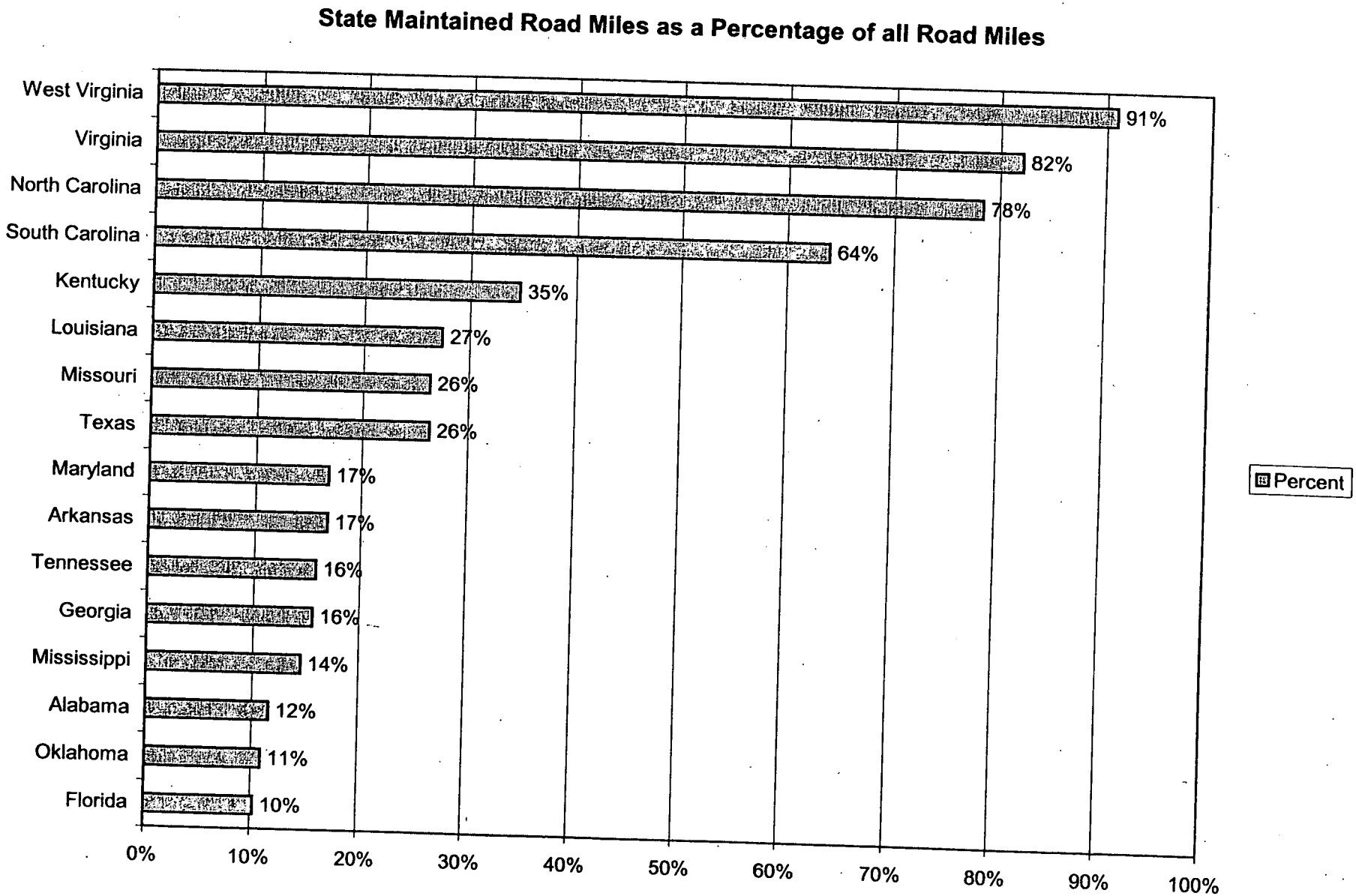
Source: Bureau of the Census; U.S. DOT, Federal Highway Administration, "Highway Statistics, 2000"

STATE RANKINGS 2000

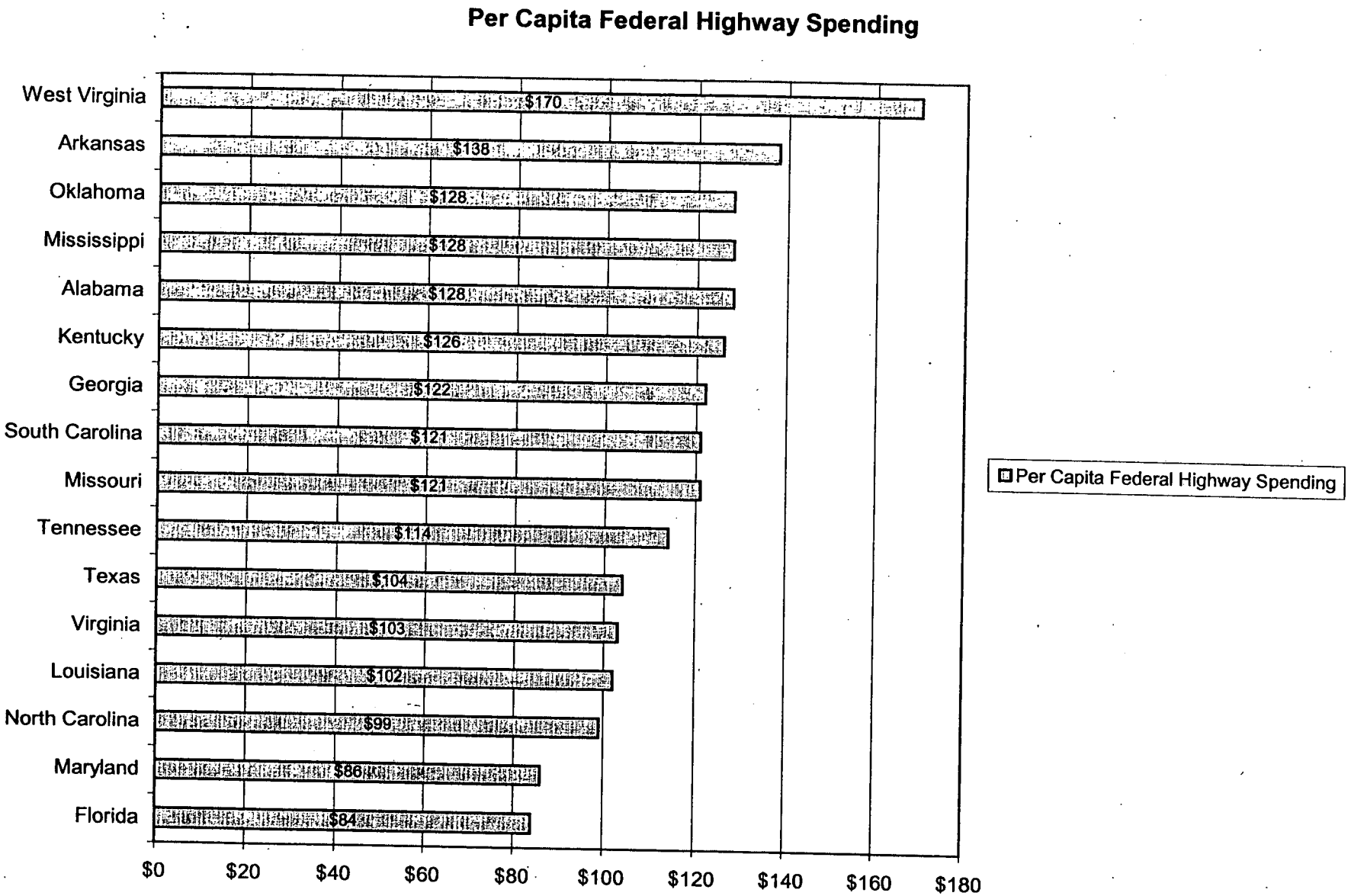
State	Miles of State Maintained Roads	Rank	Total Road Miles	Rank	Apportionment from FHTF (Thousands)	Rank	Per Capita Federal Highway Spending	Rank	Ratio Apportionment From/Payment into FHTF	Rank
Alabama	10,892	14	94,311	8	$589,698	8	$128	3	0.92	4
Arkansas	16,374	10	97,600	7	$397,312	14	$138	2	0.96	2
Florida	11,960	13	116,651	3	$1,390,224	2	$84	16	0.89	8
Georgia	17,838	8	114,726	4	$1,023,963	3	$122	7	0.86	14
Kentucky	27,473	7	79,266	10	$525,325	9	$126	6	0.91	5
Louisiana	16,696	9	60,900	14	$464,400	12	$102	13	0.88	11
Maryland	5,130	16	30,497	16	$476,674	11	$86	15	0.88	11
Mississippi	10,651	15	73,500	11	$365,747	15	$128	3	0.85	15
Missouri	32,406	6	123,037	2	$719,347	6	$121	8	0.95	3
North Carolina	78,266	2	99,814	6	$825,844	4	$99	14	0.90	6
Oklahoma	12,271	12	112,634	5	$446,540	13	$128	3	0.89	8
South Carolina	41,530	4	64,920	13	$483,066	10	$121	8	0.87	13
Tennessee	13,791	11	87,418	9	$685,545	7	$114	10	0.90	6
Texas	79,260	1	301,034	1	$2,199,108	1	$104	11	0.85	15
Virginia	57,853	3	70,391	12	$775,292	5	$103	12	0.89	8
West Virginia	33,931	5	37,276	15	$329,354	16	$170	1	1.49	1
Total	**466,322**		**1,563,975**		**$11,697,439**				**0.93**	

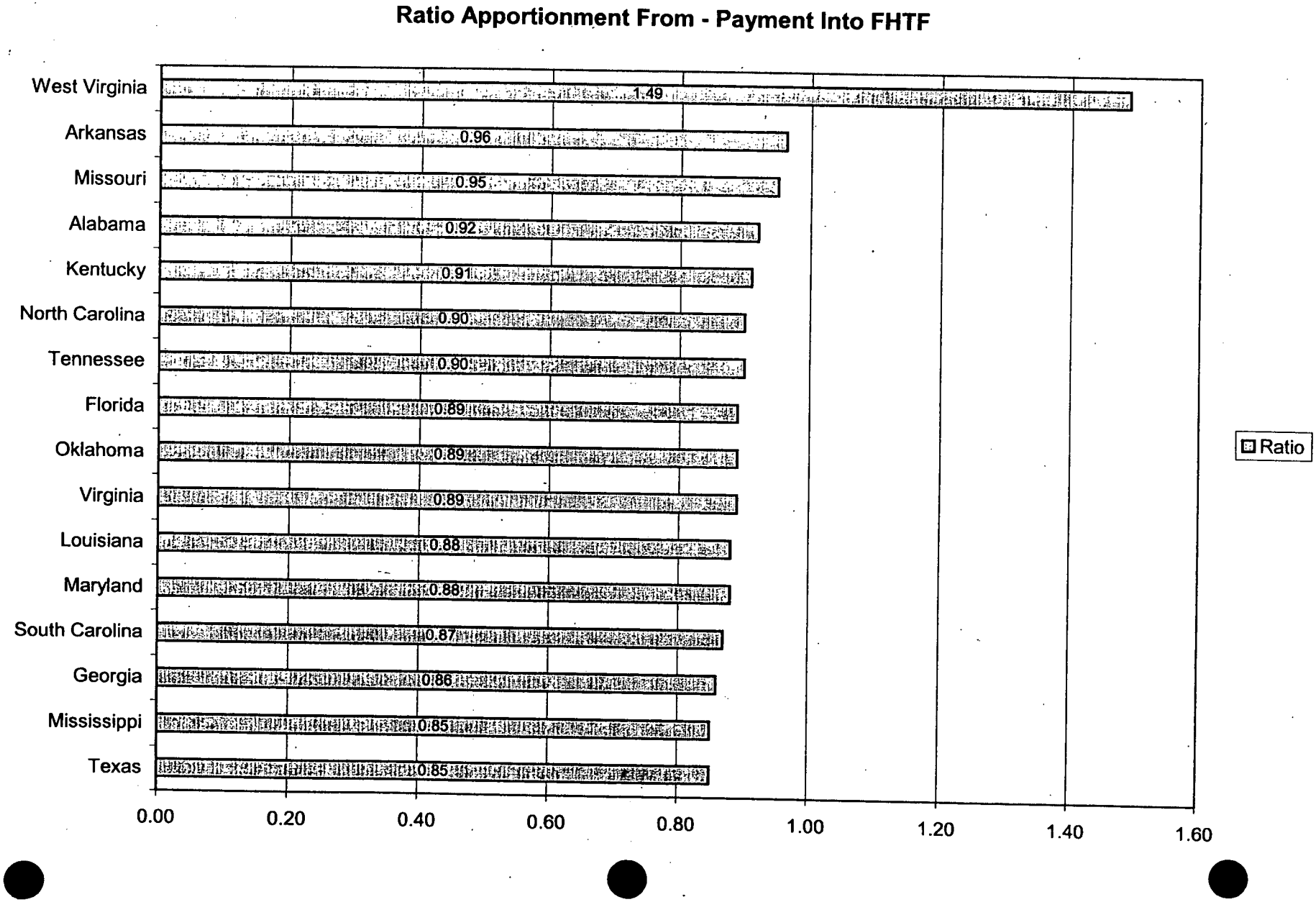
Source: Federal Highway Administration, "Highway Statistics, 2000"


Miles of State Maintained Roads and Total Road Miles
(Ranked by Miles of State Maintained Roads)
Texas
North Carolina
Virginia
South Carolina
West Virginia
Missouri
Kentucky
Georgia
Louisiana
Arkansas
Tennessee
Oklahoma
Florida
Alabama
Mississippi
Maryland
0
50,000
100,000
150,000
200,000
250,000
300,000
350,000
Miles
Miles of State Maintained Roads
Total Road Miles


State Maintained Road Miles as a Percentage of all Road Miles
West Virginia
Virginia
North Carolina
South Carolina
Kentucky
Louisiana
Missouri
Texas
Maryland
Arkansas
Tennessee
Georgia
Mississippi
Alabama
Oklahoma
Florida
91%
82%
78%
64%
35%
27%
26%
26%
17%
17%
16%
16%
14%
12%
11%
10%
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Percent

HIGHWAY FINANCE


Per Capita Federal Highway Spending
West Virginia
Arkansas
Oklahoma
Mississippi
Alabama
Kentucky
Georgia
South Carolina
Missouri
Tennessee
Texas
Virginia
Louisiana
North Carolina
Maryland
Florida
$170
$138
$128
$128
$128
$126
$122
$121
$121
$114
$104
$103
$102
$99
$86
$84
$0
$20
$40
$60
$80
$100
$120
$140
$160
$180
Per Capita Federal Highway Spending


Ratio Apportionment From - Payment Into FHTF
West Virginia
Arkansas
Missouri
Alabama
Kentucky
North Carolina
Tennessee
Florida
Oklahoma
Virginia
Louisiana
Maryland
South Carolina
Georgia
Mississippi
Texas
1.49
0.96
0.95
0.92
0.91
0.90
0.90
0.89
0.89
0.89
0.88
0.88
0.87
0.86
0.85
0.85
0.00
0.20
0.40
0.60
0.80
1.00
1.20
1.40
1.60
Ratio

TOTAL DISBURSEMENTS FOR HIGHWAYS, ALL UNITS OF GOVERNMENT - 1999[1]

OCTOBER 2001

(THOUSANDS OF DOLLARS)

TABLE HF-2

STATE	CAPITAL OUTLAY				MAINTENANCE AND SERVICES				ADMINISTRATION AND MISCELLANEOUS	HIGHWAY LAW ENFORCEMENT AND SAFETY	INTEREST	BOND RETIREMENT[2]	TOTAL DISBURSEMENTS
	STATE ADMINISTERED HIGHWAYS	LOCALLY ADMINISTERED ROAD	FEDERAL ROADS AND UNCLASSIFIED	TOTAL	STATE ADMINISTERED HIGHWAYS	LOCALLY ADMINISTERED ROADS	FEDERAL ROADS AND UNCLASSIFIED	TOTAL					
Alabama	554,576	92,065	296	646,937	155,658	643,921	6	799,585	136,137	87,041	8,379	10,136	1,688,215
Arkansas	396,397	55,810	1,212	453,419	133,034	111,478	357	244,869	92,707	56,647	1,363	14,327	863,332
Florida	2,489,170	698,152	226	3,187,548	484,218	591,362	3	1,075,583	251,596	448,436	272,430	153,031	5,388,624
Georgia	1,230,898	468,342	4,453	1,703,693	149,546	405,090	16	554,652	130,608	199,528	69,168	145,548	2,803,197
Kentucky	833,568	169,392	302	1,003,262	184,217	130,492	217	314,926	161,240	58,804	78,706	81,798	1,698,736
Louisiana	704,414	126,687	1,541	832,642	153,489	172,501	186	326,176	158,383	162,748	53,049	172,876	1,705,874
Maryland	598,665	224,059	7,310	830,034	231,908	254,209	102	486,219	116,664	204,168	39,765	98,547	1,775,397
Mississippi	619,982	128,595	14,643	763,220	68,698	243,455	270	312,423	41,762	88,152	21,269	52,479	1,279,305
Missouri	805,394	371,899	480	1,177,773	330,413	365,054	5	695,472	139,410	167,285	10,267	13,499	2,203,706
North Carolina	1,483,122	187,381	6,912	1,677,415	511,507	150,375	15	661,897	161,603	282,217	38,066	52,416	2,873,614
Oklahoma	688,710	149,675	57	838,442	153,856	187,870	5	341,731	145,587	91,359	80,992	29,112	1,527,223
South Carolina	487,148	87,683	-	574,831	158,759	73,890	39	232,688	90,425	152,755	7,929	9,006	1,067,634
Tennessee	706,472	100,149	8,362	814,983	236,742	298,485	263	535,490	137,418	88,173	2,275	11,988	1,590,327
Texas	2,866,376	947,776	3,411	3,817,563	846,745	1,215,740	49	2,062,534	489,472	944,574	348,882	235,606	7,898,631
Virginia	1,389,482	161,377	16,595	1,567,454	751,205	394,827	1,706	1,147,738	300,385	313,852	128,748	127,394	3,585,571
West Virginia	517,001	18,661	324	535,986	289,270	65,651	32	354,953	55,315	131,290	22,202	34,166	1,133,912
Southern States Total	**16,371,375**	**3,987,703**	**66,124**	**20,425,202**	**4,839,265**	**5,304,400**	**3,271**	**10,146,936**	**2,608,712**	**3,477,029**	**1,183,490**	**1,241,929**	**39,083,298**
US Total	**41,264,246**	**15,712,174**	**245,836**	**57,222,256**	**11,964,041**	**17,964,268**	**69,184**	**29,997,493**	**9,128,840**	**10,392,798**	**4,349,415**	**4,913,873**	**116,004,675**

[1] Disbursements are classified by system on which expended, rather than by expending agencies.

[2] Excludes short-term notes and refunding bond issues.

Source: Federal Highway Administration, "Highway Statistics 2000"

REVENUES USED FOR HIGHWAYS, ALL LEVELS OF GOVERNMENT - 1999

OCTOBER 2001

(THOUSANDS OF DOLLARS)

TABLE HF-1

STATES	HIGHWAY-USER TAX REVENUES [1]				APPROPRIATIONS FROM			OTHER			TOTAL RECEIPTS
	FEDERAL	STATE	LOCAL	TOTAL	ROAD AND CROSSING TOLLS	GENERAL FUNDS	PROPERTY TAXES	OTHER IMPOSTS	MISCEL-LANEOUS RECEIPTS	BOND RECEIPTS	
Alabama	376,027	695,729	24,258	1,096,014	0	196,841	162,008	37,888	122,393	1,637	1,616,781
Arkansas	257,852	479,873	0	737,725	0	43,719	42,228	62,483	46,682	28,876	961,713
Florida	777,737	1,884,099	548,733	3,210,569	542,266	304,158	150,536	552,173	298,533	477,548	5,535,783
Georgia	612,929	621,489	0	1,234,418	21,367	483,918	1,884	778,486	117,701	161,219	2,798,993
Kentucky	317,843	994,620	69,256	1,381,719	13,434	23,447	0	57,008	93,929	6,312	1,575,849
Louisiana	349,585	682,890	195	1,032,670	35,644	119,284	94,292	203,802	52,717	223,079	1,761,488
Maryland	327,734	1,009,063	0	1,336,797	142,179	70,454	19,202	122,247	43,867	111,272	1,846,018
Mississippi	275,175	486,653	5,555	767,383	0	122,271	87,482	155,138	22,855	379,763	1,534,892
Missouri	406,659	833,537	20,696	1,260,892	735	194,792	111,364	532,226	61,331	22,263	2,183,603
North Carolina	688,652	1,131,243	15,718	1,835,613	1,709	359,789	6,374	510,397	121,265	95,354	2,930,501
Oklahoma	262,013	607,457	0	869,470	127,800	101,146	16,219	84,060	62,607	92,453	1,353,755
South Carolina	302,741	483,766	0	786,507	0	210,366	21,319	32,836	26,271	200,172	1,277,471
Tennessee	491,402	911,313	25,308	1,428,023	36	123,244	3,345	53,901	23,121	6,562	1,638,232
Texas	1,563,155	2,630,295	153,858	4,347,308	310,261	1,139,782	735,056	33,134	648,024	444,304	7,657,869
Virginia	548,410	1,378,919	113,529	2,040,858	105,434	446,846	13,368	404,342	105,272	514,285	3,630,405
West Virginia	250,709	498,104	0	748,813	51,004	195,863	33,797	11,979	38,469	220,000	1,299,925
Southern States Total	**7,808,623**	**15,329,050**	**977,106**	**24,114,779**	**1,351,869**	**4,135,920**	**1,498,474**	**3,632,100**	**1,885,037**	**2,985,099**	**39,603,278**
US Total	**25,082,784**	**42,028,786**	**1,745,544**	**68,857,114**	**5,131,942**	**17,184,913**	**5,808,548**	**6,382,008**	**6,774,644**	**11,274,099**	**121,413,268**

[1] Excludes amounts allocated for collection expenses and nonhighway purposes.

Source: Federal Highway Administration, "Highway Statistics 2000" Table HF-1

FUEL TAXES

FUEL TAX RATES – January 1, 2002

(CENTS PER GALLON)

	Gasoline	Diesel	Gasohol
Alabama[1]	18.0	19.0	18.0
Arkansas	21.7	22.7	21.7
Florida	13.9	26.4	13.9
Georgia[2]	7.5	7.5	7.5
Kentucky[3]	16.4	13.4	16.4
Louisiana	20.0	20.0	20.0
Maryland	23.5	24.3	23.5
Mississippi	18.4	18.4	18.4
Missouri	17.05	17.05	15.05
North Carolina	24.45	24.55	24.55
Oklahoma	17.0	14.0	17.0
South Carolina	16.0	16.0	16.0
Tennessee[4]	21.4	18.4	21.40
Texas	20.0	20.0	20.0
Virginia[5]	17.5	16.0	17.5
West Virginia	25.35	25.35	25.35
Federal	18.4	24.4	13.1

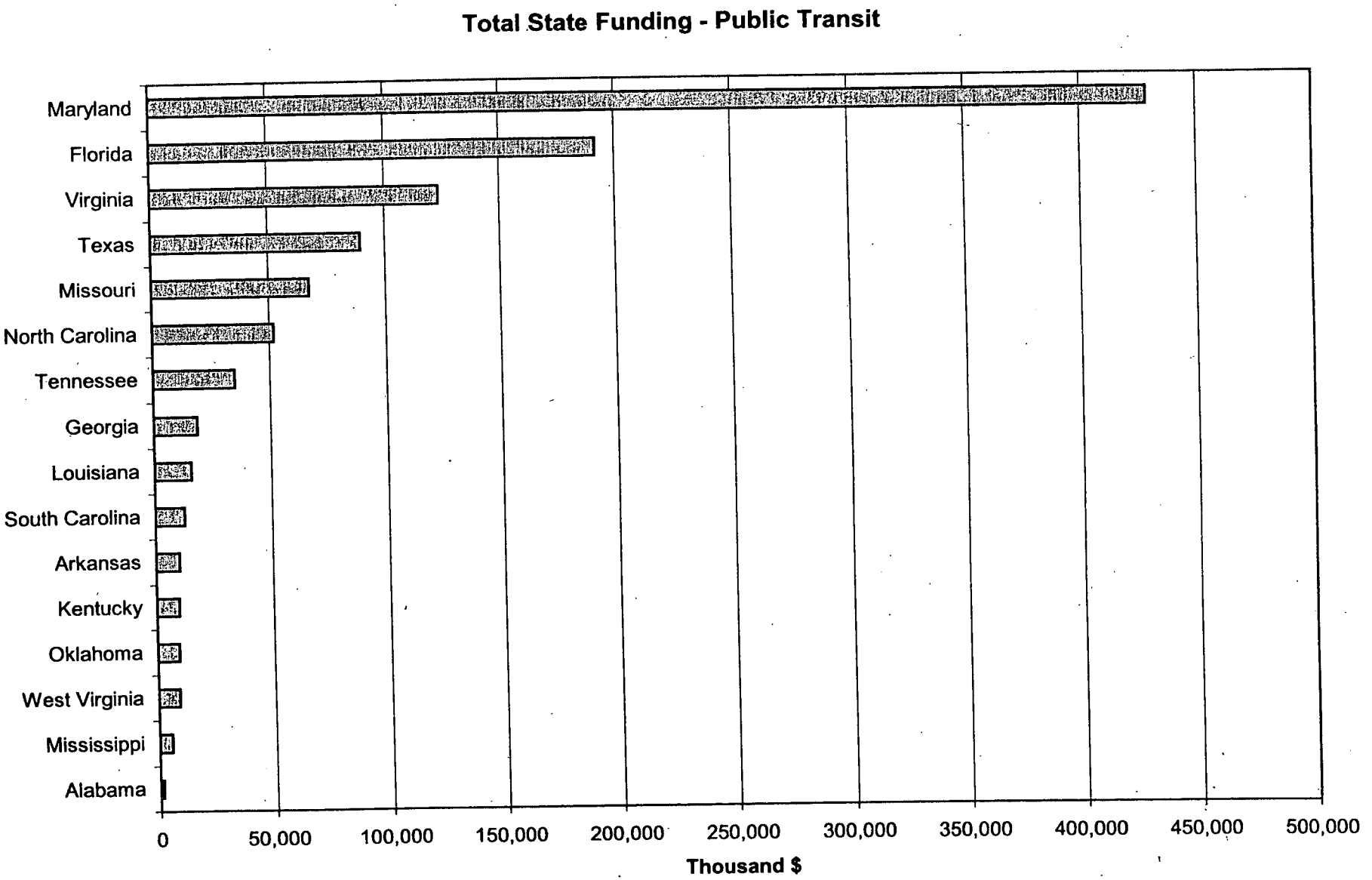
Source: Federation of Tax Administrators, www.taxadmin.org

1. Does not include local option tax (1-3 cents).
2. Sales tax applicable (3%).
3. Carriers pay an additional surcharge (2%).
4. Does not include local option tax (1 cent).
5. Large trucks pay a higher tax (additional 3.5 cents).

PUBLIC TRANSPORTATION

STATE FUNDING FOR PUBLIC TRANSIT 2002

State	Funding for Direct State Mass Transit Activities (Thousand $)	Funding for State Grants In Aid for Mass Transit (Thousand $)	Total State Funding for Mass Transit (Thousand $)
Alabama	0	1,416	1,416
Arkansas	350	9,631	9,981
Florida	14,079	177,552	191,631
Georgia	63	18,549	18,612
Kentucky	9,609	0	9,609
Louisiana	0	15,818	15,818
Maryland	401,923	26,796	428,719
Mississippi	5,444	0	5,444
Missouri	33,543	33,859	67,402
North Carolina	31,825	20,092	51,917
Oklahoma	7,468	1,806	9,274
South Carolina	1,929	10,609	12,538
Tennessee	35,088	0	35,088
Texas	62,908	26,672	89,580
Virginia	4,984	118,614	123,598
West Virginia	4,313	4,780	9,093


Total State Funding - Public Transit
Maryland
Florida
Virginia
Texas
Missouri
North Carolina
Tennessee
Georgia
Louisiana
South Carolina
Arkansas
Kentucky
Oklahoma
West Virginia
Mississippi
Alabama
0
50,000
100,000
150,000
200,000
250,000
300,000
350,000
400,000
450,000
500,000
Thousand $

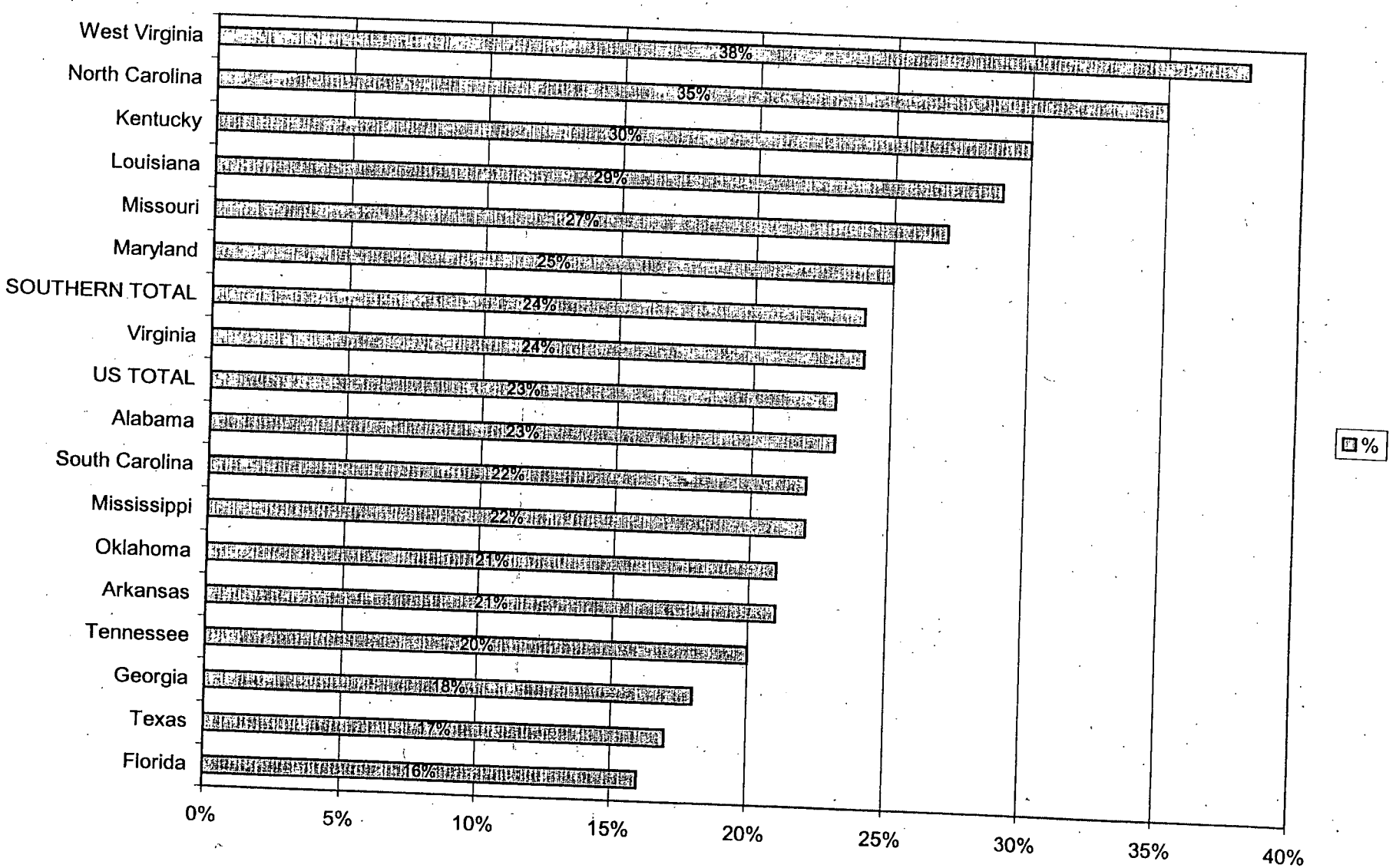
BRIDGES

STATE AND LOCAL BRIDGES

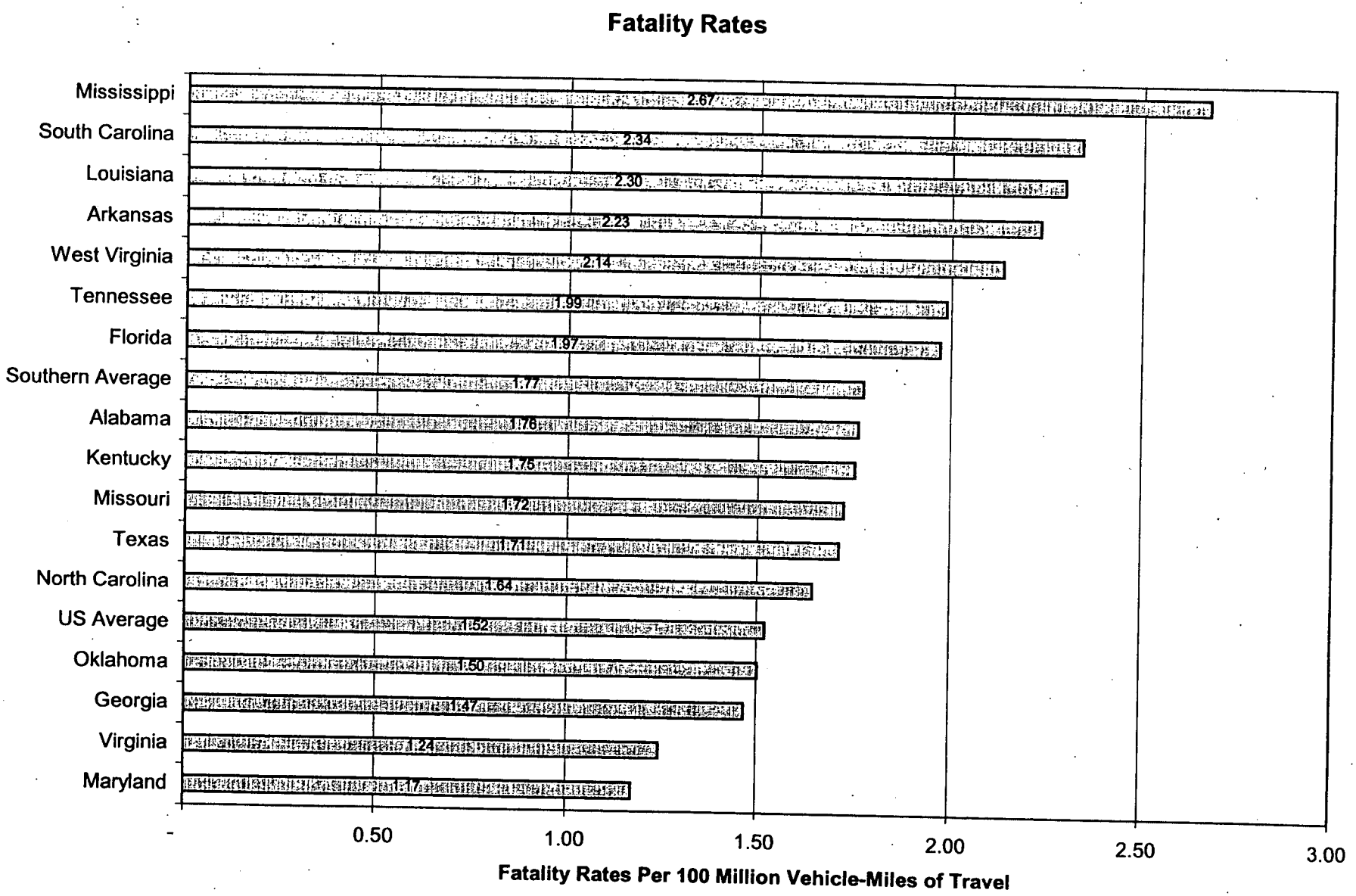
State	Total Interstate & State Bridges	Structurally Deficient or Functionally Obsolete		Total City/County Township Bridges	Structurally Deficient or Functionally Obsolete		Total All Bridges	Combined Total Substandard	
Alabama	5,542	1,294	23%	10,047	3,342	33%	15,589	4,636	30%
Arkansas	6,989	1,450	21%	5,253	1,889	36%	12,242	3,339	27%
Florida	6,317	1,026	16%	4,956	1,219	25%	11,273	2,245	20%
Georgia	5,882	1,047	18%	8,474	2,328	27%	14,356	3,375	24%
Kentucky	9,054	2,699	30%	4,720	1,718	36%	13,774	4,417	32%
Louisiana	7,928	2,298	29%	5,612	2,225	40%	13,540	4,523	33%
Maryland	2,728	683	25%	2,125	728	34%	4,853	1,411	29%
Mississippi	5,401	1,202	22%	10,993	3,680	33%	16,394	4,882	30%
Missouri	10,117	2,777	27%	13,501	5,363	40%	23,618	8,140	34%
North Carolina	17,482	6,088	35%	702	197	28%	18,184	6,285	35%
Oklahoma	6,898	1,467	21%	15,599	7,766	50%	22,497	9,233	41%
South Carolina	8,214	1,798	22%	843	324	38%	9,057	2,122	23%
Tennessee	7,487	1,481	20%	12,009	3,049	25%	19,496	4,530	23%
Texas	32,518	5,498	17%	16,476	6,957	42%	48,994	12,455	25%
Virginia	11,427	2,694	24%	1,037	269	26%	12,464	2,963	24%
West Virginia	6,589	2,535	38%	128	93	73%	6,717	2,628	39%
TOTALS	**150,573**	**36,037**	**24%**	**112,475**	**41,147**	**37%**	**263,048**	**77,184**	**29%**
US TOTALS	283,174	64,891	23%	307,810	98,267	32%	590,984	163,158	28%

Source: *Better Roads Magazine*, November 2001 Issue

Percent of Interstate and State Bridges that are Substandard



FATALITIES


Fatality Rates
Mississippi
South Carolina
Louisiana
Arkansas
West Virginia
Tennessee
Florida
Southern Average
Alabama
Kentucky
Missouri
Texas
North Carolina
US Average
Oklahoma
Georgia
Virginia
Maryland
2.67
2.34
2.30
2.23
2.14
1.99
1.97
1.77
1.76
1.75
1.72
1.71
1.64
1.52
1.50
1.47
1.24
1.17
-
0.50
1.00
1.50
2.00
2.50
3.00
Fatality Rates Per 100 Million Vehicle-Miles of Travel

ADMINISTRATION

Summary of Characteristics of Transportation Departments, Governing Bodies, and Administrators By State With Statutory Qualifications of Appointed Board/Commission Members

State	Department		Governing Board or Commission						Administrator	
	Trans-portation	High-way	Board or Commission	Members	Elected or Appointed	By Whom	Term	Qualifications	Title	Appointed By Whom
Alabama	√		none						Director	Governor
Arkansas		√	Commission	5	Appointed	Governor	10 years	From state at large, with no two appointed from any single congressional district; qualified electors of state	Director	Commissior
Florida	√		Commission (Advisory)	9	Appointed	Governor	4 years	Represent all geographic areas of the state; registered voter and citizen of state, must possess business managerial experience in the private sector.	Secretary	Governor
Georgia	√		Board	11	Elected	Legislative Caucus	5 years	As many members as congressional districts, with each member elected by a majority vote of House and Senate members whose respective districts are embraced or partly embraced within such district.	Commissioner	Board
Kentucky	√		none						Secretary	Governor
Louisiana	√		none						Secretary	Governor
Maryland	√		Commission	17	Appointed	Governor	3 years	Seven regional members of State Roads Commission as ex officio; ten members appointed by Governor shall be residents with, preferably, experience in one of fields under department's jurisdiction and shall not be employed by department.	Secretary	Governor
Mississippi	√		Commission	3	Elected				Director	Commissior

Summary of Characteristics of Transportation Departments, Governing Bodies, and Administrators By State With Statutory Qualifications of Appointed Board/Commission Members

State	Department: Trans-portation	Department: High-way	Governing Board or Commission: Board or Commission	Members	Elected or Appointed	By Whom	Term	Qualifications	Administrator: Title	Appointed By Whom
Texas	√		Commission	3	Appointed	Governor	6 years	One must reside in a rural area and each must represent the general public; members or their spouses may not be employed: in a business that receives funds from the department; directly or indirectly own 10% interest in a business or organization that receives funds from the department; uses or receives substantial amount of tangible goods, services, or funds from the department; registered, certified or licensed by the department; an officer, employee, or paid consultant of a Texas trade association in the field of road construction or maintenance, aviation, or outdoor advertising; or a Texas trade association of automobile dealers, a registered lobbyist.	Director	Commissior
Virginia	√		Board	17	Appointed	Secretary	4 years	Secretary of Transportation, Commonwealth Transportation Commissioner, and Director of Rail and Public Transportation; nine from each of nine highway districts; five from state at large.	Commissioner	Governor
West Virginia	√		none						Commission	Governor

SOURCE: Mississippi Legislature, Joint Committee on Performance Evaluation and Expenditure Review

Speaker Seth Hammett
Alabama
Chairman

Representative James E. "Pete" Laney
Texas
Chairman Elect

Senator Shane Broadway
Arkansas
Vice Chairman

Colleen Cousineau
Executive Director

Kenneth Fern, Jr.
Deputy Director

The Council of State Governments
Suite 1050
3355 Lenox Road, NE
Atlanta, Georgia 30326-1357
(404) 266-1271 / FAX: (404) 266-1273
www.slcatlanta.org

March 19, 2003

Please find enclosed a copy of the latest Comparative Data Report on Transportation prepared by the North Carolina Fiscal Research Division for the Southern Legislative Conference (SLC) of The Council of State Governments. In addition, there are SLC Comparative Data Reports on Comparative Revenues, Education, Medicaid, Adult Correctional Systems and Gaming. These reports maybe downloaded off the SLC's website at www.slcatlanta.org. Please do not hesitate to contact Mr. Sujit CanagaRetna, SLC, at 404/266-1271 or email at scanagaretna@csg.org if you have any questions.

2003-2004

HOUSE TRANSPORTATION

COMMITTEE MINUTES

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

March 26, 2003

11:00 A.M.

Room 1228 LB

Representative Cary Allred, Presiding Chair
Representative Lorene Coates, Chair

OPENING REMARKS

BILLS FOR CONSIDERATION

HB 0021 - Highway Trust Fund Federal-Aid Match.
Rep. Crawford, bill sponsor

HB 0022 DOT Resurfacing/Secondary Road Fund Use.
Rep. Crawford, bill sponsor

HB 0023 DOT Transit Safety Oversight.
Rep. Crawford, bill sponsor

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

March 26, 2003

The HOUSE COMMITTEE ON TRANSPORTATION met on Wednesday, March 26, 2003, in Room 1228 of the Legislative Building at 11:00 A.M. The following were present: Representative Allred, presiding Chair, Representative Coates, Co-Chair, Representatives Daugthridge, A. Williams and K. Williams, Vice chairs and Representatives G. Allen, L. Allen, Cole, Crawford, Frye, Haire, Hill, Hilton, Holmes, LaRoque, Moore, Nye, Rapp, Ray, and Sutton. Assisting with the meeting were Giles Perry and Wendy Graf-Ray, Staff Counsel, Jean Allred and Melissa Lennon, Committee Assistants. Also assisting were Dusty Rhodes, Bob Fowler and Jason Stancil, House Sergeants-at-Arms and Chris De Witt sponsored by Representative Stam, Wake County serving as committee Page.

Representative Allred called the meeting to order and introduced the House Sergeants-at-Arms and the House Page assisting with the meeting.

The first order of business was **H.B. 0023 – A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, PURSUANT TO FEDERAL LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. –** sponsored by Representative Crawford. Representative Crawford explained that the bill is a recommendation of the Joint Transportation Oversight Committee, which would designate the Department of Transportation (DOT) as the State agency responsible for fixed guideway transit safety in North Carolina. Representative Cole said that HB 23 is a Federal mandate.

Discussion followed by Committee Members and Representative Hill motioned to give the bill a favorable report and the motion passed.

Next to be discussed was the adoption of a Proposed Committee Substitute for **H.B. 0021 – A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. –** sponsored by Representative Crawford. Representative K. Williams moved to adopt the PCS. Representative Crawford explained that this bill would allow DOT to use Highway Trust Fund funds to match federal aid on all federal-aid eligible TIP projects, not just Highway Trust fund projects. After discussion, Representative Cole moved for a favorable report as to the committee substitute bill, unfavorable as to the original bill. The motion passed.

Last for consideration, the Committee adopted a Proposed Committee Substitute for **H.B. 0022 - A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO BE USED TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.** – sponsored by Representative Crawford. Representative Crawford explained that the bill would allow the Department of Transportation to free up money to use for contract resurfacing and widening projects and would allow the use of the Highway Trust Fund secondary road paving funds for State secondary road safety improvements in a County if all the State secondary roads, which are not blocked by right-of-way or permit issues, in the County have been paved. *See Secondary Road Construction Program for analysis.* After much discussion from Committee Members, Representative Sutton moved for a favorable report as to the House committee substitute, which changes the title, unfavorable as to the original bill.

The motion passed and the Committee adjourned at 11:45 A.M.

Respectfully submitted,

Representative Cary Allred
Presiding Chairman

Jean Allred
Committee Assistant

Agenda
Committee Reports
Bills Considered
Attachments
Visitors Registration

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 0023 A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, PURSUANT TO FEDERAL LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

FOR JOURNAL USE ONLY

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

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

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

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

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

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

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

HOUSE BILL 23*

Short Title:	DOT Transit Safety Oversight.	(Public)
Sponsors:	Representatives Crawford; Coates and Cole.	
Referred to:	Transportation.	

February 17, 2003

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, PURSUANT TO FEDERAL LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18 is amended by adding a new subdivision to read:

"(36) To oversee the safety of fixed guideway transit systems in the State not regulated by the Federal Railroad Administration, pursuant to the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. § 5330). The Department shall adopt rules in conformance with 49 U.S.C § 5330 concerning its oversight of the safety of fixed guideway transit systems."

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

HOUSE BILL 23:
DOT Transit Safety Oversight

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representative Crawford
Date:	March 26, 2003	**Summary by:**	Wendy Graf Ray
Version:	First Edition		

SUMMARY: House Bill 23 would designate the Department of Transportation (DOT) as the State agency responsible for fixed guideway transit safety in North Carolina.

CURRENT LAW: The Federal Transit Administration (FTA), through 49 CFR, Part 659, delegates to states the responsibility for rail fixed guideway transit system safety, security and oversight. DOT believes these responsibilities are most similar to those currently managed by the DOT Rail Division under the Federal Railroad Administration's state certified safety inspection program. However, statutory authority is needed to establish the authority to manage the program and promulgate necessary rules on behalf of the State.

BILL ANALYSIS: House Bill 23 would amend G.S. 136-18 by adding to the current list of DOT powers a new subdivision authorizing DOT to oversee the safety of fixed guideway transit systems in the State. The bill also directs DOT to adopt rules concerning its oversight in conformance with federal law.

BACKGROUND: House Bill 23 is a recommendation of the Joint Legislative Transportation Oversight Committee.

EFFECTIVE DATE: The bill would be effective when it becomes law.

Giles Perry substantially contributed to this summary.

H23-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 0021 A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 21*

Short Title:	Highway Trust Fund Federal-Aid Match.	(Public)
Sponsors:	Representatives Crawford; Coates and Cole.	
Referred to:	Transportation.	

February 17, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-176 reads as rewritten:

"**§ 136-176. Creation, revenue sources, and purpose of North Carolina Highway Trust Fund.**

(a) A special account, designated the North Carolina Highway Trust Fund, is created within the State treasury. The Trust Fund consists of the following revenue:

(1) Motor fuel, alternative fuel, and road tax revenue deposited in the Fund under G.S. 105-449.125, 105-449.134, and 105-449.43, respectively.

(2) Motor vehicle use tax deposited in the Fund under G.S. 105-187.9.

(3) Revenue from the certificate of title fee and other fees payable under G.S. 20-85.

(4) Repealed by Session Laws 2001, c. 424, s. 27.1.

(5) Interest and income earned by the Fund.

(a1) The Department may use two hundred twenty million dollars ($220,000,000) in fiscal year 2001-2002, two hundred twelve million dollars ($212,000,000) in fiscal year 2002-2003, and two hundred fifty-five million dollars ($255,000,000) in fiscal year 2003-2004 of the cash balance of the Highway Trust Fund for the following purposes:

(1) For primary route pavement preservation. – One hundred seventy million dollars ($170,000,000) in fiscal year 2001-2002, and one hundred fifty million dollars ($150,000,000) in each of the fiscal years 2002-2003 and 2003-2004. Up to ten percent (10%) of the amount for each of the fiscal years 2001-2002, 2002-2003, and 2003-2004 is

available in that fiscal year, at the discretion of the Secretary of Transportation, for:

a. Highway improvement projects that further economic growth and development in small urban and rural areas, that are in the Transportation Improvement Program, and that are individually approved by the Board of Transportation; or

b. Highway improvements that further economic development in the State and that are individually approved by the Board of Transportation.

(2) For preliminary engineering costs not included in the current year Transportation Improvement Program. – Fifteen million dollars ($15,000,000) in each of the fiscal years 2001-2002, 2002-2003, and 2003-2004.

(3) For computerized traffic signal systems and signal optimization projects. – Fifteen million dollars ($15,000,000) in each of the fiscal years 2001-2002, 2002-2003, and 2003-2004.

(4) For public transportation twenty million dollars ($20,000,000) in fiscal year 2001-2002, twenty-five million dollars ($25,000,000) in fiscal year 2002-2003, and seventy-five million dollars ($75,000,000) in fiscal year 2003-2004.

(5) For small urban construction projects. – Seven million dollars ($7,000,000) in fiscal year 2002-2003.

(a2) The Department shall certify to the Joint Legislative Transportation Oversight Committee each year, on or before November 1, that use of the Highway Trust Fund cash balances for these purposes will not adversely affect the delivery schedule of Highway Trust Fund projects in the 2002-2008 Transportation Improvement Program.

(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation and project development costs of the North Carolina Turnpike Authority are eligible administrative expenses under this subsection. Any funds allocated to the Authority pursuant to this subsection shall be repaid by the Authority from its toll revenue as soon as possible, subject to any restrictions included in the agreements entered into by the Authority in connection with the issuance of the Authority's revenue bonds. Beginning one year after the Authority begins collecting tolls on a completed Turnpike Project, interest shall accrue on any unpaid balance owed to the Highway Trust Fund at a rate equal to the State Treasurer's average annual yield on its investment of Highway Trust Fund funds pursuant to G.S. 147-6.1. Interest earned on the unpaid balance shall be deposited in the Highway Trust Fund upon repayment. The sum up to the amount anticipated to be necessary to meet the State matching funds requirements to receive Federal-Aid Highway trust funds for the next fiscal year may be set aside for that purpose. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct ~~the~~ projects on segments or corridors of the Intrastate System as described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due.

(b1) The Secretary may authorize the transfer of funds allocated under subdivisions (1) through (4) of subsection (b) of this section to other projects that are ready to be let and were to be funded from allocations to those subdivisions. The Secretary shall ensure that any funds transferred pursuant to this subsection are repaid promptly and in any event in no more than four years. The Secretary shall certify, prior to making any transfer pursuant to this subsection, that the transfer will not affect the delivery schedule of Highway Trust Fund projects in the current Transportation Improvement Program. No transfers shall be allowed that do not conform to the applicable provisions of the equity formula for distribution of funds, G.S. 136-17.2A. If the Secretary authorizes a transfer pursuant to this subsection, the Secretary shall report that decision to the next regularly scheduled meetings of the Joint Legislative Commission on Governmental Operations, the Joint Legislative Transportation Oversight Committee, and to the Fiscal Research Division.

(c) If funds are received under 23 U.S.C. Chapter 1, Federal-Aid Highways, for a project for which funds in the Trust Fund may be used, the amount of federal funds received plus the amount of any funds from the Highway Fund that were used to match the federal funds may be transferred by the Secretary of Transportation from the Trust Fund to the Highway Fund and used for projects in the Transportation Improvement Program.

(d) A contract may be let for projects funded from the Trust Fund in anticipation of revenues pursuant to the cash-flow provisions of G.S. 143-28.1 only for the two bienniums following the year in which the contract is let."

SECTION 2. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 21*
PROPOSED COMMITTEE SUBSTITUTE H21-PCS80165-RW-6

Short Title: Highway Trust Fund Federal-Aid Match. (Public)

Sponsors:

Referred to:

February 17, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-176 reads as rewritten:

"**§ 136-176. Creation, revenue sources, and purpose of North Carolina Highway Trust Fund.**

(a) A special account, designated the North Carolina Highway Trust Fund, is created within the State treasury. The Trust Fund consists of the following revenue:

(1) Motor fuel, alternative fuel, and road tax revenue deposited in the Fund under G.S. 105-449.125, 105-449.134, and 105-449.43, respectively.

(2) Motor vehicle use tax deposited in the Fund under G.S. 105-187.9.

(3) Revenue from the certificate of title fee and other fees payable under G.S. 20-85.

(4) Repealed by Session Laws 2001, c. 424, s. 27.1.

(5) Interest and income earned by the Fund.

(a1) The Department may use two hundred twenty million dollars ($220,000,000) in fiscal year 2001-2002, two hundred twelve million dollars ($212,000,000) in fiscal year 2002-2003, and two hundred fifty-five million dollars ($255,000,000) in fiscal year 2003-2004 of the cash balance of the Highway Trust Fund for the following purposes:

(1) For primary route pavement preservation. – One hundred seventy million dollars ($170,000,000) in fiscal year 2001-2002, and one hundred fifty million dollars ($150,000,000) in each of the fiscal years 2002-2003 and 2003-2004. Up to ten percent (10%) of the amount for each of the fiscal years 2001-2002, 2002-2003, and 2003-2004 is

available in that fiscal year, at the discretion of the Secretary of Transportation, for:

a. Highway improvement projects that further economic growth and development in small urban and rural areas, that are in the Transportation Improvement Program, and that are individually approved by the Board of Transportation; or

b. Highway improvements that further economic development in the State and that are individually approved by the Board of Transportation.

(2) For preliminary engineering costs not included in the current year Transportation Improvement Program. – Fifteen million dollars ($15,000,000) in each of the fiscal years 2001-2002, 2002-2003, and 2003-2004.

(3) For computerized traffic signal systems and signal optimization projects. – Fifteen million dollars ($15,000,000) in each of the fiscal years 2001-2002, 2002-2003, and 2003-2004.

(4) For public transportation twenty million dollars ($20,000,000) in fiscal year 2001-2002, twenty-five million dollars ($25,000,000) in fiscal year 2002-2003, and seventy-five million dollars ($75,000,000) in fiscal year 2003-2004.

(5) For small urban construction projects. – Seven million dollars ($7,000,000) in fiscal year 2002-2003.

(a2) The Department shall certify to the Joint Legislative Transportation Oversight Committee each year, on or before November 1, that use of the Highway Trust Fund cash balances for these purposes will not adversely affect the delivery schedule of Highway Trust Fund projects in the 2002-2008 Transportation Improvement Program.

(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation and project development costs of the North Carolina Turnpike Authority are eligible administrative expenses under this subsection. Any funds allocated to the Authority pursuant to this subsection shall be repaid by the Authority from its toll revenue as soon as possible, subject to any restrictions included in the agreements entered into by the Authority in connection with the issuance of the Authority's revenue bonds. Beginning one year after the Authority begins collecting tolls on a completed Turnpike Project, interest shall accrue on any unpaid balance owed to the Highway Trust Fund at a rate equal to the State Treasurer's average annual yield on its investment of Highway Trust Fund funds pursuant to G.S. 147-6.1. Interest earned on the unpaid balance shall be deposited in the Highway Trust Fund upon repayment. The sum up to the amount anticipated to be necessary to meet the State matching funds requirements to receive federal-aid highway trust funds for the next fiscal year may be set aside for that purpose. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due.

(b1) The Secretary may authorize the transfer of funds allocated under subdivisions (1) through (4) of subsection (b) of this section to other projects that are ready to be let and were to be funded from allocations to those subdivisions. The Secretary shall ensure that any funds transferred pursuant to this subsection are repaid promptly and in any event in no more than four years. The Secretary shall certify, prior to making any transfer pursuant to this subsection, that the transfer will not affect the delivery schedule of Highway Trust Fund projects in the current Transportation Improvement Program. No transfers shall be allowed that do not conform to the applicable provisions of the equity formula for distribution of funds, G.S. 136-17.2A. If the Secretary authorizes a transfer pursuant to this subsection, the Secretary shall report that decision to the next regularly scheduled meetings of the Joint Legislative Commission on Governmental Operations, the Joint Legislative Transportation Oversight Committee, and to the Fiscal Research Division.

(c) If funds are received under 23 U.S.C. Chapter 1, Federal-Aid Highways, for a project for which funds in the Trust Fund may be used, the amount of federal funds received plus the amount of any funds from the Highway Fund that were used to match the federal funds may be transferred by the Secretary of Transportation from the Trust Fund to the Highway Fund and used for projects in the Transportation Improvement Program.

(d) A contract may be let for projects funded from the Trust Fund in anticipation of revenues pursuant to the cash-flow provisions of G.S. 143-28.1 only for the two bienniums following the year in which the contract is let."

SECTION 2. This act becomes effective July 1, 2003.

HOUSE BILL 21:
Highway Trust Fund Federal-Aid Match

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford; Coates and Cole
Date:	March 25, 2003		
Version:	Proposed Committee Substitute	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY: Amends the Highway Trust Fund Act of 1989 to allow DOT to use funds from the Highway Trust Fund to match federal-aid highway funds.

BILL ANALYSIS: House Bill 21 authorizes DOT to set aside Highway Trust Fund funds to match federal aid highway funds, prior to allocation and distribution of the Highway Trust Fund to the specified intrastate, urban loop, secondary and "Powell Bill" (municipal) road projects. The proposed change would allow DOT to use Highway Trust Fund funds to match federal aid on all federal-aid eligible TIP projects, not just Highway Trust Fund projects.

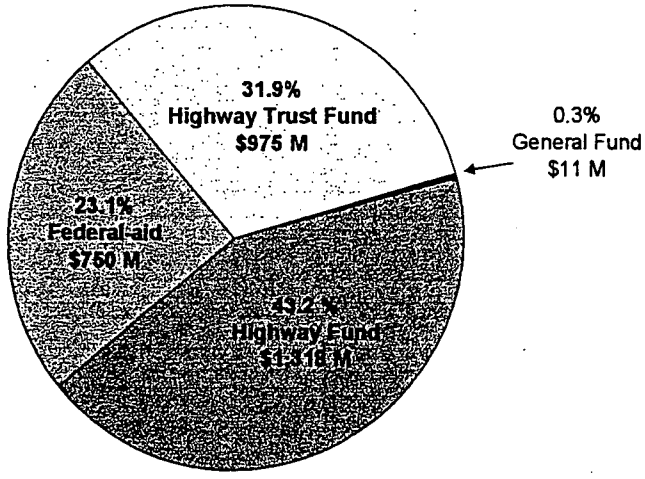
House Bill 21 would become effective July 1, 2003.

CURRENT LAW: Under current law, the Highway Trust Fund consists of part of the motor fuel tax receipts, highway use taxes, and title and other vehicle fees. Prior to distribution to specified intrastate, urban loop, secondary, and "Powell Bill" (municipal) road projects, amounts are deducted from the Highway Trust Fund and transferred to the General Fund, and for DOT administration.

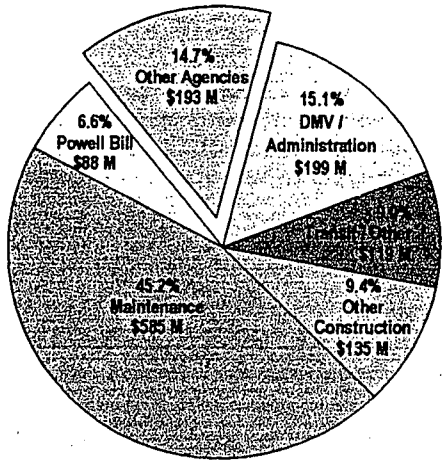
Federal-aid matching fund are currently allocated from the Highway Trust Fund, and applied to Highway Trust Fund eligible projects. Because the federal-aid match allocated from the Highway Trust Fund can only be used on Highway Trust Fund projects, the Department has a limited number of projects it can match with the federal-aid. The Department has stated that it soon may not be able to match all federal aid due to this limitation.

H21-SMRW-001

NCDOT FY 2003 Proposed Budget



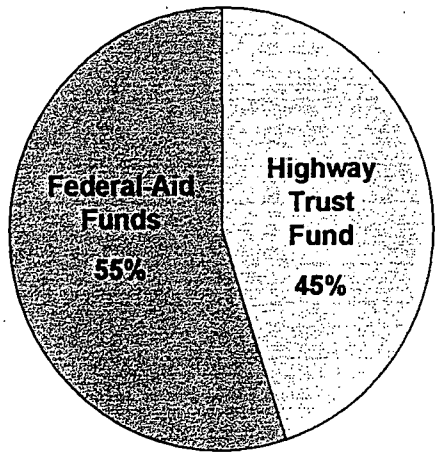
Budgeted Uses of State Highway Fund



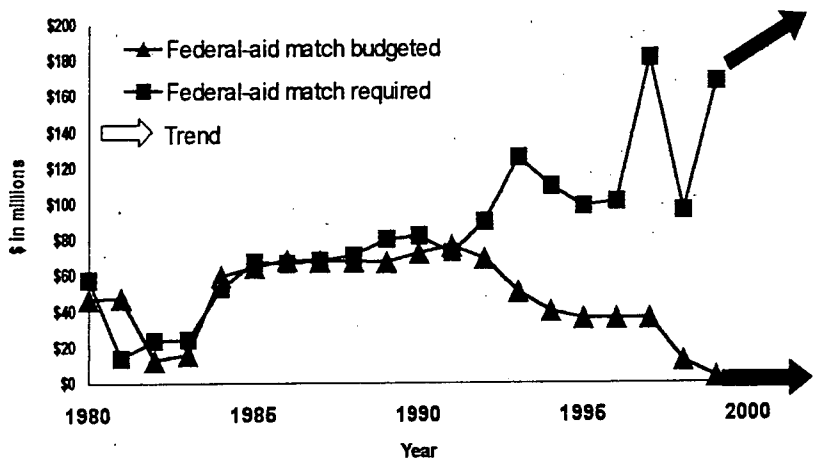
NO TIP $

Highway Fund

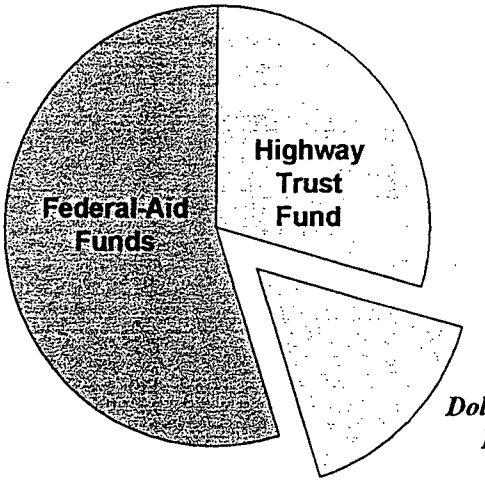
TIP Funding Sources



Federal-aid Match



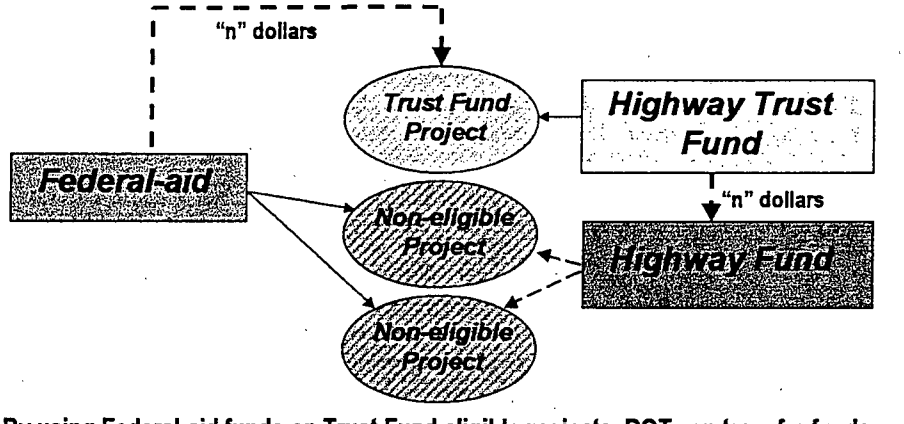
TIP Funding Sources



Dollars needed to match Federal-aid funds

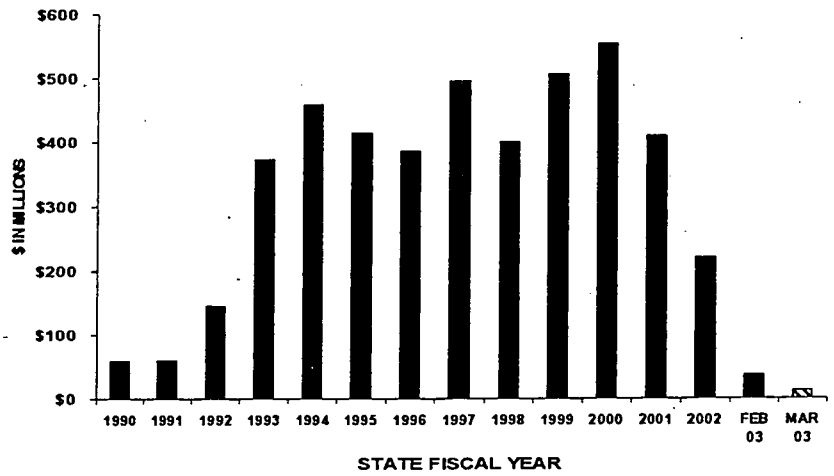
~ $200 M

Federal-aid Matching



By using Federal-aid funds on Trust Fund eligible projects, DOT can transfer funds from the Trust Fund to the Highway Fund; the transferred funds can then be applied as match to non-Trust Fund eligible projects

Cumulative Trust Fund Transfer Availability



NOTE: Available balances are federal funds authorized on Trust Fund projects less transfers to the Highway Fund to be used for match and other projects in the TIP. The projected balances depend on projects being let when scheduled.

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 0022 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO BE USED TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, ☒ which changes the title, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 22*

Short Title:	DOT Resurfacing/Secondary Road Fund Use.	(Public)
Sponsors:	Representatives Crawford; Coates, Cole, and Glazier.	
Referred to:	Transportation.	

February 17, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO BE USED TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-44.2 reads as rewritten:

"**§ 136-44.16. Resurfaced roads may be widened.**

Of the contract maintenance resurfacing program funds appropriated by the General Assembly to the Department of Transportation, an amount not to exceed fifteen percent (15%) of the Board of Transportation's allocation of these funds may be used for widening existing narrow ~~pavements that are scheduled for resurfacing.~~pavements."

SECTION 2. G.S. 136-182 reads as rewritten:

"**§ 136-182. Supplement for secondary road construction.**

Funds are allocated from the Trust Fund to increase allocations for secondary road construction made under G.S. 136-44.2A so that all State-maintained unpaved secondary roads with a traffic vehicular equivalent of at least 50 vehicles a day can be paved by the ~~1998-99~~ 2009-2010 fiscal year. This supplement shall be discontinued when the Department of Transportation certifies that, with funds available from sources other than the Trust Fund, all State-maintained unpaved secondary roads, regardless of their traffic vehicular equivalent, can be paved during the following six years. If all the State-maintained roads in a county have been paved under G.S. 136-44.7, except those that have unavailable right-of-way or for which environmental permits cannot be

approved to allow for paving, then the funds may be used for safety improvements on the paved or unpaved secondary roads in that county. If the supplement is discontinued before the Trust Fund terminates, the funds that would otherwise be allocated under this section shall be added to the allocation from the Trust Fund for projects of the Intrastate System."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 22*
PROPOSED COMMITTEE SUBSTITUTE H22-PCS50171-RW-7

Short Title: DOT Resurfacing/Secondary Road Fund Use. (Public)

Sponsors:

Referred to:

February 17, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-44.16 reads as rewritten:

"**§ 136-44.16. ~~Resurfaced roads may be widened.~~Authorized use of contract maintenance resurfacing program funds.**

Of the contract maintenance resurfacing program funds appropriated by the General Assembly to the Department of Transportation, an amount not to exceed fifteen percent (15%) of the Board of Transportation's allocation of these funds may be used for widening existing narrow ~~pavements that are scheduled for resurfacing.~~pavements."

SECTION 2. G.S. 136-182 reads as rewritten:

"**§ 136-182. Supplement for secondary road construction.**

Funds are allocated from the Trust Fund to increase allocations for secondary road construction made under G.S. 136-44.2A so that all State-maintained unpaved secondary roads with a traffic vehicular equivalent of at least 50 vehicles a day can be paved by the ~~1998-99~~ 2009-2010 fiscal year. This supplement shall be discontinued when the Department of Transportation certifies that, with funds available from sources other than the Trust Fund, all State-maintained unpaved secondary roads, regardless of their traffic vehicular equivalent, can be paved during the following six years. If all the

State-maintained roads in a county have been paved under G.S. 136-44.7, except those that have unavailable rights-of-way or for which environmental permits cannot be approved to allow for paving, then the funds may be used for safety improvements on the paved or unpaved secondary roads in that county. If the supplement is discontinued before the Trust Fund terminates, the funds that would otherwise be allocated under this section shall be added to the allocation from the Trust Fund for projects of the Intrastate System."

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

HOUSE BILL 22:
DOT Resurfacing/Secondary Road Fund Use

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford; Coates, Cole, and Glazier
Date:	March 26, 2003		
Version:	1st Edition	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY: House Bill 22 authorizes the Department of Transportation to do two things:

1. Broadens the authorized use of the contract resurfacing funds appropriated by the General Assembly to allow the 15 % already authorized for widening existing narrow pavements scheduled for resurfacing to also be used to widen any existing narrow pavement.

2. Use Highway Trust Fund secondary road paving funds for State secondary road safety improvements in a County if all the State secondary roads (not blocked by right-of-way or permit issues) in the County have been paved.

BILL ANALYSIS:

Section 1 – Under current law, DOT may use up to 15% of contract maintenance resurfacing program funds appropriated by the General Assembly for widening existing narrow pavements already scheduled for resurfacing. Section 1 of this bill would broaden the use of the 15% to allow DOT to use those funds to widen any existing narrow pavement, not just payments scheduled for resurfacing.

Section 2 – A portion of the funds derived from the revenue increases enacted as a part of the 1989 Highway Trust Fund were directed to State secondary road paving. In some counties, most or all of the unpaved State secondary roads are now paved. Section 2 of the bill would authorize DOT, in counties where all unpaved secondary State roads have been paved in accordance with G.S. 136-44.7, except those that have unavailable right-of-way or for which environmental permits cannot be approved, to use the secondary road paving funds to make safety improvements on any State secondary road within the same county.

House Bill 22 would become effective when it becomes law.

Secondary Road Construction Program

Don Goins, P.E., Chief Engineer - Operations

March 26, 2003

North Carolina State Highway System

- 78,350 miles of roadway
- 59,168 miles of Secondary System
- 88% Paved
- 12 % Unpaved

Secondary Road Construction Program

Funding is dictated by state law.

- Highway Funds - Generated by 1 3/4 cents per gallon of gasoline tax as required by G.S. 136-44.2A

- Trust Funds - Generated by a $15 per vehicle title and registration fee plus 6.5 % of other Trust Fund collections as required by G.S 136-176(b)(4) and G.S. 20-85

SECONDARY ROAD ALLOCATIONS SINCE 1990

(Does not include Trust Funds Allocated for Intrastate and Loops)

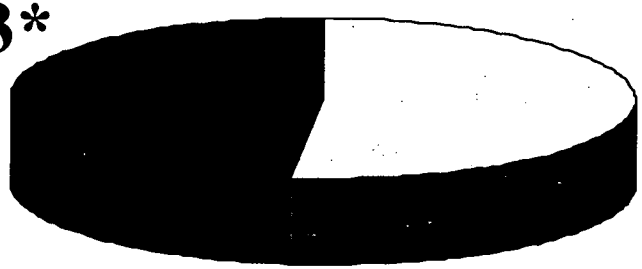
Fiscal Year	Highway Fund Allocation	Trust Fund Allocation	Bond Fund Allocation	Total
1989-90	$67,629,055	$33,448,885		$101,077,940
1990-91	$68,670,000	$42,037,533		$110,707,533
1991-92	$68,170,000	$39,897,191		$108,067,191
1992-93	$68,670,000	$45,944,157		$114,614,157
1993-94	$68,670,000	$50,797,373		$119,467,373
1994-95	$71,421,720	$62,902,458		$134,324,178
1995-96	$74,019,711	$67,776,001		$141,795,712
1996-97	$75,682,792	$68,398,556		$144,081,348
1997-98	$78,590,816	$81,024,396	$37,500,000	$197,115,212
1998-99	$80,640,762	$59,663,552	$37,500,000	$177,804,314
1999-2000	$84,523,711	$69,242,100	$74,977,159	$228,742,970
2000-01	$87,113,566	$81,023,047		$168,136,613
2001-02	$87,708,576	$72,480,039		$160,188,615
2002-03	$87,480,688	$54,229,834		$141,710,522
		*($87,445,392)		

*Certified Budget Amount Prior to Emergency Transfer

Fiscal Year 2002-2003 Allocations (in millions)

Trust Fund

$ 54.23*



Highway Fund

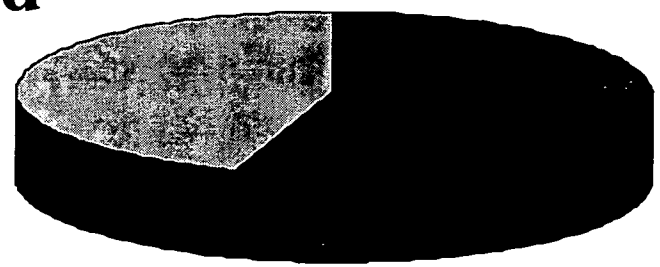
$ 87.48

*$87.44 certified budget amount prior to emergency transfer

Projected Allocations for FY 2003-04 (in millions)

Trust Fund

$ 81.08



Highway Fund

$ 89.91

Highway Fund

G.S. 136-44.5

COUNTY ALLOCATION FORMULA

(USED FOR ALLOCATION OF INITIAL $68,670,000 OF SECONDARY ROAD CONSTRUCTION FUND)

$$\text{COUNTY ALLOCATION} = \text{STATEWIDE APPROPRIATION FOR SECONDARY CONSTRUCTION} \times \frac{\text{NUMBER OF UNPAVED STATE MAINTAINED SECONDARY ROADS IN THE COUNTY}}{\text{TOTAL NUMBER OF UNPAVED STATE MAINTAINED SECONDARY ROADS IN STATE}}$$

Highway Fund

G.S. 136-44.5

COUNTY ALLOCATION FORMULA

(USED FOR ALLOCATION OF HIGHWAY FUNDS IN EXCESS OF $68,670,000)

$$\text{COUNTY ALLOCATION} = \text{STATEWIDE APPROPRIATION FOR SECONDARY CONSTRUCTION} \times \frac{\text{NUMBER OF UNPAVED STATE MAINTAINED SECONDARY ROADS IN THE COUNTY WITH 50 OR MORE AVERAGE DAILY TRAFFIC VOLUME}}{\text{TOTAL NUMBER OF UNPAVED STATE MAINTAINED SECONDARY ROADS IN STATE WITH 50 OR MORE AVERAGE DAILY TRAFFIC VOLUME}}$$

Trust Fund

G.S. 136-44.5

COUNTY ALLOCATION FORMULA

(USED FOR ALLOCATION SECONDARY TRUST FUND)

$$\text{COUNTY ALLOCATION} = \text{STATEWIDE APPROPRIATION FOR SECONDARY CONSTRUCTION} \times \frac{\text{NUMBER OF UNPAVED STATE MAINTAINED SECONDARY ROADS IN THE COUNTY WITH 50 OR MORE AVERAGE DAILY TRAFFIC VOLUME}}{\text{TOTAL NUMBER OF UNPAVED STATE MAINTAINED SECONDARY ROADS IN STATE WITH 50 OR MORE AVERAGE DAILY TRAFFIC VOLUME}}$$

Annual Secondary Road Improvement Program

- G.S. 136-44.8 requires that annual improvement programs be presented to each County Board of Commissioners at a meeting advertised to the public.
- G.S. 136-44.7: Projects for each county shall be rated according to their priority based upon the secondary road criteria and standards. Ratings are currently every 4 years as adopted by the Board of Transportation.

- Paving projects must be in priority sequence based upon a statewide criteria adopted by the Board of Transportation.

- The Board has approved two priority lists in each county- one for rural roads and one for subdivision/residential roads.

Ratings for Unpaved Secondary Roads
Rural

- Homes (6 pts per home - seasonal homes 3 pts.)
- Schools (10 pts. per school)
- Churches (10 pts per church)
- Businesses (10 pts per business)
- Industries (10 pts per industry)
- Recreational Facilities (Public and/or Non-Profit) (5 pts per facility)
- Sub-Total divided by the length if greater than one mile

Ratings for Unpaved Secondary Roads

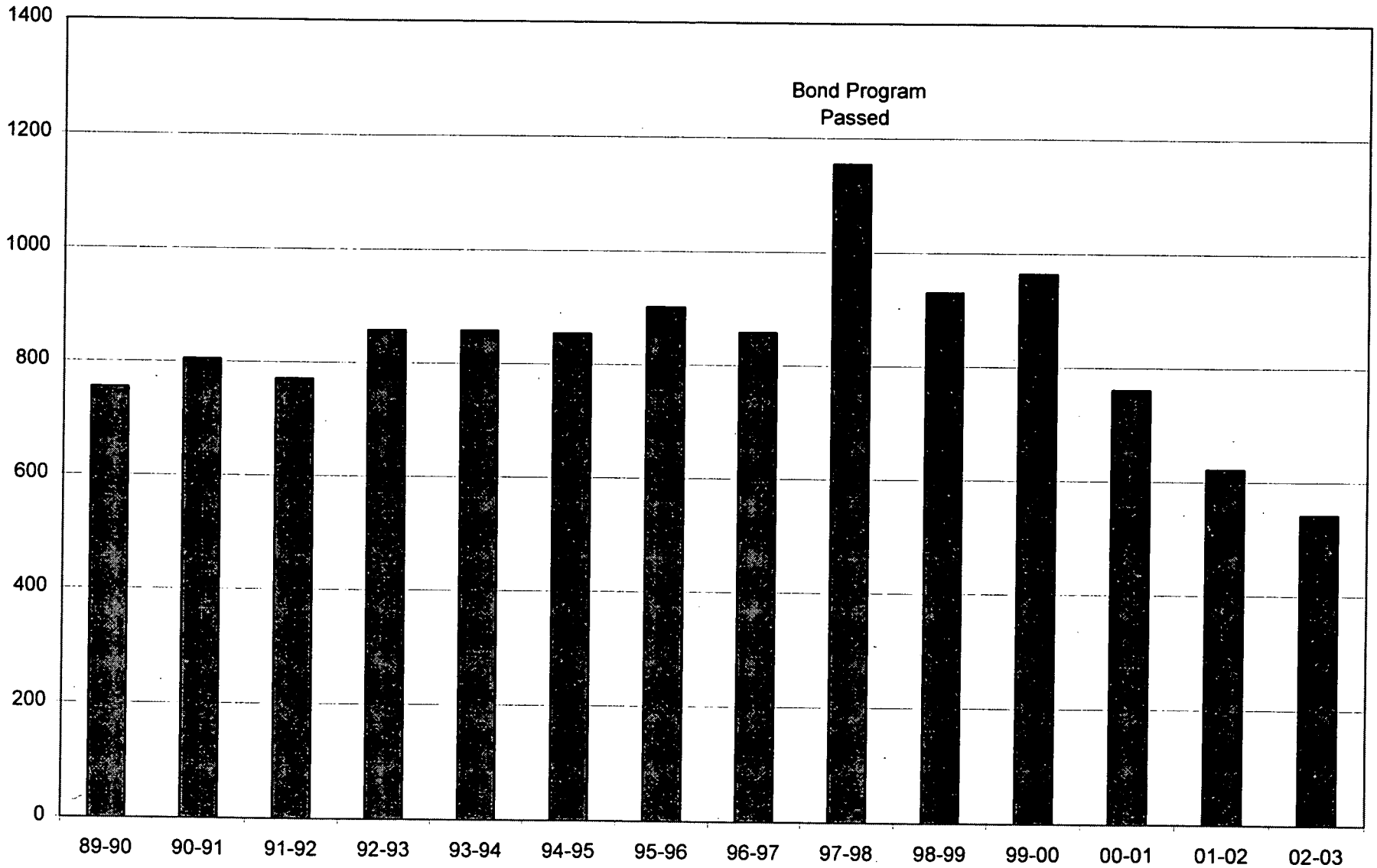
Residential - Subdivision

- Homes (6 pts per home - seasonal homes 3 pts.)
- Schools (10 pts. per school)
- Churches (10 pts per church)
- Businesses (10 pts per business)
- Industries (10 pts per industry)
- Recreational Facilities (Public and/or Non-Profit) (5 pts per facility)
- Sub-Total divided by a length

Highway Trust Fund

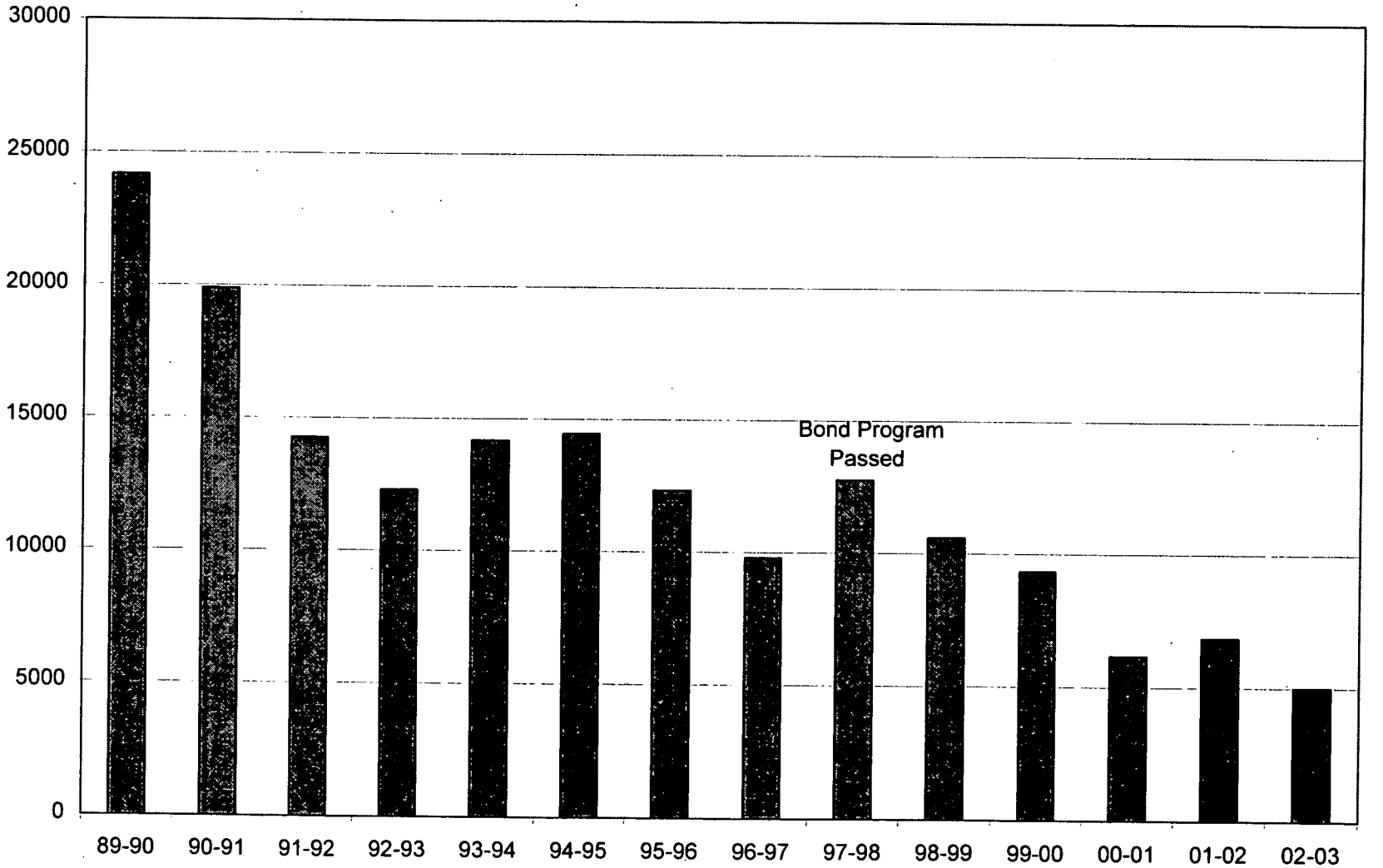
- In 1989, when the Trust Fund Law was enacted, there were 16,358 miles of unpaved secondary roads on the State System. Secondary Road paving funds created by this fund was an attempt to generate sufficient revenue to pave 10,475 miles which had a daily traffic volume of 50 or more vehicles.

Statewide Totals of Miles Paved



11,548 total miles over 14 years

Statewide Totals of Homes Served



172,072 homes over 14 years

FACTS:

- Since 1989, average paving per year has been 824 miles and the average number of homes served by each mile of paving is 15.

- The current statewide average cost for paving is $178,000 per mile.

- As of January 1, 2002, there were 6,522 miles of unpaved secondary roads. Of these, 3,082 miles have a 50 or greater ADT.

- Paving all the roads with 50 or greater ADT is a moving target as traffic volumes increase with development.

FACTS (continued):

- Considering the current method of allocating funds and the current rate of paving, estimations are that it will take until around 2010 to pave the roads with 50 or greater ADT.

- The Department of Transportation does not purchase right-of-way for paving secondary roads. Right-of-way must be dedicated to the state free of charge.

- It should be noted that we have attempted to pave 1636 miles of roads on which right-of-way could not be obtained. Of this total, 1274 miles are roads with a 50 or greater ADT.

DOT Secondary Road Paving Program
Trust Fund Eligibility
Counties With All Roads On R/W Hold List

Division	Counties Currently On Hold 2002-2003	Current Miles	Currently On Hold Trust Allocation 2002-2003	Counties Projected To Be On Hold 2003-2004	Projected Miles	Projected On Hold Trust Allocation 2003-2004
1				Bertie	45	$489,026
				Camden	11	$136,153
				Currituck	9	$125,246
				Gates	27	$306,960
	Hertford	23	$293,767	Hertford	23	$293,767
	Hyde	15	$225,690	Hyde	15	$225,690
6	Robeson	72	$741,455	Robeson	72	$741,455
8	Scotland	28	$258,761	Scotland	28	$258,761
14	Clay	25	$201,591	Clay	25	$201,591
	Graham	17	$215,136	Graham	17	$215,136
				Henderson	70	$1,653,365
	Macon	100	$1,330,045	Macon	100	$1,330,045
				Swain	37	$477,592
				Transylvania	36	$721,577
Total	7	280	$3,266,445	14	515	$7,176,364

Right of Way Hold List - January 2003

Miles over 50 ADT	(Trust Fund)	1,274
Miles Under 50 ADT	(Highway Fund)	362
Total Unpaved Miles		1,636 (Not Available for Construction)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

HOUSE BILL 22*

Short Title: DOT Resurfacing/Secondary Road Fund Use (Public)
Sponsors: Representatives Crawford; Coates, Cole, and Glazier
Referred to: Transportation

February 17, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO BE USED TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-44.2 reads as rewritten:

"**§ 136-44.16. Resurfaced roads may be widened.**

Of the contract maintenance resurfacing program funds appropriated by the General Assembly to the Department of Transportation, an amount not to exceed fifteen percent (15%) of the Board of Transportation's allocation of these funds may be used for widening existing narrow ~~pavements that are scheduled for resurfacing.~~ pavements."

SECTION 2. G.S. 136-182 reads as rewritten:

"**§ 136-182. Supplement for secondary road construction.**

Funds are allocated from the Trust Fund to increase allocations for secondary road construction made under G.S.136-44.2A so that all State-maintained unpaved secondary roads with a traffic vehicular equivalent of at least 50 vehicles a day can be paved by the ~~1998-99~~ 2009-2010 fiscal year. This supplement shall be discontinued when the Department of Transportation certifies that, with funds available from sources other than the Trust Fund, all State-maintained unpaved secondary roads, regardless of their traffic vehicular equivalent, can be paved during the following six years. If all the State-maintained roads in a county have been paved under G.S. 136-44.7, except those that have unavailable right-of-way or for which environmental permits cannot be approved to allow for paving, then the funds may be used for safety improvements on the paved or unpaved secondary roads in that county. If the supplement is discontinued before the Trust Fund terminates, the funds that would otherwise be allocated under this section shall be added to the allocation from the Trust Fund for projects of the Intrastate System."

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

RESOLUTION FOR EXPENDITURE OF SECONDARY ROAD TRUST FUNDS FOR SAFETY IMPROVEMENTS ON RURAL SECONDARY ROADS

WHEREAS, that through FY 2003-04, 14 counties have been identified that will not have any unpaved secondary roads available for paving due to right-of-way or environmental permitting issues; and

WHEREAS, under the existing law, G. S. 136-182, Secondary Road Trust Funds can only be expended for new paving of unpaved roads; and

WHEREAS, a revision in the law has been proposed by the Department of Transportation to utilize the funds allocated to these counties for other rural secondary road safety improvements; and

WHEREAS, of the 59,127 miles of rural two-lane secondary roads, 21,633 miles are paved a width of 18 feet or less; and

WHEREAS, of the crashes reported on two-lane roads from January 1990 through April 2002, 83% of fatal crashes and 62% of the injury crashes were on rural roads. Of the 68,700 miles of two-lane rural roads in North Carolina, 86% are on the Secondary Road System.

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Transportation is in support of revising the General Statute as indicated herein and, further;

Recommends utilizing Secondary Road Trust Funds for safety related improvements on the paved or unpaved Secondary Road System in counties where the remaining unpaved roads are either on the right-of-way hold list or delayed due to environmental permitting issues;

And further, as additional counties in the future have all unpaved secondary roads on the right-of-way hold list that they benefit from this same action. Should a road come off the right-of-way hold list or permits be issued, it will again be eligible for priority paving.

Adopted, this the sixth day of March 2003 by the North Carolina Board of Transportation.

Secretary of Transportation

2-5-03

SECONDARY ROAD CONSTRUCTION PROGRAM
CRITERIA FOR THE SAFETY IMPROVEMENT ELEMENT

Countywide safety improvement needs can be identified from annual reports compiled by the Traffic Engineering Branch of high hazard locations on the secondary system.

Examples of improvements:

- Pavement widening
- Roadway alignments
- Improve surface conditions such as typical section, super-elevation, and skid resistance
- Turn lane construction
- Intersection realignment
- Removing roadside fixed objects
- Shoulder improvements
- Bridge approaches
- Sight distance improvements
- Any other improvement which provides safer roadway

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — **Name of Committee**

MARCH 26,2003 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jon Nelson	N.C.D.O.T.
Larry Peters	N.C.D.O.T.
Amy Dobson	NC State Watch.
Susan Coward	NCDOT
Calvin Leggett	NCDOT
Betsy Bailey	NCPTA
Sandra Rorie	Martin Marietta
John Lynch	N.C. State Grange
Barry Scarboro	NC HC
Glenn Lamm	UTU
Richard Westbrook	UTU

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — **Name of Committee**

MARCH 26,2003 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Phelps	NCLM
Beau Mills	NC Metropolitan Coalition
Mike Stanley	NCDOT
Chris Dewitt	Wake County - Rep. Stam

House Pages

1. Name: Chris De Witt

   County: Lake

   Sponsor: Stam

2. Name: _____

   County: _____

   Sponsor: _____

3. Name: _____

   County: _____

   Sponsor: _____

4. Name: _____

   County: _____

   Sponsor: _____

5. Name: _____

   County: _____

   Sponsor: _____

Sgt-At-Arms

1. Name: Dusty Rhodes
2. Name: Bob Fowler
3. Name: Jackson Stancil
4. Name: _____

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

April 2, 2003

11:00 A.M.

Room 1228 LB

Representative Cary Allred, Chair
Representative Lorene Coates, Chair

HB 651 Durham Traffic Control Measures
Sponsors: Representatives Crawford, Luebke, Michaux & Miller

HB 674 Durham Northern Loop Corridor
Sponsors: Representatives Luebke, Michaux, Miller & Crawford

HB 344 Formula Cost-Effective Vehicle Replacement-AB
Sponsors: Representative Jeffus & Walend

HB 692 Auto Auctioneers- No Dealers License Needed
Sponsors: Representatives Mitchell & Cole

QUESTIONS AND COMMENTARY
ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON TRANSPORTATION

April 2, 2003

The House Committee on Transportation met on Wednesday April 2, 2003 at 11:00 AM in room 1228 of the Legislative Building. The following members were present: Representative Cary Allred, Chair; Representative Lorene Coates, Chair; Representative William Daughtridge, Vice Chair; Representative Arthur Williams, Vice Chair; Representative Keith Williams, Vice Chair; and Representatives G. Allen, L. Allen, Cole, Crawford, Frye, Haire, Hill, Hilton, LaRoque, Lewis, Moore, Nye, Rapp, and Ray. Also present were Giles Perry and Wendy Graf Ray, Committee Counsel. Assisting the meeting were Martha Parrish and Earl Tharrington, House Sergeants-at-Arms, Melissa Lennon and Jean Allred, Committee Assistants. A Visitor Registration List is attached as part of the minutes.

Representative Coates, presiding Chair, called the meeting to order and introduced Pages: Nicole Boyd from Durham County, sponsored by Representative Miller; Trevor Howard from Buncombe County, sponsored by Representative Sherrill and Jay Johnson from Bladen County, sponsored by Representative Nye. Representative Allred asked to have HB824 that was not on the agenda heard.

Representative Allred was recognized to explain HB 824, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT ON ITS RIGHTS-OF-WAY FOR THE CONSTRUCTION OF PRIVATE BRIDGES. Upon motion made by Representative Hill the committee adopted the committee substitute and voted for a favorable report to the committee substitute, unfavorable to the original bill.

Representative Luebke was recognized to explain HB 674, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP. Upon motion from Representative G. Allen the bill received a favorable report.

The Chair called on Representative Crawford to explain HB 651, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES. Upon motion from Representative Haire the bill received a favorable report.

Representative Maggie Jeffus was recognized to explain HB 344, AN ACT REQUIRING THE MOTOR FLEET MANAGEMENT DIVISION TO USE BEST MANAGEMENT PRACTICES IN OPERATING THE CENTRAL MOTOR POOL, TO USE A FORMULA TO DETERMINE THE MOST COST-EFFECTIVE REPLACEMENT OF VEHICLES, AND TO REPORT SEMIANNUALLY TO THE GENERAL ASSEMBLY ON THE COST SAVINGS RESULTING FROM USE OF THE FORMULA. Representative Jeffus called on Dr. George Milsap from the North Carolina Department of Administration to answer questions on the bill and the current practices of the Motor Fleet Division. Dr. Milsap explained the efficiency of using a computer-generated model to determine when best to replace a vehicle. Upon motion of the Chair a sub-committee was appointed to gather further information on the subject and make a report back to the standing committee. The Chair appointed Representatives Cole, Daughtridge and L. Allen.

The next order of business was HB 692, AN ACT TO PROVIDE THAT LICENSED AUCTIONEERS CONDUCTING AUCTIONS FOR MOTOR VEHICLE DEALERS DO NOT NEED MOTOR VEHICLE DEALER LICENSES. Representative Cole, bill sponsor was recognized to explain the bill. Upon motion from Representative Allred the committee voted for a favorable report.

There being no further business, the Chair adjourned the meeting at 11:50 AM.

Respectfully submitted,

Lorene T. Coates
Lorene T. Coates, Presiding Chair

Melissa Lennon
Melissa Lennon, Committee Assistant

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 0824 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT THE USE OF THE RIGHT-OF-WAY OVER COOK ROAD FOR CONSTRUCTION OF A PRIVATE BRIDGE IN THE TOWN OF ELON.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 674 A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

4-2-03

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 651 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING THE ROUTINE TRAFFIC CONTROL MEASURES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 692 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LICENSED AUCTIONEERS CONDUCTING AUCTIONS FOR MOTOR VEHICLE DEALERS DO NOT NEED MOTOR VEHICLE DEALER LICENSES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 824
PROPOSED COMMITTEE SUBSTITUTE H824-PCS10224-SU-4

Short Title: Twin Lakes Cook Road Bridge. (Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT ON THE RIGHT-OF-WAY OF COOK ROAD IN THE TOWN OF ELON, ALAMANCE COUNTY, FOR CONSTRUCTION OF A PRIVATE BRIDGE.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Transportation is hereby authorized and empowered to permit private use of and encroachment upon the right-of-way of S. R. No. 1311 (Cook Road) in the Town of Elon in Alamance County for the purpose of construction and maintenance of a bridge to provide access for pedestrians and motor vehicles between the eastern and western portions of the campus of the Twin Lakes Center Continuing Care Retirement Community owned and operated by Lutheran Retirement Ministries of Alamance County, North Carolina, its successors and assigns, which has been divided by the new right-of-way for Cook Road (North Carolina Department of Transportation Project No. 8.2472002; TIP No. U-3110A). Locations, plans, and specifications for the pedestrian and vehicular bridge shall be approved by the Department of Transportation. The encroachments shall not unreasonably interfere with or obstruct the public use of Cook Road and shall be subject to all other rules, regulations, and conditions of the Department of Transportation for encroachments.

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

HOUSE BILL 824:
Twin Lakes Cook Road Bridge

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Allred
Date:	April 2, 2003	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***House Bill 824 authorizes DOT to permit a private bridge encroachment over Cook Rd. in the Town of Elon.***

CURRENT LAW: Under current law, DOT has general authority to allow utility encroachments on its rights-of way (G.S. 136-18(10)). It does not have general authority to allow structural encroachments.

BILL ANALYSIS: House Bill 824 authorizes DOT to permit a private bridge to be built over Cook Rd. in the Town of Elon. Locations, plans and specifications for bridge must be approved by DOT. The encroachment will be subject to DOT rules for encroachments.

House Bill 824 would become effective when it becomes law.

BACKGROUND: Similar legislation has previously been enacted to authorize bridge structure encroachments: Examples include S.L. 1983-524 (Stoneville), S.L. 1995-324, Sec. 18.29 (Cabarrus Co. - Speedway), S.L. 2001-1 (New Hanover Co.), and S.L. 2001-126, Sec. 26.3 (Biltmore Ave.- Asheville).

H824-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 674*

Short Title:	Durham Northern Loop Corridor.	(Public)
Sponsors:	Representatives Luebke, Michaux, Miller, and Crawford (Primary Sponsors).	
Referred to:	Transportation.	

March 26, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-180(a) reads as rewritten:

"(a) Funds allocated from the Trust Fund for urban loops may be used only for the following urban loops:

Loop	Description	Affected Counties
Asheville Western Loop	Multilane facility on new location from I-26 west of Asheville to US-19/23 north of Asheville for the purpose of connecting these roads. The funds may be used to improve existing corridors.	Buncombe
Charlotte Outer Loop	Multilane facility on new location encircling City of Charlotte	Mecklenburg
Durham Northern Loop	~~The corridor shall be identified as a part of the local long-range transportation plan as mutually adopted in 2003 by the Durham-Chapel Hill-~~	Durham, ~~Orange~~Wake

~~Carrboro metropolitan planning organization and the North Carolina Board of Transportation~~

The projects listed below are eligible for funding under this section as part of the Durham Northern Loop. The priorities for planning and constructing these projects will be established by mutual agreement of the Metropolitan Planning Organization (MPO) and the Department of Transportation through the federally mandated Transportation Improvement Program development process. The cross sections for these projects will be established by mutual agreement of the MPO and the Department of Transportation through the State and federal environmental review process.

(1) East end connector, from N.C. 147 to U.S. 70 East.

(2) U.S. 70, from Lynn Rd. to the Northern Durham Parkway.

(3) I-85, from U.S. 70 to Red Mill Rd.

(4) Northern Durham Parkway, Section B, from Old Oxford Rd. to I-85.

(5) Northern Durham Parkway, Section A, from I-85 to I-540.

(6) Northern Durham Parkway, Section C, from Old Oxford Rd. to Roxboro Rd.

	(7) Roxboro Rd. from Duke St. to Goodwin Rd.	
Greensboro Loop	Multilane facility on new location encircling City of Greensboro	Guilford
Raleigh Outer Loop	Multilane facility on new location from US-1 southwest of Cary northerly to US-64 in eastern Wake County	Wake
Wilmington Bypass	Multilane facility on new location from US-17 northeast of Wilmington to US-17 southwest of Wilmington, including the Blue Clay Road interchange	New Hanover
Winston-Salem Northbelt	Multilane facility on new location from I-40 west of Winston-Salem northerly to I-40 in eastern Forsyth County"	Forsyth

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

HOUSE BILL 674:
Durham Northern Loop Corridor

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Luebke, Michaux, Miller, and Crawford
Date:	April 2, 2003	**Summary by:**	Giles S. Perry Committee Counsel
Version:	1st Edition		

SUMMARY: House Bill 674 rewrites the description of the Durham Northern Loop in the Highway Trust Fund Act of 1989.

CURRENT LAW: In 1989, the General Assembly enacted the Highway Trust Fund Act, which included a list of highway and urban loops around the State to be built with the revenue raised by that act. One of the urban loops included in the Act was the Durham Northern Loop.

BILL ANALYSIS: House Bill 674 rewrites the description of the Durham Northern Loop in the Highway Trust Fund Act.

House Bill 674 would become effective when it becomes law.

H674-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 651

Short Title:	Durham Traffic Control Measures.	(Local)
Sponsors:	Representatives Crawford, Luebke, Michaux, and Miller (Primary Sponsors).	
Referred to:	Transportation.	

March 25, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding the following new section:

"Sec. 54.1. Traffic Control Measures. – The City Council may, by ordinance, delegate to the City Manager or the Manager's designee the authority to make routine determinations regarding speed limits, parking, loading, standing, and traffic control measures, including the location of stop signs, yield signs, turn restrictions, loading zones, bus stops, and parking restrictions in rights-of-way."

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

HOUSE BILL 651:
Durham Traffic Control Measures

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representatives Crawford, Luebke, Michaux, and Miller
Date:	April 2, 2003		
Version:	First Edition	**Summary by:**	Wendy Graf Ray Committee Counsel

SUMMARY: ***House Bill 651 would allow the City Manager of Durham to make decisions regarding routine traffic control measures.***

CURRENT LAW: Under the current Charter of the City of Durham (S.L. 1975-671), the City Council has the authority to make ordinances, rules and regulations to promote and safeguard the health, morals, safety and general welfare and convenience of the public. The City Manager has the power and duty to see that the laws and ordinances of the City are enforced but does not currently have the authority to make decisions regarding traffic control measures.

BILL ANALYSIS: House Bill 23 would amend the Charter of the City of Durham to allow the City Council to pass an ordinance delegating to the City Manager or the Manager's designee the authority to make routine decisions regarding speed limits, parking, loading, standing, and traffic control measures.

EFFECTIVE DATE: The bill would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 344

Short Title:	Formula Cost-Effective Veh. Replacement.-AB	(Public)
Sponsors:	Representatives Jeffus and Walend (Primary Sponsors).	
Referred to:	Transportation.	

March 6, 2003

A BILL TO BE ENTITLED

AN ACT REQUIRING THE MOTOR FLEET MANAGEMENT DIVISION TO USE A FORMULA TO DETERMINE THE MOST COST-EFFECTIVE REPLACEMENT OF VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-341(8)i.4. reads as rewritten:

"**§ 143-341. Powers and duties of Department.**

The Department of Administration has the following powers and duties:

...

(8) General Services:

...

i. To establish and operate a central motor pool and such subsidiary related facilities as the Secretary may deem necessary, and to that end:

...

4. To maintain, store, repair, dispose of, and replace state-owned motor vehicles under the control of the Department. The Department shall ensure that state-owned vehicles are ~~not normally~~ replaced ~~until they have been driven for 110,000 miles or more.~~when most cost effective using a replacement formula developed by the Department and reviewed periodically for appropriateness of use."

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

HOUSE BILL 344:
Formula Cost-Effective Veh. Replacement.-AB

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representatives Jeffus and Walend
Date:	April 1, 2003		
Version:	First Edition	**Summary by:**	Wendy Graf Ray Committee Counsel

*SUMMARY: **House Bill 344 would require the Motor Fleet Management Division of the Department of Administration to use a formula to determine when to replace state-owned motor vehicles.***

CURRENT LAW: G.S. 143-341 sets out the powers and duties of the Department of Administration. G.S. 143-341(8)i. directs the Department to establish and operate a central motor pool. One of the Departments duties is to replace state-owned motor vehicles when necessary. The current law requires that the Department ensure that motor vehicles are not normally replaced until they have been driven for at least 110, 000 miles.

BILL ANALYSIS: House Bill 344 would amend the current statute to require the Department to use a formula to determine when it is most cost effective to replace motor vehicles, rather than setting a specific mile limit. The Department is directed to develop the formula and review it periodically for appropriateness of use.

EFFECTIVE DATE: The bill would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 692
PROPOSED COMMITTEE SUBSTITUTE H692-CSRW-9 [v.1]

4/1/2003 1:57:59 PM

Short Title: Auto Auctioneers-No Dealer License Needed. (Public)

Sponsors:

Referred to:

March 26, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT LICENSED AUCTIONEERS CONDUCTING AUCTIONS FOR MOTOR VEHICLE DEALERS DO NOT NEED MOTOR VEHICLE DEALER LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-286(11) reads as rewritten:

"**§ 20-286. Definitions.**

The following definitions apply in this Article:

...

(11) Motor vehicle dealer or dealer. –

a. A person who does any of the following:

1. For commission, money, or other thing of value, buys, sells, or exchanges, whether outright or on conditional sale, bailment lease, chattel mortgage, or otherwise, five or more motor vehicles within any 12 consecutive months, regardless of who owns the motor vehicles.

2. On behalf of another and for commission, money, or other thing of value, arranges, offers, attempts to solicit, or attempts to negotiate the sale, purchase, or exchange of an interest in five or more motor vehicles within any 12 consecutive months, regardless of who owns the motor vehicles.

3. Engages, wholly or in part, in the business of selling new motor vehicles or new or used motor vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by that person, and sells five or more motor vehicles within any 12 consecutive months.

4. Offers to sell, displays, or permits the display for sale for any form of compensation five or more motor vehicles within any 12 consecutive months.
5. Primarily engages in the leasing or renting of motor vehicles to others and sells or offers to sell those vehicles at retail.

b. The term "motor vehicle dealer" or "dealer" does not include any of the following:
1. Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court.
2. Public officers while performing their official duties.
3. Persons disposing of motor vehicles acquired for their own use or the use of a family member, and actually so used, when the vehicles have been acquired and used in good faith and not for the purpose of avoiding the provisions of this Article.
4. Persons who sell motor vehicles as an incident to their principal business but who are not engaged primarily in the selling of motor vehicles. This category includes financial institutions who sell repossessed motor vehicles and insurance companies who sell motor vehicles to which they have taken title as an incident of payments made under policies of insurance, and auctioneers who sell motor vehicles for the owners or the heirs of the owners of those vehicles as part of an auction of other personal or real property or for the purpose of settling an estate or closing a business or who sell motor vehicles on behalf of a governmental entity, and who do not maintain a used car lot or building with one or more employed motor vehicle sales representatives.
5. Persons manufacturing, distributing or selling trailers and semitrailers weighing not more than 750 pounds and carrying not more than a 1,500 pound load.
6. A licensed real estate broker or salesman who sells a mobile home for the owner as an incident to the sale of land upon which the mobile home is located.
7. An employee of an organization arranging for the purchase or lease by the organization of vehicles for use in the organization's business.
8. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of motor vehicles owned by others.

9. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.
10. Any real property owner who leases any interest in property for use by a dealer.
11. Any person acquiring any interest in a motor vehicle for a family member.
12. Any auctioneer licensed pursuant to Chapter 85B of the General Statutes employed to be an auctioneer of motor vehicles for a licensed motor vehicle dealer, while conducting an auction for that dealer."

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

HOUSE BILL 692:
Auto Auctioneers-No Dealer License Needed

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Mitchell and Cole
Date:	April 2, 2003	**Summary by:**	Giles S. Perry
Version:	Proposed Committee Substitute		Committee Counsel

SUMMARY: House Bill 692 amends the motor vehicle dealer license law to exempt auctioneers licensed under the auctioneer's licensing law from the requirement to be licensed under the motor vehicle dealer's licensing law when employed by a dealer and conducting a motor vehicle auction for that dealer.

CURRENT LAW: Under current law, any person who, for compensation, buys or sells, or on behalf of another, buys or sells five or more motor vehicles within any 12 month period must be licensed as a motor vehicle dealer.

BILL ANALYSIS: House Bill 692 amends the motor vehicle dealer license law to exempt auctioneers licensed under the auctioneer's licensing law (Article 85 of the General Statutes) from the requirement to be licensed under the motor vehicle dealer's licensing law when employed by a dealer and conducting a motor vehicle auction for that dealer.

House Bill 692 would become effective when it becomes law.

H692-SMRW-001

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — APRIL 2,2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Crumpler	CMDS
Julie Allen	NC Statewatch
Marcos Arellano	Intern (Rep. Luebke)
Jennifer DUKE	Nye (Intern)
Nancy Nemeth	Poyner + Spruill
John Phelps	NCCM
Ken Melton	Alley Associates, Inc.
Lin Duncan	H'ie
Joyce Rogers	LP Assoc

Pages - Nicole Boyd, Durham - Miller
Trevor Howard, ~~Asheville~~ Buncombe - Sherrill
Jay Johnson, Bladen - Nye

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — APRIL 2,2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JANET D'IGNAZIO	NCDOT
Beau Mills	NC Metropolitan Coalition
Jane Pinsky	AAA Carolinas
Sharon Matthews	DOT-DMV
Jim Edwards	DOT-DMV
Stan Wall	CCNC
[signature]	[illegible]
[signature]	NCDOT
ROBERT GLASER	NC Auto Dealers Assn.
[signature]	NC State Watch
[signature]	NCDOT

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

April 9, 2003

11:00 A.M.

Room 1228 LB

Representative Cary Allred, Presiding Chair
Representative Lorene Coates, Chair

OPENING REMARKS

BILLS FOR CONSIDERATION

HB-0627 Greensboro Construct Roads Outside City. –
Rep. Adams, bill sponsor
HB-0707 Ocean Isle Beach Traffic Cameras. –
Rep. Stiller, bill sponsor
HB-0729 Stoplights on U.S. Highway 70. –
Rep. Gorman, bill sponsor
HB-0730 Reports on TIP Project Delays. –
Rep. Gorman, bill sponsor

~~ bills listed in numerical order
~~ Other possibilities may be considered

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

April 9, 2003

The HOUSE COMMITTEE ON TRANSPORTATION met on Wednesday, April 9, 2003, in Room 1228 of the Legislative Building at 11:00 A.M. The following were present: Representative Allred, presiding Chair, Representative Coates, Co-Chair, Representatives Daugthridge, A. Williams and K. Williams, Vice chairs and Representatives G. Allen, L. Allen, Cole, Frye, Hill, Hilton, Holmes, LaRoque, Moore, Rapp, Ray, Starnes and Sutton. Assisting with the meeting were Giles Perry and Wendy Graf-Ray, Staff Counsel, Jean Allred and Melissa Lennon, Committee Assistants. Also assisting were Dusty Rhodes, Bob Fowler and Jason Stancil, House Sergeants-at-Arms and House Pages, Mary Elizabeth and Margaret Armstrong, sisters from Nash County, sponsored by Representative Tolson.

Representative Allred called the meeting to order and introduced the House Sergeants-at-Arms and the House Pages assisting with the meeting.

The first order of business was **HB-0627 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.** sponsored by Representative Adams. Chairman Allred recognized Representative Adams to explain the bill. She told the committee that HB-0627 was at the request of the Greensboro City Council and Mayor because they cared about roads and wanted to be allowed to maintain roads outside the city limits. Discussion followed with Representative Cole asking if DOT had any position on the bill. It was stated that DOT is in agreement with the bill and it was also noted that Charlotte, Raleigh, Weddington, Concord, Monroe, and Cary had done this and it was working well. Representative LaRoque moved to give the bill a favorable report and the motion passed.

Representative Allred recognized Representative Stiller, sponsor, to present **HB-707 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO USE TRAFFIC CAMERAS TO MONITOR TRAFFIC ON PUBLIC STREETS.** Representative Stiller said that the bill was at a direct request of Ocean Isle Beach allowing it to place a camera on the Ocean Isle bridge heading out of town to observe traffic or someone and to expend their own funds in placing the cameras. It came as a request after a girl was kidnapped and

town council thought that if they had had a camera they could have seen the license tag and would have gotten a lead on a suspect. He said some of the town was for it and some were against it and he had at first had concerns about the bill meeting legal merits of right of privacy but it did pass "muster" with the legal staff here and he would love to see it pass for the town of Ocean Isle. Discussion followed with questions and comments from Representatives Hilton, Starnes, L. Allen, Hill, G. Allen, Sutton, Holmes and Daughtridge. Representatives Cole, Daughtridge, Starnes, K. Williams and Sutton questioned whether the true intent of the bill was to simply observe traffic or if it were not one more step of "big brother' watching you. Chairman Allred decided to assign the bill in a sub-committee for further study and to report back at a later time. Members are Representatives Starnes (Chair), Hill, Sutton, L. Allen and Moore.

Next, Representative Gorman presented **HB-0729 – A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM INSTALLING ANY ADDITIONAL STOPLIGHTS ON A CERTAIN PORTION OF U.S. HIGHWAY 70.** A proposed committee substitute was adopted for consideration. Representative Gorman asked that the committee look favorably toward passing this bill. He said that no more stoplights would be allowed to be installed by DOT on a specific portion of U. S. Highway 70 with the passage of this bill. Discussion followed with members in support of the bill but there were too many questions so the bill was assigned to a Sub-Committee for further study to look at other alternatives and regulations. Members of the Sub-Committee are Representatives Daughtridge (Chair), L. Allen and LaRoque.

The last bill to be heard was **HB-0824 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT ON THE RIGHT-OF-WAY OF COOK ROAD IN THE TOWN OF ELON, ALAMANCE COUNTY, FOR CONSTRUCTION OF A PRIVATE BRIDGE.** - sponsored by Representative Allred. Representative Coates presiding over this portion of the meeting explained that HB-0824 was heard and passed out of Transportation last week but was back before the committee because of some questions on the House floor yesterday. Representative Allred asked Giles Perry, Counsel, to answer the constitutionality issues of the bill. Mr. Perry said some questions were raised on the floor because HB-0824 was a local bill relating to one bridge in Alamance County but the Constitution forbids local acts relating to bridges therefore, it turns the bill into a public bill. Another issue was the states liability. DOT requires the private owner to liable and requires more inspections of the bridge. A motion was made to give a favorable report as to the committee substitute bill #2, which changes the title, unfavorable as to committee substitute bill #1.

The motion passed and the Committee adjourned at 11:45 A.M. without hearing HB-730.

Respectfully submitted,

Representative Cary Allred
Presiding Chairman

Jean Allred
Committee Assistant

Agenda
Committee Reports
Bills Considered
Attachments
Visitors Registration

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☒ Committee Substitute for
H.B. 0627 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 627

Committee Substitute Favorable 4/2/03

Short Title: Greensboro Construct Roads Outside City. (Local)

Sponsors:

Referred to:

March 24, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-296.1. Expenditure of funds for roads outside the corporate limits.**

A city may appropriate funds not otherwise limited as to use by law to construct roadways in areas outside its corporate limits and outside its extraterritorial planning and zoning jurisdiction only if those roadways are owned by the State and maintained by the Department of Transportation."

SECTION 2. This act applies to the City of Greensboro only.

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

HOUSE BILL 627:
Greensboro Construct Roads Outside City

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Adams; Bowie, Jeffus, and Jones
Date:	April 9, 2003		
Version:	2nd Edition	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY: ***House Bill 627 authorizes the City of Greensboro to expend funds on roads outside the corporate limits of the city.***

CURRENT LAW: Under current general law, municipalities have general authority and control over streets within their corporate limits. (G.S. 160A-296).

BILL ANALYSIS: House Bill 627 authorizes the City of Greensboro to expend funds not otherwise limited as to use on roads its corporate limits and outside its extraterritorial planning and zoning jurisdiction, if those roads are owned by the State, and maintained by the Department of Transportation.

House Bill 627 would become effective when it becomes law.

BACKGROUND: Similar authority was previously granted to the towns of Cary and Weddington, and the cities of Charlotte, Concord, and Monroe. (S.L. 2001-245).

H627-SMRW-002

No Action
Assigned to
Sub Committee
Reps. Starnes, Chair,
Hill, Sutton & Moore
L. Allen

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 0707 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO USE TRAFFIC CAMERAS TO MONITOR TRAFFIC ON PUBLIC STREETS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 707

Short Title:	Ocean Isle Beach Traffic Cameras.	(Public)
Sponsors:	Representative Stiller.	
Referred to:	Transportation.	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO USE TRAFFIC CAMERAS TO MONITOR TRAFFIC ON PUBLIC STREETS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300 reads as rewritten:

"**§ 160A-300. Traffic control.**

(a) A city may by ordinance prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks, alleys, and bridges of the city.

(b) A city may expend public funds to place traffic cameras to monitor vehicular traffic on public streets."

SECTION 2. Section 1 of this act applies to the Town of Ocean Isle Beach only.

SECTION 3. The Department of Transportation may allow the Town of Ocean Isle Beach to place a camera to monitor traffic on poles on or near the Ocean Isle Bridge.

SECTION 4. This act is effective when it becomes law.

HOUSE BILL 707:
Ocean Isle Beach Traffic Cameras

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Stiller
Date:	April 9, 2003	**Summary by:**	Giles S. Perry Committee Counsel
Version:	1st Edition		

SUMMARY: ***House Bill 707:***

–authorizes the Town of Ocean Isle to expend funds to place traffic cameras to monitor vehicular traffic on public streets; and

–authorizes DOT to allow the Town of Ocean Isle to place a camera to monitor traffic on or near the Ocean Isle bridge.

CURRENT LAW: Municipalities (in G.S. 160A-300), and DOT, under its current general powers (in G.S. 136-18), both have authority to regulate traffic, but neither have specific authority to allow municipalities to install traffic monitoring cameras on DOT property.

BILL ANALYSIS: House Bill 707 gives specific authorization to the Town of Ocean Isle to expend funds to place cameras to monitor vehicular traffic on public streets, and to DOT to allow the Town to place a camera to monitor traffic on or near the Ocean Isle bridge.

House Bill 707 would become effective when it becomes law.

H707-SMRW-001

No Action -
Assigned -
to Sub-Committee
Reps. Daughtridge, Chair
L. Allen & LaRogue

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 0729 A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM INSTALLING ANY ADDITIONAL STOPLIGHTS ON A CERTAIN PORTION OF U.S. HIGHWAY 70.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 729

Short Title:	Stoplights on U.S. Highway 70.	(Public)
Sponsors:	Representatives Gorman, LaRoque (Primary Sponsors); Wainwright and K. Williams.	
Referred to:	Transportation.	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM INSTALLING ANY ADDITIONAL STOPLIGHTS ON A CERTAIN PORTION OF U.S. HIGHWAY 70.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-18.8. No additional stoplights on U.S. 70.**

The Department of Transportation shall not erect any additional traffic control stoplights on U.S. 70 between its intersection with Interstate 40 in Garner, North Carolina, and where it enters the municipal limits of Morehead City, North Carolina. The Department of Transportation shall use other traffic control structures such as turnouts and crossovers rather than traffic control stoplights and turn lanes to safely control traffic crossing U.S. 70 unless the Department has secured a study by an independent traffic engineer, approved by the Joint Legislative Commission on Governmental Operations, certifying that the stoplight is essential for highway safety."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 729
PROPOSED COMMITTEE SUBSTITUTE H729-CSSU-5 [v.1]

4/7/2003 2:56:37 PM

Short Title: Stoplights on U.S. Highway 70. (Public)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM INSTALLING ANY ADDITIONAL STOPLIGHTS ON A CERTAIN PORTION OF U.S. HIGHWAY 70.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-18.8. No additional stoplights on U.S. 70.**

The Department of Transportation shall not erect any additional traffic control stoplights on U.S. 70 between its intersection with Interstate 40 in Garner, North Carolina, and where it enters the municipal limits of Morehead City, North Carolina. The Department of Transportation shall use other traffic control structures such as turnouts and crossovers rather than traffic control stoplights and turn lanes to safely control traffic crossing U.S. 70 unless the Department has secured a study by an independent traffic engineer, reviewed by the Joint Legislative Commission on Governmental Operations, certifying that the stoplight is essential for highway safety."

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

HOUSE BILL 729:
Stoplights on U.S. Highway 70

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representatives Gorman and LaRoque
Date:	April 9, 2003		
Version:	Proposed Committee Substitute H729-CSSU-5[v.1]	**Summary by:**	Wendy Graf Ray Committee Counsel

SUMMARY: ***House Bill 729 would prohibit the Department of Transportation from installing additional stoplights on a specified portion of U.S. Highway 70.***

CURRENT LAW: G.S. 20-158 authorizes the Department of Transportation to control vehicles on State Highways by erecting or installing stop signs, stoplights, or flashing red or yellow lights at intersections and other appropriate places.

BILL ANALYSIS: House Bill 729 would prohibit the Department of Transportation from installing additional stoplights on U.S. 70 between its intersection with I-40 in Garner and the municipal limits of Morehead City. The bill directs the Department to use other means of traffic control such as turnouts and crossovers on that portion of U.S. 70 unless a study by an independent traffic engineer certifies that a stoplight is essential for highway safety.

EFFECTIVE DATE: The bill would be effective when it becomes law.

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☒ Committee Substitute for
H.B. 0824 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT ON THE RIGHT-OF-WAY OF COOK ROAD IN THE TOWN OF ELON, ALAMANCE COUNTY, FOR CONSTRUCTION OF A PRIVATE BRIDGE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill # 2, which changes the title, unfavorable as to Committee Substitute Bill # 1.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 824

Committee Substitute Favorable 4/3/03

PROPOSED COMMITTEE SUBSTITUTE H824-PCS70290-RW-17

Short Title: DOT Bridge Encroachments. (Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT ON ITS RIGHTS-OF-WAY FOR THE CONSTRUCTION OF PRIVATE BRIDGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18 is amended by adding a new subdivision to read:

"(36) To permit private use of and encroachment upon the right-of-way of a State highway or road for the purpose of construction and maintenance of a privately owned bridge for pedestrians or motor vehicles, if the bridge shall not unreasonably interfere with or obstruct the public use of the right-of-way. Any encroachment authorized by this subdivision shall be approved by the Board of Transportation, upon a finding that the encroachment is necessary and appropriate, in the sole discretion of the Board. Locations, plans, and specifications for any pedestrian or vehicular bridge authorized by the Board for construction pursuant to this subdivision shall be approved by the Department of Transportation. For any bridge subject to this subdivision, the Department shall retain the right to reject any plans, specifications, or materials used or proposed to be used, inspect and approve all materials to be used, supervise the construction, and require the replacement, reconstruction, repair, or demolition of any partially or wholly completed bridge that, in the sole discretion of the Department, is unsafe or substandard in design or construction. The Department shall ensure that any bridge constructed pursuant to this subdivision is regularly inspected for safety. Any bridge authorized and constructed pursuant to this subdivision shall be subject to all other rules and conditions of the Department of Transportation for encroachments."

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

HOUSE BILL 824:
Twin Lakes Cook Road Bridge

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Allred
Date:	April 2, 2003	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***House Bill 824 authorizes DOT to permit a private bridge encroachment over Cook Rd. in the Town of Elon.***

CURRENT LAW: Under current law, DOT has general authority to allow utility encroachments on its rights-of way (G.S. 136-18(10)). It does not have general authority to allow structural encroachments.

BILL ANALYSIS: House Bill 824 authorizes DOT to permit a private bridge to be built over Cook Rd. in the Town of Elon. Locations, plans and specifications for bridge must be approved by DOT. The encroachment will be subject to DOT rules for encroachments.

House Bill 824 would become effective when it becomes law.

BACKGROUND: Similar legislation has previously been enacted to authorize bridge structure encroachments: Examples include S.L. 1983-524 (Stoneville), S.L. 1995-324, Sec. 18.29 (Cabarrus Co. - Speedway), S.L. 2001-1 (New Hanover Co.), and S.L. 2001-126, Sec. 26.3 (Biltmore Ave.- Asheville).

H824-SMRW-001

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — April 9, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Gilstrook	NCDOT
Greg Fuller	NCDOT
John Phelps	NCLM
Julie Allen	NC Statewatch
Jane Pinsky	AAA Carolinas
Blair Carr	City of Greensboro
Cam Cavey	BPMHL
Carrie Barbee	Student
Steve Wall	Conservation Council
Craig Deal	NC DENR
John Long	Martin Marietta

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — April 9, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
V L McBride	NCDOT
Susan Gosnell	NCDOT
George Millsaps	DOA
Calvin Leggett	DOT
John Cyrus	n.c. State Grange
Larry Heckner	Household Financial Group.
ROGER SHEATS	NCDOT
Roy Williams	UNC ?
Nancy Thompson	NCIC

HOUSE STANDING COMMITTEE ON
TRANSPORTATION
2003 SESSION
Book 2 of 2

Representative Cary Allred
Representative Lorene Coates
Chairs

Representative William Daughtridge
Representative Arthur Williams
Representative Keith Williams
Vice Chairs

Committee Counsel:
Giles Perry and Wendy Graf-Ray
Research Division

Committee Assistants:
Jean Allred and Melissa Lennon

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

April 16, 2003

11:00 A.M.

Room 1228 LB

Representative Lorene Coates, Presiding Chair
Representative Cary Allred, Chair

OPENING REMARKS

BILLS FOR CONSIDERATION

HB344	**Formula Cost Effective Vehicle Replacement** **Rep. Jeffus**
HB48	**North Carolina Moving Ahead** **Rep. Crawford**
HB1140	**North Carolina 'Quick Clearance' Act** **Rep. Allred**
HB921	**Expedite Certain Highway Corridors** **Rep. Frye**
HB944	**Required Notices for Towing Payments** **Rep. Mitchell**

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON TRANSPORTATION

April 16, 2003

The House Committee on Transportation met on Wednesday April 16, 2003 at 11:00 AM in room 1228 of the Legislative Building. The following members were present: Representative Cary Allred, Chair; Representative Lorene Coates, Chair; Representative William Daughtridge, Vice Chair; Representative Arthur Williams, Vice Chair and Representatives G. Allen, L. Allen, Cole, Crawford, Frye, Haire, Hilton, Holmes, Lewis, Moore, Rapp, Ray, Starnes, Sutton, and Wright. Also present were Giles Perry and Wendy Graf Ray, Committee Counsel. Assisting the meeting were Martha Parrish and Francis Poole, House Sergeants-at-Arms and Melissa Lennon and Jean Allred, Committee Assistants. A Visitor Registration List is attached as part of the minutes.

Representative Coates, presiding Chair, called the meeting to order and introduced Pages: Stephanie Streater, from Durham sponsored by Representative Michaux and Andrew Harris, from Wake County sponsored by Representative Stam.

Representative Jeffus was recognized to continue the explanation of HB344, AN ACT REQUIRING THE MOTOR FLEET MANAGEMENT DIVISION TO USE BEST MANAGEMENT PRACTICES IN OPERATING THE CENTRAL MOTOR POOL, TO USE A FORMULA TO DETERMINE THE MOST COST-EFFECTIVE REPLACEMENT OF VEHICLES, AND TO REPORT SEMIANNUALLY TO THE GENERAL ASSEMBLY ON THE COST SAVINGS RESULTING FROM USE OF THE FORMULA. Upon a motion from Representative Cole, Chair of the sub-committee appointed on HB344, the committee voted to give a favorable vote to the committee substitute, unfavorable to the original bill.

Representative Mitchell, sponsor of HB944, AN ACT TO REQUIRE CERTAIN NOTIFICATIONS BEFORE A TOWER MAY COLLECT CERTAIN CHARGES. Requested a sub-committee be appointed to resolve differences on this bill. The Chair appointed Representatives G. Allen, Ray, and Lewis.

The next order of business was HB48, AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAID, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, AND TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN. Representatives Crawford and Cole were recognized to explain the bill. The bill is a result of the Transportation Blue Ribbon Study Committee. A handout (see attachment) was distributed stating that it is expected to create 30,000 jobs and have a four billion dollar impact on North Carolina's economy. It also will provide an estimated 700 million dollars worth of bonds to address highway maintenance, modernization and safety issues. Wayne Stallings, DOT was called upon to answer questions about the bond issues. Following a lengthy discussion the committee moved to continue the bill over to the next meeting.

Remaining bills were carried over to the next meeting.

There being no further business the meeting adjourned at 12:00 PM.

Lorene Coates
Lorene T. Coates, Presiding Chair

Melissa Lennon
Melissa Lennon, Committee Assistant

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 344 A BILL TO BE ENTITLED AN ACT REQUIRING THE MOTOR FLEET MANAGEMENT DIVISION TO USE A FORMULA TO DETERMINE THE MOST COST-EFFECTIVE REPLACEMENT OF VEHICLES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 344
PROPOSED COMMITTEE SUBSTITUTE H344-PCS30238-RW-13

Short Title: Formula Cost-Effective Veh. Replacement.-AB (Public)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

AN ACT REQUIRING THE MOTOR FLEET MANAGEMENT DIVISION TO USE BEST MANAGEMENT PRACTICES IN OPERATING THE CENTRAL MOTOR POOL, TO USE A FORMULA TO DETERMINE THE MOST COST-EFFECTIVE REPLACEMENT OF VEHICLES, AND TO REPORT SEMIANNUALLY TO THE GENERAL ASSEMBLY ON THE COST SAVINGS RESULTING FROM USE OF THE FORMULA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-341(8)i.4. reads as rewritten:

"**§ 143-341. Powers and duties of Department.**

The Department of Administration has the following powers and duties:

...

(8) General Services:

...

i. To establish and operate a central motor pool and such subsidiary related facilities as the Secretary may deem necessary, and to that end:

...

4. To maintain, store, repair, dispose of, and replace state-owned motor vehicles under the control of the ~~Department.~~ Department, using best management practices. The Department shall ensure that state-owned vehicles are ~~not normally~~ replaced ~~until they have been driven for 110,000 miles or more.~~ when most cost effective using a replacement formula developed by the Department and reviewed periodically for appropriateness of use. The Department shall report semiannually to the cochairs of the Joint Appropriations

Subcommittee on General Government, on or before October 15 and March 15, on the effect of any new or revised replacement formula on the cost of operating the central motor pool, including the amount of any savings from use of any new or revised replacement formula."

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

HOUSE BILL 344:
Formula Cost-Effective Veh. Replacement-AB

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Reps. Jeffus and Walend
Date:	April 16, 2003	**Summary by:**	Giles S. Perry
Version:	Proposed Committee Substitute		Committee Counsel

SUMMARY: ***House Bill 344 (proposed committee substitute) requires the Motor Fleet Management Division of the Department of Administration to:***

–use best management practices in maintaining the State motor fleet;

–use and develop and vehicle replacement formula; and

–report semi-annually to the co-chairs of the Appropriations Subcommittee on General Government on the effect of any new or revised formula on the cost of operating the State motor fleet, including the amount of savings from use of the formula.

CURRENT LAW: Current law requires the Department of Administration to ensure that State-owned vehicles are "not normally" replaced until they have been driven 110,000 miles or more.

BILL ANALYSIS: As described above, effective when it becomes law.

H344-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 48*
PROPOSED COMMITTEE SUBSTITUTE H48-CSRW-24 [v.6]

4/18/2003 9:54:14 AM

Short Title: Moving Ahead Transportation Initiative (Public)

Sponsors:

Referred to:

February 20, 2003

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, AND TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-176 is amended by adding a new subsection to read:

"(a3) The Department may obligate three hundred million dollars ($300,000,000) in fiscal year 2003-2004 and four hundred million dollars ($400,000,000) in fiscal year 2004-2005 of the cash balance of the Highway Trust Fund for the following purposes:

(1) Six hundred thirty million dollars ($630,000,000) for highway system preservation, modernization, and maintenance, including projects to enhance safety, reduce congestion, improve traffic flow, reduce accidents, upgrade pavement widths and shoulders, extend pavement life, improvement pavement smoothness, and rehabilitate or replace deficient bridges; and for economic development transportation projects recommended by local officials and approved by the Board of Transportation.

(2) Seventy million dollars ($70,000,000) for regional public transit systems, rural and urban public transportation system facilities, regional transportation and air quality initiatives, rail system track improvements and equipment, and other ferry, bicycle, and pedestrian improvements."

SECTION 2. G.S. 136-176 is amended by adding a new subsection to read:

"(a4) Projects selection pursuant to subsection (a3) of this section shall be based on identified and documented need. Funds expended pursuant to subdivision (1) of subsection (a3) of this section shall be distributed in accordance the distribution formula in G.S. 136-17.2A."

SECTION 3. G.S. 136-176 is amended by adding a new subsection to read:

"(a5) The Department shall report to the Joint Legislative Transportation Oversight Committee, on or before September 1, 2003, on its intended use of funds pursuant to subsection (a3) of this section. The Department shall report to the Joint Transportation Appropriations Subcommittee, on or before May 1, 2004, on its actual current and intended future use of funds pursuant to subsection (a3) of this section. The Department shall certify to the Joint Legislative Transportation Oversight Committee each year, on or before November 1, that use of the Highway Trust Fund cash balances for the purposes listed in subsection (a3) of this section will not adversely affect the delivery schedule of any Highway Trust Fund projects. If the Department cannot certify that the full amounts authorized in subsection (a3) of this section are available, then the Department may determine the amount that can be used without adversely affecting the delivery schedule and may proportionately apply that amount to the purposes set forth in subsection (a3) of this section."

SECTION 4. The General Assembly reaffirms its intent that the proceeds of the issuance of any bonds pursuant to the Highway Bond Act of 1996, Chapter 590 of the 1995 Session Laws, shall be used only for the purposes stated in that act, and for no other purpose.

SECTION 5. This act becomes effective July 1, 2003.

HOUSE BILL 48:
Moving Ahead Transportation Initiative

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford, Cole (Primary); Culpepper, Dickson, Glazier, Lucas, Luebke, and A. Williams
Date:	April 22, 2003		
Version:	Proposed Committee Substitute	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY: ***House Bill 48 (proposed committee substitute) authorizes the Department of Transportation to use $300,000,000 in FY 2003-2004 and $400,000,000 in FY 2004-2005 of the cash balances of the Highway Trust Fund for the following purposes:***

--$630,000,000 for highway system preservation, modernization, and maintenance; and

--$70,000,000 for public transportation purposes.

CURRENT LAW: Under current law, funds in the Highway Trust Fund are allocated to the purposes specified in G.S. 136-176, including intrastate system projects, urban loop projects, city streets, and secondary roads.

BILL ANALYSIS: House Bill 48 (PCS) authorizes the Department of Transportation to use $300,000,000 in FY 2003-2004 and $400,000,000 in FY 2004-2005 of the cash balances of the Highway Trust Fund for the following purposes: $630,000,000 for highway system preservation, modernization, and maintenance; and $70,000,000 for public transportation purposes.

The bill also requires:

--Projects selection under this act to be based on identified and documented need;

--Funds expended under this act for preservation, modernization, and maintenance to be distributed in accordance with the equity distribution formula in G.S. 136-17.2A;

--The Department to certify that use of funds pursuant to this act will not adversely the delivery schedule of any Highway Trust Fund projects; and

--The Department to report to the General Assembly on its use of funds under the act.

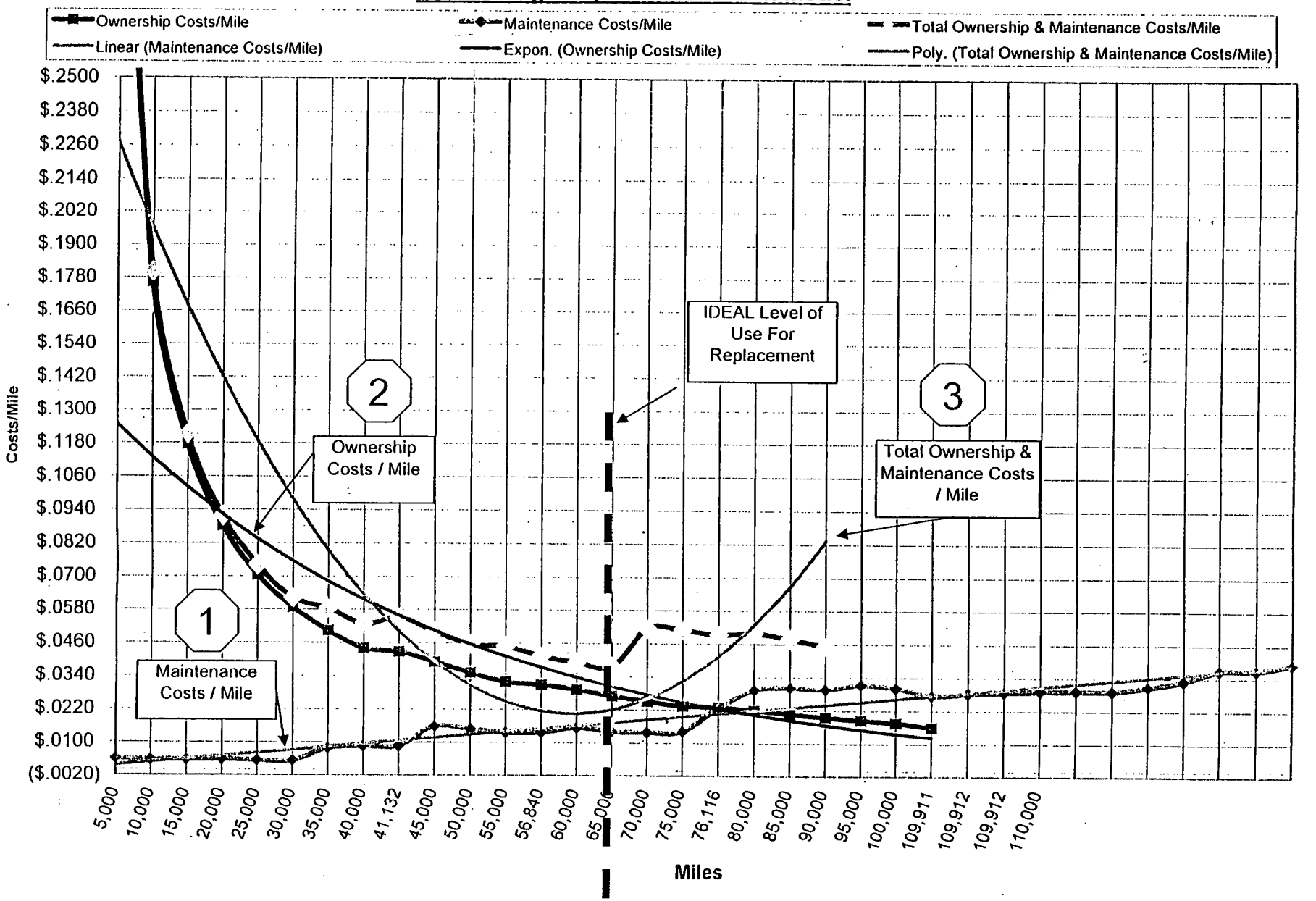
Finally, the bill reaffirms the intent to the GA that the proceeds from the issuance of any bonds issued pursuant to the Highway Bond Act of 1996 are to be used only for the purposes states in that act, and for no other purpose.

House Bill 48 becomes effective July 1, 2003.

H48-SMRW-001

C S 4 1997 Chevrolet Blazer
113,[illegible] miles

Vehicle Trade-Out
Federal Highway Administration Model



Most Cost Effective Replacement Formula				
Vehicle Number	12345			

Mileage			Maintenance	
Mileage 1 yr ago	A		Average Annual Maintenance	D
Current Mileage	B		Prior Year Maintenance	E
Current Year Mileage	B-A		Current Year Maintenance	F
Estimated Mileage Next Year	C=B+(B-A)		Estimated Maint. Next Year	G = greatest of D, E, or F

Surplus Value			Cost of Retaining Current Vehicle	
Current Disposal Value	H		Fuel, Oil, etc.	K=C * .08
Est. Disposal Next Year	I		Mainntenance	G
Net disposal cost of retaining	J		Disposal	J
			Total Cost of Retaining Vehicle	L=K+G+J
			Cost Per mile	M=L/C

Potential Replacement Vehicle Cost	
Purchase price new car	N
less est disposal end of life	O
net cost	P=N-O
life in miles	Q
cost per mile ownership new	R=O/Q
maintenance for next year	S
per mile - fuel, oil, etc.	T
Total cost per mile of new	U

North Carolina: *Moving Ahead!*

Fact Sheet

Transportation has reached a critical junction in North Carolina. A thorough re-examination of the status of our transportation system shows that maintenance, modernization and public transportation needs have been seriously under-funded. A strategic course correction is needed to ensure the ongoing reliability, efficiency and safety of our transportation system. **North Carolina:** ***Moving Ahead!*** is a bold, immediate action initiative to address these needs quickly and efficiently by:

- Providing $700 million for highway maintenance, modernization and public transportation over the next two years.
- Immediately increasing the highway maintenance budget by 45% over the next two years.
- Jumpstarting the highway modernization program with a 25 % increase.
- Increasing public transportation funding by about 25 % over the next two years.

North Carolina: ***Moving Ahead!*** will provide funding for these strategic transportation improvements without raising existing taxes and fees by:

- Removing spending restrictions on $700 million of transportation bonds – these bond proceeds remain to be earmarked from the 1996 bond authorization, and are currently targeted for Highway Trust Fund projects.
- Allowing bond proceeds to be used to preserve and modernize North Carolina's infrastructure.

North Carolina: ***Moving Ahead!*** will refocus the State's investment strategy to emphasize resurfacing rough roads, widening narrow lanes and shoulders, improving congested intersections, replacing deficient bridges, as well as funding a variety of safety and traffic flow improvements. This initiative will also upgrade our public transportation system by supporting regional rail, replacing outdated bus equipment, and improving bicycle and pedestrian facilities.

This is an environmentally-friendly initiative that will immediately pump dollars into the State's economy. **North Carolina:** ***Moving Ahead!*** will create nearly 30,000 jobs and have a $4 billion impact on the state's economy.

The time is now, as the price of inaction is falling further behind. Our future depends on a high quality transportation system. **North Carolina:** ***Moving Ahead!*** takes the necessary first steps to secure that future.

For more information about **North Carolina:** ***Moving Ahead!*** see www.ncdot.org.

North Carolina: *Moving Ahead!*
Questions and Answers

Why is this initiative needed now?

Evidence is mounting that our current investment patterns are not preserving basic transportation services. Although demands on the transportation system continue to increase, the system is not being adequately maintained and modernized. If we continue our current spending practices, the long-term costs of operating the State's transportation system will increase, and the safety and mobility of North Carolina residents and visitors will be compromised. **North Carolina: *Moving Ahead!*** addresses immediate, basic needs while allowing the State's leaders to fully consider long-term funding practices. In addition, the initiative will serve as an economic stimulus for all of North Carolina.

As part of the update of North Carolina's *Long-Range Statewide Transportation Plan*, we have taken an in-depth look at the current status of the transportation system in the State. Our analysis shows that maintenance and modernization have been inadequate, the problem is much worse than originally thought, and immediate action is warranted.

What is North Carolina: *Moving Ahead!* trying to accomplish?

The three primary goals of **North Carolina: *Moving Ahead!*** are:

- Improved maintenance of our existing road system
- Modernization of the highway network
- Upgrading our public transportation systems.

More money is needed to address a huge backlog of maintenance needs on our 78,000-mile State-owned road system. Roadway modernization improvements are small, targeted projects with a goal of quickly improving safety and effective capacity of the system. Increased investment in public transportation helps ensure the continued availability of essential service and selective service expansion for those North Carolinians that rely upon public transit.

How does this initiative relate to the *Long-Range Statewide Transportation Plan*?

This initiative has been developed in response to conclusions drawn from the ongoing *Long-Range Statewide Transportation Plan*. The *Plan* warns of the consequences that will occur if maintenance and modernization needs are not addressed, and this initiative

provides a critical first step for tackling these needs while continuing to provide for needed system expansion.

Are conditions bad enough to justify using bond money?

Nearly 32,000 miles of state highways and nearly 7,000 bridges are deficient now. This "backlog" of highway and bridge deficiencies continues to grow, and will continue to increase exponentially if steps are not taken now to address these needs. Another reason for taking action immediately is that highway and bridge repairs become more costly if they are deferred, as more expensive reconstruction becomes necessary. Furthermore, this initiative represents an economic investment that should help improve the State's overall economy, thereby potentially resulting in less severe funding constraints in the future.

What are the economic benefits of this initiative?

The benefits of **North Carolina:** ***Moving Ahead!*** are much broader than fixing rough roads and bad bridges. The extra infrastructure investment has substantial economic stimulation impacts, as every $1 in highway spending has a $5.70 impact on the economy. The proposed $700 million program would create about 29,400 jobs and have a $4 billion impact on the State's economy. This spending should aid the overall recovery of the State's economy, which in turn should stimulate growth for the State General Fund. This initiative represents the most fiscally responsible method to provide immediate new funding for transportation and economic stimulation without increasing taxes.

Why don't we have a list of projects? Who is going to decide what is done?

Roadway and bridge maintenance improvement projects will be determined based on data collected through established pavement, bridge and maintenance condition surveys. Modernization needs and potential projects will be identified through a deficiency analysis of the existing system and review of crash data. The division engineers in each of the 14 highway divisions will be responsible for coordinating the project selection process which will include input from local officials in urban and rural areas.

All funds for **North Carolina:** ***Moving Ahead!*** are subject to the existing formula allocations, including the equity formula. These formulas assure that the benefits of the program would be distributed throughout the State.

What will happen to projects currently programmed?

Few, if any, impacts are expected on projects currently funded in the Draft 2004 – 2010 TIP. For those projects in the "unfunded" category, some may be advanced, while other highways may be scheduled for interim improvements to address safety and operational characteristics until funding becomes available for the planned major expansion projects.

How does this initiative affect the environment?

North Carolina: ***Moving Ahead!*** will have positive environmental impacts. The projects proposed are targeted at improved safety and congestion relief with limited new roads and new pavement. **North Carolina**: ***Moving Ahead!*** emphasizes projects such as traffic signal upgrades, narrow lanes widening, shoulders improvement, added turn lanes and increased public transportation service. These projects have fewer environmental impacts than new road construction. In addition, public transportation initiatives, as well as traffic signal upgrades, improve traffic flow and reduce emissions, thereby having a positive impact on the environment.

What impact will this initiative have on rural North Carolina?

Many rural roads in North Carolina are narrow and in poor condition. Modernizing roads will provide safer highways with smoother, wider lanes and shoulders. Improved road conditions will lead to a better quality of life -- and will be more attractive to business.

Will bond proceeds be used to fund routine maintenance?

The bond proceeds would be used to finance specific highway expansion, modernization, and multi-modal projects, freeing other State revenues for routine highway maintenance. No bond proceeds would be spent on routine maintenance.

Why don't we use our cash balances first before turning to debt financing?

The cash balances in our transportation funds have already been reduced substantially. They will drop even more over the next year, reaching the threshold that the General Assembly has established as the lowest prudent level by the fall of 2003. It would not be prudent to spend our cash balances down below the threshold.

Why has it taken so long to sell these bonds?

The voters of North Carolina approved a $950 million highway bond issue in November of 1996 to advance Highway Trust Fund projects in the following categories:

- Intrastate Highways: $300 million
- Urban Loop Highways: $500 million
- Secondary Road Paving: $150 million.

In January of 1997 the first projects using the authority granted in the bond issue were initiated. In November of that same year $250 million of the $950 million in authorized bonds were sold by the State Treasurer to provide cash for the bond projects underway.

In the years since 1997 delays in the construction of Highway Trust Fund improvements slowed the pay out of cash on all projects. During this time cash balances in the Highway Trust Fund rose to as much as $1 billion in some months. Because of these high cash balances the Highway Trust Fund was able to advance cash to the bond projects and the state avoided issuing additional bonds.

In the last three years, however, construction on all the remaining bond projects has been moving rapidly to completion. Consequently, the cash balance of the Highway Trust Fund has been drawn down to about $200 million. This balance is only slightly above the minimum target level set for Highway and Highway Trust Fund cash balances (which averages about $400 million) by the General Assembly in Senate Bill 1005 enacted in the 2002 short session.

By December 31, 2003 we expect the projects funded from the bond authorization to be nearly complete. At that point close to $700 million in Highway Trust Fund cash will have been advanced to finance these projects in the interim since the last bonds were issued in 1997. The cash balance in the Highway Trust Fund will be reduced to a level where additional obligations against the fund cannot be financed in the near term without the sale of the bonds authorized in the 1996 bond issue.

To pay for *N.C. Moving Ahead!,* Gov. Easley will ask the General Assembly to revise the Highway Trust Fund law to allow these improvements to be funded. The law currently requires all cash outlays to be used for expansion. NCDOT proposes to then sell $700 million in bonds already approved by voters to reimburse the Trust Fund.

How will the $700 million from bonds approved in 1996 be used?

The $700 million in bond proceeds would reimburse the Highway Trust Fund for cash outlays it has already made on projects eligible to be funded from the 1996 bond issue. These outlays have been paid from the Highway Trust Fund cash balance. This action would, in turn, free up Highway Trust Fund cash to be used on new projects and initiatives.

Will North Carolina: *Moving Ahead!* adversely affect the ability of the state to proceed with the remaining urban loop projects?

No. Urban loop projects are being funded and constructed as rapidly as possible within the existing legal environment. These projects require extensive environmental review and approval as well as support from local groups before they can be initiated. It is these legal constraints rather than funding that determines the timing for initiation of these projects. We anticipate that funding will be available to finance the completion of the urban loop projects as the projects clear their legal hurdles. Therefore, **North Carolina: *Moving Ahead!*** will not adversely affect the completion of the urban loop system.

Where does the new money appear in the budget?

Because this "new" money requires changes to the General Statutes it is not reflected in the DOT budget submission for the 2003-05 biennial budget.

Can we use revenues targeted for non-transportation purposes ("diversions") to help finance North Carolina: *Moving Ahead*?

Transfers (i.e. "diversions") from the Highway Fund and the Highway Trust Fund to finance non-transportation programs are part of the General Assembly's responsibility to balance and maintain the State's overall budget.

It is important to understand that the largest recurring transfers — those to the Highway Patrol and General Fund — have their roots in transportation. Until the late 70's the State Highway Patrol was a part of the Department of Transportation. The General Assembly's decision to move it out of DOT was an organizational, not financial, decision. Since it had been previously funded with transportation revenues, the General Assembly authorized the spending to continue from the same source.

Likewise, the General Fund transfer from the Highway Trust Fund has a historic rationale. The HTF was created in 1989, and one of its revenue sources was a vehicle sales tax that had been supporting the General Fund. The transfer from the HTF, then, was designed to hold the General Fund harmless.

Can NCDOT deliver this initiative?

NCDOT has a proven track record of delivering immediate action initiatives, most recently with SB 1005, which allowed NCDOT to use about $428 million over three years from the Highway Trust Fund cash balance to advance heavy maintenance work on primary highways across the State. After passage of the bill in 2001, the Department immediately began letting projects for the first year of funding. In FY 2001-02, the Board of Transportation approved contracts to improve more than 500 highway miles, with contracts to improve more than 420 miles awarded in FY 2002-03. Citizens across

North Carolina already have seen significant improvement in the quality of our highway system.

The modernization projects included in **North Carolina:** ***Moving Ahead!*** will be easier to implement than traditional expansion projects. Because such projects have fewer environmental impacts, they are quicker and easier to deliver, unlike large, complex expansion projects involving complex environmental issues. Also, there will be a significant reduction in project readiness time and expense compared to the work involved in complex expansion projects.

VISITOR REGISTRATION SHEET

TRANSPORTATION — **Name of Committee**

APRIL 16, 2003 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dan DeVane	NCDOT
Gmarkham	NC Ports Authority
Roy Williams	UNC
Ken Ivey	NCDOT
Wayne Hallman	NCDOT
[illegible]	NCDENR
Roberto Canales	NCDOT
John Cyrus	NC State Highway
Gordy Rabon	N.C. Coastal
Kari Barsness	NC DENR
Erin Phillips	Catawba College

VISITOR REGISTRATION SHEET

TRANSPORTATION — **Name of Committee**

APRIL 16, 2003 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Len Sanderson	NCDOT
Boyd Cauble	City of Charlotte
David King	NCDOT
Susan Coward	NCDOT
Beau Mills	NC Metro Coalition
Jeff Merritt	Greater Raleigh Chamber of Commerce
Christie Barbee	CHPA
George Milbry	DOA
Leslie Bevacqua	NC CBD
Lynda Tippett	NCDOT
Phil Kirk	NCCBI
John Long	Martin Marietta
Sandra Long	Martin Marietta

VISITOR REGISTRATION SHEET

TRANSPORTATION — **Name of Committee**

APRIL 16, 2003 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
A.J. Smith	Catawba College
Michael Ritzer	Catawba College - Political Science D.
Bassem Lambert	Catawba College
Andy Romanet	NCLM
Ken Howell	Governor's office
JOHN WITHROW	NC STATE WATCH
Charlie Diehl	NC Trucking Association
Virgil McBride	" "

VISITOR REGISTRATION SHEET

Transportation Committee — Name of Committee

4-16-03 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
George Millspaugh	DOA
Susan Coward	DOT
Robert Pruss	DMV
LyAnn Cooper	CSX
Virgil McBride	NCTA
Sharon Matthews	DOT
Jan McMillan	MRLS
Steve Bynum	Visitor

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

April 22, 2003

9:00 A.M.

Room 643 LB

Representative Lorene Coates, Presiding Chair
Representative Cary Allred, Chair

OPENING REMARKS

BILLS FOR CONSIDERATION

HB48	**North Carolina Moving Ahead.** **Sponsor – Rep. Crawford**
HB729	**Prohibit DOT from installing stoplights on Hwy. 70.** **Sponsor – Rep. Gorman**
HB921	**Expedite Certain Highway Corridors.** **Sponsor – Rep. Frye**
HB1140	**NC 'Quick Clearance' Act** **Sponsor – Rep. Allred**

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON TRANSPORTATION

April 22, 2003

The House Committee on Transportation met on Tuesday April 22, 2003 at 9:00 AM in room 643 of the Legislative Office Building. The following members were present: Representative Cary Allred, Chair; Representative Lorene Coates, Chair; Representative William Daughtridge, Vice Chair; Representative Arthur Williams, Vice Chair; Representative Keith Williams, Vice Chair and Representatives G. Allen, L. Allen, Cole, Frye, Haire, Hill, Hilton, Holmes, LaRoque, Lewis, Moore, Nye, Rapp, Ray, Sutton and Wright. Also present were Giles Perry and Wendy Graf Ray, Committee Counsel. Assisting the meeting were Martha Gadison, Jackson Stancil and Francis Poole, House Seargent-at-Arms and Melissa Lennon, Committee Assistant.

Representative Coates, presiding Chair, called the meeting to order and introduced Pages: Casey Best from Wayne County, sponsored by Representative Pate; David Welsher and Bobby Brady from Cumberland County, sponsored by Representative Glazier.

The Chair called upon Representative Crawford, bill sponsor to continue the discussion on HB48, AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAID, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, AND TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN. David King from Dot was recognized to answer questions about the needs and distribution of funds. Following discussion several amendments were rolled into a committee substitute. Upon motion from Representative Crawford the committee voted favorable to committee substitute, unfavorable to original bill and the committee substitute was adopted for further discussion. Then the Chair recognized Leslie

Bevaqua, NCCBI. She discussed the original bond proposal from 1996, and the intent that funds be distributed according to the equity formula. Followed by Barry Jenkins, General Highway Contractors, he talked about the need to pass this important measure to create jobs in this depressed economy. He stated that they support the use of the trust fund balance to provide overall benefit to the economy. Then Assistant DOT Secretary Gene Conti was called upon to explain how the equity formula would be applied to distribute the funds and how minority contractors would fair. Representative Wright stated that it is important we support this; it will enhance transportation across our state. Upon a motion from Representative Crawford, the committee voted for a favorable report and re-referred the bill to Appropriations.

The next order of business was Representative Gorman's HB729, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO DEVELOP A CORRIDOR PLAN FOR U.S. HIGHWAY 70 FROM GARNER TO MOREHEAD CITY THAT MINIMIZES THE USE OF STOPLIGHTS, TO REQUIRE THE DEPARTMENT TO REPORT ON ITS PLAN TO THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO URGE THE DEPARTMENT IN THE INTERIM TO NOT PLACE ANY ADDITIONAL STOPLIGHTS ON U.S. HIGHWAY 70 FROM GARNER TO MOREHEAD CITY UNLESS NO ALTERNATIVE IS AVAILABLE AND THE STOPLIGHT IS ESSENTIAL FOR SAFETY. The Chair called upon Representative Daughtridge to give the sub-committee report. The sub-committee recommended that the bill be turned into a study and be re-referred to Rules. Upon a motion from Representative Rapp the committee voted favorable to committee substitute, unfavorable to the original bill and re-referred the bill to Rules.

Representative Frye was recognized to explain HB921, AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE THE COMPLETION OF CERTAIN HIGHWAY CORRIDORS TO AID IN RURAL ECONOMIC DEVELOPMENT. A handout from the Rural Prosperity Task Force was distributed (see attachment). Following a discussion the Chair appointed a sub-committee to report back to the standing committee. Representatives Frye, Rapp and Moore were appointed.

Time being up HB1140 was postponed and there being no further business the meeting adjourned at 11:55 AM.

Respectfully Submitted,

Lorene T. Coates, Presiding Chair

Melissa Lennon, Committee Assistant

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 48 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT NORTH CAROLINA: MOVING AHEAD! BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 729 A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM INSTALLING ANY ADDITIONAL STOPLIGHTS ON A CERTAIN PORTION OF U.S. HIGHWAY 70.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 48*
PROPOSED COMMITTEE SUBSTITUTE H48-CSRW-24 [v.6]

4/18/2003 9:54:14 AM

Short Title: Moving Ahead Transportation Initiative (Public)

Sponsors:

Referred to:

February 20, 2003

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, AND TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-176 is amended by adding a new subsection to read:

"(a3) The Department may obligate three hundred million dollars ($300,000,000) in fiscal year 2003-2004 and four hundred million dollars ($400,000,000) in fiscal year 2004-2005 of the cash balance of the Highway Trust Fund for the following purposes:

(1) Six hundred thirty million dollars ($630,000,000) for highway system preservation, modernization, and maintenance, including projects to enhance safety, reduce congestion, improve traffic flow, reduce accidents, upgrade pavement widths and shoulders, extend pavement life, improvement pavement smoothness, and rehabilitate or replace deficient bridges; and for economic development transportation projects recommended by local officials and approved by the Board of Transportation.

(2) Seventy million dollars ($70,000,000) for regional public transit systems, rural and urban public transportation system facilities, regional transportation and air quality initiatives, rail system track improvements and equipment, and other ferry, bicycle, and pedestrian improvements."

SECTION 2. G.S. 136-176 is amended by adding a new subsection to read:

"(a4) Projects selection pursuant to subsection (a3) of this section shall be based on identified and documented need. Funds expended pursuant to subdivision (1) of subsection (a3) of this section shall be distributed in accordance the distribution formula in G.S. 136-17.2A."

SECTION 3. G.S. 136-176 is amended by adding a new subsection to read:

"(a5) The Department shall report to the Joint Legislative Transportation Oversight Committee, on or before September 1, 2003, on its intended use of funds pursuant to subsection (a3) of this section. The Department shall report to the Joint Transportation Appropriations Subcommittee, on or before May 1, 2004, on its actual current and intended future use of funds pursuant to subsection (a3) of this section. The Department shall certify to the Joint Legislative Transportation Oversight Committee each year, on or before November 1, that use of the Highway Trust Fund cash balances for the purposes listed in subsection (a3) of this section will not adversely affect the delivery schedule of any Highway Trust Fund projects. If the Department cannot certify that the full amounts authorized in subsection (a3) of this section are available, then the Department may determine the amount that can be used without adversely affecting the delivery schedule and may proportionately apply that amount to the purposes set forth in subsection (a3) of this section."

SECTION 4. The General Assembly reaffirms its intent that the proceeds of the issuance of any bonds pursuant to the Highway Bond Act of 1996, Chapter 590 of the 1995 Session Laws, shall be used only for the purposes stated in that act, and for no other purpose.

SECTION 5. This act becomes effective July 1, 2003.

HOUSE BILL 48:
Moving Ahead Transportation Initiative

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford, Cole (Primary); Culpepper, Dickson, Glazier, Lucas, Luebke, and A. Williams
Date:	April 22, 2003		
Version:	Proposed Committee Substitute	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY: House Bill 48 (proposed committee substitute) authorizes the Department of Transportation to use $300,000,000 in FY 2003-2004 and $400,000,000 in FY 2004-2005 of the cash balances of the Highway Trust Fund for the following purposes:

–$630,000,000 for highway system preservation, modernization, and maintenance; and

–$70,000,000 for public transportation purposes.

CURRENT LAW: Under current law, funds in the Highway Trust Fund are allocated to the purposes specified in G.S. 136-176, including intrastate system projects, urban loop projects, city streets, and secondary roads.

BILL ANALYSIS: House Bill 48 (PCS) authorizes the Department of Transportation to use $300,000,000 in FY 2003-2004 and $400,000,000 in FY 2004-2005 of the cash balances of the Highway Trust Fund for the following purposes: $630,000,000 for highway system preservation, modernization, and maintenance; and $70,000,000 for public transportation purposes.

The bill also requires:

--Projects selection under this act to be based on identified and documented need;

--Funds expended under this act for preservation, modernization, and maintenance to be distributed in accordance with the equity distribution formula in G.S. 136-17.2A;

--The Department to certify that use of funds pursuant to this act will not adversely the delivery schedule of any Highway Trust Fund projects; and

--The Department to report to the General Assembly on its use of funds under the act.

Finally, the bill reaffirms the intent to the GA that the proceeds from the issuance of any bonds issued pursuant to the Highway Bond Act of 1996 are to be used only for the purposes states in that act, and for no other purpose.

House Bill 48 becomes effective July 1, 2003.

H48-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 729
PROPOSED COMMITTEE SUBSTITUTE H729-CSRW-28 [v.1]

4/18/2003 11:32:00 AM

Short Title: Stoplights on U.S. Highway 70. (Public)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO DEVELOP A CORRIDOR PLAN FOR US HIGHWAY 70 FROM GARNER TO MOREHEAD CITY THAT MINIMIZES THE USE OF STOPLIGHTS, TO REQUIRE THE DEPARTMENT TO REPORT ON ITS PLAN TO THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO URGE THE DEPARTMENT IN THE INTERIM TO NOT PLACE ANY ADDITIONAL STOPLIGHTS ON US HIGHWAY 70 FROM GARNER TO MOREHEAD CITY UNLESS NO ALTERNATIVE IS AVAILABLE AND THE STOPLIGHT IS ESSENTIAL FOR SAFETY

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Transportation is directed to develop a traffic flow corridor plan for U.S. 70 between its intersection with Interstate 40 in Garner and where it enters the municipal limits of Morehead City. The plan shall examine traffic flow and safety on the corridor, with the goal of eliminating as many stoplights as possible, and increasing the safety, efficiency and average speed of traffic movement on the corridor. The Department shall report, on or before December 1, 2003, the results of its analysis of the corridor and its plan for improving traffic flow to the Joint Legislative Transportation Oversight Committee.

SECTION 2. The General Assembly encourages the Department of Transportation, during the period of development of the corridor plan and report required by Section 1 of this act, to not erect any additional traffic control stoplights on US 70 between its intersection with Interstate 40 in Garner and where it enters the municipal limits of Morehead City unless no alternative is available and the stoplight is essential to safety. The Department is instead urged to consider other traffic control devices or structures such as turnouts and crossovers.

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

HOUSE BILL 729:
Stoplights on U.S. Highway 70

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representatives Gorman and LaRoque
Date:	April 9, 2003		
Version:	Proposed Committee Substitute H729-CSSU-5[v.1]	**Summary by:**	Wendy Graf Ray Committee Counsel

SUMMARY: ***House Bill 729 would prohibit the Department of Transportation from installing additional stoplights on a specified portion of U.S. Highway 70.***

CURRENT LAW: G.S. 20-158 authorizes the Department of Transportation to control vehicles on State Highways by erecting or installing stop signs, stoplights, or flashing red or yellow lights at intersections and other appropriate places.

BILL ANALYSIS: House Bill 729 would prohibit the Department of Transportation from installing additional stoplights on U.S. 70 between its intersection with I-40 in Garner and the municipal limits of Morehead City. The bill directs the Department to use other means of traffic control such as turnouts and crossovers on that portion of U.S. 70 unless a study by an independent traffic engineer certifies that a stoplight is essential for highway safety.

EFFECTIVE DATE: The bill would be effective when it becomes law.

North Carolina: Moving Ahead!

Key Facts

- ***Moving Ahead!*** provides $700 million for highway maintenance, modernization and public transportation over the next two years.

- ***Moving Ahead!*** will immediately pump dollars into the State's economy. The program will create about 30,000 jobs and have a $4 billion impact on the State's economy.

- ***Moving Ahead!*** is not about filling potholes.

- ***Moving Ahead!*** will resurface rough roads, widen narrow lanes and shoulders, improve congested intersections, replace deficient bridges and fund safety and traffic flow improvements.

- ***Moving Ahead!*** also will upgrade our public transportation system by supporting regional rail, replacing outdated bus equipment and improving bicycle and pedestrian facilities.

- ***Moving Ahead!*** funds will be distributed based on the equity formula.

- ***Moving Ahead!*** will benefit both urban and rural areas of the state.

- ***Moving Ahead!*** modernizes the 1989 Highway Trust Fund.

- ***Moving Ahead!*** will not affect or delay current TIP projects.

- ***Moving Ahead!*** efforts will help with congestion relief on highways throughout the state.

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — APRIL 22,2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Phil Kirk	NCCBI
Leslie Bowegan	NCCBI
Courtney Weill	NC Citizens for Transportation Alternatives
Jennifer Rudicil	Bicycle Alliance of North Carolina
Claire Hermann	Bicycle Alliance of North Carolina
Betsy Bailey	NC Public Transportation Assn.
Scott McClellan	" " " "
Gene Conti	NC DOT
David Allsbrook	NC DOT
Roberto Canales	NCDOT
Steve Varnedoe	NCDOT

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — APRIL 22,2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Calvin Leggett	DOT
Ken Ivey	DOT
Matthew Raker	UNC-Asheville
Grady McCallie	N.C Cons Alt.
Brian Bailey	CarNet
Amy Dobson	NC Statewatch
Len Sanderson	NCDOT
Jeff Merritt	Greater Raleigh Chamber of Commerce
Craig Deal	NC DENR
David Knight	NCAPA
DAN DEVANE	NCDOT

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — APRIL 22,2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susan Coward	NCDOT
Christie Barbee	CHPH
BERRY JENKINS	CAROLINAS AGC
Wayne Hallings	NCDOT
Milton Alford	OSBM
Ken Howell	Gov's office
Clark Larson	UNC-Asheville

PAGE AND SERGEANT-AT-ARMS REGISTRATION SHEET

HOUSE TRANSPORTATION **TUESDAY APRIL 22, 2003**

Date

Martha Gadison
Jackson Stancil
Francis Poole

PAGES AND SERGEANTS-AT-ARMS:
PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK. THANK YOU.

NAME	COUNTY AND SPONSOR (FOR PAGES ONLY)
Casey Best	Wayne Pate
David Welsher	Cumberland Glazier
Bobby Brady	Cumberland Glazier

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

April 23, 2003

11:00 A.M.

Room 1228 LB

Representative Cary Allred, Presiding Chair
Representative Lorene Coates, Chair

OPENING REMARKS

BILLS FOR CONSIDERATION

HB0425-Horse Trailer as Recreational Vehicle. - Rep. Sexton
HB0439-Cartways. – Rep. Sexton
HB0970-School Bus Driver Medical Evaluations. - Rep. K. Williams
HB1019-I-85/I-40 U.S. Veterans Memorial Freeway. – Rep. Allred
HB1020-Safety Markers for Contract Truckers. – Rep. Allred
HB1069-Regional Public Transportation Liability – Rep. Miner
HB1141-Verify Residency for Drivers License. – Rep. Pate
HB1174-Safe Transportation for School Students. – Rep. Creech

~~ bills listed in numerical order

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

April 23, 2003

The HOUSE COMMITTEE ON TRANSPORTATION met on Wednesday, April 23, 2003, in Room 1228 of the Legislative Building at 11:00 A.M. The following were present: Representative Allred, presiding Chair, Representative Coates, Co-Chair, Representatives Daugthridge, A. Williams and K. Williams, Vice chairs and Representatives G. Allen, Cole, Crawford, Frye, Haire, Hill, Hilton, LaRoque, Moore, Nye, Rapp, and Starnes. Assisting with the meeting were Giles Perry and Wendy Graf-Ray, Staff Counsel, Jean Allred and Melissa Lennon, Committee Assistants. Also assisting were Dusty Rhodes, Bob Fowler and Martha Parrish, House Sergeants-at-Arms. House Pages assisting were Joey Hawley from Harnett County sponsored by Representative Lewis and Elizabeth Brim from Randolph County sponsored by Representative Brubaker.

Representative Allred called the meeting to order and introduced the House Sergeants-at-Arms and the House Page assisting with the meeting.

The first order of business was **HB-1141 - A BILL TO BE ENTITLED AN ACT TO VERIFY RESIDENCY FOR DRIVERS LICENSES.** – sponsored by Representative Pate. Representative Pate explained that the bill makes changes to proof of residency and legal presence required to obtain a drivers license, and requires review of the validly to voter registrations obtained by use of a drivers license, and makes providing false non-sworn information to obtain a drivers license a felony. Representative LaRoque motioned for a favorable report and the motion passed.

Next to be considered was a Proposed Committee Substitute for **HB-970 - A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL BUS DRIVERS TO MEET THE SAME MEDICAL EVALUATION REQUIREMENTS AS HOLDERS OF COMMERCIAL DRIVERS LICENSES.** – sponsored by Representative Keith Williams who explained that the PCS for HB-970 would require school bus drivers to submit to the school superintendent the same medical examiner's certificate as is required

for all holders of commercial drivers licenses. After committee discussion and comments from Jon Williams at the Department of Crime Control and Public Safety, of which did a study, Representative La Roque motioned for a favorable report as to the committee substitute bill, unfavorable as to the original bill. Representative Hilton moved that HB-970 also be re-referred to the Committee on Education, which passed.

The third bill on the agenda was **HB-1140 - A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, SPILLED CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS.** – sponsored by Representatives Allred and Coates. Representative Coates presented the Proposed Committee Substitute for HB-1140, which was adopted for discussion. Robert Canales, NC-DOT spoke on the bill. If adopted, HB-1140 would authorize the Department of Crime Control and Public Safety, the Department of Transportation, and the local law enforcement agencies to quickly remove vehicles, spilled cargo, or other personal property from controlled-access highways when causing an obstruction or hazard to traffic. During committee discussion, Representative Daughtridge offered an amendment changing the time allowed for owners to claim their cargo or personal property. Representative Starnes moved to adopt the amendment, rolling it over into a committee substitute bill, giving it a favorable report, unfavorable as to the original bill. The motion passed.

The last bill to be heard was **HB-0425 - A BILL TO BE ENTITLED AN ACT TO DEFINE A HORSE TRAILER DESIGNED TO CARRY FOUR OR FEWER HORSES AS A RECREATIONAL VEHICLE.** Sponsored by Representative Sexton. A Proposed Committee Substitute was adopted. Representative Sexton said the bill would eliminate the requirement that small horse trailers, which are mainly for recreational use, *must* pull into weigh stations and subject to the same regulations as tractor trailer drivers. Also, he pointed out that there is no incentive to over load horse trailers and that it is dangerous for horses to remain at weight stations for extended periods of time during hot weather. After committee discussion Representative Moore moved for a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

The motion passed and the Committee adjourned at 11:45 A.M.

Note.. The committee did not hear the following bills because of limited time: HB-0439, HB-1091, HB-1020, HB-1069 and HB-1174

Respectfully submitted,

Representative Cary Allred
Presiding Chairman

Jean Allred
Committee Assistant

Agenda
Committee Reports
Bills Considered
Attachments
Visitors Registration

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1141 A BILL TO BE ENTITLED AN ACT TO VERIFY RESIDENCY FOR DRIVERS LICENSES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H 1

HOUSE BILL 1141

Short Title:	Verify Residency for Drivers License.	(Public)
Sponsors:	Representatives Pate, Starnes (Primary Sponsors); Barnhart, Blust, Bowie, Capps, Clary, Daughtridge, Daughtry, Ellis, Frye, Gillespie, Gulley, Holmes, L. Johnson, LaRoque, McCombs, McHenry, Mitchell, Moore, Sauls, Stam, Walker, West, K. Williams, and Wood.	
Referred to:	Transportation.	

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO VERIFY RESIDENCY FOR DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b1) of G.S. 20-7 reads as rewritten:

"(b1) Application. – To obtain a drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, and demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. At least one of the forms of identification shall indicate the applicant's residence address. The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

The application form shall request all of the following information, and it shall contain the disclosures concerning the request for an applicant's social security number required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

(1) The applicant's full name.
(2) The applicant's mailing address and residence address.
(3) A physical description of the applicant, including the applicant's sex, height, eye color, and hair color.
(4) The applicant's date of birth.
(5) The applicant's ~~social~~ valid social security ~~number.~~ number or the valid alien registration number ('A' number) issued by the United States Department of Homeland Security.
(6) The applicant's signature.

~~If an applicant does not have a valid social security number and is ineligible to obtain one, the applicant shall swear to or affirm that fact under penalty of perjury. In such case, the applicant may provide a valid Individual Taxpayer Identification Number issued by the Internal Revenue Service to that person.~~

The Division shall not issue an identification card, learners permit, or drivers license to an applicant ~~who fails to provide either the applicant's valid social security number or the applicant's valid Individual Taxpayer Identification Number.~~who fails to provide proof that the applicant's presence in the United States is authorized under federal law as required by subdivision (5) of this subsection. The Division shall verify the validity of the numbers furnished by the applicant. Each year the Division shall submit to the Governor and to the General Assembly a report detailing the numbers and types of drivers license applications approved and denied pursuant to this section."

SECTION 2. Subsection (b3) of G.S. 20-7 reads as rewritten:

"(b3) The Division shall adopt rules implementing the provisions of subsection (b1) of this section with respect to proof of residency in this State. Those rules shall ensure that applicants submit verified or verifiable residency and address information that can be reasonably considered to be valid and that is provided on any of the following:

(1) A document issued by an agency of the United ~~States or by the government of another nation.~~States.
(2) A document issued by another state.
(3) A document issued by the State of North Carolina, or a political subdivision of this State. This includes an agency or instrumentality of this State.
(4) A preprinted bank or other corporate statement.
~~(5) A preprinted business letterhead.~~
~~(6) Any other document deemed reliable by the Division.~~"

SECTION 3. Subsection (b4) of G.S. 20-7 reads as rewritten:

"(b4) Examples of documents that are reasonably reliable indicators of residency include, but are not limited to, any of the following:

(1) A pay stub with the payee's address.
(2) A utility bill showing the address of the applicant-payor.
(3) A contract for an apartment, house, modular unit, or manufactured home with a North Carolina address signed by the applicant.
(4) A receipt for personal property taxes paid.
(5) A receipt for real property taxes paid to a North Carolina locality.
(6) A current automobile insurance policy issued to the applicant and showing the applicant's address.
(7) A monthly or quarterly financial statement from a North Carolina regulated financial institution.
~~(8) A matricula consular or substantially similar document issued by the Mexican Consulate for North Carolina.~~
~~(9) A document similar to that described in subsection (8) of this section, issued by the consulate or embassy of another country. This subdivision only applies if the Division has consulted with the United~~

~~State Department of State and is satisfied with the reliability of such document.~~"

SECTION 4. Subsection (b5) of G.S. 20-7 reads as rewritten:

"(b5) The Division rules adopted pursuant to subsection (b3) of this section shall also provide that if ~~an~~ a minor applicant cannot produce any documentation specified in subsection (b3) or (b4) of this section, ~~the applicant or, in the case of a minor applicant~~ a parent or guardian of that applicant may complete an affidavit on a form provided by the Division and sworn to before an official of the Division, indicating the minor applicant's current residence address. No parent or guardian who has obtained a drivers license by affidavit may subsequently complete an affidavit for a minor applicant. The affidavit shall contain the provisions of ~~G.S. 20-15(a) and G.S. 20-17(a)(5)~~ G.S. 20-15(a), 20-17(a)(5), and 20-31, and shall indicate the civil and criminal penalties for completing a false affidavit."

SECTION 5. G.S. 20-7(f) reads as rewritten:

"(f) Expiration and Temporary License. – The first drivers license the Division issues to a person expires on the person's fourth or subsequent birthday that occurs after the license is issued and on which the individual's age is evenly divisible by five, unless this subsection sets a different expiration date. A first drivers license ~~may~~ shall be issued for a shorter duration ~~if the Division determines that a license of shorter duration should be issued when the applicant holds~~ to expire upon the expiration date of a ~~visa~~ valid alien registration of limited duration issued by the ~~United States Department of State.~~ United States Department of Homeland Security. The first drivers license the Division issues to a person who is at least 17 years old but is less than 18 years old expires on the person's twentieth birthday. The first drivers license the Division issues to a person who is at least 62 years old expires on the person's birthday in the fifth year after the license is issued, whether or not the person's age on that birthday is evenly divisible by five.

A drivers license that was issued by the Division and is renewed by the Division expires five years after the expiration date of the license that is renewed unless the Division determines that a license of shorter duration ~~should~~ shall be issued to expire on the expiration date of a valid alien registration when the applicant holds a ~~visa~~ valid alien registration of limited duration from the United States ~~Department of State.~~ Immigration and Naturalization Service. A person may apply to the Division to renew a license during the 180-day period before the license expires. ~~The Division may not accept an application for renewal made before the 180-day period begins.~~ Any license issued to a noncitizen shall automatically expire when the applicant's presence is no longer authorized under federal law. The expiration date on the license shall reflect the expiration date of the applicant's authorized presence in the United States as verified by the United States Department of Homeland Security.

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

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

(2) Is a resident of this State and has been residing outside the State for at least 30 continuous days. When renewing a license by mail, the Division may waive the examination that would otherwise be required for the renewal and may impose any conditions it finds advisable. A license renewed by mail is a temporary license that expires 60 days after the person to whom it is issued returns to this State.

The Division shall issue a temporary license valid for 10 days to the applicant and shall mail the drivers license to the applicant, by first-class mail, at the address provided by the applicant."

SECTION 6. G.S. 20-31 reads as rewritten:

"**§ 20-31. Making false affidavits ~~perjury.~~ perjury or furnishing false information to obtain a drivers license or identification card.**

(a) Any person who shall make any false affidavit, or shall knowingly swear or affirm falsely, to any matter or thing required by the terms of this Article to be sworn to or affirmed shall be guilty of a Class I felony.

(b) Any person who shall furnish nonsworn false information to obtain a drivers license or identification card issued by the Division shall be guilty of a Class I felony."

SECTION 7. The Division of Motor Vehicles shall, by October 1, 2003, verify the social security numbers on all current drivers licenses issued by the Division. The Division shall immediately invalidate all current drivers licenses not matching the valid social security number assigned to the driver or where the driver does not have a valid social security number. The Division may correct those records where the mismatch is due to error rather than to fraud. The Division may issue or reinstate a drivers license only if the driver provides a valid social security number or the number of a valid alien registration issued by the United States Immigration and Naturalization Service and pays the applicable fee.

SECTION 8. The State Board of Elections shall review all voter registrations processed through the Division of Motor Vehicles where there is no valid social security number on the application or where the social security number does not match the applicant based on the verification required by Section 3 of this act. Those persons who used their drivers license as proof of residency shall be required to submit other proof of residency or shall not be permitted to vote. This review shall be conducted prior to the elections in November 2004.

SECTION 9. This act becomes effective July 1, 2003.

HOUSE BILL 1141:
Verify Residency for Drivers License

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Reps. Pate, Starnes (Primary Sponsors); and others
Date:	April 23, 2003		
Version:	1st Edition	**Summary by:**	Giles S. Perry Committee Counsel

SUMMARY: ***House Bill 1141 makes changes to proof of residency and legal presence required to obtain a drivers license, and requires review of the validly to voter registrations obtained by use of a drivers license, and makes providing false nonsworn information to obtain a drivers license a felony.***

BILL ANALYSIS:

Section 1 of the bill:

-- requires an applicant for a drivers license to provide his or her valid alien registration number issued by the U.S. Dept. of Homeland Security.

--forbids issuance of a drivers license to a person who fails to prove legal presence in the US.

--requires the Division of Motor Vehicles to verify the validity of numbers (SS or Alien Registration) provided by an applicant for a drivers license.

--requires DMV to annually submit a report to the Governor and the General Assembly detailing the number and types of drivers licenses approved and denied under this section's requirements.

Section 2 of the bill amends the list of documents authorized by statute to prove residency in the State to delete: documents issued by another county, preprinted letterheads, and "any other document" deemed reliable by the Division.

Section 3 of the bill amends the statutory list of documents considered "reasonably reliable indicators of residency, required when applying for a drivers license, to delete: the "matricula consular" document issued by the Mexican Consulate, or similar document issued by another county.

Section 4 of the bill forbids parents or guardians who obtaining their own license by means of an affidavit of residency from subsequently completing an affidavit for a minor applicant for a drivers license.

Section 5 of the bill requires drivers licenses issued to a person with an alien registration number to expire on the date the alien registration expires.

Section 6 directs the State Board of Elections to review all voter registrations made through the DMV after October 1, 1997, in order to verify the validity of the claim or residency and citizenship, mail confirmations of residency of citizenship to all voters registered through DMV who did not provide a valid social security number, and notify the General Assembly of the results of the verification.

Section 7 makes furnishing false nonsworn information to obtain a drivers license or identification card a Class I felony.

Section 8 directs the Division of Motor Vehicles, by October 1, 2003, to verify the social security number of all current drivers licensees issued by the Division, correct errors, and invalid all license with

mismatches. The Division may reissue or reinstate a license once a valid social security or alien registration numbers and the applicable fee is provided.

Section 9 directs the State Board of Elections, prior to the election of November 2004, to review all voter registrations processed through the Division of Motor Vehicles that have a missing or invalid social security number. If those persons used a drivers license as identification when registering to vote, would be reviewed to submit additional proof of residency

Section 10 provides that the bill becomes effective July 1, 2003. (Note: This bill is subject to preclearance under Section 5 of the federal Voting Rights Act of 1965 before it can become effective).

H1141-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 0970 A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL BUS DRIVERS TO MEET THE SAME MEDICAL EVALUATION REQUIREMENTS AS HOLDERS OF COMMERCIAL DRIVERS LICENSES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Education.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

HOUSE BILL 970

Short Title:	School Bus Driver Medical Evaluations.	(Public)
Sponsors:	Representatives K. Williams; Daughtridge, Gorman, Howard, Justice, Kiser, LaRoque, Miner, Moore, Sauls, and Stiller.	
Referred to:	Transportation.	

April 9, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE SCHOOL BUS DRIVERS TO MEET THE SAME MEDICAL EVALUATION REQUIREMENTS AS HOLDERS OF COMMERCIAL DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-218(a) reads as rewritten:

"(a) Qualifications. – No person shall drive a school bus over the highways or public vehicular areas of North Carolina while it is occupied by children unless the person furnishes to the superintendent of the schools of the county in which the bus shall be operated a certificate from any representative duly designated by the Commissioner and from the Director of Transportation or a designee of the Director in charge of school buses in the county showing that the person has been examined by them and is fit and competent to drive a school bus over the highways and public vehicular areas of the State. The person shall submit the same medical examiner's certificate as is required for holders of CDLs pursuant to this Chapter and federal law and regulations. The driver of a school bus ~~must~~ shall be at least 18 years of age and hold a Class A, B, or C commercial drivers license and a school bus driver's certificate. The driver of a school activity bus ~~must~~ shall meet the same qualifications as a school bus driver or ~~must~~ shall have a license appropriate for the class of vehicle being driven."

SECTION 2. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 970
PROPOSED COMMITTEE SUBSTITUTE H970-CSSU-12 [v.2]

4/23/2003 10:31:59 AM

Short Title: School Bus Driver Medical Evaluations. (Public)

Sponsors:

Referred to:

April 9, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE SCHOOL BUS DRIVERS TO MEET THE SAME MEDICAL EVALUATION REQUIREMENTS AS HOLDERS OF COMMERCIAL DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-218(a) reads as rewritten:

"(a) Qualifications. – No person shall drive a school bus over the highways or public vehicular areas of North Carolina while it is occupied by children unless the person furnishes to the superintendent of the schools of the county in which the bus shall be operated a certificate from any representative duly designated by the Commissioner and from the Director of Transportation or a designee of the Director in charge of school buses in the county showing that the person has been examined by them and is fit and competent to drive a school bus over the highways and public vehicular areas of the State. The person shall submit to the superintendent of the schools of the county in which the bus shall be operated the same medical examiner's certificate as is required for holders of CDLs pursuant to this Chapter and federal law and regulations. The driver of a school bus ~~must~~ shall be at least 18 years of age and hold a Class A, B, or C commercial drivers license and a school bus driver's certificate. The driver of a school activity bus ~~must~~ shall meet the same qualifications as a school bus driver or ~~must~~ shall have a license appropriate for the class of vehicle being driven."

SECTION 2. This act becomes effective July 1, 2003.

HOUSE BILL 970:
School Bus Driver Medical Evaluations

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representative K. Williams
Date:	April 23, 2003	**Summary by:**	Wendy Graf Ray
Version:	Proposed Committee Substitute H970-CSSU-12[v.2]		Committee Counsel

SUMMARY: ***The Proposed Committee Substitute for House Bill 970 would require school bus drivers to submit to the school superintendent the same medical examiner's certificate as is required for all holders of commercial drivers licenses.***

CURRENT LAW: G.S. 20-218 requires school bus drivers to submit to the superintendent of schools in the county in which they intend to drive a certificate from a representative of the Commissioner of Motor Vehicles and from the Director of Transportation or his designee in charge of school buses in the county showing that the person has been examined and is fit and competent to drive a school bus.

G.S. 20-218 also requires that the driver of a school bus hold a Class A, B, or C commercial drivers license. G.S. 20-37.13 provides that no person shall be issued a commercial drivers license unless he or she meets all of the following requirements:

- Is a resident of this State.
- Is 21 years of age.
- Has passed a knowledge test and a skills test for driving a commercial motor vehicle.
- Has satisfied all other requirements of the Commercial Motor Vehicle Safety Act in addition to other requirements of Chapter 20 or federal regulation.

49 C.F.R. § 391.41 provides that a person shall not drive a commercial motor vehicle unless he is physically qualified to do so and has on his person a medical examiner's certificate that he is physically qualified to drive a commercial motor vehicle. 49 C.F. R. § 391.43 sets out instructions for the medical examiner performing and recording physical examinations of drivers, and requires the medical examiner to complete a certificate if the driver is found to be physically qualified to drive a commercial motor vehicle. A copy of the certificate is to be furnished to the person who was examined.

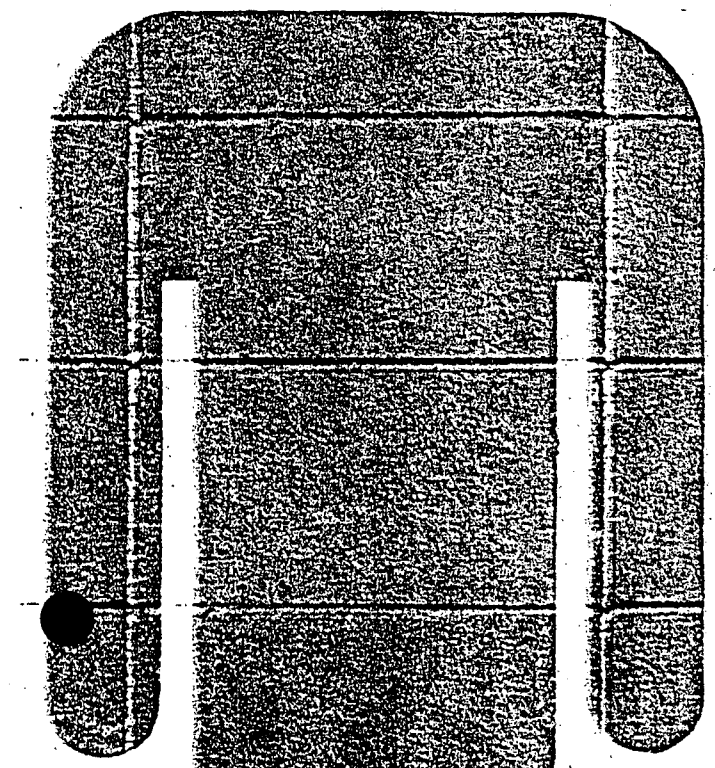
BILL ANALYSIS: The Proposed Committee Substitute for House Bill 970 would require school bus drivers to submit the medical examiner's certificate required for commercial drivers license holders to the superintendent of the schools of the county in which they intend to drive, along with other required information.

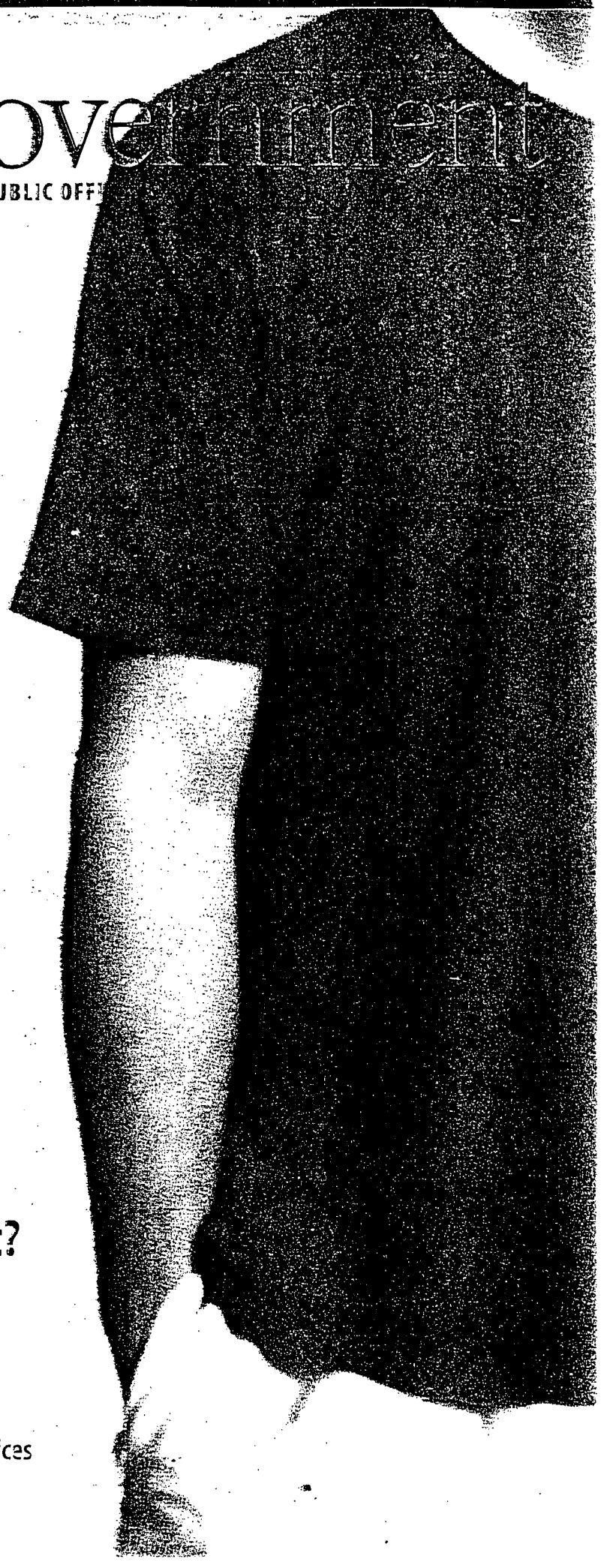
EFFECTIVE DATE: The bill would become effective July 1, 2003.

PUBLISHED BY THE INSTITUTE OF GOVERNMENT • THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Popular Government

WINTER 2003
NORTH CAROLINA'S RESOURCE FOR PUBLIC OFFI
VOL. 68, NO.
$9.00





When May Your Employer Require You to Take a Drug Test?

Also

Paying Up Front for Waste Disposal

Ensuring Financial Auditors' Independence

Involving Stakeholders in Evaluations

¿Habla Usted Español? Cities' Options for Language Services

is only incidental to other duties that engage no safety concern, the employee's position is not safety-sensitive."[28]

To return to the examples set forth earlier, because of the role that driving plays in the performance of their duties, bus driver, sanitation truck driver, and ambulance driver may be considered safety-sensitive positions and included in a random drug-testing program. So may the human services employees who drive vehicles to reach their clients. But the employee who drives occasionally, whether to fill in, in a pinch, or to pick up something urgently needed, may not be required to submit to random drug testing in the absence of individualized, reasonable suspicion that he or she has been using illegal drugs.

Custodians, Technicians, and Repairmen

The law is much less clear when it comes to employees who use and service equipment and systems. Consider a transportation system custodian, whose regular job duties include cleaning transit-stop locations, facilities, and equipment; painting facilities and equipment; cleaning vehicles; and removing trash and debris. One court found that the position was not safety-sensitive because it did not involve an unusual degree of danger to the employee or others.[29] Another court, however, found that elementary school janitor was a safety-sensitive position because (1) the janitor handled potentially dangerous machinery such as lawn mowers and tree-trimming equipment, and hazardous substances like cleaning fluids, in an environment that included a large number of children between the ages of three and eleven, and (2) the presence of someone using illegal drugs could increase the likelihood that the children might obtain access to drugs.[30] The distinguishing factor in the second example was the presence of young children, which some courts see as transforming jobs that are otherwise not fraught with risk and danger into bona fide safety-sensitive positions.[31]

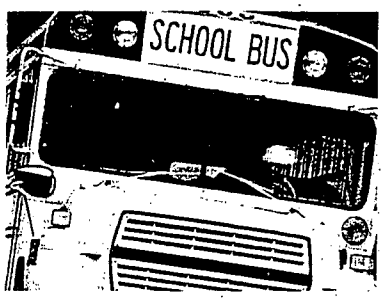
Some positions whose duties do pose safety risks may nonetheless be deemed *not* to be safety-sensitive because the personal conduct of the employees and their job performance are subject to day-to-day scrutiny by supervisors and co-workers, who are likely to notice any impairment. In one case a federal district court found that elevator mechanics working for a transit authority were in safety-sensitive positions, not simply because elevators might fail, but also because the mechanics were subject to little supervision on the job. On the other hand, carpenters, masons, ironworkers, plumbers, and painters working for the transit authority were not in safety-sensitive positions because they either worked in pairs or were subject to direct supervision.[32]

Drug Testing Based on Reasonable Suspicion

Drug testing based on a suspicion that a particular public employee is using illegal drugs also is considered a Fourth Amendment search. Like random drug testing, drug testing based on reasonable suspicion is subject to the Fourth Amendment balancing test that weighs the government's interest against the employee's. Testing based on reasonable suspicion is considered less intrusive than random testing because the employee's own action or conduct triggers it.[33]

Reasonable suspicion is determined case by case. The courts agree that it takes less for an employer to meet the standard of reasonable suspicion than it does for police to show probable cause for a criminal search warrant. Yet reasonable suspicion must amount to more than a hunch. Supervisors must point to specific, objective facts and be able to articulate rational inferences drawn from those facts in light of their experience.[34]

An employer does not need a formal policy defining reasonable suspicion before it can test employees on that basis, but a written policy can be useful. By making known its criteria for finding reasonable suspicion, an employer gives employees fair notice of the circumstances in which they will be required to submit to a drug test. It also provides guidance to supervisors who are confronted with the possibility that an employee is using drugs and are uncertain whether they should require the employee to submit to a drug test. Giving guidance to supervisors, in turn, helps ensure uniform administration of the drug-testing program.



A parent called the school system to complain that her child's school bus had arrived late and that when the bus doors opened, she smelled marijuana. The mother identified both herself and her child. The school system reported the mother's complaint to the driver and asked him to take a drug test. Not once did the driver suggest that there was any reason to doubt the mother's reliability. The court ultimately held that the drug test did not violate the Fourth Amendment, given the nature of the driver's job, but noted that it was a close case.

For all these reasons, a policy that sets forth the circumstances under which supervisors can require drug testing also increases the chances that a court will uphold a drug test as reasonable if the employee challenges it. Criteria that the courts have found constitutional include the following:

- Direct observation of drug use or possession.
- Direct observation of the physical symptoms of being under the influence of a drug, such as impairment of motor functions or speech.
- A pattern of abnormal conduct or erratic behavior.
- Arrest or conviction for a drug-related offense, or the identification

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1140

Short Title:	North Carolina 'Quick Clearance' Act.	(Public)
Sponsors:	Representatives Allred and Coates (Primary Sponsors).	
Referred to:	Transportation.	

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, SPILLED CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a new Part to read:

"Part 9B. North Carolina 'Quick Clearance' Act.

"**§ 20-137.20. Short title.**

This Part may be known as the North Carolina 'Quick Clearance' Act.

"**§ 20-137.21. Removal of vehicles, spilled cargo, or other personal property from controlled-access highways.**

(a) The Department of Crime Control and Public Safety, the Department of Transportation, or a local law enforcement agency may immediately remove or cause to be removed any wrecked, abandoned, unattended, burned, or partially dismantled vehicle, spilled cargo, or other personal property from the roadway of a controlled-access highway if the vehicle, cargo, or personal property is creating an obstruction or hazard to traffic because of its position in relation to the highway, as determined by authorized officers or employees of the Department or agency.

(b) Vehicles, cargo, or personal property may be removed to any place within the immediate vicinity without any further action or obligation of the Department of Crime Control and Public Safety, the Department of Transportation, the local law enforcement agency, or others acting at the direction of the Department or agency. In the event of a motor vehicle accident which results in apparent serious personal injury or death, no removal shall occur until a law enforcement officer determines that adequate information has been obtained for preparation of an accident report.

(c) When the property creating an obstruction or hazard to traffic is a motor carrier, as defined in G.S. 20-4.01(21b), the agency causing the removal shall make a reasonable effort to allow the owner of the vehicle to arrange for its removal and shall

give due consideration to having the vehicle towed by a towing service capable of safely moving the vehicle in question after it has been removed from the travel way in the most expeditious manner available. The final decision on removal shall rest with the agency causing the removal.

(d) The removal of vehicles away form the immediate vicinity by law enforcement agencies pursuant to this section shall be subject to the same procedures set forth in Part 9A of this Chapter. If the Department of Transportation removes or orders the removal of a vehicle away from the immediate vicinity, the Department shall notify the Department of Crime Control and Public Safety or the local law enforcement agency, and the Department of Transportation shall follow the same procedures as in Part 9A of this Chapter, provided that the Department of Transportation may make arrangements with the Department of Crime Control and Public Safety or the local law enforcement agency to act on its behalf in complying with Part 9A of this Chapter.

(e) If the Department of Crime Control and Public Safety, the Department of Transportation, or a local law enforcement agency removes or orders the removal of spilled cargo or personal property away from the immediate vicinity, the Department or agency shall make reasonable efforts to notify the owner, if known, and shall allow the owner at least 48 hours to claim the cargo or personal property. The Department or agency may immediately dispose of or arrange for the disposal of any cargo, personal property, or other debris that is damaged beyond use or repair.

(f) Any liability of the Department of Crime Control and Public Safety or the Department of Transportation for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be determined in accordance with the provisions of Article 31 of Chapter 143 of the General Statues.

(g) Any liability of a local law enforcement agency for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be a governmental function and shall be determined as provided in G.S. 153A-435 or G.S. 160-485, as appropriate.

(h) The Department of Crime Control and Public Safety, the Department of Transportation, or a local law enforcement agency may require the owner or carrier, if any, of a vehicle, spilled cargo, or other personal property removed or disposed of under the authority of this section to pay for any costs incurred in the removal and subsequent disposition of the vehicle, spilled cargo, or other personal property."

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

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1140 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, SPILLED CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1140
PROPOSED COMMITTEE SUBSTITUTE H1140-CSSU-8 [v.1]

4/15/2003 6:16:37 PM

Short Title: North Carolina 'Quick Clearance' Act. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, SPILLED CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS.

The General Assembly of North Carolina enacts:

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

"Part 9B. North Carolina 'Quick Clearance' Act.

"**§ 20-137.20. Short title.**

This Part may be known as the North Carolina 'Quick Clearance' Act.

"**§ 20-137.21. Removal of vehicles, spilled cargo, or other personal property from controlled-access highways.**

(a) The Department of Crime Control and Public Safety, the Department of Transportation, or a local law enforcement agency may immediately remove or cause to be removed any wrecked, abandoned, unattended, burned, or partially dismantled vehicle, spilled cargo, or other personal property from the roadway of a controlled-access highway if the vehicle, cargo, or personal property is creating an obstruction or hazard to traffic because of its position in relation to the highway, as determined by authorized officers or employees of the Department or agency.

(b) Vehicles, cargo, or personal property may be removed to any place within the immediate vicinity without any further action or obligation of the Department of Crime Control and Public Safety, the Department of Transportation, the local law enforcement agency, or others acting at the direction of the Department or agency. In the event of a motor vehicle accident which results in apparent serious personal injury or death, no removal shall occur until a law enforcement officer determines that adequate information has been obtained for preparation of an accident report.

(c) When the property creating an obstruction or hazard to traffic is a motor carrier, as defined in G.S. 20-4.01(21b), the agency causing the removal shall make a

reasonable effort to allow the owner of the vehicle to arrange for its removal and shall give due consideration to having the vehicle towed by a towing service capable of safely moving the vehicle in question after it has been removed from the travel way in the most expeditious manner available. The final decision on removal shall rest with the agency causing the removal.

(d) The removal of vehicles away from the immediate vicinity by law enforcement agencies pursuant to this section shall be subject to the same procedures set forth in Part 9A of this Chapter. If the Department of Transportation removes or orders the removal of a vehicle away from the immediate vicinity, the Department shall notify the Department of Crime Control and Public Safety or the local law enforcement agency, and the Department of Transportation shall follow the same procedures as in Part 9A of this Chapter, provided that the Department of Transportation may make arrangements with the Department of Crime Control and Public Safety or the local law enforcement agency to act on its behalf in complying with Part 9A of this Chapter.

(e) If the Department of Crime Control and Public Safety, the Department of Transportation, or a local law enforcement agency removes or orders the removal of spilled cargo or personal property away from the immediate vicinity, the Department or agency shall make reasonable efforts to notify the owner, if known, and shall allow the owner at least 48 hours to claim the cargo or personal property. The Department or agency may immediately dispose of or arrange for the disposal of any cargo, personal property, or other debris that is damaged beyond use or repair.

(f) Any liability of the Department of Crime Control and Public Safety or the Department of Transportation for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be determined in accordance with the provisions of Article 31 of Chapter 143 of the General Statues.

(g) Any liability of a local law enforcement agency for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be a governmental function and shall be determined as provided in G.S. 153A-435 or G.S. 160A-485, as appropriate.

(h) The Department of Crime Control and Public Safety, the Department of Transportation, or a local law enforcement agency may require the owner or carrier, if any, of a vehicle, spilled cargo, or other personal property removed or disposed of under the authority of this section to pay for any costs incurred in the removal and subsequent disposition of the vehicle, spilled cargo, or other personal property."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1140
PROPOSED COMMITTEE SUBSTITUTE H1140-PCS60302-SU-8

Short Title: North Carolina 'Quick Clearance' Act. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, SPILLED CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS.

The General Assembly of North Carolina enacts:

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

"Part 9B. North Carolina 'Quick Clearance' Act.

"**§ 20-137.20. Short title.**

This Part may be known as the North Carolina 'Quick Clearance' Act.

"**§ 20-137.21. Removal of vehicles, spilled cargo, or other personal property from controlled-access highways.**

(a) The Department of Crime Control and Public Safety, the Department of Transportation, or a local law enforcement agency may immediately remove or cause to be removed any wrecked, abandoned, unattended, burned, or partially dismantled vehicle, spilled cargo, or other personal property from the roadway of a controlled-access highway if the vehicle, cargo, or personal property is creating an obstruction or hazard to traffic because of its position in relation to the highway, as determined by authorized officers or employees of the Department or agency.

(b) Vehicles, cargo, or personal property may be removed to any place within the immediate vicinity without any further action or obligation of the Department of Crime Control and Public Safety, the Department of Transportation, the local law enforcement agency, or others acting at the direction of the Department or agency. In the event of a motor vehicle accident which results in apparent serious personal injury or death, no removal shall occur until a law enforcement officer determines that adequate information has been obtained for preparation of an accident report.

(c) When the property creating an obstruction or hazard to traffic is a motor carrier, as defined in G.S. 20-4.01(21b), the agency causing the removal shall make a

reasonable effort to allow the owner of the vehicle to arrange for its removal and shall give due consideration to having the vehicle towed by a towing service capable of safely moving the vehicle in question after it has been removed from the travel way in the most expeditious manner available. The final decision on removal shall rest with the agency causing the removal.

(d) The removal of vehicles away from the immediate vicinity by law enforcement agencies pursuant to this section shall be subject to the same procedures set forth in Part 9A of this Chapter. If the Department of Transportation removes or orders the removal of a vehicle away from the immediate vicinity, the Department shall notify the Department of Crime Control and Public Safety or the local law enforcement agency, and the Department of Transportation shall follow the same procedures as in Part 9A of this Chapter, provided that the Department of Transportation may make arrangements with the Department of Crime Control and Public Safety or the local law enforcement agency to act on its behalf in complying with Part 9A of this Chapter.

(e) If the Department of Crime Control and Public Safety, the Department of Transportation, or a local law enforcement agency removes or orders the removal of spilled cargo or personal property away from the immediate vicinity, the Department or agency shall make reasonable efforts to notify the owner, if known, and shall allow the owner at least two business days to notify the Department or agency that the owner intends to claim the cargo or personal property. The Department or agency may immediately dispose of or arrange for the disposal of any cargo, personal property, or other debris that is damaged beyond use or repair.

(f) Any liability of the Department of Crime Control and Public Safety or the Department of Transportation for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be determined in accordance with the provisions of Article 31 of Chapter 143 of the General Statues.

(g) Any liability of a local law enforcement agency for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be a governmental function and shall be determined as provided in G.S. 153A-435 or G.S. 160A-485, as appropriate.

(h) The Department of Crime Control and Public Safety, the Department of Transportation, or a local law enforcement agency may require the owner or carrier, if any, of a vehicle, spilled cargo, or other personal property removed or disposed of under the authority of this section to pay for any costs incurred in the removal and subsequent disposition of the vehicle, spilled cargo, or other personal property."

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

HOUSE BILL 1140:
North Carolina 'Quick Clearance' Act

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representatives Allred and Coates
Date:	April 23, 2003		
Version:	Proposed Committee Substitute H1140-CSSU-8[v.1]	**Summary by:**	Wendy Graf Ray Committee Counsel

SUMMARY: ***The Proposed Committee Substitute for House Bill 1140 would authorize the Department of Crime Control and Public Safety, the Department of Transportation, and local law enforcement agencies to quickly remove vehicles, spilled cargo, or other personal property from controlled-access highways.***

BILL ANALYSIS: The Proposed Committee Substitute for House Bill 1140 would authorize the Department of Crime Control and Public Safety, the Department of Transportation, and local law enforcement agencies to immediately remove vehicles, spilled cargo, or other personal property from controlled-access highways when the Department or agency determines that the vehicle, cargo, or property is causing an obstruction or hazard to traffic. The Department or agency would be authorized to remove the vehicle, cargo, or property to a place within the immediate vicinity without further action. However, the removal of a vehicle away from the immediate vicinity would have to be done pursuant to the procedural requirements of Part 9A of Article 3. Part 9A provides procedures for the tagging, removal, and eventual sale of vehicles that are abandoned.

The removal of cargo or property away from the immediate vicinity would not have to be done pursuant to the procedural requirements of Part 9A. However, the Department or agency removing the cargo or property would be required to make reasonable efforts to notify the owner and allow at least 48 hours for the owner to claim the cargo or property. If the cargo or property is damaged beyond use or repair, the Department or agency would be allowed to dispose of it immediately.

The Proposed Committee Substitute for House Bill 1140 would provide that liability for damage to vehicles, cargo, or property would be limited to the amount set out in the State Tort Claims Act for the Department of Crime Control and Public Safety and the Department of Transportation, and for law enforcement agencies to the extent immunity is waived through the purchase of insurance by a city or county.

The Proposed Committee Substitute would also authorize the Department or agency to require the owner of the vehicle, cargo, or property to pay for costs incurred in the removal and disposition of the vehicle, cargo, or property.

EFFECTIVE DATE: The bill would be effective when it becomes law.

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 0425 A BILL TO BE ENTITLED AN ACT TO DEFINE A HORSE TRAILER DESIGNED TO CARRY FOUR OR FEWER HORSES AS A RECREATIONAL VEHICLE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 425

Short Title:	Horse Trailer as Recreational Vehicle.	(Public)
Sponsors:	Representatives Sexton; and Culp.	
Referred to:	Transportation.	

March 12, 2003

A BILL TO BE ENTITLED

AN ACT TO DEFINE A HORSE TRAILER DESIGNED TO CARRY FOUR OR FEWER HORSES AS A RECREATIONAL VEHICLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01 reads as rewritten:

"**§ 20-4.01. Definitions.**

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

...

(32a) Recreational Vehicle. – A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, ~~and~~ truck ~~camper.~~camper, and horse trailer.

a. Motor home. – As defined in G.S. 20-4.01(27)d2.

b. Travel trailer. – A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

c. Fifth-wheel trailer. – A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

d. Camping trailer. – A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for

towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

e. Truck camper. – A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck.

f. Horse trailer. – A vehicular portable unit that is constructed to transport four or fewer horses."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 425
PROPOSED COMMITTEE SUBSTITUTE H425-CSRW-35 [v.1]

4/23/2003 9:44:37 AM

Short Title: Horse Trailer/Weigh Stations (Public)

Sponsors:

Referred to:

March 12, 2003

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE REQUIREMENT THAT SMALL HORSE TRAILERS DESIGNED TO CARRY FOUR OR FEWER HORSES MUST STOP AT PERMANENT WEIGH STATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-118.1 reads as rewritten:

"**§ 20-118.1. Officers may weigh vehicles and require overloads to be removed.**

A law enforcement officer may stop and weigh a vehicle to determine if the vehicle's weight is in compliance with the vehicle's declared gross weight and the weight limits set in this Part. The officer may require the driver of the vehicle to drive to a scale located within five miles of where the officer stopped the vehicle.

Any person operating a vehicle or a combination of vehicles having a GVWR of 10,001 pounds or more or any vehicle transporting hazardous materials that is required to be placarded under 49 C.F.R. § 171-180 must enter a permanent weigh station or temporary inspection or weigh site as directed by duly erected signs or an electronic transponder for the purpose of being electronically screened for compliance, or weighed, or inspected.

If the vehicle's weight exceeds the amount allowable, the officer may detain the vehicle until the overload has been removed. Any property removed from a vehicle because the vehicle was overloaded is the responsibility of the owner or operator of the vehicle. The State is not liable for damage to or loss of the removed property.

Failure to permit a vehicle to be weighed or to remove an overload is a misdemeanor of the Class set in G.S. 20-176. An officer must weigh a vehicle with a scale that has been approved by the Department of Agriculture and Consumer Services.

A horse trailer constructed to transport four or fewer horses shall not be required to stop at any permanent weigh station in the State, unless the driver of the vehicle hauling the trailer is directed to stop by a law enforcement officer."

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

HB 425

What the Bill Does:

1. Eliminates requirement that small horse trailers must pull into weigh stations

2. Eliminates people who make only a few dollars incidentally being classified as being engaged in commerce and subject to many of the same regulations as tractor trailer drivers

Reasons for the Bill:

1. Most of these small horse trailers are used for recreation

2. Unintended results not intended to cover small horse trailers when passed

3. No incentive to overload horse trailers, would be dangerous for animals and counter-productive

4. Safety issue with horses staying in weight stations for extended periods of time during hot weather

5. Harmful to the horse industry (small business) in that it discourages people from buying horses due to the hassle encountered while transporting them

6. No demonstrated safety hazard associated with horse trailers

Horses

A $704 Million Purse for North Carolina

College of Agriculture and Life Sciences

Tomorrow's Science and Technology...Today!

North Carolina Horse Council

NC STATE UNIVERSITY

The horse industry in North Carolina includes only a little more than ½ of 1 percent of its population, yet it exerts a much greater economic impact in the state than these numbers suggest.

The 1996 Equine Survey of North Carolina, conducted by the N.C. Department of Agriculture and Consumer Service, finds that more than 33,000 Tar Heels own 133,000 horses (an average of 4 horses per owner) worth $533,000,000 for recreational and commercial purposes, and they spend nearly the same amount—almost $500 million annually—to care for their animals and participate in equine-related activities.

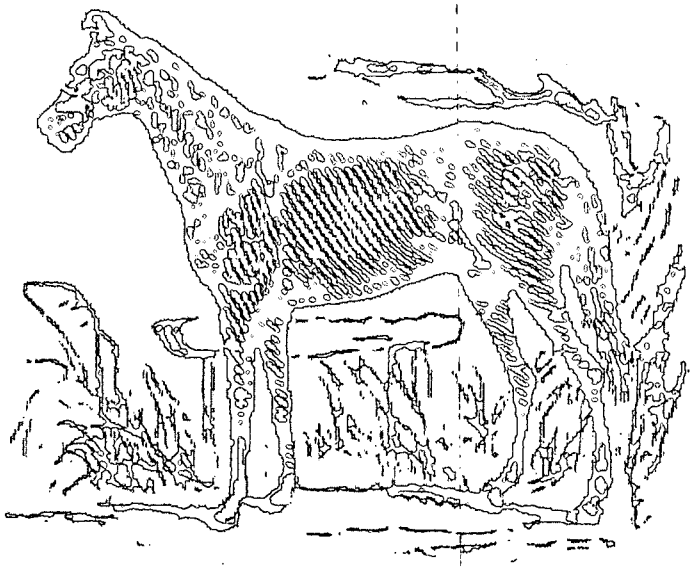
The industry flourishes in urban areas with large populations and almost squarely in the center of the state, with one exception, Buncombe County in the mountains. All of the top 10 counties in terms of both horse population and value lie within the state's major metropolitan areas. The top counties in horse numbers are, from the highest, Guilford, Union, Mecklenburg, Wake, Rockingham, Forsyth, Iredell, Moore, Buncombe and Cumberland. In value, the top 10 are, from the highest, Guilford, Cabarrus, Rockingham, Mecklenburg, Wake, Moore, Forsyth, Union, Orange and Iredell.

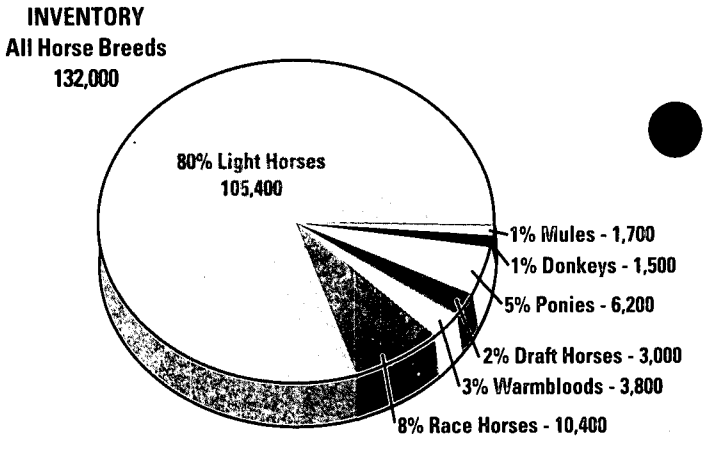
Averaging 44 years of age (nearly 70 percent are between 36 and 65), North Carolina's equine owners sell horses, breed them, board them, ride them, show them, and give riding lessons. In addition to the 33,000 owners, some 8,100 people are employed by the industry—2,500 on a full-time basis and another 5,600 part-time—bringing the total number of North Carolinians involved with horses to 41,000.

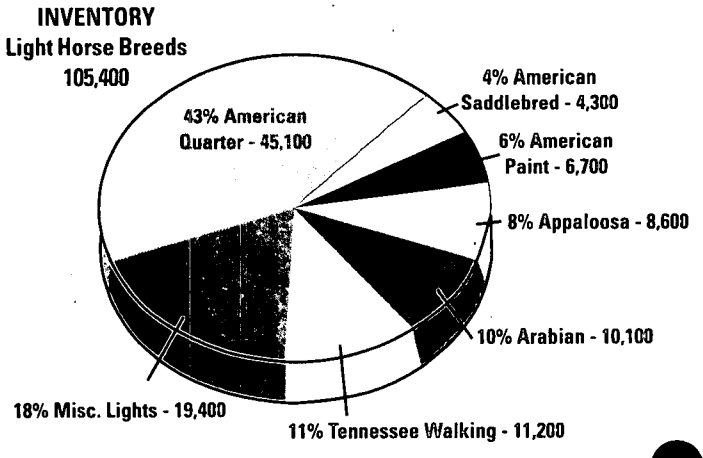
Horse owners show a marked preference for Light Horses, 80 percent of the state's equine population. The 105,400 head they own are valued at $383,035,000. The Light Horse breed they like the most is the American Quarter Horse—45,100 head or 43 percent of the horse numbers (value $152,740,000). The next most popular breed is the Tennessee Walking Horse—11,200 head or 11 percent (value $37,685,000)—though the Arabian is a close third at 10,100 or 10 percent (value $48,400,000). Tar Heel owners are no strangers to racing, though, as 8 percent of the state's equine numbers (10,400 head) are race horses valued at $80,135,000 (15 percent of the total state value).

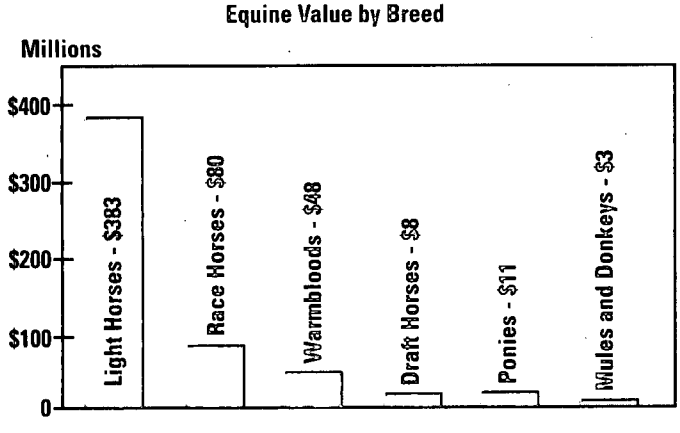
Of the 26,300 horse operations across the state, most (20,400 or 78 percent) have 1 to 5 horses. However, 600 farms (2 percent) have 25 or more animals, and the average number on these farms is 42.7 head. Land associated with all horse operations totals 446,000 acres, with the average farm encompassing 17 acres. Property taxes on this acreage run to $20.5 million, which helps support state and local expenditures for public services such as schools, parks and road construction.

The true economic impact of the equine industry extends beyond its usual boundaries. Purchases of agriculture products including feed grain, hay, veterinary services and farm equipment help support a network of firms outside the industry. Wages and payments to farm laborers, farriers, grooms and trainers provide income to the families employed by the industry, allowing those families to purchase a variety of ordinary consumer goods. When all of these impacts are factored in, the total annual monetary clout of the industry reaches an impressive $704.4 million.









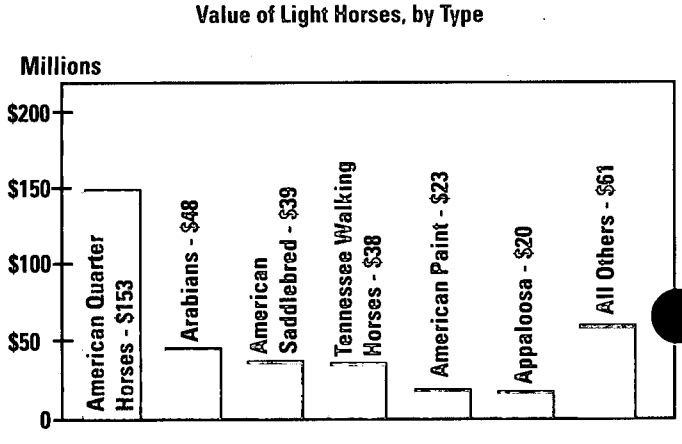


Table 1: 1996 purchases by the North Carolina equine industry and net purchases spent in North Carolina.

Category	Total purchases ($mil)	N.C. purchases[1] (%)	N.C. purchases ($mil)
Annual Expenditures			
Grain (feed)	$36.6	98.0%	$36.2
Supplements (feed)	$2.9	93.1%	$2.7
Hay	$19.8	95.5%	$18.9
Pasture	$12.7	99.2%	$12.6
Health	$21.8	95.0%	$20.7
Boarding	$15.4	89.6%	$13.8
Bedding	$6.1	96.7%	$5.9
Breeding	$5.7	75.4%	$4.3
Maintenance	$22.4	97.8%	$21.9
Utilities (electric)	$7.4	98.6%	$7.3
Event fees	$13.7	76.6%	$10.5
Travel/Lodge	$10.8	82.4%	$8.9
Advertising	$3.7	83.8%	$3.1
Profession/Membership	$2.6	84.6%	$2.2
Insurance	$11.9	100.0%	$11.9
Bank Interest	$7.6	100.0%	$7.6
Real Estate Brokerage[2]	$2.5	100.0%	$2.5
Other (general merch.)	$2.9	90.0%	$2.6
Asset Expenditures			
Horses	$31.0	72.9%	$22.6
Barns & Stables	$22.6	100.0%	$22.6
Sheds	$2.9	100.0%	$2.9
Fencing	$4.4	100.0%	$4.4
Vehicles	$36.1	100.0%	$36.1
Tractors	$12.6	100.0%	$12.6
Trailers	$11.3	100.0%	$11.3
Tack/Attire	$4.2	100.0%	$4.2
Misc. Equine Equipment	$0.4	100.0%	$0.4
Misc. Other Equipment	$0.1	100.0%	$0.1
Arenas (indoor & outdoor)	$2.5	100.0%	$2.5
Total	**$334.6**		**$313.4**

[1]This 100% means that purchases outside N.C. are negligible.
[2]Real estate brokerage fees assumed to be 6% of the $42.9 million land purchases in 1996.
Source: Buysse and Bunch, 1996 North Carolina Equine Survey.

Table 2: 1996 payments for labor services.

Category	*Payments ($mil)*	*Payments In N.C. (%)*	*North Carolina Impact ($mil)*
Farm labor (incl. benefits)	$51.0	100.0%	$51.0
Trainers	$17.3	78.6%	$13.6
Farriers	$16.6	97.0%	$16.1
Grooming	$ 4.6	93.5%	$ 4.3
Total Labor payments in North Carolina	$89.5	95.0%	$85.0

Table 3: 1996 revenues earned.

Category	*Total Revenues ($mil)*	*Revenues Earned Out-N.C (%)*	*Revenues Earned Out-N.C. ($mil)*
Training	$8.6	8.1%	$0.7
Boarding	$24.1	11.6%	$2.8
Breeding	$5.2	30.8%	$1.6
Equine sales	$39.1	27.1%	$10.6
Feed	$1.8	5.6%	$0.1
Trail Riding	$1.8	16.7%	$0.3
Riding lessons	$6.3	9.5%	$0.6
Shows, Rodeos, Racing and Other	$10.1	26.7%	$2.7
Total revenues earned outside of North Carolina	$97.0	20%	$19.4

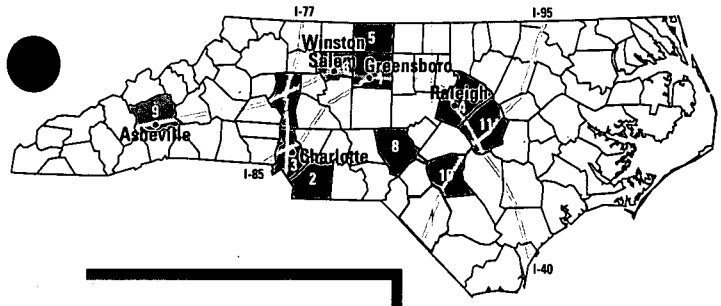
Table 4: 1996 Property taxes paid to local and state government.

Category	*Revenues ($mil)*
Property taxes	$20.5

Table 5: Summary of economic impacts from the equine industry in North Carolina. Output and income impacts expressed in terms of millions of dollars. Employment impacts expressed as full-time equivalents (FTE).

	Direct	*Indirect*	*Induced*	*Total*
Output ($million)	$438.3	$102.0	$164.0	$704.4
Income ($million)	$147.0	$35.0	$69.6	$251.6
Employment (FTE)	6,480	1,181	2,594	10,255

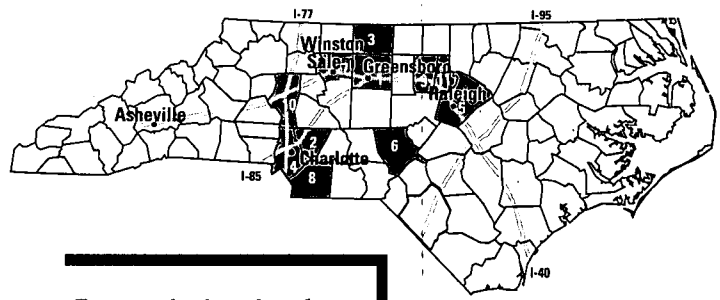
Top Horse Counties by Number



Top counties by number of horses (100-county total, 132,000)

Guilford	5,600
Union	4,600
Mecklenburg	4,400
Wake	4,100
Rockingham	3,700
Forsyth	3,600
Iredell	3,100
Moore	3,100
Buncombe	3,000
Cumberland	3,000
Johnston	3,000

Top Horse Counties by Value



Top counties by value of horses (100-county total, $533,000,000)

Guilford	$31,851,000
Cabarrus	26,499,000
Rockingham	24,452,000
Mecklenburg	23,790,000
Wake	21,711,000
Moore	21,006,000
Forsyth	16,417,000
Union	14,223,000
Orange	14,094,000
Iredell	12,853,000
Durham	11,995,000

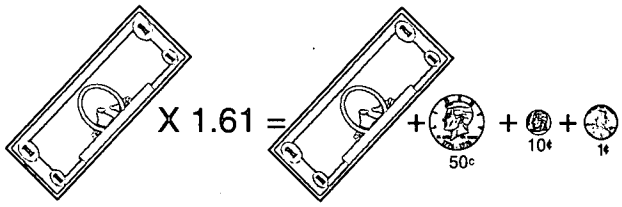
Table 6: Output, income and employment multipliers summarizing the economic impact of the equine industry in North Carolina.

	Type I	Type II
Output	1.23	1.61
Income	1.24	1.71
Employment	1.18	1.58

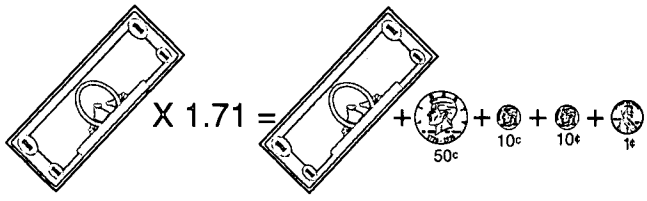
Type I multipliers = (direct + indirect)/direct
Type II multipliers = (direct + indirect + induced)/direct

Source: Calculated from values in Table 5.

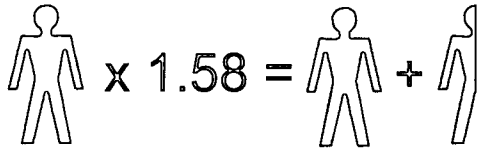
Output: Every dollar spent by a horse farm creates the opportunity for as much as 61 cents more spending, directly, indirectly, or induced.



Income: For every dollar earned by horse farms, state income grows through direct, indirect and induced impacts by as much as 71 cents.



Employment: For every person who works full-time in the equine industry, employment grows by as much as a half-time worker.



The economic impacts of any industry fall basically into three categories: output (spending), income (earnings) and employment. Output and income are expressed in dollars, while employment is measured in full-time-equivalents (one full-time equivalent [FTE] is a person who works 40 hours per week).

Any type of economic impact has three components—direct, indirect and induced. A direct impact describes the economic performance of the particular industry and is measured in sales, employment and income payments. An indirect impact describes the economic action when members of the industry buy goods and services from their suppliers. An induced impact describes what happens when employees and owners in the particular industry spend their wages, rental income, dividends and profits on consumer goods such as food, clothes, furniture, televisions, vacations and cars.

The $704.4 million effect of the North Carolina equine industry includes direct impacts of more than $438 million ($313.4 million in purchases from other North Carolina businesses, $85 million in household expenditures by employees of the equine industry, $19.4 in household expenditures by equine owners, and $20.5 million in expenditures by local governments). Indirect impacts add another $102 million and induced impacts, another $164 million.

North Carolina households receive almost $252 million in total income from horses. Broken down, this includes $147 million of direct impacts, $35 million in indirect impacts and $69.6 million in induced impacts.

In employment, more than 10,000 jobs in North Carolina are directly or indirectly linked to the industry. The direct impact is estimated to be almost 6,500 FTEs, while the indirect and induced impacts are 3,775 more FTE jobs.

A convenient way to summarize the total economic impact of an industry on the rest of the economy is by using "multipliers." Type I multiplier includes direct and indirect effects, whereas Type II multiplier includes direct, indirect and induced effects.

The results presented in Table 6 show that for every dollar of purchases by horse farms in North Carolina, an additional 61 cents of sales are created throughout the state. For every dollar of income generated by horse farms, 71 cents of additional income are earned by North Carolina residents. Finally, for every full-time person working in the horse industry, another 0.58 full time jobs will be created in the rest of the economy.

Funded by
North Carolina Horse Council

"Your referendum money at work"

Published by
College of Agriculture and Life Sciences
North Carolina State University

August 2000

The authors of this publication are Dr. Tomislav Vukina, Dr. Robert Mowrey and Dr. Fritz Roka.

This report is based on the information available in Roka, F., T. Vukina and R. Mowrey: "Impact of the Equine Industry on the Economy of North Carolina." Animal Science Facts, No. ANS00-404H, North Carolina Cooperative Extension Service, NCSU, Raleigh, June 2000.

5,000 copies of this public document were printed at a cost of $2,400.00, or $0.48 per copy.

The North Carolina Horse Industry

- $704.4 million industry
- More than 33,000 Tar Heels own 133,000 horses (average of 4 horses per owner) worth $533,000,000 for recreational and commercial purposes
- Owners spend almost $500 million annually to care for their animals and participate in equine-related activities.
- In addition to the 33,000 owners, some 8,100 people are employed by the industry – 2,500 on a full-time basis and another 5,600 part-time – bringing the total number of North Carolinians involved with horses to 41,000
- Land associated with all horse operations totals 446,000 acres, with the average farm encompassing 17 acres. Property taxes on this acreage run to $20.5 million
- Purchases of agricultural products including feed grain, hay, veterinary services and farm equipment help support a network of firms outside the industry

North Carolina Horse Population

Top counties by # of horses

- Guilford 5,600
- Union 4,600
- Mecklenburg 4,400
- Wake 4,100
- Rockingham 3,700
- Forsyth 3,600
- Iredell 3,100
- Moore 3,100
- Buncombe 3,000
- Cumberland 3,000
- Johnston 3,000

Top counties by value of horses

- Guilford $31,851,000
- Cabarrus $26,499,000
- Rockingham $24,452,000
- Mecklenburg $23,790,000
- Wake $21,711,000
- Moore $21,006,000
- Forsyth $16,417,000
- Union $14,223,000
- Orange $14,094,000
- Iredell $12,853,000
- Durham $11,995,000

North Carolina Horse Council Association & Agribusiness Members

- N.C. Quarter Horse Association (800-1000)
- N.C. Hunter Jumper Association (800-1000)
- N.C. Arabian Horse Association (200+)
- N.C. Dressage & Combined Training (500+)
- N.C. Walking Horse Association (400+)
- N.C. 4-H Association (12,000)
- Carolina Mule Association (400+)
- Sauratown Trails Association (75)
- Moore County Driving Club (200+)
- Tarheel Appaloosa Association (200+)
- Triad Horsemen's Association (75)
- Piedmont Horseman's Association (150)
- Foothills Equestrian Trail Association (250)
- Davidson County Horsemen's Association (125)
- Sandhills Equestrian Association (125)
- Wilkes Horse Owner's Association (135)
- Pleasant Hill Saddle Club (75)
- Triangle Wide Horsemen's Association (125)
- Henderson County Mounted Patrol (65)
- Southeastern Horseshoer's Association (60)
- Moore County Equine Emerg. Rescue (15)
- Sandhills Trail Riders (75)
- Gaston County Horsemen's Association (125)
- Kings Mountain Saddle Club (25)
- Central Carolina Driving Club (35)
- Foothills Dressage/ Cross-Training Club (35)
- Triangle Insurance Group, Inc.
- Bronze Fox Tack and Saddler
- Carolina Farm Credit
- Cowboys for Christ (400)
- Rockingham Cty. Horsemen's Association (50)
- Meadowbrook Saddle Club (25)
- American Saddlebred Association (60)
- Pisgah Trailblazers (65)
- Seagate Saddle Club (25)
- Burke County Horsemen's Association (40)
- Southeast Reining Horse Association (45)
- Iredell Equestrian Association (55)
- Red Mountain Hounds (70)
- Plantation Pleasure Walking Horse Association (65)
- Western N.C. ApHC (65)
- Eastern Quarter Horse Association (45)
- Eastern N.C. Paso Fino Horse Association (45)
- Duplin County Horsemen's Association (50)
- Cherokee Trailriders (45)
- Va/Carolinas Morgan Horse Club (55)
- Tarheel Horsemen's Association (45)
- Central Piedmont Arabian Horse Association (80)
- Mid-East Coast Arabian Breeders Association (50)
- Alleghany Horseman's Association (65)
- Blue Ridge Horsemen's Association (75)
- N.C. Barrel Horse Association (135)
- N.C. Percheron Association (65)
- Piedmont Hunter Jumper Association (250)
- Fort Dodge
- Old South Building Systems
- Manna Pro Corporation
- General Timber, Inc.

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — Wednesday, April 23, 3003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Craig Deal	NCDENR
Roberto Canales	NCDOT
Ken Ivey	NCDOT
Susan Conard	NCDOT
[illegible] GP	NCFB
Wayne Hooden	NC DOT- DMV
Carol Howard	DOT / DMV
Sharon Matthews	DOT / DMV
[illegible]	Capitol Group
John Phelps	NCLM
Julian Council	SBTS

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — Wednesday, April 23, 3003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lon Sanderson	NC DOT
Edna Campos	El Pueblo
Andrea Bazán Manson	EL PUEBLO
Katie Pomerans	Centro Hispano
IVAN RACCA	LATINO COMMUNITY DEVELOPMENT CENTER
LYMAN COOPER	CSX Railroad
Lucius Pullen	Counsel, NC Mining Assoc.
JOHN LONG	MARTIN MARIETTA MATERIALS
Fred Allen	NC Aggregates Assn.
Mac Boxley	NC Aggregates Assn.
David Strickland	Cortwright Bill

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — Wednesday, April 23, 3003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Julie Donnelly	NC Public Radio
Susan Markham	NC Ports
Charlie Diehl	NCTA
Virgil McBride	Governor's office
Betsy Bailey	NC Public Transportation Assn.
Patrick Simmons	NCDOT
Gene Causby	NCSCA
Leanne Winner	NCSBA
Benny Sowers	NC HC
Otis Carter	Carts of Assoc.
Joe McClees	McClees Assoc.

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — Wednesday, April 23, 3003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jon Williams	CCPS
Charles S. Mitchell	DMV/SBTS
Roy William	UNC
Bill Self	KS
Rob Rusablon	NC State watch INC
David Crawford	AIA North Carolina
Steve Woodson	NC Farm Bureau

TRANSPORTATION
11:00
1228
4/23/03

House Pages

1. Name: Joy Hawley
   County: Harnett
   Sponsor: Lewis
2. Name: Elizabeth Brim
   County: Randolph
   Sponsor: Bru baker
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

1. Name: Dusty Rhodes
2. Name: Martha Parrish
3. Name: Bob Fowler
4. Name: _____

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

April 24, 2003

1:00 P.M.

Room 1228 LB

Representative Cary Allred, Presiding Chair
Representative Lorene Coates, Chair

OPENING REMARKS

BILLS FOR CONSIDERATION

HB0439-Cartways. – Rep. Sexton
HB0944-Required Notices for Towing Payments. – Rep. Mitchell
HB1019-I-85/I-40 U.S. Veterans Memorial Freeway. – Rep. Allred
HB1020-Safety Markers for Contract Truckers. – Rep. Allred
HB1174-Safe Transportation for School Students. – Rep. Creech

~~ bills listed in numerical order

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

April 24, 2003

The HOUSE COMMITTEE ON TRANSPORTATION met on Thursday, April 24, 2003 in Room 1228 of the Legislative Building at 1:00 P.M. The following were present: Representative Allred, presiding Chair, Representative Coates, Co-Chair, Representatives Daugthridge, A. Williams and K. Williams, Vice chairs and Representatives G. Allen, L. Allen, Cole, Crawford, Frye, Hill, LaRoque, Lewis, Nye, Rapp, Starnes and Eddins. Assisting with the meeting were Giles Perry and Wendy Graf-Ray, Staff Counsel, Jean Allred and Melissa Lennon, Committee Assistants. Also assisting were Dusty Rhodes, Bob Fowler and Jason Stancil, House Sergeants-at-Arms and House Pages.

Representative Allred called the meeting to order and introduced the House Sergeants-at-Arms and the House Pages assisting with the meeting.

The first order of business was **HB-1174 – A BILL TO BE ENTITLED AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL.** – sponsored by Representative Creech. Representative Creech was asked to explain the bill. An amendment was offered by Representative Cole to change reference to the Department of Transportation within HB-1174 to read the *Department of Crime Control and Public Safety* and was passed. The bill would direct the Department of Crime Control and Public Safety to develop a system for certification of motorcoach companies that provide transportation for all school sponsored trips. Gene Causey, NC Motor Coach Association, spoke in favor of the bill. He said that it would cost some money but it would make the inspections uniform and fair to all. Leanne Winner, NC School Board Association, takes no position on the bill. Derrick Graham, Department of Public Instruction, said that many systems tested and approved buses for the posted speeds. Representative K. Williams moved to roll the amendment into a new committee substitute, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations. The motion carried.

Next for consideration was **HB-0944 – A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN NOTIFICATIONS BEFORE A TOWER MAY**

COLLECT CERTAIN CHARGES . After a brief discussion with Representative Mitchell, the bill sponsor, it was agreed that Chairman Allred displace the bill until another meeting.

Representative Allred recognized Representative Sexton, bill sponsor, to present **HB—439 – A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE OPENING OF CARTWAYS.** Chairman Allred reminded the committee that this bill would have to be re-referred to Judiciary II if it received a favorable report from committee. Representative Sexton explained that HB-439 was being run because a person in his district needed some help because he owned property that was land locked. He also had received many similar requests from people in the state. Giles Perry, Staff Counsel, explained that the new reason for authorizing a cartway was to establish cartway access to a single-family homestead on landlocked property of least seven acres and would expire after two years. A gentleman from Nash County appealed to the committee to pass the bill. Discussion followed with Representative Nye commenting that the bill had a long way to go and motioned that it pass without prejudice as to the committee substitute bill, unfavorable as to the original bill, and be re-referred to the Committee on Judiciary II. Bob Slocum, NC Forestry Association, spoke with some concern about allowing additional cartways. Representative Starnes offered a substitute motion to give the bill a favorable report as to the committee substitute bill, unfavorable as to the original bill, and that it be re-referred to the Committee on Judiciary II, the motion failed and Representative Nye's previous motion was adopted.

The last bill for consideration was Representative Allred's bill, **HB-1019 – A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE I-85/I-40 CORRIDOR IN ALAMANCE COUNTY AS THE U.S. VETERANS MEMORIAL FREEWAY.** Representative Coates presided while Representative Allred explained that an executive with Glen Raven Mills in Alamance County, as well as veterans in Alamance County, had contacted him asking that the section of I-40 through Alamance County be designated as the U.S. Veterans Memorial Freeway. A conflict arose and as a compromise it was decided that I-85/I-40 be designated as the I-40 Corridor in North Carolina as the U.S. Veterans Memorial Highway. Discussion followed with Len Sanderson, NCDOT, explaining that if the legislation passed, it would be an overlay on an overlay because I-85/I-40 is designated as a n historic highway. It was noted that all the names now on the highway signs would remain. Representative Nye moved to give the bill a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The motion passed and the meeting adjourned at 1:55 P.M.

Respectfully submitted,

Representative Cary Allred
Presiding Chairman

Jean Allred
Committee Assistant

Agenda
Committee Reports
Bills Considered
Attachments
Visitors Registration

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1174 A BILL TO BE ENTITLED AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1174
PROPOSED COMMITTEE SUBSTITUTE H1174-PCS45099-SU-15

Short Title: Safe Transportation for School Students. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL.

Whereas, public school systems have long engaged in providing trips for students that enhance learning opportunities; and

Whereas, it is essential that travel for such trips be conducted as safely as humanly possible; and

Whereas, there exists a lack of clarity in current provision for the proper use of activity buses and private motorcoach carriers for such transportation; and

Whereas, State law limits the top speed of an activity bus to 55 miles per hour; and

Whereas, it is unsafe to put an activity bus on a superhighway in the path of traffic traveling at posted speed limits of 70 miles per hour; and

Whereas, school buses are manufactured and tested for low-speed use and were never intended to be over-the-road vehicles; and

Whereas, school personnel are not trained to inspect motorcoaches and determine their degree of safety; and

Whereas, there is a need for a process that will provide consistent, uniform, accurate certification of motorcoach companies; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-247.1. Certification of companies contracting with school systems for transportation of students.**

The North Carolina Department of Crime Control and Public Safety is hereby directed to establish a system of certification of privately owned motorcoach companies that seek to contract with local school systems for the transportation of students, school

personnel, and other persons authorized by the school system for school-sponsored trips.

The Department of Crime Control and Public Safety shall develop a process of certification for these companies that shall include, but not be limited to:

(1) On-site inspection of interested companies.

(2) Assurance that the motorcoach companies, their drivers, and their vehicles meet the Federal Motor Carrier Safety Regulations. Within these regulations are hazardous materials rules and requirements for controlled substance and alcohol testing, financial responsibility, driver qualifications, driving rules, and standards for parts and accessories of equipment for the maintenance of the equipment.

(3) In addition to the Federal Motor Carrier Safety Regulations, the motorcoach company shall adhere to North Carolina motor vehicle laws. These laws include the requirement that motorcoach drivers have a valid commercial drivers license. North Carolina requires that buses be registered properly and that a carrier transporting passengers for hire have a for-hire license.

(4) The Department of Crime Control and Public Safety shall determine which companies are certified and the length of certification. The Department shall also have the right and responsibility to conduct additional on-site inspections when needed.

(5) The Department of Crime Control and Public Safety may use federal funds that are currently being provided for this purpose. If additional funds are required, the Department shall make request for these funds to the General Assembly.

(6) School systems utilizing motorcoach companies for transportation needs shall contract for such services only with motorcoach companies that are certified by the Department of Crime Control and Public Safety."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1174

Short Title:	Safe Transportation for School Students.	(Public)
Sponsors:	Representative Creech.	
Referred to:	Transportation.	

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL.

Whereas, public school systems have long engaged in providing trips for students that enhance learning opportunities; and

Whereas, it is essential that travel for such trips be conducted as safely as humanly possible; and

Whereas, there exists a lack of clarity in current provision for the proper use of activity buses and private motorcoach carriers for such transportation; and

Whereas, State law limits the top speed of an activity bus to 55 miles per hour; and

Whereas, it is unsafe to put an activity bus on a superhighway in the path of traffic traveling at posted speed limits of 70 miles per hour; and

Whereas, school buses are manufactured and tested for low-speed use and were never intended to be over-the-road vehicles; and

Whereas, school personnel are not trained to inspect motorcoaches and determine their degree of safety; and

Whereas, there is a need for a process that will provide consistent, uniform, accurate certification of motorcoach companies; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-247.1. Certification of companies contracting with school systems for transportation of students.**

The North Carolina Department of Transportation is hereby directed to establish a system of certification of privately owned motorcoach companies that seek to contract with local school systems for the transportation of students, school personnel, and other persons authorized by the school system for school-sponsored trips.

The Department of Transportation shall develop a process of certification for these companies that shall include, but not be limited to:

(1) On-site inspection of interested companies.

(2) Assurance that the motorcoach companies, their drivers, and their vehicles meet the Federal Motor Carrier Safety Regulations. Within these regulations are hazardous materials rules and requirements for controlled substance and alcohol testing, financial responsibility, driver qualifications, driving rules, and standards for parts and accessories of equipment for the maintenance of the equipment.

(3) In addition to the Federal Motor Carrier Safety Regulations, the motorcoach company shall adhere to North Carolina motor vehicle laws. These laws include the requirement that motorcoach drivers have a valid commercial drivers license. North Carolina requires that buses be registered properly and that a carrier transporting passengers for hire must have a for-hire license.

(4) The Department of Transportation shall determine which companies are certified and the length of certification. The Department shall also have the right and responsibility to conduct additional on-site inspections when needed.

(5) The Department of Transportation may use federal funds that are currently being provided for this purpose. If additional funds are required the Department shall make request for these funds to the General Assembly.

(6) School systems utilizing motorcoach companies for transportation needs shall contract for such services only with motorcoach companies that are certified by the Department of Transportation."

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

HOUSE BILL 1174:
Safe Transportation for School Students

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representative Creech
Date:	April 23, 2003	**Summary by:**	Wendy Graf Ray
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1174 would direct the Department of Transportation to develop a system for certification of motorcoach companies that provide transportation for school-sponsored trips.***

CURRENT LAW: G.S. 115C-239 and G.S. 115C-247 give local boards of education in North Carolina the authority to purchase school buses and activity buses. G.S. 115C-253 authorizes local boards of education to enter into contracts with any person, firm, or corporation for the transportation of students in lieu of the purchase and operation of buses by the local board.

G.S. 115C-248 provides for inspection of school buses owned and operated by the local school administrative unit and activity buses used by the local school administrative unit. Inspections are to be performed at the direction of the superintendent, at least every 30 days during the school year, to determine whether there are mechanical defects or other defects affecting the safe operation of the bus. The inspector is to make a report with recommendations to the superintendent. Bus drivers are also required to report defects. The use of a bus must be discontinued if the principal of the school to which the bus is assigned or the superintendent finds it to be so defective that it cannot be operated with reasonable safety.

BILL ANALYSIS: House Bill 1174 would direct the North Carolina Department of Transportation to develop a certification process for privately owned motorcoach companies that seek to contract with school systems for the transportation of students on school-sponsored trips. The process would have to include all of the following:

- On-site inspection of companies.
- Assurance that companies, drivers, and vehicles meet Federal Motor Carrier Safety Regulations.
- Assurance that companies adhere to North Carolina motor vehicle laws.
- The Department is to determine which companies are certified and for how long.
- The Department is to use available federal funds, but may request additional funds from the General Assembly.
- School systems will be required to contract for transportation services only with certified companies.

EFFECTIVE DATE: The bill would be effective when it becomes law.

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 0439 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE OPENING OF CARTWAYS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ Without prejudice as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary II.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 439
PROPOSED COMMITTEE SUBSTITUTE H439-CSRW-29 [v.2]

4/23/2003 3:54:03 PM

Short Title: Cartways. (Public)

Sponsors:

Referred to:

March 13, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS RELATING TO THE OPENING OF CARTWAYS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-69(a) reads as rewritten:

"(a) ~~If~~ In order to ensure that all landowners who do not have a deeded or documented easement or right-of-way to a public road shall have a legal means of obtaining access to that road, if any person, firm, association, or corporation shall be engaged in the cultivation of any land or the cutting and removing of any standing timber, or the working of any quarries, mines, or minerals, or the operating of any industrial or manufacturing plants, or public or private cemetery, or the use of land as single-family homesteads, or taking action preparatory to the operation of any such enterprises, to which there is leading no public ~~road~~ road, reasonable deeded or documented easement or right-of-way to a public road, or other adequate means of transportation, other than a navigable waterway, affording necessary and proper means of ingress thereto and egress ~~there from,~~therefrom, such person, firm, association, or corporation may institute a special proceeding as set out in ~~the preceding section (G.S. 136-68), and if it shall~~ G.S. 136-68. Should it be made to appear to the court necessary, reasonable and just that such person shall have a private way to a public road or watercourse or railroad over the lands of other persons, the court shall appoint a jury of view of three disinterested freeholders to view the premises and lay off a cartway, tramway, or railway of not ~~less~~ more than 18 feet ~~in width,~~ of travel surface or any other minimum width requested in the petition and found necessary and proper by the court, and not more than 30 feet in width for cuts, fills, and ditches or cableways, chutes, and ~~flumes, and~~ flumes.

If a cartway is granted for the use of one or more single-family homesteads, each single-family homestead shall consist of at least seven acres of land. Where there exists a private railroad crossing, the private railroad crossing may be used as part of the

cartway established under this Article provided the person, firm, association, or corporation seeking the cartway agrees to reimburse the railroad the cost of maintaining the private crossing and to protect and hold harmless the railroad against all liability associated with the crossing. Except as provided in this subsection for the establishment of a cartway over an existing private railroad crossing, no real estate, right-of-way, easement, leasehold, or other interest in land which has been condemned by a railroad or has been obtained for a railroad's use as a right-of-way, depot, or station house shall be used for the establishment of a cartway or other use under this Article except by agreement with the railroad. The jury of view shall assess the damages the owner or owners of the land crossed may sustain thereby, and make report of their findings in writing to the clerk of the superior court. Exceptions to said report may be filed by any interested party and such exceptions shall be heard and determined by the clerk of the superior court. The clerk of the superior court may affirm or modify said report, or set the same aside and order a new jury of view. All damages assessed by a judgment of the clerk, together with the cost of the proceeding, shall be paid into the clerk's office before the petitioners shall acquire any rights under said proceeding."

SECTION 2. This act is effective when it becomes law. Section 1 of this act shall expire July 1, 2005. This act applies to actions to establish cartways filed on or after the date the act becomes law, and before July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 439
PROPOSED COMMITTEE SUBSTITUTE H439-PCS60323-RW-29

Short Title: Cartways. (Public)

Sponsors:

Referred to:

March 13, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS RELATING TO THE OPENING OF CARTWAYS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-69(a) reads as rewritten:

"(a) ~~If~~ In order to ensure that all landowners who do not have a deeded or documented easement or right-of-way to a public road shall have a legal means of obtaining access to that road, if any person, firm, association, or corporation shall be engaged in the cultivation of any land or the cutting and removing of any standing timber, or the working of any quarries, mines, or minerals, or the operating of any industrial or manufacturing plants, or public or private cemetery, or the use of land as single-family homesteads, or taking action preparatory to the operation of any such enterprises, to which there is leading no public ~~road~~ road, reasonable deeded or documented easement or right-of-way to a public road, or other adequate means of transportation, other than a navigable waterway, affording necessary and proper means of ingress thereto and egress ~~there from,~~therefrom, such person, firm, association, or corporation may institute a special proceeding as set out in ~~the preceding section (G.S. 136-68), and if it shall~~ G.S. 136-68. Should it be made to appear to the court necessary, reasonable and just that such person shall have a private way to a public road or watercourse or railroad over the lands of other persons, the court shall appoint a jury of view of three disinterested freeholders to view the premises and lay off a cartway, tramway, or railway of not ~~less~~ more than 18 feet ~~in width,~~ of travel surface or any other minimum width requested in the petition and found necessary and proper by the court, and not more than 30 feet in width for cuts, fills, and ditches or cableways, chutes, and ~~flumes, and~~ flumes.

If a cartway is granted for the use of one or more single-family homesteads, each single-family homestead shall consist of at least seven acres of land. Where there exists a private railroad crossing, the private railroad crossing may be used as part of the

cartway established under this Article provided the person, firm, association, or corporation seeking the cartway agrees to reimburse the railroad the cost of maintaining the private crossing and to protect and hold harmless the railroad against all liability associated with the crossing. Except as provided in this subsection for the establishment of a cartway over an existing private railroad crossing, no real estate, right-of-way, easement, leasehold, or other interest in land which has been condemned by a railroad or has been obtained for a railroad's use as a right-of-way, depot, or station house shall be used for the establishment of a cartway or other use under this Article except by agreement with the railroad. The jury of view shall assess the damages the owner or owners of the land crossed may sustain thereby, and make report of their findings in writing to the clerk of the superior court. Exceptions to said report may be filed by any interested party and such exceptions shall be heard and determined by the clerk of the superior court. The clerk of the superior court may affirm or modify said report, or set the same aside and order a new jury of view. All damages assessed by a judgment of the clerk, together with the cost of the proceeding, shall be paid into the clerk's office before the petitioners shall acquire any rights under said proceeding."

SECTION 2. This act is effective when it becomes law. Section 1 of this act shall expire July 1, 2005. This act applies to actions to establish cartways filed on or after the date the act becomes law, and before July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 439

Short Title:	Cartways.	(Public)
Sponsors:	Representative Sexton.	
Referred to:	Transportation, if favorable, Judiciary II.	

March 13, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS RELATING TO THE OPENING OF CARTWAYS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-69(a) reads as rewritten:

"(a) ~~If~~ In order to ensure that all landowners who do not have a deeded or documented easement or right-of-way to a public road shall have a legal means of obtaining access to that road, if any person, firm, association, or corporation shall be engaged in the cultivation of any land or the cutting and removing of any standing timber, or the working of any quarries, mines, or minerals, or the operating of any industrial or manufacturing plants, or public or private cemetery, or the use of land as single-family homesteads, or taking action preparatory to the operation of any such enterprises, to which there is leading no public ~~road~~ road, reasonable deeded or documented easement or right-of-way to a public road, or other adequate means of transportation, other than a navigable waterway, affording necessary and proper means of ingress thereto and egress ~~there from,~~therefrom, such person, firm, association, or corporation may institute a special proceeding as set out in ~~the preceding section (G.S. 136-68), and if it shall~~ G.S. 136-68. Should it be made to appear to the court necessary, reasonable and just that such person shall have a private way to a public road or watercourse or railroad over the lands of other persons, the court shall appoint a jury of view of three disinterested freeholders to view the premises and lay off a cartway, tramway, or railway of not ~~less~~ more than 18 feet ~~in width,~~ of travel surface or any other minimum width requested in the petition and found necessary and proper by the court, and not more than 30 feet in width for cuts, fills, and ditches or cableways, chutes, and ~~flumes, and~~ flumes.

If a cartway is granted for the use of one or more single-family homesteads, each single-family homestead shall consist of at least seven acres of land. Where there exists a private railroad crossing, the private railroad crossing may be used as part of the cartway established under this Article provided the person, firm, association, or

corporation seeking the cartway agrees to share proportionately with other landowners authorized to use the crossing the cost of maintaining the private crossing and to protect and hold harmless the railroad against all liability associated with the crossing, provided the railroad is being operated in a lawful manner at or in the vicinity of the crossing. Except as provided in this subsection for the establishment of a cartway over an existing private railroad crossing, no real estate, right-of-way, easement, leasehold, or other interest in land which has been condemned by a railroad or has been obtained for a railroad's use as a right-of-way, depot, or station house shall be used for the establishment of a cartway or other use under this Article except by agreement with the railroad. Should a petitioner seeking a cartway request a new railroad crossing, the railroad shall negotiate in good faith the location of the new crossing at the requested location or some other mutually agreeable location. The jury of view shall assess the damages the owner or owners of the land crossed may sustain thereby, and make report of their findings in writing to the clerk of the superior court. Exceptions to said report may be filed by any interested party and such exceptions shall be heard and determined by the clerk of the superior court. The clerk of the superior court may affirm or modify said report, or set the same aside and order a new jury of view. All damages assessed by a judgment of the clerk, together with the cost of the proceeding, shall be paid into the clerk's office before the petitioners shall acquire any rights under said proceeding."

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

HOUSE BILL 439: Cartways

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Sexton
Date:	April 24, 2003	**Summary by:**	Giles S. Perry
Version:	H439-CSRW-29 [v.2]		Committee Counsel

SUMMARY: ***House Bill 439 authorizes a cartway proceeding to establish cartway access to a single-family homestead on landlocked property of at least seven acres.***

CURRENT LAW: North Carolina law provides two different methods for an owner of landlocked property to gain access to his or her property, if no access is expressly granted in the deed to the property.

First, an owner of property has access to a road as a matter of right if, in the sale of a part of a tract of land, the part sold is entirely surrounded by the land of the seller, or entirely surrounded by the seller's land and the land of others. This is called an "easement by necessity."

Second, G.S. 136-69 authorizes "cartways" to landlocked property in certain situations. If someone buys or inherits land that is landlocked, with no access to public roads, then the buyer may institute a proceeding under G.S. 136-69 to establish an 18 ft. wide cartway. In order to get a cartway, the owner of the landlocked land must show that there is no reasonable access to the land, and the land is being used for cultivation, cutting and running timber, working of any quarries, mines or minerals, or the operating of any industrial or manufacturing plants, or public or private cemeteries, or is in preparation for these activities.

The procedures in the statute provide for the Clerk of Superior Court to appoint a jury of three disinterested landowners to lay off a cartway and assess damages to be paid to the owner of the land the cartway crosses.

BILL ANALYSIS: House Bill 439 authorizes a cartway proceeding to establish cartway access to a single-family homestead on landlocked property of at least seven acres.

The bill also requires maintenance and assumption of liability for use of any private railroad crossing as a part of a cartway, and forbids use of other railroad property for cartways without permission.

House Bill 439 would become effective when it becomes law, and expire July 1, 2005.

BACKGROUND:

In 1995, an amendment to the cartway law was enacted by the General Assembly (S.L. 1995-513) authorizing a cartway proceeding to establish cartway access to a single-family homestead on landlocked property of at least seven acres. That amendment expired in 1997.

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1019 A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE I-85/I-40 CORRIDOR IN ALAMANCE COUNTY AS THE U.S. VETERANS MEMORIAL FREEWAY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1019

Short Title:	I-85/I-40 U.S. Veterans Memorial Freeway.	(Public)
Sponsors:	Representatives Allred; Lewis, Moore, and Setzer.	
Referred to:	Transportation.	

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE I-85/I-40 CORRIDOR IN ALAMANCE COUNTY AS THE U.S. VETERANS MEMORIAL FREEWAY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-18.5B. War Veterans Memorial Freeway.**

The Interstate Highway 85 and Interstate Highway 40 corridor in Alamance County is designated as the "U.S. Veterans Memorial Freeway"."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1019
PROPOSED COMMITTEE SUBSTITUTE H1019-CSRW-30 [v.3]

4/21/2003 3:46:38 PM

Short Title: I-40 U.S. Veterans Memorial Highway. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE I-40 CORRIDOR IN NORTH CAROLINA AS THE U.S. VETERANS MEMORIAL HIGHWAY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-18.5B. U.S. Veterans Memorial Highway.**

The Interstate Highway 40 corridor in the State is designated as the 'U.S. Veterans Memorial Highway'. The Department shall erect signs along the corridor with a blue background and a United States flag decal, and that include the phrase 'This is the' above the phrase 'U.S. Veterans Memorial Highway'."

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

Displaced Rep. G Allen

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H D

HOUSE BILL 944
PROPOSED COMMITTEE SUBSTITUTE H944-CSSU-13 [v.1]

4/23/2003 3:25:21 PM

Short Title: Required Notices for Towing Payments. (Public)

Sponsors:

Referred to:

April 8, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CERTAIN NOTIFICATIONS BEFORE A TOWER MAY COLLECT CERTAIN CHARGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-77(d) reads as rewritten:

"(d) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public in which a vehicle remains unclaimed for 10 days, or the landowners upon whose property a motor vehicle has been abandoned for more than 30 days, shall, within five days after the expiration of that period, report the vehicle as unclaimed to the Division. Failure to make such report shall constitute a Class 3 misdemeanor. Persons who are required to make this report and who fail to do so within the time period specified may collect other charges due but may not collect storage charges for the period of time between when they were required to make this report and when they actually did send the report to the Division.

Any vehicle which remains unclaimed after report is made to the Division may be sold by such operator or landowner in accordance with the provisions relating to the enforcement of liens and the application of proceeds of sale of Article 1 of Chapter 44A."

SECTION 2. This act becomes effective October 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

Displaced Was not heard

H 1

HOUSE BILL 944

Short Title:	Required Notices for Towing Payments.	(Public)
Sponsors:	Representative Mitchell.	
Referred to:	Transportation.	

April 8, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CERTAIN NOTIFICATIONS BEFORE A TOWER MAY COLLECT CERTAIN CHARGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-219.11 is amended by adding a new subsection to read:

"(a1) If the vehicle has a North Carolina registration plate or registration, notice shall be given within 10 days by the tower or a person asserting a towing fee to all parties who have filed their security interest in accordance with G.S. 20-58. Failure to give the required notice shall limit collection of towing fees to towing charges and storage charges for no more than 10 days."

SECTION 2. This act becomes effective October 1, 2003.

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — April 24, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bob Stone	NC Tourism Office
David Strickland	House Bill 439
Leanne Winner	NCSBA
Len Sanderson	NC DOT
Steve Varnedoe	"
PR Simmons	NCDOT
Lyman Cooper	CSX Railroad
Derek Graham	DPI
Gene Causey	NCMA
VL McBride	NCMA
Julie Allen	NC Statewatch

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

April 29, 2003

11:00 A.M.

Room 1228 LB

Representative Lorene Coates, Presiding Chair
Representative Cary Allred, Chair

BILLS FOR CONSIDERATION

HB944 Required Notices For Towing Payments
Sponsor Rep. Mitchell

HB471 CDL/DWI CHANGES
Sponsor Rep. Crawford

SB384 Durham Northern Loop Corridor
Sponsor Sen. Gulley / Presented by Rep. Luebke

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON TRANSPORTATION

April 29, 2003

The House Committee on Transportation met on Wednesday April 29, 2003 at 11:00 AM in room 1228 of the Legislative Building. The following members were present: Representative Lorene Coates, Chair; Representative William Daughtridge, Vice Chair; Representative Arthur Williams, Vice Chair; and Representatives L. Allen, Cole, Crawford, Frye, Hill, Holmes, LaRoque, Ray, and Sutton. Also present was Wendy Graf Ray, Committee Counsel. Assisting the meeting were Martha Parrish, Earl Tharrington and Paul Rucho, House Sergeant-at-Arms and Melissa Lennon, Committee Assistant.

Representative Coates, presiding Chair, called the meeting to order and introduced Pages: Lucas Keller from Caldwell County, sponsored by Representative Starnes; Bobby Ruffin from Alamance County, sponsored by Representative Bordsen; Montrell Brown from Wake County, sponsored by Representative Black and Alec Brinn from Nash County, sponsored by Representative Daughtridge.

The Chair recognized Representative G. Allen for a sub-committee report on HB944 he stated that the differences had been resolved. Representative Mitchell, sponsor was recognized to explain the bill. Upon the motion of Representative L. Allen the committee voted for a favorable report to the committee substitute, unfavorable to the original bill.

Representative Crawford was recognized to explain HB471, A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF IMPAIRED DRIVING, RAILROAD CROSSING SAFETY, AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. Upon a motion from Representative Haire the committee voted to give the committee substitute a favorable report, unfavorable to the original bill and re-referred the bill to the committee on Judiciary I.

April 29, 2003

The next order of business was SB384, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS. Representative Lubeke was recognized to explain the bill on behalf of Senator Gulley, the sponsor. Upon a motion from Representative Sutton the committee voted to give the bill a favorable report.

Respectfully Submitted,

Lorene Coates
Lorene T. Coates, Presiding Chair

Melissa Lennon
Melissa Lennon, Committee Assistant

4-29-03

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 944 A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN NOTIFICATIONS BEFORE A TOWER MAY COLLECT CERTAIN CHARGES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Coates and Allred** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 471 A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF IMPAIRED DRIVING, RAILROAD CROSSING SAFTEY, AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANPORTATION OVERSIGHT COMMITTEE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

4-29-03

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Coates and Allred** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
S.B. 384 A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP AND INTRASTATE IMPROVEMENT PROJECTS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 944
PROPOSED COMMITTEE SUBSTITUTE H944-CSSU-13 [v.1]

4/23/2003 3:25:21 PM

Short Title: Required Notices for Towing Payments. (Public)

Sponsors:

Referred to:

April 8, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CERTAIN NOTIFICATIONS BEFORE A TOWER MAY COLLECT CERTAIN CHARGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-77(d) reads as rewritten:

"(d) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public in which a vehicle remains unclaimed for 10 days, or the landowners upon whose property a motor vehicle has been abandoned for more than 30 days, shall, within five days after the expiration of that period, report the vehicle as unclaimed to the Division. Failure to make such report shall constitute a Class 3 misdemeanor. Persons who are required to make this report and who fail to do so within the time period specified may collect other charges due but may not collect storage charges for the period of time between when they were required to make this report and when they actually did send the report to the Division.

Any vehicle which remains unclaimed after report is made to the Division may be sold by such operator or landowner in accordance with the provisions relating to the enforcement of liens and the application of proceeds of sale of Article 1 of Chapter 44A."

SECTION 2. This act becomes effective October 1, 2003.

HOUSE BILL 944:
Required Notices for Towing Payments

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representative Mitchell
Date:	April 29, 2003	**Summary by:**	Wendy Graf Ray
Version:	Proposed Committee Substitute H944-CSSU-13[v.1]		Committee Counsel

SUMMARY: ***The Proposed Committee Substitute for House Bill 944 would prohibit towers from collecting certain charges when they fail to give proper notice.***

CURRENT LAW: G.S. 20-77(d) requires an operator of a business for garaging, repairing, parking, or storing motor vehicles, or a landowner upon whose property a vehicle has been abandoned, to notify the Division of Motor Vehicles that the vehicle is unclaimed. An operator of a business must make a report to the Division within five days after the vehicle goes unclaimed for ten days, and a landowner must make a report to the Division within five days after the vehicle has been abandoned for 30 days. Failure to make the appropriate report is a Class 3 misdemeanor.

If, after the report is made to the Division, the vehicle remains unclaimed by the owner, the operator of the business or landowner may sell the vehicle in accordance with the provisions of Article 1 of Chapter 44A pertaining to enforcement of possessory liens on personal property.

BILL ANALYSIS: The Proposed Committee Substitute for House Bill 944 would provide that, if the person required to notify the Division of an unclaimed vehicle fails to do so, that person may not collect storage charges for the time period between when the report was supposed to be made and when the report actually was made.

EFFECTIVE DATE: The bill would become effective October 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 471*
PROPOSED COMMITTEE SUBSTITUTE H471-PCS30297-RW-5

Short Title: CDL Changes. (Public)

Sponsors:

Referred to:

March 13, 2003

A BILL TO BE ENTITLED

AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(4a) reads as rewritten:

"(4a) Conviction. – A conviction for an offense committed in North Carolina or another state:

a. In-State. When referring to an offense committed in North Carolina, the term means any of the following:

1. A final conviction of a criminal offense, including a no contest plea.
2. A determination that a person is responsible for an infraction, including a no contest plea.
3. An unvacated forfeiture of cash in the full amount of a bond required by Article 26 of Chapter 15A of the General Statutes.
4. A third or subsequent prayer for judgment continued within any five-year period.
5. For the purpose of disqualification only, a prayer for judgment continued, when the offense occurs in a commercial vehicle or the offender holds a commercial drivers license.

b. Out-of-State. When referring to an offense committed outside North Carolina, the term means any of the following:
1. An unvacated adjudication of guilt.
2. A determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal.
3. An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court.
4. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

SECTION 2. G.S. 20-4.01(41a) reads as rewritten:

"(41a) Serious Traffic Violation. – A conviction of one of the following offenses when operating a commercial motor vehicle:
a. Excessive speeding, involving a single charge of any speed 15 miles per hour or more above the posted speed limit.
b. Careless and reckless driving.
c. A violation of any State or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident.
d. Improper or erratic lane changes.
e. Following the vehicle ahead too closely.
f. Driving a commercial motor vehicle without obtaining a commercial drivers license.
g. Driving a commercial motor vehicle without a commercial drivers license in the driver's possession.
h. Driving a commercial motor vehicle without the proper class of commercial drivers license or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported."

SECTION 3. G.S. 20-17.4 is amended by adding a new subsection to read:

"(k) Disqualification for Railroad Grade Crossing Offenses. – Any person convicted of violation of G.S. 20-142.1 through G.S. 20-142.5, when the driver is operating a commercial motor vehicle, shall be disqualified from driving a commercial motor vehicle as follows:
(1) A person is disqualified for a period of 60 days if convicted of a first violation of a railroad grade crossing offense listed in this subsection.
(2) A person is disqualified for a period of 120 days if convicted during any three-year period of a second violation of any combination of railroad grade crossing offenses listed in this subsection.
(3) A person is disqualified for a period of one year if convicted during any three-year period of a third or subsequent violation of any combination of railroad grade crossing offenses listed in this subsection."

SECTION 4. G.S. 20-37.12 is amended by adding a new subsection to read:

"(f) A person shall not be convicted of failing to carry a commercial drivers license if, by the date the person is required to appear in court for the violation, the person produces to the court a commercial drivers license issued to the person that was valid on the date of the offense."

SECTION 5. G.S. 20-37.16 reads as rewritten:

"**§ 20-37.16. Content of license; classifications and endorsements; fees.**

(a) A commercial drivers license must be marked "Commercial Drivers License" or "CDL" and must contain the information required by G.S. 20-7 for a regular drivers license.

(b) The classes of commercial drivers licenses are:

(1) Class A CDL – A Class A commercial drivers license authorizes the holder to drive any Class A motor vehicle.

(2) Class B CDL – A Class B commercial drivers license authorizes the holder to drive any Class B motor vehicle.

(3) Class C CDL – A Class C commercial drivers license authorizes the holder to drive any Class C motor vehicle.

(c) Endorsements. – The endorsements required to drive certain motor vehicles are as follows:

Endorsement	Vehicles That Can Be Driven
H	Vehicles, 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
P	Vehicles carrying passengers
S	School bus
T	Double trailers
X	Tank vehicles carrying hazardous materials.

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

(d) The fee for a Class A, B, or C commercial drivers license is ten dollars ($10.00) for each year of the period for which the license is issued. The fee for each endorsement is one dollar and twenty-five cents ($1.25) for each year of the period for which the endorsement is issued. The fees required under this section do not apply to ~~a person whose license is restricted to driving a school bus or school activity bus or to~~ employees of the Driver License Section of the Division who are designated by the Commissioner.

(e) The requirements for a commercial drivers license do not apply to vehicles used for personal use such as recreational vehicles. A commercial drivers license is also

waived for the following classes of vehicles as permitted by regulation of the United States Department of Transportation:

(1) Vehicles owned or operated by the Department of Defense, including the National Guard, while they are driven by active duty military personnel, or members of the National Guard when on active duty, in the pursuit of military purposes.

(2) Any vehicle when used as firefighting or emergency equipment for the purpose of preserving life or property or to execute emergency governmental functions.

(3) A farm vehicle that meets all of the following criteria:

a. Is controlled and operated by the farmer or the farmer's employee and used exclusively for farm use.

b. Is used to transport either agricultural products, farm machinery, or farm supplies, both to or from a farm.

c. Is not used in the operations of a for-hire motor carrier.

d. Is used within 150 miles of the farmer's farm.

A farm vehicle includes a forestry vehicle that meets the listed criteria when applied to the forestry operation."

SECTION 6. G.S. 20-37.16 is amended by adding a new subsection to read:

"(c1) The test for an S endorsement may be waived by the Division for an applicant who is currently licensed, has experience driving a school bus, has a good driving record, and meets the requirements of this subsection. An applicant for a waiver under this subsection shall verify that, during the two-year period immediately prior to application for an S endorsement, the applicant met all of the following requirements:

(1) The applicant held a valid commercial drivers license with a passenger vehicle endorsement to operate a school bus representative of the group the applicant will be driving.

(2) The applicant did not have the applicant's drivers license or commercial drivers license suspended, revoked, or cancelled or the applicant was not disqualified from operating a commercial motor vehicle.

(3) The applicant was not convicted of a State law offense that corresponds to the list of disqualifying offenses in 49 C.F.R. § 383.51(b) while operating a commercial motor vehicle or of any offense in a noncommercial motor vehicle that would be a disqualifying offense under 49 C.F.R. § 383.51(b) if committed in a commercial motor vehicle.

(4) The applicant was not convicted of more than one of the serious traffic violations listed and defined in G.S. 20-4.01(41a) while operating any type of motor vehicle.

(5) The applicant was not convicted of a violation of State or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident.

(6) The applicant was not convicted of any motor vehicle traffic violation that resulted in an accident.

(7) The applicant was regularly employed as a school bus driver, operated a school bus representative of the group the applicant seeks to drive, and provides evidence of that employment."

SECTION 7. Sections 3, 5, and 7 of this act become effective October 1, 2003. Section 6 of this act becomes effective October 1, 2003, and expires September 30, 2005. The remainder of this act becomes effective January 1, 2005.

HOUSE BILL 471:
CDL Changes

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representative Crawford
Date:	April 29, 2003	**Summary by:**	Giles S. Perry Committee Counsel
Version:	Proposed Committee Substitute H471-CSRW-5[v.7]		

SUMMARY: ***The Proposed Committee Substitute for House Bill 471 makes several changes to North Carolina law required by federal regulation concerning the effect of certain traffic violations on persons holding commercial drivers licenses, and requires a new "S" school bus driver endorsement.***

CURRENT LAW: On July 31, 2002, the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation issued amended regulations concerning commercial drivers license (CDL) holders. In order to comply with these new federal regulations, North Carolina law would have to be amended as described below. Failure to comply with these new federal regulations could result in the loss of Federal–aid highway funds (49 C.F.R. §384.401).

BILL ANALYSIS:

Section 1

Federal regulation 49 C.F.R. §384.226 prohibits states from "masking" a conviction of a CDL driver for any traffic related violation in any type of vehicle. To comply with this regulation, Section 1 of the PCS amends NC law to include in the definition of "conviction", for purposes of disqualification only, a PJC (Prayer for Judgment Continued) for offenses occurring in a commercial motor vehicle or offenses committed by a person with a CDL.

Section 2

Federal regulation 49 C.F. R. § 383.51 (Table 2) requires disqualification from driving a commercial motor vehicle for specified time periods for conviction of listed serious traffic violations. Section 2 of the PCS amends NC law to include those offenses in NC's definition of "serious traffic violations" when driving a commercial motor vehicle.

Section 3

Federal regulation 49 C.F.R. §383.51 (Table 3) requires disqualification from driving a commercial motor vehicle for violation of certain railroad crossing offenses. Section 3 of the PCS amends NC law to require this disqualification.

Section 4

Federal regulation 49 C.F.R. §383.5 provides that a person shall not be convicted of failing to carry a CDL if, by the court date, the person produces a CDL that was valid at the time of the offense. Section 4 of the PCS amends NC law to conform to this requirement.

Sections 5 and 6

Federal regulation 49 C.F.R. §383.93 and §383.123 require a new S school bus endorsement. Prior to October 1, 2005, states are authorized to grandfather currently licensed school bus drivers. Sections 5 and 6 of the PCS amend NC law to conform to this requirement.

EFFECTIVE DATE: Section 3 (requiring CDL disqualification for railroad crossing offenses), Section 5 (requiring new S school bus endorsement), and Section 7 (effective date clause) of this act would become effective October 1, 2003. Section 6 (school bus driver grandfather clause) would become effective October 1, 2003, and expire September 30, 2005 (as required by federal regulations). The remaining sections of this act would become effective January 1, 2005.

Session 2003

FEDERAL REQUIREMENT CERTIFICATION

Authorized by G.S. 120-36.8

House Bill 471
CDL Changes

Bill Primary Sponsor(s):	Representative Crawford	H471-CSRW-5[v.7]
Relevant Federal Law:	*49 C.F.R. §383.5, §383.51, §383.93, §383.123, §384.226, and §384.401*	
☒ Required by or Necessary for Compliance with Federal Law		☐ Exceeds Federal Law
☒ Federal Funds Conditioned upon Passage of Law		☐ Implements Federal Law

SUMMARY OF BILL PROVISIONS ALLEGEDLY REQUIRED BY FEDERAL LEGISLATION

49 C.F.R. §384.226 prohibits states from "masking" a conviction of a commercial drivers license (CDL) holder for any traffic related violation in any type of vehicle. To comply with this regulation, Section 1 of the bill amends NC law to include in the definition of "conviction", for purposes of disqualification only, a prayer for judgment continued for offenses occurring in a commercial motor vehicle or offenses committed by a person with a CDL.

49 C.F.R. §383.51 requires disqualification from driving a commercial motor vehicle for specified time periods for conviction of offenses listed in the regulation. Section 2 of the bill amends NC law to include those listed offenses in NC's definition of "serious traffic violations" when driving a commercial motor vehicle.

49 C.F.R. §383.51 requires disqualification from driving a commercial motor vehicle for violation of certain railroad crossing offenses. Section 3 of the bill amends NC law to require disqualification for those offenses.

49 C.F.R. §383.5 provides that a person shall not be convicted of failing to carry a CDL if, by the court date, the person produces a CDL that was valid at the time of the offense. Section 4 of the bill amends NC law to conform to this provision.

49 C.F.R. §383.93 and §383.123 require a new "S" school bus endorsement for CDLs. Prior to October 1, 2005, states are authorized to grandfather currently licensed school bus drivers. Sections 5 and 6 of the bill amend NC law to conform to this requirement.

COMPLIANCE CONSIDERATIONS

Pursuant to 49 C.F.R §384.401, failure to comply with these new federal regulations will result in a loss of Federal-aid highway funds.

REVIEW AND APPROVAL

Prepared By: _____ **Date:** _____

Wendy Graf Ray
Staff Attorney, Research Division

Approved By: _____ **Date:** _____

Terrence D. Sullivan
Director of Research

PROPOSED

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 384

Transportation Committee Substitute Adopted 3/27/03

Short Title: Durham Northern Loop Corridor. (Public)

Sponsors:

Referred to:

March 12, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP AND INTRASTATE IMPROVEMENT PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-180(a) reads as rewritten:

"(a) Funds allocated from the Trust Fund for urban loops may be used only for the following urban loops:

Loop	Description	Affected Counties
Asheville Western Loop	Multilane facility on new location from I-26 west of Asheville to US-19/23 north of Asheville for the purpose of connecting these roads. The funds may be used to improve existing corridors.	Buncombe
Charlotte Outer Loop	Multilane facility on new location encircling City of Charlotte	Mecklenburg
Durham Northern Loop	~~The corridor shall be identified as a part of the local long-range transportation plan as mutually adopted in 2003 by the Durham-Chapel Hill-~~	Durham, ~~Orange~~Wake

~~Carrboro metropolitan planning organization and the North Carolina Board of Transportation~~

The projects listed below are eligible for funding under this section as part of the Durham Northern Loop. The priorities for planning and constructing these projects will be established by mutual agreement of the Metropolitan Planning Organization (MPO) and the Department of Transportation through the federally mandated Transportation Improvement Program development process. The cross sections for these projects will be established by mutual agreement of the MPO and the Department of Transportation through the State and federal environmental review process.

(1) East end connector, from N.C. 147 to U.S. 70 East.

(2) U.S. 70, from Lynn Rd. to the Northern Durham Parkway.

(3) I-85, from U.S. 70 to Red Mill Rd.

(4) Northern Durham Parkway, Section B, from Old Oxford Rd. to I-85.

(5) Northern Durham Parkway, Section A, from I-85 to I-540.

(6) Northern Durham Parkway, Section C, from Old Oxford Rd. to Roxboro Rd.

	(7) Roxboro Rd. from Duke St. to Goodwin Rd.	
Greensboro Loop	Multilane facility on new location encircling City of Greensboro	Guilford
Raleigh Outer Loop	Multilane facility on new location from US-1 southwest of Cary northerly to US-64 in eastern Wake County	Wake
Wilmington Bypass	Multilane facility on new location from US-17 northeast of Wilmington to US-17 southwest of Wilmington, including the Blue Clay Road interchange	New Hanover
Winston-Salem Northbelt	Multilane facility on new location from I-40 west of Winston-Salem northerly to I-40 in eastern Forsyth County"	Forsyth

SECTION 2. G.S. 136-179 reads as rewritten:

"**§ 136-179. Projects of Intrastate System funded from Trust Fund.**

Funds allocated from the Trust Fund for the Intrastate System may be used only for the following projects of the Intrastate System:

Route	Improvements	Affected Counties
I-40	Widening	Buncombe, Haywood, Guilford, Wake, Durham
I-77	Widening	Mecklenburg
I-85	Widening	Durham, Orange, Alamance, Guilford, Cabarrus, Mecklenburg, Gaston
I-95	Widening	Halifax
US-1	Complete 4-laning from Henderson to South Carolina Line (including 6-laning of Raleigh Beltline)	Vance, Franklin, Wake, Chatham, Lee, Moore, Richmond

US-13	~~Connector~~ Connectors from I-95 to NC-87	~~Cumberland~~ Cumberland, Robeson
US-13	Complete 4-laning from Virginia Line to US-17	Gates, Hertford, Bertie
US-17	Complete 4-laning from Virginia Line to South Carolina Line (including Washington, New Bern, and Jacksonville Bypasses)	Camden, Pasquotank, Perquimans, Chowan, Bertie, Martin, Beaufort, Craven, Jones, Onslow, Pender, New Hanover, Brunswick
US-19/ US-19E	Complete 4-laning from US-23 to NC 194 in Ingalls	Madison, Yancey, Mitchell, Avery
US-19	Complete 4-laning	Cherokee, Macon, Swain
US-23	Complete 4-laning and upgrading existing 4-lanes from Tennessee Line to I-240	Madison, Buncombe
US-23-441	Complete 4-laning from US-19/US-74 to Georgia Line	Macon
US-52	Complete 4-laning from I-77 to Lexington (including new I-77 Connector)	Surry, Davidson
US-64	Complete 4-laning from Raleigh to Coast (including freeway construction from I-95 to US-17)	Edgecombe, Pitt, Martin, Washington, Tyrrell, Dare
US-64	Complete 4-laning from Lexington to Raleigh	Davidson, Randolph, Chatham, Wake

US-70	Complete 4-laning from Raleigh to Morehead City (including Clayton, Goldsboro, Kinston, Smithfield-Selma, and Havelock Bypasses predominately freeways on predominately new locations)	Wake, Johnston, Wayne, Lenoir, Craven
US-74	Complete 4-laning from Charlotte to US-17 (including multilaning of Independence Blvd. in Charlotte, and Bypasses of Monroe, Rockingham, and Hamlet)	Mecklenburg, Union, Richmond, Robeson, Columbus
US-74	Complete 4-laning from I-26 to I-85	Polk, Rutherford
US-158	Complete 4-laning from Winston-Salem to Whalebone	Forsyth, Guilford, Rockingham, Caswell, Person, Granville, Vance, Warren, Halifax, Northampton, Gates, Hertford, Pasquotank, Camden, Currituck, Dare
	New bridge over Currituck Sound	Currituck
US-221	Complete 4-laning from Linville to South Carolina	Avery, McDowell, Rutherford
US-220	Complete 4-laning from I-40 to US-1	Guilford, Randolph, Montgomery, Richmond
US-220/NC-68	Complete 4-laning from Virginia Line to I-40	Rockingham, Guilford

US-264	Complete 4-laning from US-64 to Washington (including Wilson and Greenville Bypasses) (including freeway construction from I-95 to Greenville)	Wilson, Greene, Pitt
US-321	Complete 4-laning from Boone to South Carolina Line	Caldwell, Catawba, Lincoln, Gaston
US-421	Complete 4-laning from Tennessee Line to I-40	Watauga, Wilkes, Yadkin
US-421	Complete 4-laning from Greensboro to Sanford (including Bypass of Sanford)	Chatham, Lee
NC-24	Complete 4-laning from Charlotte to Morehead City	Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Harnett, Cumberland, Sampson, Duplin, Onslow, Carteret
NC-87	Complete 4-laning from Sanford to US-74	Lee, Harnett, Cumberland, Bladen, Columbus
NC-105	Complete 4-laning from Boone to Linville	Watauga, Avery
NC-168	Complete multilaning from Virginia Line to US-158	Currituck
NC-194	Complete 4-laning from US-19E to US-221"	Avery

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

4-29-03

House Pages

1. Name: Lucas Kellor
   County: Caldwell
   Sponsor: Starnes
2. Name: Bobbi Buffin
   County: Alamance
   Sponsor: Bordsen
3. Name: Montrell Brown
   County: Wake
   Sponsor: Black
4. Name: Alec Brinn
   County: Nash
   Sponsor: Daughtridge
5. Name:
   County:
   Sponsor:

Sgt-At-Arms

1. Name: Martha Lamont
2. Name: Earl Flannigan
3. Name: Paul Rucho
4. Name:

VISITOR REGISTRATION SHEET

Transportation — Name of Committee

4-29-03 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Mark Osborne	AOC
J Edwards	DMV
D Martin	DMV
Lyman Cooper	CSX Railroad
Sharon Matthews	DOT-DMV
Robert Quinn	DOT - DMV
Will Williamson	DOT - DMV
Debbie Jones	DMV - DL
Shirley McGuire	USDOT - FMCSA
Chris HARTLEY	US DOT - FMCSA
Katharyn Sawyer	Charlotte Chamber
[illegible]	[illegible] Assoc -
Kristin Conard	NCDOT
Julie Allen	NC Statewatch
[illegible]	CCPS
[illegible]	AAA
Susan Welcome	Nationwide
John McMillan	MFDs
Bill Freehling	NCCADV
[illegible]	AAA
Audrey Galloway	Strategic Influences Inc.
Mitchell Kennedy	Visitor
Steve Bryan	Visitor
Roy Williams	UNC
Charlie Diehl	NCTA
Virgil McBride	NCTA
Wayne Horton	DOT - DMV

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

May 21, 2003

11:00 A.M.

Room 1228 LB

Representative Cary Allred, Presiding Chair
Representative Lorene Coates, Chair

OPENING REMARKS

BILLS FOR CONSIDERATION

SB-0038 – DOT Transit Safety Oversight. – Senator Gulley
SB-0777 – Amend Dealer Licensing Law. – Senator Foxx
SB-1008 – VA-NC High Speed Rail Commission. – Senator Gulley

~~ bills listed in numerical order

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

May 21, 2003

The HOUSE COMMITTEE ON TRANSPORTATION met on Wednesday, May 21, 2003 in Room 1228 of the Legislative Building at 11:00 A.M. The following were present: Representative Allred, presiding Chair, Representative Coates, Co-Chair, Representatives A. Williams and K. Williams, Vice chairs and Representatives G. Allen, L. Allen, Crawford, Haire, Hilton, Moore, Nye, Ray, Starnes and Sutton. Assisting with the meeting were Giles Perry and Wendy Graf-Ray, Staff Counsel, and Jean Allred, Committee Assistant. Also assisting were Dusty Rhodes, Bob Fowler and Martha Parrish, House Sergeants-at-Arms and House Pages, Rafel Penn from Mecklenburg County, sponsored by Representative Alexander and K. C. Immler from Wayne County, sponsored by Representative Pate.

Representative Allred called the meeting to order and introduced the House Sergeants-at-Arms and the House Pages assisting with the meeting.

Senator Gulley was recognized to explain **SB-0038 – A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, PURSUANT TO FEDERAL LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.** A Proposed Committee Substitute was presented and adopted for discussion. SB-0038 makes changes to the law related to DOT concerning transit safety, logo signs, "511" traveler information, HOV lanes, and moped ID tags. After discussing that the PCS was identical to HB-0023, which this committee previously passed with the exception of section six, Representative Crawford moved to delete section six. Representative Sutton motioned to roll the amendment into a committee substitute and give it a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill. The motion passed.

Next Senator Gulley presented **SB-1008 – A BILL TO BE ENTITLED AN ACT TO REESTABLISH AND EXTEND THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION, DIRECT THE COMMISSION TO STUDY ESTABLISHMENT OF AN INTERSTATE HIGH-SPEED RAIL COMPACT, AND AUTHORIZE THE COMMISSION TO HOLD REGULARLY SCHEDULED MEETINGS IN BOTH NORTH CAROLINA AND VIRGINIA.** SB-1008 reestablishes and extends the Virginia-North Carolina Interstate High-speed Rail Commission. Representative Ray asked

how the commission would be funded and was told by Giles Perry, Counsel, that federal funds would pay for half and the other half would be paid out of regular legislative study commission funds. Pat Simmons, representing DOT, told the committee that when the system was finally in place it is expected that it will take five (5) hours to go from Charlotte to Washington. After more discussion and comments, Representative Sutton moved for a favorable report and recommendation that the bill be re-referred to the Committee on Rules, the motion passed.

Chairman Allred called on Senator Foxx to present **SB-0777 – A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURING LICENSING LAW WITH REGARD TO THE MANUFACTURE, SALE, AND DISTRIBUTION OF TRAILERS AND SEMITRAILERS.** A Proposed Committee Substitute was adopted for discussion. Senator Foxx explained to the committee that Lowes first contacted her in January requesting this bill. She said it was a consumer/dealer friendly bill, which would exempt license applicants from having to have a show room or office if they deal or sell trailers or semitrailers weighing less than 2,500 pounds unloaded. Representative Starnes moved for a favorable report as to the House Committee substitute bill, unfavorable as to the original bill.

The motion passed and the meeting adjourned at 11:45 P.M.

Respectfully submitted,

Representative Cary Allred
Presiding Chairman

Jean Allred
Committee Assistant

Agenda
Committee Reports
Bills Considered
Attachments
Visitors Registration

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
S.B. 0038 A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, PURSUANT TO FEDERAL LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

FOR JOURNAL USE ONLY

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

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

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

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

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

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

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 38*

Short Title:	DOT Transit Safety Oversight.	(Public)
Sponsors:	Senators Gulley; and Carpenter.	
Referred to:	Transportation.	

February 13, 2003

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, PURSUANT TO FEDERAL LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18 is amended by adding a new subdivision to read:

"(36) To oversee the safety of fixed guideway transit systems in the State not regulated by the Federal Railroad Administration, pursuant to the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. § 5330). The Department shall adopt rules in conformance with 49 U.S.C § 5330 concerning its oversight of the safety of fixed guideway transit systems."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 38*
PROPOSED HOUSE COMMITTEE SUBSTITUTE S38-PCS85242-RW-47

Short Title: DOT Safety and Logo Signs. (Public)

Sponsors:

Referred to:

February 13, 2003

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, TO AMEND THE DEPARTMENT OF TRANSPORTATION LOGO SIGNS PROGRAM TO AUTHORIZE ATTRACTION LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ADOPT TEMPORARY RULES CONCERNING LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO AUTOMATE ITS 511 TRAVELER INFORMATION PHONE SYSTEM, AND TO REVISE THE LAW CONCERNING HIGH OCCUPANCY VEHICLE (HOV) LANES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18 is amended by adding a new subdivision to read:

"(36) To oversee the safety of fixed guideway transit systems in the State not regulated by the Federal Railroad Administration, pursuant to the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. § 5330). The Department shall adopt rules in conformance with 49 U.S.C. § 5330 concerning its oversight of the safety of fixed guideway transit systems."

SECTION 2. G.S. 136-89.56 reads as rewritten:

"**§ 136-89.56. Commercial enterprises.**

No commercial enterprises or activities shall be authorized or conducted by the Department of Transportation, or the governing body of any city or town, within or on the property acquired for or designated as a controlled-access facility, as defined in this Article, except for:

(1) Materials displayed at welcome centers which shall be directly related to travel, accommodations, tourist-related activities, tourist-related services, and attractions. The Department of Transportation shall issue

rules regulating the display of these materials. These materials may contain advertisements for real estate; and

(2) Vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind, Department of Health and Human Services, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed. In order to permit the establishment of adequate fuel and other service facilities by private owners or their lessees for the users of a controlled-access facility, the Department of Transportation shall permit access to service or frontage roads within the publicly owned right-of-way of any controlled-access facility established or designated as provided in this Article, at points which, in the opinion of the Department of Transportation, will best serve the public interest. The location of such fuel and other service facilities may be indicated to the users of the controlled-access facilities by appropriate signs, the size, style, and specifications of which shall be determined by the Department of Transportation.

The location of ~~fuel and other service~~ fuel, gas, food, lodging, camping, and attraction facilities may be indicated to the users of the ~~controlled access~~ controlled-access facilities by appropriate logos placed on signs owned, controlled, and erected by the Department of Transportation. The owners, operators or lessees of ~~fuel and other service~~ fuel, gas, food, lodging, camping, and attraction facilities who wish to place a logo identifying their business or service on a sign shall furnish a logo meeting the size, style and specifications determined by the Department of Transportation and shall pay the Department for the costs of initial installation and subsequent maintenance. The fees for logo sign installation and maintenance shall be set by the Board of Transportation based on cost."

SECTION 3. G.S. 150B-21.1 is amended by adding a new subsection to read:

"(a11) Notwithstanding the provisions of subsection (a) of this section, the Department of Transportation may adopt temporary rules concerning logo signs pursuant to G.S. 136-89.56. After having the proposed temporary rule published in the North Carolina Register and at least 30 days prior to adopting a temporary rule pursuant to this subsection, the Department shall:

(1) Notify persons on its mailing list maintained pursuant to G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a temporary rule.

(2) Accept oral and written comments on the proposed temporary rule.

(3) Hold at least one public hearing on the proposed temporary rule.

When the Department adopts a temporary rule pursuant to this subsection, the Department shall submit a reference to this subsection as the Department's statement of need to the Codifier of Rules.

Notwithstanding any other provision of this Chapter, the Codifier of Rules shall publish in the North Carolina Register a proposed temporary rule received from the Department in accordance with this subsection."

SECTION 4. G.S. 143-162.1 reads as rewritten:

"**§ 143-162.1. First menu operator access.**

(a) The General Assembly finds that:

(1) Some telephone systems operated by State government agencies require callers to proceed through several menus to finally reach an individual extension, an arrangement that can be intimidating to the caller;

(2) Many State telephone systems also make it difficult to reach an attendant or operator at the agency; and

(3) While automated telephone systems and voice mail are intended to improve the efficiency of government, the first duty of government is to serve the people, and efficiency should not impede the average citizen in attempting to contact a State agency for service or information.

(b) State agency telephone systems routing calls to multiple extensions shall be reprogrammed by September 1, 1997, to minimize the number of menus that a caller must go through to reach the desired extension, and to allow the caller to reach an attendant or operator after accessing not more than two menus from the first menu when calling during normal business hours. As used in this section, the term "menu" refers to the first point in the call at which the caller is asked to choose from two or more options, regardless of whether that choice is referred to as a menu, router, or other term within the telephone industry itself.

This act shall be implemented by State agencies with existing personnel at no additional cost to the State.

(c) All State agencies shall include the agency's telephone number or numbers in a prominent place on all agency letterhead.

(d) The provisions of subsection (b) of this section shall not apply to any '511' traveler information system operated by the Department of Transportation."

SECTION 5. G.S. 20-146.2 reads as rewritten:

"**§ 20-146.2. Rush hour traffic lanes authorized.**

(a) HOV Lanes. – The Department of Transportation may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets and highways on the State Highway System and cities may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets on the Municipal Street System. HOV lanes shall be reserved for vehicles with a specified number of passengers as determined by the Department of Transportation or the city having jurisdiction over the street or highway. When HOV lanes have been designated, and have been appropriately marked with signs or other markers, they shall be reserved for privately or publicly operated buses, and automobiles or other vehicles containing the specified number of persons. Where access restrictions are applied on HOV lanes through designated signing and pavement markings, vehicles shall only cross into or out of an HOV lane at designated

openings. A motor vehicle shall not travel in a designated HOV lane if the motor vehicle has more than three axles, regardless of the number of occupants. HOV lane restrictions shall not apply to motorcycles or vehicles designed to transport 15 or more passengers, regardless of the actual number of occupants. HOV lane restrictions shall not apply to emergency vehicles. As used in this subsection, the term 'emergency vehicle' means any law enforcement, fire, police, or other government vehicle, and any public and privately owned ambulance or emergency service vehicle, when responding to an emergency.

(a1) Transitway Lanes. – The Department of Transportation may designate one or more travel lanes as a transitway on streets and highways on the State Highway System and cities may designate one or more travel lanes as a transitway on streets on the Municipal Street System. Transitways shall be reserved for public transportation vehicles as determined by the Department of Transportation or the city having jurisdiction over the street or highway. When transitways have been designated, and they have been appropriately marked with signs or other markers, they shall be reserved for privately or publicly operated transportation vehicles as determined by the Department or the city having jurisdiction.

(b) Temporary Peak Traffic Shoulder Lanes. – The Department of Transportation may modify, upgrade, and designate shoulders of controlled access facilities and partially controlled access facilities as temporary travel lanes during peak traffic periods. When these shoulders have been appropriately marked, it shall be unlawful to use these shoulders for stopping or emergency parking. Emergency parking areas shall be designated at other appropriate areas, off these shoulders, when available.

(c) Directional Flow Peak Traffic Lanes. – The Department of Transportation may designate travel lanes for the directional flow of peak traffic on streets and highways on the State Highway System and cities may designate travel lanes for the directional flow of peak traffic on streets on the Municipal Street System. These travel lanes may be designated for time periods by the agency controlling the streets and highways."

SECTION 6. Section 5 of this act becomes effective December 1, 2003, and applies to violations that occur on or after that date. The remainder of this act is effective when it becomes law. Section 3 of this act expires July 1, 2005.

SENATE BILL 38:
DOT Safety and Logo Signs

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Sen. Gulley
Date:	May 14, 2003	**Summary by:**	Giles S. Perry
Version:	S38-CSRW-47[v.3]		Committee Counsel

SUMMARY: ***Senate Bill 38 makes changes to the law related to DOT concerning transit safety, logo signs, "511" traveler information, HOV lanes, and moped ID tags.***

BILL ANALYSIS:

Senate Bill 38 makes the following six changes to the law:

1. Section 1 of the bill designates DOT as the agency responsible for fixed guideway transit safety oversight, and directs DOT to adopt appropriate rules, in conformity with federal law.

2. Section 2 of the bill amends DOT's logo sign program to authorize the Department to place attraction signs as a part of its logo sign program.

3. Section 3 of the bill authorizes DOT to adopt temporary rules concerning logo signs.

4. Section 4 of the bill exempts DOT's "511" traveler information phone service from the requirement of for State phone systems to have first menu operator access.

5. Section 5 of the bill amends current law applicable to HOV lanes to require vehicles to enter and leave HOV lanes at designated points, prohibiting vehicles with more than 3 axles from HOV lanes, exempting motorcycles, vehicles designed to transportation 15 or more passengers, and emergency vehicles (when responding to an emergency) from HOV lane restrictions.

6. Section 6 of the bill requires mopeds to display permanent identification tags, for a fee of $39. A third party approved by the Division of Motor Vehicles would administer the ID program.

Effective when it becomes law, except moped provision, effective January 1, 2004. Temporary rule authority expires July 1, 2005. HOV lane provisions effective December 1, 2003.

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☒ Committee Substitute for
S.B. 1008 A BILL TO BE ENTITLED AN ACT TO REESTABLISH AND EXTEND THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION, DIRECT THE COMMISSION TO STUDY ESTABLISHMENT OF AN INTERSTATE HIGH-SPEED RAIL COMPACT, AND AUTHORIZE THE COMMISSION TO HOLD REGULARLY SCHEDULED MEETINGS IN BOTH NORTH CAROLINA AND VIRGINIA.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Rules.

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 1008

Rules and Operations of the Senate Committee Substitute Adopted 4/30/03

Short Title: VA-NC High-Speed Rail Commission. (Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO REESTABLISH AND EXTEND THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION, DIRECT THE COMMISSION TO STUDY ESTABLISHMENT OF AN INTERSTATE HIGH-SPEED RAIL COMPACT, AND AUTHORIZE THE COMMISSION TO HOLD REGULARLY SCHEDULED MEETINGS IN BOTH NORTH CAROLINA AND VIRGINIA.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2001-266, as amended by Section 2.22 of S.L. 2001-486, reads as rewritten:

"**SECTION 2.** In conducting its study, the Commission shall hold regularly scheduled meetings in this State and in Virginia, tours of inspection, and public hearings as appropriate to determine the desirability and feasibility of establishing high-speed passenger rail service between Virginia and North Carolina. The Commission shall also study the establishment of an interstate high-speed rail compact between North Carolina, Virginia, and other states. If it appears to the Commission that establishment of such service or compact is desirable and feasible, the Commission shall consider and recommend to the Governor and General Assembly those legislative actions necessary to do so, including the identification of the necessary levels of funding and the sources of those funds."

SECTION 2. Section 4 of S.L. 2001-266, as amended by Section 2.22 of S.L. 2001-486, reads as rewritten:

"**SECTION 4.** The Commission shall report its findings and any recommendations to the Governor and the General Assembly by ~~October 20, 2002,~~ November 30, 2004, and may make an interim report to the Governor and General Assembly upon the convening of the ~~2002~~ 2004 Regular Session of the ~~2001~~ 2003 General Assembly. The Commission shall terminate on November 30, 2004."

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

SENATE BILL 1008:
VA-NC High-Speed Rail Commission

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Sen. Gulley
Date:	May 21, 2003	**Summary by:**	Giles S. Perry
Version:	2nd Edition		Committee Counsel

SUMMARY: ***Senate Bill 1008 reestablishes and extends the Virginia-North Carolina Interstate High-Speed Rail Commission.***

CURRENT LAW: North Carolina and Virginia established the Virginia-North Carolina Interstate High-Speed Rail Commission in 2001 to study the establishment of high-speed passenger rail service between the two states. The Commission expired at the end of the 2001-2002 session of the General Assembly.

BILL ANALYSIS: Senate Bill 1008:

--reestablishes and extends the life of the Commission,

--clarifies that it may meet in both North Carolina and Virginia,

--directs it to look a the additional issue of an interstate rail compact between North Carolina, Virginia, and other states, and

--sets a November 30, 2004 deadline for it to complete its work.

Senate Bill 1008 would become effective when it becomes law.

S1008-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
S.B. 0777 A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW WITH REGARD TO THE MANUFACTURE, SALE, AND DISTRIBUTION OF TRAILERS AND SEMITRAILERS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the House committee substitute bill, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 777

Short Title:	Amend Dealer Licensing Law.	(Public)
Sponsors:	Senators Foxx, Hoyle, Sloan; Apodaca, Berger, Carpenter, Forrester, Garwood, Kerr, Metcalf, Moore, Rucho, and Shaw.	
Referred to:	Commerce.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW WITH REGARD TO THE MANUFACTURE, SALE, AND DISTRIBUTION OF TRAILERS AND SEMITRAILERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-286(11) reads as rewritten:

"(11) Motor vehicle dealer or dealer. –

a. A person who does any of the following:

1. For commission, money, or other thing of value, buys, sells, or exchanges, whether outright or on conditional sale, bailment lease, chattel mortgage, or otherwise, five or more motor vehicles within any 12 consecutive months, regardless of who owns the motor vehicles.
2. On behalf of another and for commission, money, or other thing of value, arranges, offers, attempts to solicit, or attempts to negotiate the sale, purchase, or exchange of an interest in five or more motor vehicles within any 12 consecutive months, regardless of who owns the motor vehicles.
3. Engages, wholly or in part, in the business of selling new motor vehicles or new or used motor vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by that person, and sells five or more motor vehicles within any 12 consecutive months.
4. Offers to sell, displays, or permits the display for sale for any form of compensation five or more motor vehicles within any 12 consecutive months.

5. Primarily engages in the leasing or renting of motor vehicles to others and sells or offers to sell those vehicles at retail.

b. The term "motor vehicle dealer" or "dealer" does not include any of the following:

1. Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court.
2. Public officers while performing their official duties.
3. Persons disposing of motor vehicles acquired for their own use or the use of a family member, and actually so used, when the vehicles have been acquired and used in good faith and not for the purpose of avoiding the provisions of this Article.
4. Persons who sell motor vehicles as an incident to their principal business but who are not engaged primarily in the selling of motor vehicles. This category includes financial institutions who sell repossessed motor vehicles and insurance companies who sell motor vehicles to which they have taken title as an incident of payments made under policies of insurance, and auctioneers who sell motor vehicles for the owners or the heirs of the owners of those vehicles as part of an auction of other personal or real property or for the purpose of settling an estate or closing a business or who sell motor vehicles on behalf of a governmental entity, and who do not maintain a used car lot or building with one or more employed motor vehicle sales representatives.
5. Persons manufacturing, distributing or selling trailers and semitrailers weighing not more than ~~750 pounds and carrying not more than a 1,500 pound load.~~ 2,500 pounds unloaded weight.
6. A licensed real estate broker or salesman who sells a mobile home for the owner as an incident to the sale of land upon which the mobile home is located.
7. An employee of an organization arranging for the purchase or lease by the organization of vehicles for use in the organization's business.
8. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of motor vehicles owned by others.
9. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.

10. Any real property owner who leases any interest in property for use by a dealer.
11. Any person acquiring any interest in a motor vehicle for a family member."

SECTION 2. G.S. 20-288(d) reads as rewritten:

"(d) To obtain a license as a wholesaler, an applicant who intends to sell or distribute self-propelled vehicles must have an established office in this State, and an applicant who intends to sell or distribute only trailers or semitrailers of ~~less~~ more than 2500 pounds unloaded weight must have a place of business in this State where the records required under this Article are kept.

To obtain a license as a motor vehicle dealer, an applicant who intends to deal in self-propelled vehicles must have an established salesroom in this State, and an applicant who intends to deal in only trailers or semitrailers of ~~less~~ more than 2500 pounds unloaded weight must have a place of business in this State where the records required under this Article are kept.

An applicant for a license as a manufacturer, a factory branch, a distributor, a distributor branch, a wholesaler, or a motor vehicle dealer must have a separate license for each established office, established salesroom, or other place of business in this State. An application for any of these licenses shall include a list of the applicant's places of business in this State. An applicant for a license as a manufacturer, a factory branch, a distributor, a distributor branch, a wholesaler, or a motor vehicle dealer may elect, at the time of application or renewal, to consolidate the renewal of these licenses for each established office, established showroom, or other place of business in this State held in the name of one person or entity."

SECTION 3. This act becomes effective July 1, 2003, and applies to licenses issued or renewed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 777
PROPOSED HOUSE COMMITTEE SUBSTITUTE S777-PCS35290-SU-22

Short Title: Amend Dealer Licensing Law. (Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW WITH REGARD TO THE MANUFACTURE, SALE, AND DISTRIBUTION OF TRAILERS AND SEMITRAILERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-286(11) reads as rewritten:

"(11) Motor vehicle dealer or dealer. –

a. A person who does any of the following:

1. For commission, money, or other thing of value, buys, sells, or exchanges, whether outright or on conditional sale, bailment lease, chattel mortgage, or otherwise, five or more motor vehicles within any 12 consecutive months, regardless of who owns the motor vehicles.
2. On behalf of another and for commission, money, or other thing of value, arranges, offers, attempts to solicit, or attempts to negotiate the sale, purchase, or exchange of an interest in five or more motor vehicles within any 12 consecutive months, regardless of who owns the motor vehicles.
3. Engages, wholly or in part, in the business of selling new motor vehicles or new or used motor vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by that person, and sells five or more motor vehicles within any 12 consecutive months.
4. Offers to sell, displays, or permits the display for sale for any form of compensation five or more motor vehicles within any 12 consecutive months.

5. Primarily engages in the leasing or renting of motor vehicles to others and sells or offers to sell those vehicles at retail.

b. The term "motor vehicle dealer" or "dealer" does not include any of the following:

1. Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court.
2. Public officers while performing their official duties.
3. Persons disposing of motor vehicles acquired for their own use or the use of a family member, and actually so used, when the vehicles have been acquired and used in good faith and not for the purpose of avoiding the provisions of this Article.
4. Persons who sell motor vehicles as an incident to their principal business but who are not engaged primarily in the selling of motor vehicles. This category includes financial institutions who sell repossessed motor vehicles and insurance companies who sell motor vehicles to which they have taken title as an incident of payments made under policies of insurance, and auctioneers who sell motor vehicles for the owners or the heirs of the owners of those vehicles as part of an auction of other personal or real property or for the purpose of settling an estate or closing a business or who sell motor vehicles on behalf of a governmental entity, and who do not maintain a used car lot or building with one or more employed motor vehicle sales representatives.
5. Persons manufacturing, distributing or selling trailers and semitrailers weighing not more than ~~750 pounds and carrying not more than a 1,500 pound load.~~ 2,500 pounds unloaded weight.
6. A licensed real estate broker or salesman who sells a mobile home for the owner as an incident to the sale of land upon which the mobile home is located.
7. An employee of an organization arranging for the purchase or lease by the organization of vehicles for use in the organization's business.
8. Any publication, broadcast, or other communications media when engaged in the business of advertising, but not otherwise arranging for the sale of motor vehicles owned by others.
9. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.

10. Any real property owner who leases any interest in property for use by a dealer.
11. Any person acquiring any interest in a motor vehicle for a family member."

SECTION 2. G.S. 20-288(d) reads as rewritten:

"(d) To obtain a license as a wholesaler, an applicant who intends to sell or distribute self-propelled vehicles must have an established office in this State, and an applicant who intends to sell or distribute only trailers or semitrailers of ~~less~~ more than ~~2500~~ 2,500 pounds unloaded weight must have a place of business in this State where the records required under this Article are kept.

To obtain a license as a motor vehicle dealer, an applicant who intends to deal in self-propelled vehicles must have an established salesroom in this State, and an applicant who intends to deal in only trailers or semitrailers of ~~less~~ more than ~~2500~~ 2,500 pounds unloaded weight must have a place of business in this State where the records required under this Article are kept.

An applicant for a license as a manufacturer, a factory branch, a distributor, a distributor branch, a wholesaler, or a motor vehicle dealer must have a separate license for each established office, established salesroom, or other place of business in this State. An application for any of these licenses shall include a list of the applicant's places of business in this State."

SECTION 3. This act becomes effective July 1, 2003, and applies to licenses issued or renewed on or after that date.

SENATE BILL 777:
Amend Dealer Licensing Laws

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Senators Foxx, Hoyle, and Sloan
Date:	May 21, 2003		
Version:	Proposed Committee Substitute S777-CSSU-22[v.1]	**Summary by:**	Wendy Graf Ray Committee Counsel

SUMMARY: The Proposed Committee Substitute for Senate Bill 777 would amend the law pertaining to the manufacture, sale, and distribution of trailers and semitrailers.

CURRENT LAW: Article 12 of Chapter 20 of the General Statutes requires motor vehicle dealers to be licensed to engage in business in North Carolina. The definition of motor vehicle dealer specifically excludes persons manufacturing, distributing or selling trailers and semitrailers weighing not more than 750 pounds and carrying not more than a 1,500 pound load, thereby exempting those persons from regulation under Article 12.

Under the current law, persons manufacturing, distributing or selling trailers and semitrailers that are not specifically excluded from the definition of motor vehicle dealer are subject to regulation under Article 12 and must be licensed. G.S. 20-288(d) requires applicants for a license to maintain an established office or showroom in North Carolina. However, license applicants who intend only to deal in or sell or distribute trailers or semitrailers weighing less than 2,500 pounds unloaded are required to have "a place of business" in North Carolina where records are to be kept.

BILL ANALYSIS: The Proposed Committee Substitute for Senate Bill 777 would amend the definition of motor vehicle dealer to exclude persons manufacturing, distributing or selling trailers and semitrailers weighing not more than 2,500 pounds unloaded, rather than 750 pounds with a maximum 1,500 pound load, thereby exempting those persons from regulation under Article 12.

The bill would also amend G.S. 20-288(d) to require an applicant to have a place of business in North Carolina only if the applicant deals in or sells or distributes trailers or semitrailers weighing more than 2,500 pounds, instead of less than 2,500 pounds.

EFFECTIVE DATE: The act would become effective July 1, 2003, and would apply to licenses issued or renewed on or after that date.

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — May 21, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gardner Payne	McGuire Woods
Ari Fleisher	White House
V L McBride	~~DOT~~
Roberto Canales	NCDOT
Susan Conard	NCDOT
Kari Barsness	NCDENR
Fran Cockman	NC state Watch
Allison Pope	NC League Municipalities
Janet D'Ignazio	NCDOT
Gail Grimes	NCDOT
Linda Story	Granite Falls
David Hush	GSMR
J Pinsky	AAA

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — May 21, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steve Simmons	Granite Falls
Andy Ellen	NCRMA
Marlene Foster	Love's
[illegible]	CAPA
John Long	Martin Marietta
Al Capehart	NC Rail-Trails Inc www.ncrail-trails.org
RL Willoughby	City of Washington
A. Ed Gibson	" " "
Richard Brooks	" " "
Stephen Jeffress	ElectriCities
Tim Crawley	UNC TV

House Pages

1. Name: Rafael Penn
   County: Mecklenburg
   Sponsor: Martha Alexander
2. Name: KC Immler
   County: Wayne
   Sponsor: Louis Pate
3. Name:
   County:
   Sponsor:
4. Name:
   County:
   Sponsor:
5. Name:
   County:
   Sponsor:

Sgt-At-Arms

1. Name: Dusty Rhoades
2. Name: Matha Parrish
3. Name: Bob Fowler
4. Name:

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

June 4, 2003

11:00 A.M.

Room 1228 LB

Representative Lorene Coates, Presiding Chair
Representative Cary Allred, Chair

SB232 Bikeway Funding – Sen. Kinnaird

HB921 Resolution to Expedite Certain Corridors – Rep. Frye
& Rep. Rapp

HB1230 Rail Corridor Uses – Rep. Lubeke

Questions and Comments
ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON TRANSPORTATION

June 4, 2003

The House Committee on Transportation met on Wednesday June 4, 2003 at 11:00 AM in room 1228 of the Legislative Building. The following members were present: Representative Cary Allred, Chair; Representative Lorene Coates, Chair; Representative William Daughtridge, Vice Chair; Representative Arthur Williams, Vice Chair; Representative Keith Williams, Vice Chair and Representatives L. Allen, Cole, Crawford, Frye, Haire, LaRoque, Lewis, Nye, Rapp, Ray, Starnes, Sutton and Wright. Also present was Wendy Graf Ray, Committee Counsel. Assisting the meeting were Martha Gadison, Earl Tharrington and Paul Rucho, House Sergeant-at-Arms and Melissa Lennon, Committee Assistant.

Representative Coates, presiding Chair, called the meeting to order and introduced Pages: Precious Clements from Wake County, sponsored by Representative B. Allen and Stacey Capps from Wake County, sponsored by Representative Capps.

The Chair recognized Representative Frye to explain HB921, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE THE COMPLETION OF CERTAIN HIGHWAY CORRIDORS TO AID IN RURAL ECONOMIC DEVELOPMENT. The sub-committee recommended that the bill be made into a resolution to urge the Department of Transportation to expedite these corridors that were identified in the Rural Prosperity Task Force Report (see attachment). Susan Coward, DOT stated that the department has no position on this resolution. Gordon Myers, former DOT Board Member spoke in favor of the measure and Pat Simmons from DOT concurred. Several members expressed concern that it is against normal procedure and irresponsible to pass resolutions urging the department to take action. Representative Cole requested that the bill be re-referred to Appropriations Transportation. Upon a motion from Representative Allred the committee voted for a favorable report to the committee substitute, unfavorable to the original bill and re-referred the bill to Appropriations Transportation.

The next order of business was SB232, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS. Senator Kinnaird was recognized to explain the bill. Following several requests to add additional counties Representative Allred moved that the bill be made effective statewide and the committee concurred. Upon a motion from Representative Lewis the committee voted to give the committee substitute a favorable report, unfavorable to the original bill.

Representative Lubeke was recognized to explain HB1230, A BILL TO BE ENTITLED AN ACT TO ALLOW RAIL CORRIDORS HELD BY THE DEPARTMENT OF TRANSPORTATION TO BE USED AS LINEAR PARKS, TRAILS, OR RECREATIONAL CORRIDORS. The Chair called on Al Capehart, Rails to Trails to express his support for the measure. The bill will make it possible to use 93 miles of railroad right way in five counties. Each 10 miles can generate up to $500,000 in dollars back to the local areas. Several members were concerned about property owner's rights and asked about the possibility of lawsuits. Representative Lubeke stated that it was an unsettled issue in the courts but he believed it would be the same as public highway use. Upon a motion from Representative Wright the committee voted to give the committee substitute a favorable report, unfavorable to the original bill and re-referred the bill to Appropriations Transportation.

Respectfully submitted,

Lorene Coates
Lorene T. Coates, Presiding Chair

Melissa Lennon
Melissa Lennon, Committee Assistant

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Coates and Allred** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 921 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE THE COMPLETION OF CERTAIN HIGHWAY CORRIDORS TO AID IN RURAL ECONOMIC DEVELOPMENT.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Coates and Allred** (Chairs) for the Committee on **TRANSPORTATION**.

☒ Committee Substitute for
S.B. 232 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Coates and Allred** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 1230 A BILL TO BE ENTITLED AN ACT TO ALLOW RAIL CORRIDORS HELD BY THE DEPARTMENT OF TRANSPORTATION TO BE USED AS LINEAR PARKS, TRAILS, OR RECREATIONAL CORRIDORS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 921

Short Title:	Expedite Certain Highway Corridors.	(Public)
Sponsors:	Representatives Frye and Rapp (Primary Sponsors).	
Referred to:	Transportation.	

April 8, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE THE COMPLETION OF CERTAIN HIGHWAY CORRIDORS TO AID IN RURAL ECONOMIC DEVELOPMENT.

Whereas, the Rural Prosperity Task Force filed its final report on February 21, 2000; and

Whereas, one of the Task Force's general recommendations was "to build modern water and sewer systems, widen critical highways and enlarge the supply of adequate, affordable housing"; and

Whereas, the Task Force found that "the continued economic development of the State's rural areas will depend heavily on a reliable and efficient highway system; and

Whereas, a specific Task Force recommendation was to "give priority to completion of improvements to projects along three critical rural highway corridors: Highway 70, Highway 17, and Highway 19E"; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Transportation and the Board of Transportation shall expedite the completion of three critical highway corridors:

(1) The Goldsboro Bypass along U.S. Highway 70 (TIP number R-2554).

(2) U.S. Highway 17 that runs through Bertie County from south of Windsor to west of the Chowan River (TIP number R-2404).

(3) The segment of U.S. Highway 19E corridor that will give Madison, Mitchell, Yancey, and Avery Counties access to Tennessee markets.

SECTION 2. The Department of Transportation and the Board of Transportation shall ensure that all of these projects are completed in a six-year target time period.

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

HOUSE BILL 921:
Expedite Certain Highway Corridors

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Representatives Frye and Rapp
Date:	April 22, 2003	**Summary by:**	Wendy Graf Ray
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 921 would expedite the completion of three critical highway corridors to aid in rural economic development.***

BILL ANALYSIS: House Bill 921 would direct the Department of Transportation and the Board of Transportation to ensure that the following projects are completed within six years:

- The Goldsboro Bypass along U.S. Highway 70.
- U.S. Highway 17 running through Bertie County from south of Windsor to west of the Chowan River.
- The segment of U.S. Highway 19E, giving Madison, Mitchell, Yancey, and Avery Counties access to Tennessee markets.

The bill is the result of a recommendation by the Rural Prosperity Task Force, and the intent is to promote continued economic development of the State's rural areas, which depends heavily on a reliable and efficient highway system.

EFFECTIVE DATE: The bill would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 232

State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 5/1/03
PROPOSED HOUSE COMMITTEE SUBSTITUTE S232-PCS65309-SU-29

Short Title: Bikeway Funding. (Public)

Sponsors:

Referred to:

February 27, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-71.12 reads as rewritten:

"**§ 136-71.12. Funds.**

The General Assembly hereby authorizes the Department to include needed funds for the program in its annual budgets for fiscal years after June 30, 1975, subject to the approval of the General Assembly.

The Department is authorized to spend any federal, State, local or private funds available to the Department and designated for the accomplishment of this Article. ~~Cities and towns~~ Cities, towns, and counties may use any funds available."

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

SENATE BILL 232:
Bikeway Funding

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Senator Kinnaird
Date:	June 4, 2003	**Summary by:**	Wendy Graf Ray
Version:	Second Edition		Committee Counsel

SUMMARY: ***Senate Bill 232 would authorize Cabarrus, Guilford, Iredell, Orange, and Wilkes Counties to use available funds for bikeway projects.***

CURRENT LAW: Under the North Carolina Bicycle and Bikeway Act of 1974, cities and towns are authorized to use available funds for bikeway projects. A "bikeway" is defined as a thoroughfare suitable for bicycles, and which may either exist within the right-of-way of other modes of transportation, such as highways, or along a separate and independent corridor.

BILL ANALYSIS: Senate Bill 232 would add "counties" to the list of political entities that are allowed to expend available funds for bikeway projects. The provision is limited to Cabarrus, Guilford, Iredell, Orange, and Wilkes Counties.

The General Assembly passed similar legislation in 1998 to allow the County of Durham to expend available funds for bikeway projects.

EFFECTIVE DATE: The bill would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1230
PROPOSED COMMITTEE SUBSTITUTE H1230-CSRW-54 [v.3]

6/3/2003 11:21:06 PM

Short Title: Rail Corridor Uses. (Public)

Sponsors:

Referred to:

April 22, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW ALL RAIL CORRIDORS HELD BY THE DEPARTMENT OF TRANSPORTATION TO BE USED AS INTERIM RECREATIONAL CORRIDORS, TO SPECIFY RESTRICT MOTORIZED USE OF INTERIM RECREATIONAL RAIL CORRIDORS, TO CLARIFY THAT THE DEPARTMENT MAY LEASE RAIL CORRIDORS TO OTHER STATE AGENCIES AND LOCAL GOVERNMENTS FOR INTERIM RECREATIONAL USE, TO SPECIFY THAT INTERIM RECREATIONAL USE OF A RAIL CORRIDOR DOES NOT CONSTITUTE A REVERSION OR ABANDONMENT OF THE CORRIDOR, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-44.36D reads as rewritten:

"**§ 136-44.36D. Recreational leasing requirements.**

Portions of rail corridors held by the North Carolina Department of Transportation in fee simple absolute or in any lesser interest, including easements and leaseholds, may be leased or subleased by the Department ~~for interim public recreation use~~ to other State departments, agencies, or local governments for interim use, or joint use with rail, for public recreation, such as a linear park trail or recreational corridor, and for nonmotorized transportation use, provided the following conditions are met:

(1) Before requesting trail use, a sponsoring unit of local government has held a public hearing in accordance with G.S. 143-318.12 and notified the owners of all parcels of land abutting the corridor as shown on the county tax listing of the hearing date, place, and time by first-class mail at the last addresses listed for such owners on the county tax abstracts. A transcript of all public comments presented at the hearing has been sent to the North Carolina Department of Transportation at the time of requesting use of the corridor.

(2) A unit of local government has requested use of the rail corridor or a portion thereof for interim public recreational and nonmotorized trail use, and agrees in writing to assume all development costs as well as management, security, and liability responsibilities as defined by the North Carolina Department of Environment and Natural Resources and the North Carolina Department of Transportation.

(3) Adjacent property owners are offered broad voting representation by membership in the organization, if any, that is delegated most immediate responsibility for development and management of the rail-trail by the sponsoring local government.

(4) The North Carolina Department of Transportation has determined that there will not likely be a need to resume active rail service in the leased portion of the rail corridor for at least 10 years.

(5) Any lease or other agreement allowing trail use includes terms for resumption of active rail use which will assure unbroken continuation of the corridor's perpetual use for railroad purposes and interim compatible uses.

(6) Use of the rail corridor or portions thereof as a recreational trail does not interfere with the ultimate transportation purposes of the corridor as determined by the North Carolina Department of Transportation."

SECTION 2. Article 2D of Chapter 136 of the General Statutes is amended by adding new sections to read:

"**§ 136-44.36E. No reversion or abandonment of a corridor by use for interim compatible uses.**

Any portion of a rail corridor held by the Department of Transportation and leased for interim, or joint with rail, public recreation and nonmotorized transportation uses or by a unit of a local government or leased or otherwise transferred to other departments or agencies of this State for interim public recreation and nonmotorized transportation uses shall be deemed to be held and preserved for railroad use and in continuation of any railroad easement and shall not revert by operation of law to any other ownership, provided such interim use is subject to restoration or reconstruction for railroad purposes."

SECTION 3. G.S. 160A-498 reads as rewritten:

"**§ 160A-498. Railroad corridor preservation.**

A city or county may acquire property, by purchase or gift, to preserve a railroad corridor established by the Department of Transportation. A city or county that acquires property to preserve a railroad corridor may lease or sublease the property or use the property for interim compatible uses until the property is used for a railroad.

Such interim compatible, or joint with rail, uses may include use for interim public recreation and for nonmotorized transportation and such corridors used for such purposes shall be deemed to be held and preserved for railroad purposes and in continuation of any railroad easement and shall not revert by operation of law to any other ownership, provided such interim use is subject to restoration or reconstruction for railroad purposes."

SECTION 4. There is appropriated from the Highway Fund to the Department of Transportation for the 2003-2004 fiscal year the sum of one hundred thousand dollars ($100,000) to implement this act.

SECTION 5. This act becomes effective July 1, 2003.

HOUSE BILL 1230:
Rail Corridor Uses

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Luebke
Date:	June 3, 2003	**Summary by:**	Giles S. Perry
Version:	H1230-CSRW-54[v.3]		Committee Counsel

SUMMARY: ***House Bill 1230 makes several changes to State law concerning recreational use of DOT owned rail corridors.***

CURRENT LAW: Under current State law, DOT may lease rail corridors is owns in fee simple absolute (all property ownership interest) for interim recreational use.

BILL ANALYSIS:

Section 1 of House Bill 1230:

--authorizes DOT to lease rail corridors owned by the Department by easement or leasehold for recreational uses.

--clarifies that the lease of a rail corridor for recreational use may be made only to other State agencies or local governments.

--clarifies that the use of a rail corridor for an interim use includes a transportation use.

--restricts motorized use of rail corridors used for recreation.

--clarifies that DOT may sublease, as well as lease, a rail corridor for recreation use.

--authorizes joint rail and recreation use of a DOT owned corridor.

Section 2 of the bill states that under North Carolina law, interim or joint recreation and rail use of a DOT owned corridor shall be deemed to be a railroad use and not constitute a reversion.

Section 3 of the bill states that under North Carolina law, interim or joint recreation and rail use of a city or county owned rail corridor shall be deemed to be a railroad use and not constitute a reversion.

Section 4 of the bill appropriates $100,000 from the Highway Fund to DOT to implement the purposes of the act.

Section 5 provides that the act becomes effective July 1, 2003.

H1230-SMRW-001

NORTH CAROLINA

RURAL PROSPERITY TASK FORCE

REPORT

FEBRUARY 21, 2000

TASK FORCE MEMBERS

Erskine Bowles, *Chair*
Charlotte

Mark Bernstein
Charlotte

Raeford Daughtry
Newton-Grove

David Dodson
Chapel Hill

Bill Friday
Chapel Hill

Cecil Groves,
Sylva

Mavis Hill
Columbia

Jim Johnson
Chapel Hill

Kenneth Jones
Pink Hill

Bob Jordan
Mount Gilead

Kelly King
Winston-Salem

Tom Lambeth
Winston-Salem

Joan Maxwell
Edenton

Leigh McNairy
Kinston

Gordon Myers
Black Mountain

R. V. Owens
Nags Head

Hilda Pinnix-Ragland
Raleigh

Mikki Sager
Chapel Hill

Bob Spivey
Windsor

Durwood Stephenson
Smithfield

Norma Turnage
Rocky Mount

Roland Vaughan
Edenton

Barbara Vicknair
Murphy

Tracy Walker
Wilkesboro

Larry Wooten
Raleigh

Working Group Chairs

Rick Carlisle
N.C. Department of Commerce

Billy Ray Hall
N.C. Rural Economic Development Center

Martin Lancaster
N.C. Community College System

LETTER FROM THE CHAIRMAN

Dear Friends,

The Rural Prosperity Task Force offers to the citizens of North Carolina a plan of action to move our state forward at the beginning of the 21st Century.

We're a state with a proud history, but we can't continue to advance with our larger cities rushing ahead and many of our smaller towns and rural counties stagnating or even declining. We cannot nor should we try to reverse global economic trends – and we surely can't prevent the weather from pummeling us from time to time – but we surely have the smarts and the strength to address the conditions that threaten to leave too many people and communities behind.

Our task force began its work with a realization that rural North Carolina had reached a pivotal point of uncommon challenges. Several pressures were coming together at once:

- Even while the state's economy was humming, tens of thousands of rural manufacturing workers were being laid off;
- Our tobacco economy was facing a crisis;
- Commodity prices were hitting 30-year lows;
- Much of rural North Carolina lacked the infrastructure to assure its ability to connect to the emerging, growing economy.

But our task force also began with an understanding that North Carolina has strong assets we can use to fight for our rural people and places – among them, our universities and community colleges, our Department of Commerce and regional economic development partnerships, the new Golden L.E.A.F. Foundation, our Rural Economic Development Center and a vast array of nonprofit and community-based organizations, our business leaders and leaders at the top of our state government – all committed to the task.

To all those ready and willing to get to work on an action plan, the Rural Prosperity Task Force suggests six big ideas. These are ideas to be carried out not only by government but also by business, foundations, grassroots organizations and most importantly, the people in our rural communities. We believe that this plan of action provides Governor Hunt and the General Assembly a strong set of ideas to move us forward, beginning this year.

1) We must provide high-speed, reliable Internet access to rural businesses and homes, so that all our people can participate in the emerging information economy of the 21st century.

2) We can create a Rural Redevelopment Authority to finance rural economic development projects, invest in business development and stimulate community capacity-building.

3) We must strengthen rural schools, community colleges and universities. In particular, we can upgrade training for rural workers and provide incentives to produce the teachers that rural schools need.

4) We can create an Agricultural Advancement Consortium to ensure that North Carolina farmers keep more of the farm dollar and that we export more products abroad.

5) We must build modern water and sewer systems, widen critical highways and enlarge the supply of adequate, affordable housing.

6) We must boost rural leadership and give our rural communities greater civic capital to work on the difficult challenges they face.

I want to thank Governor Hunt, House Speaker Jim Black and Senate President Pro-Tem Marc Basnight for establishing the Rural Prosperity Task Force and supporting its work. I want to thank the members of the Task Force, as well as the team of staff and advisers, who worked diligently to fashion a plan of action that takes into consideration how to pay for what is proposed. And I thank the many rural leaders and citizens who participated in 10 public hearings, who wrote to us and submitted ideas to our website.

I have been honored to chair the Task Force, and I am delighted that we have been able to elicit the creativity that has gone into the plan of action. But I'm not finished, and we're not finished as a state. I pledge to work hard for the enactment and implementation of these six big ideas. I ask all of you to join in the effort. This is an exciting moment, a time for action. Let's get started.

Erskine Bowles

Even before the devastating effects of Hurricane Floyd, the North Carolina Housing Finance Agency estimated that almost 200,000 rural low-income families had a housing problem. Rural housing needs fall into two major areas: affordability (families paying more than 30% of their income for housing) and inadequate quality. To address these issues, a strategic investment of public funds is needed to leverage private capital that can build new, affordable housing on a broader scale.

The North Carolina Housing Trust Fund was created by the N.C. General Assembly in 1987 and is the only resource – state, federal, or private – that invests in the state's full range of housing needs. The Trust Fund is only used for direct aid to families – the N.C. Housing Finance Agency pays all administrative costs – and helps provide lower payment assistance for first-time homebuyers, pay for repair needs of the elderly and disabled, and facilitate rental housing loans for the elderly and those with special needs.

Loan programs are designed and overseen by a thirteen-member Housing Partnership Board that has extensive rural representation. The Trust Fund has leveraged five dollars of total development for each $1 of public investment. Of the $228 million in new real estate development the Fund has financed, 63% has benefited rural counties.

Differences in housing needs among rural communities require the flexible investment strategies that the Fund has been able to provide. The Trust Fund needs more funding to have an impact of greater scale on rural housing availability and conditions. On average, the General Assembly has appropriated $3 million each year to the Trust Fund since 1986. The General Fund appropriation for FY 1999-2000 was increased to $9 million. The Task Force recommends that we increase that appropriation by 67% in the coming year, to $15 million.

Recommendation #2: Boost the Housing Trust fund by an additional $6 million dollars over appropriations for the 1999-2000 fiscal year, to $15 million.

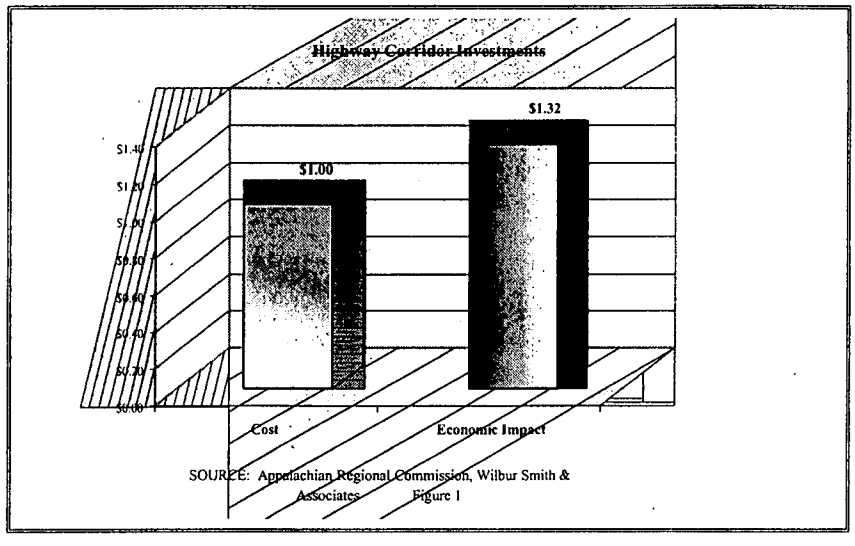
- *Cost: $6 million in addition to the FY 1999-2000 appropriation from the General Fund. The increased amount should be targeted specifically to housing needs in Tier One, Two and Three counties.*
- *Timeline: Begin within 90 days of approval of funding*
- *Responsible: N.C. Housing Finance Agency.*

HIGHWAY CORRIDORS

"When people are looking at starting a business, expanding it, or moving it, highway transportation is one of their biggest concerns. If we have it, we have a chance. Sometimes if we don't have it, we're not even in the game."
-- Gordon Myers, Task Force member

Goal: Improve rural communities by increasing access to multi-lane highways and railways.

The continued economic development of the state's rural areas will depend heavily on a reliable and efficient highway system. Major highway routes play an important role in providing safe and efficient access to rural communities. Providing funds for completion of the intrastate highway system will improve the ability of people and goods to move into, out of and around rural communities, thereby enhancing the potential for increased economic development and an improved quality of life for rural residents. While construction costs are high, highways are an investment that delivers significant returns. According to a study done for the Appalachian Regional Commission, each $1.00 invested in highway corridors returned $1.32 in economic impacts, such as growth in jobs, wages, population, and value-added production.



When businesses decide where to locate or expand, the ability to move people and goods efficiently remains a fundamental requirement. For example, manufacturing firms typically make site location decisions based on a list of criteria that are weighted by importance to the project in question. Transportation access is consistently one of the top criteria due to new manufacturing processes that require just-in-time deliveries and integrated manufacturing groups. In addition to moving products, companies are also concerned about employee traffic during shift changes. Simply put, firms are driven by finding the most cost-effective and trouble-free location.

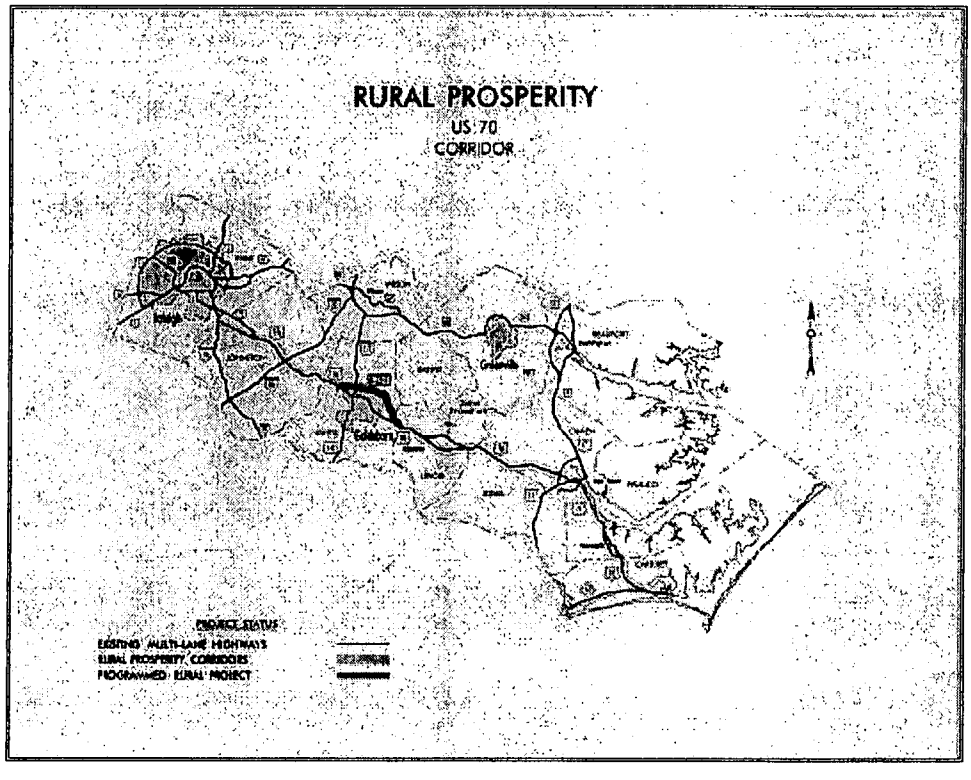
> *"We have over 100 stoplights between Raleigh and the State Port of Morehead City, and no stoplights from Raleigh to California! How's that for effective movement of goods and services?*
> *-- Leigh McNairy, Task Force member*

An upgraded and expanded transportation system is not only necessary for commerce, it is also a vital link for those living in small communities. Better roads make it possible for rural residents to travel more easily, which in turn opens up expanded access to new training, better jobs, more education, and improved health care and child care services. Upgrading North Carolina's labor force will only be possible if workers can travel to education and training opportunities and get to their jobs.

While the Task Force would like to include the completion of all unfinished sections of rural highways as one of its primary goals, financial realities make this impossible. A more comprehensive list of rural highway priorities is included in our list of additional recommendations. We encourage the N.C. Department of Transportation (NCDOT) to review all these projects and give them priority in the future as funds become available. For now we recommend three specific projects.

Recommendation #3: Give priority to completion of improvements to projects along three critical rural highway corridors: Highway 70, Highway 17, and Highway 19E.

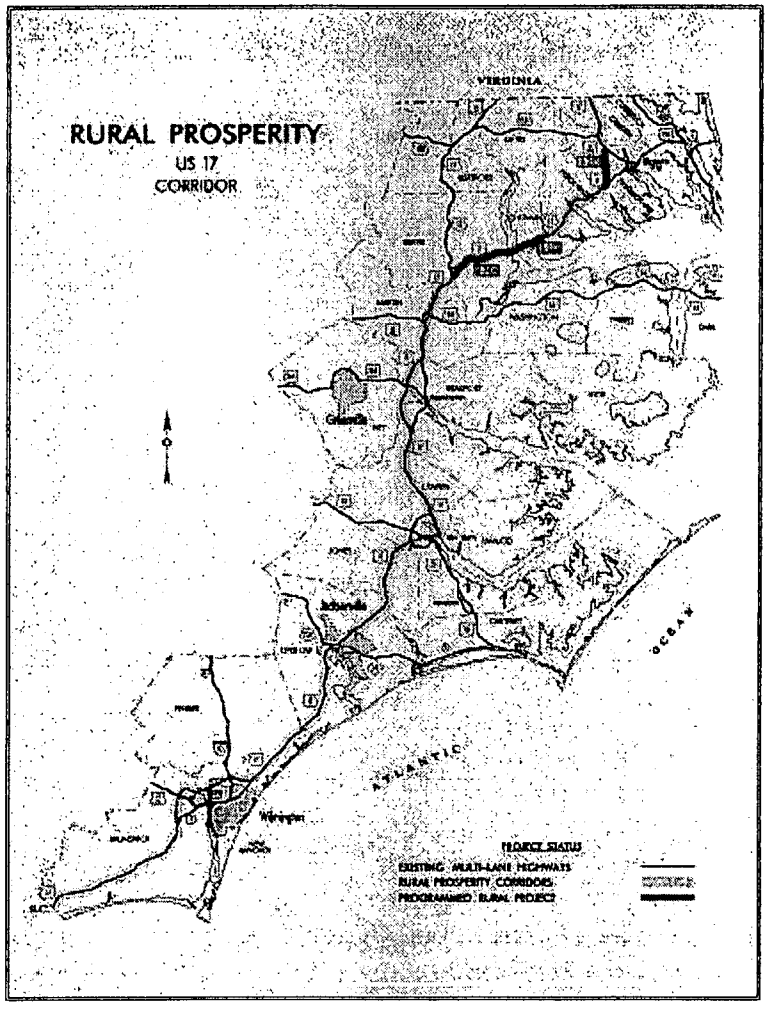
The Task Force selected three highway corridor segments as its top priority because of their strategic importance for rural economic development. As priority number one, the Task Force recommends the Goldsboro Bypass along U.S. Highway 70 (TIP number R-2554).



SOURCE: NC Department of Transportation

The Goldsboro Bypass will open up the middle part of the state to the benefits of Interstate 95 and Interstate 40, links that have increased in importance since the devastation brought by Hurricane Floyd. The Goldsboro Bypass runs from west of NC 581 to east of State Road

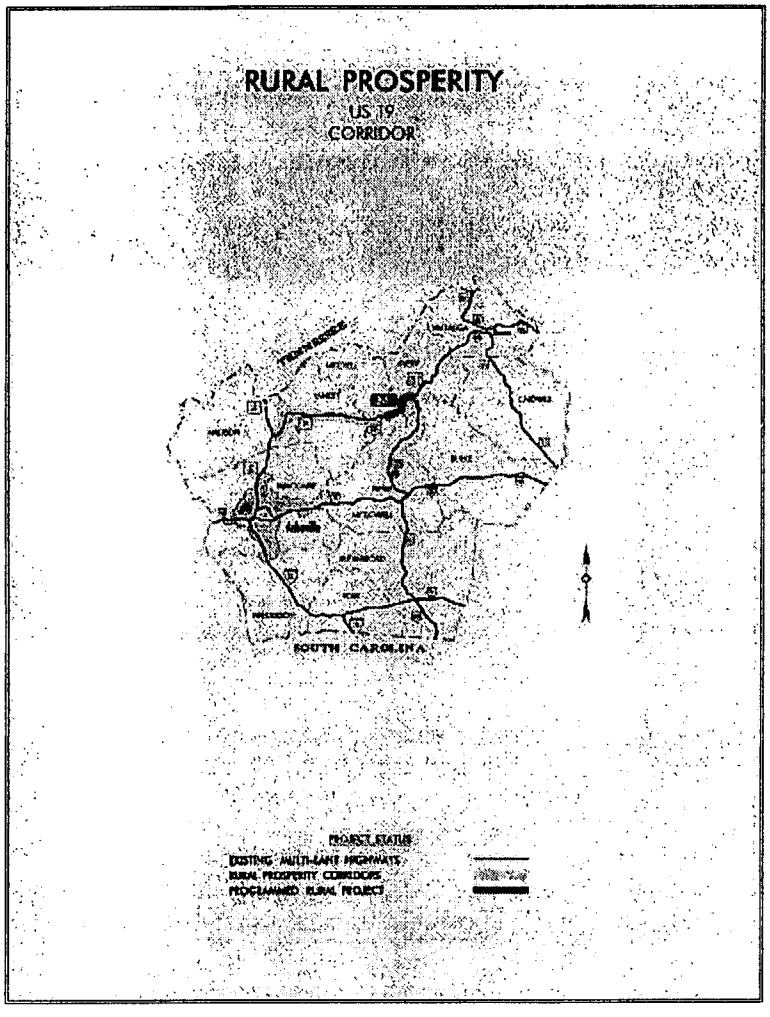
1323 in Lenoir County. This project connects the North Carolina Global TransPark to U.S. Highway 117, a controlled access freeway, that will when completed connect to Interstate 95. The link between North Carolina's Global TransPark and I-95 will greatly facilitate transportation into and out of our state facility, and will significantly boost the TransPark's potential for significant economic impact for the entire state. The Goldsboro Bypass is part of the entire US-70 corridor. When the entire US 70 corridor is completed, the corridor will provide a "no stoplight" access to the interstates, will provide a safe evacuation route, will provide better access for increased tourism and will provide better connectivity for our military bases. The US 70 corridor is also the only east-west connector to the North Carolina Port at Morehead City.



SOURCE: NC Department of Transportation

The next highest priority project we recommend is a segment of U.S. Highway 17 that runs through Bertie County from south of Windsor to west of the Chowan River (TIP number R-2404). Highway 17 connects eastern North Carolina from border to border, north to south, and links this part of the east to Interstate 40 and U.S. Highway 70. It builds a bridge between our northern counties and the markets of Norfolk, Virginia and our southern counties and the markets of Myrtle Beach. It also links several of the east's major cities – Jacksonville, Wilmington, and New Bern – to each other, thereby connecting all of eastern

North Carolina to the port of Wilmington. With the completion of segment R-2404 and the pending completion of two highway segments close to the Virginia border (R-2512 and R-2515A), the northeastern citizens of the state will have four lane highway access all the way to Raleigh or the Virginia border.



SOURCE: NC Department of Transportation

The third highway segment given high priority by the Task Force is a segment of U.S. Highway 19E that will make a tremendous difference in linking together key parts of western North Carolina. Highway 19E will give Mitchell, Yancey, and Avery counties access to Tennessee markets. It will also link these three counties to Interstate Highway 26 and the southern part of both western North Carolina and South Carolina. Completion of all of Highway 19E will make an important difference in helping communities in the western part of the state overcome the isolation they often experience due to their challenging geography. It will open up a new level of economic development opportunities in the region, including spurring new growth in the tourism industry.

- *Cost and payfor: If recommendation #4 is implemented, additional funding per year for six years needed to build each of these projects would be: Highway 70's Goldsboro Bypass: $30.1 million per year; U.S. 17 in Bertie County: $2.6 million per year; Highway 19E in Mitchell, Yancey and Avery counties*

(TIP segment R-2520): $7.6 million per year. If recommendation #4 is not adopted, DOT should seek to ensure completion in 6-10 years. We recommend exploring four funding sources:

1) *Reallocation of existing highway funds;*
2) *Constructing one rural toll road on a trial basis;*
3) *Searching for additional federal funds;*
4) *Looking to new revenue sources, including gas tax and vehicle registration surcharges.*

- *Timeline: All funding would be provided to ensure completion in 6-10 years*
- *Responsible: NCDOT.*

Recommendation # 4: Speed the completion of rural highway corridors by instituting a six-year building requirement.

Increased funding alone cannot increase the speed of construction. The NCDOT should require construction time of highways be accelerated to save money and help economic development corridors become a reality sooner. Currently, highway projects can take as long as eleven years to complete. The Task Force recommends a six-year building requirement.

- *Cost: Should be no net cost; possible savings due to increased speed of construction*
- *Timeline: Recommend NCDOT board continue discussions of this change and implement immediately*
- *Responsible: NCDOT.*

Recommendation # 5: Create a small task force to work with the Governor and U.S. Department of Transportation staff in Washington to secure new and additional funding for rural road priority projects.

Currently, North Carolina would benefit from having aggressive representation working in a consistent way in Washington to secure federal sources of highway funds. A small task force would work with members of the Governor's Office and USDOT staff to advocate specifically for securing new and additional funding for rural counties.

- *Cost: $125,000 per year for three years.*
- *Timeline: Immediate.*
- *Responsible: N.C. Governor's Office and others.*

RAIL TRANSPORTATION

Recommendation #6: Maximize the assets of the state's railroads to enhance rural economic development through increased collaboration between the N.C. Department of Transportation, the N.C. Railroad and the state's railroads.

The North Carolina Railroad (NCRR) and the NCDOT should study and implement changes that will improve the speed and efficiency of service on the existing NCRR system. In addition, the NCRR and NCDOT should aggressively continue discussions with the

VISITOR REGISTRATION SHEET

H. Transportation — 6-4-03

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Craig Deal	NCDENR
FRANK BENNETT	TRTC/NCRTC
Daniel Tharrington	N/A
Tim Minton	NC Home Builders
Sig Hutchinson	Bicycle Pedestrian Advisory Committee - CAMPO
Al Capobianco	NC Rail Trails
Syna Conrad	NCDOT
John Long	Martin Marietta
John Phelps	NCLM
Paul Zimmerman	NC House Intern
Steve Wall	Conservation Council
Lisa Page	Conservation Council
Gradey McMillan	N.C. Conservation Network
Jim Rapp	NC Comm
Scott Reeves	AG Office
PAT SIMMONS	NCDOT
John Edwards	Iowa
K L McBride	NCDOA
Sheryl Stephenson	DENR
Fran Cockman	NC state Watch
LOUIS PATE	NC HOUSE
BOYD CAUBLE	City of Charlotte
SHARON SMILEY	AKA (GTA)
Becky Peterson-Buie	AKA
J Pinsky	AAA Carolinas

House Pages

1. Name: Precious Clements
   County: Wake
   Sponsor: Representative Benard Allen
2. Name: Stacey Capps
   County: Wake
   Sponsor: Representative Russell Capps
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

1. Name: Martha Gadison
2. Name: Earl Thornton
3. Name: Paul Rucho
4. Name: _____

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

June 11, 2003

11:00 A.M.

Room 1228 LB

Representative Cary Allred, Presiding Chair
Representative Lorene Coates, Chair

OPENING REMARKS

BILLS FOR CONSIDERATION

HB 666 Contract Agency Compensation. – Representative Sutton

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

June 11, 2003

The HOUSE COMMITTEE ON TRANSPORTATION met on Wednesday, June 11, 2003 in Room 1228 of the Legislative Building at 11:00 A.M. The following were present: Representative Allred, presiding Chair, Representative Coates, Co-Chair, Representatives Daugthridge, A. Williams and K. Williams, Vice chairs and Representatives G. Allen, L. Allen, Cole, Frye, Haire, Hill, Hilton, Moore, Rapp, Ray and Wright. Assisting with the meeting were Giles Perry and Wendy Graf-Ray, Staff Counsel, and Jean Allred, Committee Assistant. Also assisting were Martha Parrish, Bob Fowler and Bryan Doghtery, House Sergeants-at-Arms and House Pages, Brad McPherson from Randolph County, sponsored by Representative Culp, Josh Richardson from Gaston County, sponsored by Representative Clary, Brian Hyder from Henderson County, sponsored by Representative Justus, Josh Anders from Forsyth County, sponsored by Representative Decker, Maggie Comer and Gloria Connor from Caldwell County, sponsored by Representative Starnes, and Garnett and Meredith Matney from Buncombe County, sponsored by Representative Goforth.

Representative Allred called the meeting to order and introduced the House Sergeants-at-Arms and introduced the "cadre" of House Pages assisting with the meeting.

The only bill on the agenda was **HB-0666 – A BILL TO BE ENTITLED AN ACT TO SET THE COMPENSATION PAID BY THE DIVISION OF MOTOR VEHICLES TO CONTRACT AGENCIES.** – sponsored by Representative Sutton. A Proposed Committee Substitute was adopted and Representative Allred asked Representative Sutton to explain the bill. Representative Sutton said that the PCS has to go to Appropriations and that we were looking at policy, it out lines services to be done and sets forth a fee schedule. The purpose of the committee substitute was to come up with a system to tie in the increase of contract agent's salaries to the percentage rate of state employees raises. The funding would come out of the Highway Fund. Questions and discussion followed from Representatives Haire, Daughtridge, G. Allen and Coates.

Dianne Johnson, DMV, answered questions and commented that the tag office is actually doing less transactions (because people can go on line to order tags and they can also order them through the mail) but more complex transactions such as handicap services, trailer tags and change of addresses.

Representative Wright moved for a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The motion passed and the meeting adjourned at 11:15 A.M.

Respectfully submitted,

Representative Cary Allred
Presiding Chairman

Jean Allred
Committee Assistant

Agenda
Committee Reports
Bills Considered
Attachments
Visitors Registration

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 0666 A BILL TO BE ENTITLED AN ACT TO SET THE COMPENSATION PAID BY THE DIVISION OF MOTOR VEHICLES TO CONTRACT AGENCIES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 666

Short Title:	Contract Agency Compensation.	(Public)
Sponsors:	Representatives Sutton; and Cole.	
Referred to:	Transportation.	

March 26, 2003

A BILL TO BE ENTITLED

AN ACT TO SET THE COMPENSATION PAID BY THE DIVISION OF MOTOR VEHICLES TO CONTRACT AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-63(h) reads as rewritten:

"(h) Commission Contracts for Issuance of Plates and Certificates. – All registration plates, registration certificates, and certificates of title issued by the Division, outside of those issued from the Raleigh offices of the Division and those issued and handled through the United States mail, shall be issued insofar as practicable and possible through commission contracts entered into by the Division for the issuance of the plates and certificates in localities throughout North Carolina with persons, firms, corporations or governmental subdivisions of the State of North Carolina. The Division shall make a reasonable effort in every locality, except as noted above, to enter into a commission contract for the issuance of the plates and certificates and a record of these efforts shall be maintained in the Division. In the event the Division is unsuccessful in making commission contracts, it shall issue the plates and certificates through the regular employees of the Division. Whenever registration plates, registration certificates, and certificates of title are issued by the Division through commission contract arrangements, the Division shall provide proper supervision of the distribution. Nothing contained in this subsection will allow or permit the operation of fewer outlets in any county in this State than are now being operated.

Commission contracts entered into by the Division under this subsection shall provide for the payment of compensation on a per transaction basis. The commission contracts shall set forth what services are included in each transaction category. ~~The collection of the highway use tax shall be considered a separate transaction for which one dollar and twenty-seven cents ($1.27) compensation shall be paid. The performance at the same time of one or more of the remaining transactions listed in this subsection shall be considered a single transaction for which one dollar and forty-three cents ($1.43) compensation shall be paid.~~

~~A transaction is any of the following activities:~~

~~(1) Issuance of a registration plate, a registration card, a registration renewal sticker, or a certificate of title.~~

~~(2) Issuance of a handicapped placard or handicapped identification card.~~

~~(3) Acceptance of an application for a personalized registration plate.~~

~~(4) Acceptance of a surrendered registration plate, registration card, or registration renewal sticker, or acceptance of an affidavit stating why a person cannot surrender a registration plate, registration card, or registration renewal sticker.~~

~~(5) Cancellation of a title because the vehicle has been junked.~~

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

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

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

~~(8a) Collection of civil penalties imposed for violations of G.S. 20-183.8A.~~

~~(8b) Sale of one or more inspection stickers in a single transaction to a licensed inspection station.~~

~~(9) Collection of the highway use tax.~~

~~(10) Acceptance of a temporary lien filing.~~

The following compensation shall be paid for the following categories of transactions:

Title Transactions	$2.97
Registration Transactions	$1.38
Customer Service Transactions	$1.48
International Registration Plan and Motor Carrier Transactions	$1.64."

SECTION 2. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 666
PROPOSED COMMITTEE SUBSTITUTE H666-PCS60377-RW-57

Short Title: Contract Agency Compensation. (Public)

Sponsors:

Referred to:

March 26, 2003

A BILL TO BE ENTITLED

AN ACT TO SET THE COMPENSATION PAID BY THE DIVISION OF MOTOR VEHICLES TO CONTRACT AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-63(h) reads as rewritten:

"(h) Commission Contracts for Issuance of Plates and Certificates. – All registration plates, registration certificates, and certificates of title issued by the Division, outside of those issued from the Raleigh offices of the Division and those issued and handled through the United States mail, shall be issued insofar as practicable and possible through commission contracts entered into by the Division for the issuance of the plates and certificates in localities throughout North Carolina with persons, firms, corporations or governmental subdivisions of the State of North Carolina. The Division shall make a reasonable effort in every locality, except as noted above, to enter into a commission contract for the issuance of the plates and certificates and a record of these efforts shall be maintained in the Division. In the event the Division is unsuccessful in making commission contracts, it shall issue the plates and certificates through the regular employees of the Division. Whenever registration plates, registration certificates, and certificates of title are issued by the Division through commission contract arrangements, the Division shall provide proper supervision of the distribution. Nothing contained in this subsection will allow or permit the operation of fewer outlets in any county in this State than are now being operated.

Commission contracts entered into by the Division under this subsection shall provide for the payment of compensation on a per transaction basis. The commission contracts shall set forth what services are included in each transaction category. ~~The collection of the highway use tax shall be considered a separate transaction for which one dollar and twenty-seven cents ($1.27) compensation shall be paid. The performance at the same time of one or more of the remaining transactions listed in this subsection~~

~~shall be considered a single transaction for which one dollar and forty-three cents ($1.43) compensation shall be paid.~~

~~A transaction is any of the following activities:~~

~~(1) Issuance of a registration plate, a registration card, a registration renewal sticker, or a certificate of title.~~

~~(2) Issuance of a handicapped placard or handicapped identification card.~~

~~(3) Acceptance of an application for a personalized registration plate.~~

~~(4) Acceptance of a surrendered registration plate, registration card, or registration renewal sticker, or acceptance of an affidavit stating why a person cannot surrender a registration plate, registration card, or registration renewal sticker.~~

~~(5) Cancellation of a title because the vehicle has been junked.~~

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

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

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

~~(8a) Collection of civil penalties imposed for violations of G.S. 20-183.8A.~~

~~(8b) Sale of one or more inspection stickers in a single transaction to a licensed inspection station.~~

~~(9) Collection of the highway use tax.~~

~~(10) Acceptance of a temporary lien filing.~~

The following compensation shall be paid for the following categories of transactions:

Title Transactions	$2.97
Registration Transactions	$1.38
Customer Service Transactions	$1.48
International Registration Plan and Motor Carrier Transactions	$1.64.

The performance at the same time of a title transaction and a registration transaction shall be considered a single transaction for which the title transaction compensation rate shall be paid. Beginning in fiscal year 2004-2005, and each year thereafter, the compensation rates established by this subsection shall be increased by the same percentage, if any, that the salaries for permanent full-time State employees whose salaries are set pursuant to the State Personnel Act are increased by act of the General Assembly."

SECTION 2. This act becomes effective July 1, 2003.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 666 (First Edition)

SHORT TITLE: Contract Agency Compensation

SPONSOR(S): Representatives Sutton; and Cole

FISCAL IMPACT

Yes (X) **No ( )** **No Estimate Available ( )**

	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08
REVENUES					
EXPENDITURES					
Highway Fund					
Programming	**$45,600**				
Other ITS costs	**$6,840**				
Contract Agent Compensation	**$911,408**	**$929,636**	**$948,229**	**$967,193**	**$986,537**
TOTAL	**$963,848**	**$929,636**	**$948,229**	**$967,193**	**$986,537**
POSITIONS:					

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Division of Motor Vehicles; Highway Fund

EFFECTIVE DATE: July 1, 2003

BILL SUMMARY: The bill amends G.S. 20-63(h) to change the methodology by which contract agents are compensated by the Division of Motor Vehicles (DMV) for handling title, registration, and other transactions with the public.

ASSUMPTIONS AND METHODOLOGY: DMV paid contract agents $14,042,104 in calendar 2002 under the current compensation schedule, which lists ten transactions. Section I of the bill groups transactions into four categories and lays out the following new compensation schedule:

Title Transactions	$2.97
Registration Transactions	$1.38
Customer Service Transactions	$1.48
International Registration Plan and Motor Carrier Transactions	$1.64

According to DMV, contract agents would be paid only once for a transaction, i.e., if a customer received a title and registration the contractor would be paid $2.97 for the Title Transaction, rather than $2.97 for the Title plus an additional $1.38 for the registration for a total of $4.35. Under the DMV interpretation, contract agents would have received an additional $893,537 in 2002, an increase of 6.4%, based on the number of transactions in that year. The calculation is as follows:

Title	2,229,767 transactions x $2.97=	$6,622,408
Registration	408,888 transactions x $1.38=	$7,457,365
Customer Service	569,441 transactions x $1.48=$	842,773
IRP/MC	7,985 transactions x $1.64=$	13,095

TOTAL PROPOSED COMPENSATION	$14,935,641
Actual Compensation in 2002	$14,042,104
Difference	$ 893,537
Percentage Difference	6.4%

The proposed compensation is assumed to grow by 2% per year as the number of transactions increases. The increased expense in FY2003-04 would be $911,408, etc.

According to DMV, extensive programming would be necessary to change the current compensation method. Changes to the State Titling and Registration System (STARS) would include reclassification of transaction categories for compensation purposes and modification of the compensation process to treat stand-alone registration services differently than those done in conjunction with a title. DMV estimates that 570 hours of professional time would be required at a cost of $80 per hour for a total of $45,600. In addition, there would be additional computer charges of $6,840 for a total Information Technology cost of $52,440.

SOURCES OF DATA: DMV

TECHNICAL CONSIDERATIONS: DMV notes that the amount of programming required would mean that a July 1, 2003 implementation date could not be met.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Bob Weiss Bob Weiss

APPROVED BY: James D. Johnson, Director, Fiscal Research Division

James D. Johnson

DATE: June 10, 2003

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — June 11, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susan Coward	NCDOT
Paul F. Zimmerman	NCLEG
Alitha Parich	TRLC - Louisburg
Dian Johnson	DMV
Dan Johnston	DMV Contract Agent
Fran Cockman	NC statewatch
Steve Wall	Conservation Council
Tom Kilian	moore Van

House Pages

1. Name: Brad McPherson
   County: Randolph
   Sponsor: Mr. Culp
2. Name: Josh Richardson
   County: Gaston
   Sponsor: Clary
3. Name: Brian Hyder
   County: Henderson
   Sponsor: Justus
4. Name: Josh Anders
   County: Forsyth
   Sponsor: Mike Decker
5. Name:
   County:
   Sponsor:

Maggie Comer
Caldwell
Rep. Edgar Starnes

Gloria Connor
Caldwell
Rep. Edgar Starnes

Garnett Mutney
buncombe
bruce Goforth

Meredith Mutney
Buncombe
bruce Goforth

Sgt-At-Arms

1. Name: Martha Parrish
2. Name: Bob Fowler
3. Name: Byran Doughtery
4. Name:

HOUSE STANDING COMMITTEE ON
TRANSPORTATION
2003 – 2004 SESSION
Book 2 of 2

Representative Cary Allred
Representative Lorene Coates
Chairs

Representative William Daughtridge
Representative Arthur Williams
Representative Keith Williams
Vice Chairs

Committee Counsel:
Giles Perry and Wendy Graf-Ray
Research Division

Committee Assistants:
Jean Allred and Melissa Lennon

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE STANDING COMMITTEE ON TRANSPORTATION
2003 – 2004 SESSION

Rep. Cary Allred
Chair

Rep. Lorene Coates
Chair

Rep. Wm. Daughtridge
Vice chair

Rep. Arthur Williams
Vice chair

Rep. Keith Williams
Vice chair

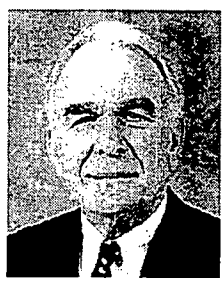
Rep. Gordon Allen
Member

Rep. Lucy Allen
Member

Rep. Nelson Cole
Member

Rep. James Crawford
Member

Rep. Phillip Frye
Member



Rep. Phillip Haire
Member

Rep. Dewey Hill
Member

Rep. Mark Hilton
Member

Rep. George Holmes
Member

Rep. Stephen LaRoque
Member

Rep. David Lewis
Member

Rep. Timothy Moore
Member

Rep. Edd Nye
Member

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE STANDING COMMITTEE ON TRANSPORTATION
2003 – 2004 SESSION

Rep. Raymond Rapp
Member

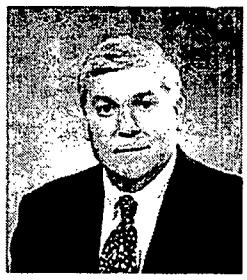
Rep. Karen Ray
Member

Rep. Edgar Starnes
Member

Rep. Ronnie Sutton
Member

Rep. Thomas Wright
Member

Rep. Brubaker
Ex-officio



Rep. Culpepper
Ex-officio

Rep. Cunningham
Ex-officio

Rep. Eddins
Ex-officio

Permanent Directory
HOUSE COMMITTEE ON TRANSPORTATION
2003/2004 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Rep. Cary D. Allred, Co-Chair	Jean Allred Committee Assistant	733-5905	606	38
Rep. Lorene Coates, Co-Chair	Melissa Lennon Committee Assistant	733-5784	633	80
Rep. Wm. Daughtridge, Vice Chair	Monica Saunders	733-5802	604	66
Rep. Arthur Williams, Vice Chair	Linda Uzzle	733-5906	637	22
Rep. Keith Williams, Vice Chair	Martha Hoover	715-3009	418C	5
Rep. Gordon Allen	Nancy Brantley	733-5747	535	10
Rep. Lucy Allen	Melissa Riddle	733-5860	1307	92
Rep. Nelson Cole	Suzanne Smith	733-5779	1218	45
Rep. James Crawford	Linda Winstead	733-5824	1301	24
Rep. Phillip Frye	Mary Hayes	733-5661	1019	62
Rep. Phillip Haire	Sara Jane Morris	715-3005	419B	47
Rep. Dewey Hill	Gennie Thurlow	733-5830	1309	21
Rep. Mark Hilton	Anne Soles	733-5988	1021	61
Rep. George Holmes	Glenda Jacobs	733-5654	1211	77
Rep. Stephen LaRoque	Patricia Freije	715-3017	417B	16

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Rep. David Lewis	Marie Strickland	715-3015	509	73
Rep. Timothy Moore	Nancy Garriss	733-4838	502	53
Rep. Edd Nye	Jo Bobbitt	733-5477	639	23
Rep. Raymond Rapp	Dot Barber	733-5732	2213	118
Rep. Karen Ray	Susan Brothers	733-5741	1315	75
Rep. Edgar V. Starnes	Pattie Fleming	733-5931	513	30
Rep. Ronnie Sutton	Juanita Coley	715-0875	1321	71
Rep. Thomas Wright	Clarestene Stewart	733-5754	528	19
Rep. Harold Brubaker **Ex-officio Member**	Cindy Coley	715-4946	1229	2
Rep. William Culpepper **Ex-officio Member**	Dot Crocker	715-3028	404	36
Rep. Pete Cunningham **Ex-officio Member**	Valerie Rustin	733-5778	541	7
Rep. Rick Eddins **Ex-officio Member**	Dorie Monroe	733-5828	1002	26

ATTENDANCE

HOUSE TRANSPORTATION COMMITTEE

2003-2004 Budget Session

DATES	6/9/04	6/23/04	6/30/04	7/13/04	Sub 7/14/04	7/14/04									
ALLRED, Cary, Chairman	X	X	X												
COATES, Lorene, Chairman	X	X	X	X	X	X									
DAUGHTRIDGE, William, V. Chair		X	X	X	X	X									
WILLIAMS, Arthur, V. Chair	X	X	X	X		X									
WILLIAMS, Keith, V. Chair	X	X	X	X	X	X									
ALLEN, Gordon	X	X		X		X									
ALLEN, Lucy	X	X	X	X	X	X									
COLE, Nelson	X	X	X	X	X	X									
CRAWFORD, James	X	X													
FRYE, Phillip		X	X	X		X									
HAIRE, Phillip		X	X	X		X									
HILL, Dewey	X	X		X											
HILTON, Mark	X			X											
HOLMES, George		X													
LAROQUE, Stephen															
LEWIS, David		X	X	X		X									
MOORE, Tim	X	X	X												
NYE, Edd	X	X	X	X											
RAPP, Raymond	X	X	X	X											
RAY, Karen	X	X	X	X		X									
STARNES, Edgar			X												
SUTTON, Ronnie	X	X	X	X		X									
WRIGHT, Thomas															

ATTENDANCE

HOUSE TRANSPORTATION COMMITTEE

2003-2004 Budget Session

DATES	6/9/04	6/23/04	6/30/04	7/13/04	Sub 7/14/04	7/14/04									
Ex Officio Members:															
BRUBAKER, Harold															
CULPEPPER, Bill															
CUNNINGHAM, Pete			X												
EDDINS, Rick															
Staff:															
PERRY, Giles	X	X	X	X	X	X									
Committee Assistants															
ALLRED, Jean	X		X												
LENNON, Melissa		X	X	X	X										

2003-2004 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
$ H0021=	**Crawford**	**HIGHWAY TRUST FUND MATCH/CONTINUING BUDGET AUTH.**	***H**	**Conf Com Appointed**	**02-17-03**	**03-27-03**
H0022=	Crawford	DOT RESURFACING/ SECONDARY ROAD FUND USE.	*HR	Ch. SL 2003-112	02-17-03	03-27-03
H0023=	Crawford	UNIFORM PERSONAL WATERCRAFT LAWS.	*H	Re-ref Com On Rules and Operations of the Senate	02-17-03	03-27-03
$ H0048	**Crawford**	**MOVING AHEAD TRANSPORTATION INITIATIVE**	***HR**	**Ch. SL 2003-383**	**02-20-03**	**04-23-03**
H0344	Jeffus	FORMULA COST-EFFECTIVE VEH. REPLACEMENT.-AB	*HR	Ch. SL 2003-177	03-06-03	04-16-03
H0425	Sexton	HORSE TRAILER/WEIGH STATIONS.	*HR	Ch. SL 2003-338	03-12-03	04-23-03
H0430	Miller	ELECT BOARD OF TRANSPORTATION.	H	Ref to the Com on Transportation and, if favorable, to the Com on Rules, Calendar, and Operations of the House	03-12-03	
H0439	Sexton	CARTWAYS.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	03-13-03	04-29-03
H0471=	Crawford	CDL CHANGES/STUDY MOPED TAG IDENTIFICATION.	*H	Re-ref Com On Appropriations/ Base Budget	03-13-03	04-30-03
H0627=	Adams	GREENSBORO CONSTRUCT ROADS OUTSIDE CITY.	*HR	Ch. SL 2003-132	04-02-03	04-09-03
H0651	Crawford	DURHAM TRAFFIC CONTROL MEASURES.	HR	Ch. SL 2003-85	03-25-03	04-03-03
H0666=	Sutton	CONTRACT AGENCY COMPENSATION.	*H	Re-ref Com On Appropriations	03-26-03	06-11-03
H0674=	Luebke	DURHAM NORTHERN LOOP CORRIDOR.	*H	Conf Com Appointed	03-26-03	04-03-03
H0692	Mitchell	AUTO AUCTIONEERS-NO DEALER LICENSE NEEDED.	*HR	Ch. SL 2003-265	03-26-03	04-07-03
H0707	Stiller	OCEAN ISLE BEACH TRAFFIC CAMERAS.	H	Ref To Com On Transportation	03-27-03	
H0729	Gorman	STOPLIGHTS ON U.S. HIGHWAY 70.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	03-27-03	04-23-03
H0730	Gorman	REPORTS ON TIP PROJECT DELAYS.	H	Ref To Com On Transportation	03-27-03	
H0824	Allred	DOT BRIDGE ENCROACHMENTS.	*HR	Ch. SL 2003-267	04-01-03	04-03-03
H0824	Allred	DOT BRIDGE ENCROACHMENTS.	*HR	Ch. SL 2003-267	04-08-03	04-09-03
H0921	Frye	EXPEDITE CERTAIN	*H	Re-ref Com On	04-08-03	06-05-03

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

2003-2004 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		HIGHWAY CORRIDORS.		Appropriations		
H0929	Brubaker	LEMON LAW FOR COMMERCIAL VEHICLES.	H	Ref To Com On Transportation	04-08-03	
H0944	Mitchell	REQUIRED NOTICES FOR TOWING PAYMENTS.	*HR	Ch. SL 2003-336	04-08-03	04-29-03
H0970	K. Williams	SCHOOL BUS DRIVER MEDICAL EVALUATIONS.	*H	Ref To Com On Transportation	04-09-03	04-23-03
H1019	Allred	I-40 U.S. VETERANS MEMORIAL HIGHWAY.	*H	Re-ref Com On Appropriations	04-10-03	04-24-03
H1020	Allred	SAFETY MARKERS FOR CONTRACT TRUCKERS.	H	Ref To Com On Transportation	04-10-03	
H1069=	Miner	REGIONAL PUBLIC TRANSPORTATION LIABILITY.	H	Ref To Com On Transportation	04-10-03	
H1140	Allred	NORTH CAROLINA 'QUICK CLEARANCE' ACT.	*HR	Ch. SL 2003-310	04-10-03	04-23-03
H1140	Allred	NORTH CAROLINA 'QUICK CLEARANCE' ACT.	*HR	Ch. SL 2003-310	06-10-03	06-12-03
H1141	Pate	VERIFY RESIDENCY FOR DRIVERS LICENSE.	H	Re-ref Com On Appropriations	04-10-03	04-23-03
H1174	Creech	SAFE TRANSPORTATION FOR SCHOOL STUDENTS.	*H	Re-ref Com On Appropriations	04-10-03	04-24-03
$ H1230	**Luebke**	**RAIL CORRIDOR USES.**	***H**	**Re-ref Com On Appropriations Subcommittee on Transportation**	**04-22-03**	**06-05-03**
H1344=	Crawford	HIGHWAY TRUST FUND CHANGES.	*H	Ref To Com On Appropriations/ Base Budget	05-13-04	06-24-04
H1345=	Crawford	SPECIAL OFFICERS AUTHORITY/DOT TECH. CORR.	*H	Pres. To Gov. 7/ 16/2004	05-13-04	06-09-04
H1346=	Crawford	INTEREST ON HIGHWAY CONDEMNATION AWARDS.	H	Re-ref Com On Transportation	05-13-04	
H1359=	K. Williams	DOT MINORITY/WOMEN BUSINESSES PROGRAM.	*H	Ref To Com On Judiciary I	05-13-04	06-30-04
H1359=	K. Williams	DOT MINORITY/WOMEN BUSINESSES PROGRAM.	*H	Ref To Com On Judiciary I	07-08-04	07-15-04
H1360=	K. Williams	HOV LANES - EMERGENCY VEHICLES.	H	Re-ref Com On Rules, Calendar, and Operations of the House	05-13-04	06-09-04
H1372=	Saunders	PUBLIC TRANSIT DECELERATION LAMPS.	*H	Re-ref Com On Transportation	05-13-04	06-14-04
H1372=	Saunders	PUBLIC TRANSIT DECELERATION LAMPS.	*H	Re-ref Com On Transportation	06-17-04	
H1379=	Cole	VEHICLE CONTROL SIGNS AND SIGNALS.	H	Re-ref Com On Transportation	05-13-04	
H1381=	Cole	VA-NC INTERSTATE HIGH-SPEED RAIL COMPACT.	H	Re-ref Com On Transportation	05-13-04	
H1382=	Cole	DOT AUTHORITY TO RECEIVE FUNDS FROM LOCAL GOV.	H	Re-ref Com On Rules, Calendar, and Operations of the House	05-13-04	06-09-04
H1383=		STAGGERED ISSUANCE-COMMERCIAL/DEALER	H	Re-ref Com On Rules, Calendar,	05-13-04	06-09-04

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

2003-2004 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		PLATES.		and Operations of the House		
H1394	Gillespie	8-YEAR DRIVERS LICENSE/INTERNET DL RENEWAL.	*H	Re-ref Com On Transportation	05-13-04	06-09-04
H1394	Gillespie	8-YEAR DRIVERS LICENSE/INTERNET DL RENEWAL.	*H	Re-ref Com On Transportation	06-28-04	06-30-04
H1394	Gillespie	8-YEAR DRIVERS LICENSE/INTERNET DL RENEWAL.	*H	Re-ref Com On Transportation	07-07-04	
H1398	Allred	I-40 US VETERANS MEMORIAL HIGHWAY.	H	Re-ref Com On Transportation	05-13-04	
H1399	Stiller	DOT DRIVEWAY CONNECTION CHANGES.	H	Re-ref Com On Transportation	05-13-04	
H1422	Gulley	MINT HILL/KINGS MOUNTAIN/ALL-TERRAIN VEHICLES.	*H	Ratified	05-13-04	06-30-04
H1477=	McComas	TRANSIT DRUG TEST.	H	Ref To Com On Transportation	05-17-04	
S0035=	Wib Gulley	CHARTER SCHOOLS/DEED REGISTRATION.	*HR	Ch. SL 2003-354	04-22-03	06-12-03
S0038=	Wib Gulley	DOT SAFETY AND LOGO SIGNS.	*HR	Ch. SL 2003-184	03-27-03	05-22-03
S0232	Eleanor Kinnaird	BIKEWAY FUNDING.	*HR	Ch. SL 2003-256	05-05-03	06-05-03
S0384=	Wib Gulley	DURHAM NORTHERN LOOP CORRIDOR.	*H	Re-ref Com On Appropriations Subcommittee on Transportation	04-03-03	04-30-03
S0777	Virginia Foxx	AMEND DEALER LICENSING LAW.	*HR	Ch. SL 2003-254	04-21-03	05-27-03
S1008	Wib Gulley	VA-NC HIGH SPEED RAIL COMMISSION.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05-01-03	05-21-03
S1043	John A. Garwood	AGGREGATE TRUCK WEIGHT LIMITS.	*H	Pres. To Gov. 7/ 13/2004	06-28-04	06-30-04
S1078=	Clark Jenkins	VEHICLE CONTROL SIGNS AND SIGNALS.	*H	Pres. To Gov. 7/ 12/2004	06-14-04	06-30-04
S1083=	Clark Jenkins	STAGGERED PLATES/ SAFETY INSPECTION CHANGE.	*H	Pres. To Gov. 7/ 16/2004	06-14-04	06-30-04
S1085=	Clark Jenkins	DOT TECHNICAL CORRECTION.	H	Ref To Com On Transportation	06-08-04	
S1086=	Clark Jenkins	PUBLIC TRANSIT DECELERATION LAMPS.	*HR	Ch. SL 2004-82	06-14-04	06-24-04
S1089=	Clark Jenkins	DOT AUTHORITY TO RECEIVE FUNDS FROM LOCAL GOV.	H	Pres. To Gov. 7/ 16/2004	06-14-04	07-13-04
S1090=	Clark Jenkins	HOV LANES - EMERGENCY VEHICLES.	*H	Ref To Com On Transportation	06-14-04	
S1092=	Clark Jenkins	VA-NC INTERSTATE HIGH-SPEED RAIL COMPACT.	H	Pres. To Gov. 7/7/ 2004	06-08-04	06-24-04

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

2003-2004 Biennium

Bill	Short Title		Date	Latest Action
H 430	ELECT BOARD OF TRANSPORTATION.	H	03-12-2003	Ref to the Com on Transportation and, if favorable, to the Com on Rules, Calendar, and Operations of the House
H 707	OCEAN ISLE BEACH TRAFFIC CAMERAS.	H	03-27-2003	Ref To Com On Transportation
H 730	REPORTS ON TIP PROJECT DELAYS.	H	03-27-2003	Ref To Com On Transportation
H 929	LEMON LAW FOR COMMERCIAL VEHICLES.	H	04-08-2003	Ref To Com On Transportation
H1020	SAFETY MARKERS FOR CONTRACT TRUCKERS.	H	04-10-2003	Ref To Com On Transportation
H1069=	REGIONAL PUBLIC TRANSPORTATION LIABILITY.	H	04-10-2003	Ref To Com On Transportation
H1346=	INTEREST ON HIGHWAY CONDEMNATION AWARDS.	H	05-13-2004	Re-ref Com On Transportation
H1372=	PUBLIC TRANSIT DECELERATION LAMPS.	*H	06-17-2004	Re-ref Com On Transportation
H1379=	VEHICLE CONTROL SIGNS AND SIGNALS.	H	05-13-2004	Re-ref Com On Transportation
H1381=	VA-NC INTERSTATE HIGH-SPEED RAIL COMPACT.	H	05-13-2004	Re-ref Com On Transportation
H1394	8-YEAR DRIVERS LICENSE/INTERNET DL RENEWAL.	*H	07-07-2004	Re-ref Com On Transportation
H1398	I-40 US VETERANS MEMORIAL HIGHWAY.	H	05-13-2004	Re-ref Com On Transportation
H1399	DOT DRIVEWAY CONNECTION CHANGES.	H	05-13-2004	Re-ref Com On Transportation
H1477=	TRANSIT DRUG TEST.	H	05-17-2004	Ref To Com On Transportation
S1085=	DOT TECHNICAL CORRECTION.	H	06-08-2004	Ref To Com On Transportation
S1090=	HOV LANES - EMERGENCY VEHICLES.	*H	06-14-2004	Ref To Com On Transportation

'$' indicates the bill is an appropriations bill.
A bold line indicates the bill is an appropriations bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

June 9, 2004

11:00 A.M.

Room 1228 LB

Representative Cary Allred, Presiding Chair
Representative Lorene Coates, Chair

OPENING REMARKS

BILLS FOR CONSIDERATION

HB 1422 Mint Hill – Police All-Terrain Vehicles. – Rep. Gulley
HB 1345 DOT Technical Correction. – Rep. Crawford
HB 1360 HOV Lanes – Emergency Vehicles. – Rep. K. Williams
HB 1372 Public Transit Deceleration Lamps. – Rep. Saunders
HB 1382 DOT Authority to Receive Funds from Local Gov. – Rep. Cole
HB 1383 Staggered Issuance-Commercial/Dealer Plates. – Rep. Gillespie
HB 1394 8 – Year Drivers License/Internet DL Renewal. – Rep. Gillespie
HB 1398 I-40 US Veterans Memorial Highway. – Rep. Allred

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

June 9, 2004

The HOUSE COMMITTEE ON TRANSPORTATION met on Wednesday, June 9, 2004, in Room 1228 of the Legislative Building at 11:00 A.M. The following were present: Representative Allred, presiding Chair, Representative Coates, Co-Chair, Representatives A. Williams and K. Williams, Vice chairs and Representatives G. Allen, L. Allen, Cole, Crawford, Hill, Hilton, Moore, Nye, Rapp, Ray, and Sutton. Assisting with the meeting were Giles Perry, Staff Counsel and Jean Allred, Committee Assistant. Also assisting were Dusty Rhodes, Martha Parrish, Jim Brewer and Phillip Schrbibman, House Sergeants-at-Arms. The following House Pages were present; Robert and Sarah Wiggins from Iredell County - sponsored by Representative Ray, Mark Trawick and Kevin Kiley - Wake County, sponsored by Speaker Morgan, Ben Anderson - Buncombe County, sponsored by Representative Haire and David Point - New Hanover, sponsored by Representative McComas.

Representative Allred called the meeting to order and introduced the House Sergeants-at-Arms and the Pages.

The first order of business was **HB-1360 – A BILL TO BE ENTITLED AN ACT TO EXEMPT MOVEMENT AROUND EMERGENCY VEHICLES FROM HOV LANE RESTRICTIONS. –** sponsored by Representative K. Williams amends the *High Occupancy Vehicle,* (HOV), lane restriction statute to allow persons to drive out of an HOV lane to avoid emergency vehicles. Rep. Moore called for a favorable report. The motion was seconded and passed.

Representative Saunders presented **HB-1372 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.** Chairman Allred moved for the adoption of a PCS for HB-1372 and Representative Cole motioned for a favorable report as to the committee substitute bill, unfavorable as to the original bill. The motion seconded and passed.

Next Representative Cole explained **HB-1382 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE**

CONSTRUCTION SCHEDULE OF TIP PROJECTS. The bill authorizes DOT to enter into agreements with local governments and non-profit corporations to receive funds for the purpose of moving along TIP projects. Being no discussion, Representative K. Williams moved for a favorable report. The motion carried.

HB-1345 – A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES. – sponsored by Representative Crawford was next. In Representative Crawford's absence, Giles Perry, Staff Counsel, explained the technical correction to the committee. Representative Cole moved for a favorable report – the motion passed.

Representative Gillespie explained **HB-1383 – A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES.** The bill would stagger the issuance of commercial motor vehicle plates and motor vehicle dealer licenses. Representative Sutton wanted to know if there were any costs involved. Tonie Stevens, NCDOT-DMV responded that there would not be. Representative Hilton moved for a favorable report. The motion was seconded and passed.

HB-1394 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES. - sponsored by Representative Gillespie was next. The bill authorizes DMV to issue an 8-year drivers license, and allows a 1-time Internet renewal for 5 years of some driver's licenses equaling a total of 13 years. Representative L. Allen asked for clarification for the 1-time only renewal. Representative Cole was concerned about vision tests and Representative Sutton asked about how medical and mental problems would be addresses. Wayne Hurder, DMV-Drivers License Division, said that these issues would be handled with documentation from examining physicians to the DMV. The documentation has a 6-month time frame to be submitted. The licensee can fax the documentation from a physician to DMV during the time frame or can go to DMV for the vision test. Giles Perry, Staff Counsel, said that only 36 states require a vision test. After much debate, Representative Hilton moved for a favorable report. The motion passed.

The last bill to be considered was a PCS for **HB-1398 – A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE I-40 CORRIDOR IN NORTH CAROLINA AS THE U.S. VETERANS MEMORIAL HIGHWAY.** – sponsored by Representative Allred. Representative Coates presided while Representative Allred explained that the bill would not remove anyone's name from any section of

the highway. It would honor all veterans - in all wars - from the mountains to the coast. After much debate about the specifications of the signs and what the people along the corridor thought of the designation, Representative Coates decided to remove the bill from the calendar until DOT could answer the questions.

Being no other bills to consider, the meeting adjourned at 11:35 A.M.

Respectfully submitted,

Representative Cary Allred
Presiding Chairman

Jean Allred
Committee Assistant

Agenda
Committee Reports
Bills Considered
Attachments
Visitors Registration

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **ALLRED AND COATES** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1360 A BILL TO BE ENTITLED AN ACT TO EXEMPT MOVEMENT AROUND EMERGENCY VEHICLES FROM HOV LANE RESTRICTIONS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1360*

Short Title:	HOV Lanes - Emergency Vehicles.	(Public)
Sponsors:	Representatives K. Williams; Crawford, Daughtridge, Moore, Steen, and Stiller.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO EXEMPT MOVEMENT AROUND EMERGENCY VEHICLES FROM HOV LANE RESTRICTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-146.2(a) reads as rewritten:

"(a) HOV Lanes. – The Department of Transportation may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets and highways on the State Highway System and cities may designate one or more travel lanes as high occupancy vehicle (HOV) lanes on streets on the Municipal Street System. HOV lanes shall be reserved for vehicles with a specified number of passengers as determined by the Department of Transportation or the city having jurisdiction over the street or highway. When HOV lanes have been designated, and have been appropriately marked with signs or other markers, they shall be reserved for privately or publicly operated buses, and automobiles or other vehicles containing the specified number of persons. Where access restrictions are applied on HOV lanes through designated signing and pavement markings, vehicles shall only cross into or out of an HOV lane at designated ~~openings.~~ openings, unless the vehicle moves out of the lane to avoid an emergency vehicle, in accordance with G.S. 20-157(f). A motor vehicle shall not travel in a designated HOV lane if the motor vehicle has more than three axles, regardless of the number of occupants. HOV lane restrictions shall not apply to motorcycles or vehicles designed to transport 15 or more passengers, regardless of the actual number of occupants. HOV lane restrictions shall not apply to emergency vehicles. As used in this subsection, the term "emergency vehicle" means any law enforcement, fire, police, or other government vehicle, and any public and privately owned ambulance or emergency service vehicle, when responding to an emergency."

SECTION 2. This act becomes effective September 1, 2004, and applies to offenses committed on or after that date.

HOUSE BILL 1360:
HOV Lanes-Emergency Vehicles

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. K. Williams
Date:	June 9, 2004	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***Amends the HOV (High Occupancy Vehicle) lane restriction statute to allow persons to drive out of an HOV lane to avoid emergency vehicles.***

CURRENT LAW: Current state law (G.S. 20-146.2(a)) authorizes DOT to establish HOV lanes and restricts entry into and exit from the lanes.

BILL ANALYSIS: Section 1 of House Bill 1360 changes current law to specify that persons may drive ***out of*** HOV lanes to avoid emergency vehicles, without violating HOV lane restrictions.

House Bill 1360 would become effective September 1, 2004, and apply to offenses occurring on or after that date.

H1360-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **ALLRED AND COATES** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1372 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

FOR JOURNAL USE ONLY

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

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

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

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

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

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

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1372*

Short Title:	Public Transit Deceleration Lamps.	(Public)
Sponsors:	Representatives Saunders; Cunningham, Crawford, and Stiller.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-130 is amended by adding a new subsection to read:

"(e) High Mounted Flashing Deceleration Lamps – Public transit vehicles may be equipped with high mounted flashing deceleration lamps that are located on the rear of a vehicle, and amber in color."

SECTION 2. This act becomes effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1372*
PROPOSED COMMITTEE SUBSTITUTE H1372-CSRW-78 [v.1]

6/8/2004 2:33:07 PM

Short Title: Public Transit Deceleration Lamps. (Public)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-130 is amended by adding a new subsection to read:

"(e) High Mounted Flashing Deceleration Lamps. – Public transit vehicles may be equipped with amber, high mounted, flashing deceleration lamps on the rear of the vehicle."

SECTION 2. This act becomes effective July 1, 2004.

HOUSE BILL 1372:
Public Transportation Deceleration Lamps

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. Saunders
Date:	June 9, 2004	**Summary by:**	Giles S. Perry
Version:	H1372-CSRW-78[v.1]		Committee Counsel

SUMMARY: ***House Bill 1372 would allow public transit vehicles to be equipped with high-mounted amber lamps on the rear that would flash to warn that the vehicle is slowing down.***

CURRENT LAW: Currently the law specifies what kinds of lights may be used on a vehicle, but it does not allow a bus or van to have flashing amber lights to indicate the vehicle is slowing down.

BILL ANALYSIS: The bill allows a public transit vehicle, a bus or a van, to be equipped with flashing lamps that warn those behind it that it is slowing down. The lamps would be required to be mounted high on the rear of the vehicle. They would also have to be amber in color.

House Bill 1372 would become effective July 1, 2004

BACKGROUND: PCS makes technical edits without changing meaning.

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **ALLRED AND COATES** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1382 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1382*

Short Title:	DOT Authority to Receive Funds from Local Gov.	(Public)
Sponsors:	Representatives Cole; Bowie, Gillespie, K. Williams, and Crawford.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18 is amended by adding a new subdivision to read:

"(38) To enter into agreements with municipalities, counties, governmental entities, or nonprofit corporations to receive funds for the purpose of advancing the construction schedule of a project identified in the Transportation Improvement Program. If these funds are subject to repayment by the Department, prior to receipt of funds, reimbursement of all funds received by the Department shall be shown in the existing Transportation Improvement Program and shall be reimbursed within seven years of receipt."

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

HOUSE BILL 1382:
DOT Auth. to Receive Funds from Loc Govs.

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. Cole
Date:	June 9, 2004	**Summary by:**	Giles S. Perry Committee Counsel
Version:	1st Edition		

SUMMARY: ***Authorizes DOT to enter into agreements with local governments and non-profit corporations to receive funds for the purpose of advancing TIP projects.***

CURRENT LAW: Current law does not specifically authorize or prohibit DOT from entering into agreements to receive funds to advance construction of TIP projects.

BILL ANALYSIS: House Bill 1382 amends the powers of the Department of Transportation to specifically authorize the Department to enter into agreements with local governments and non-profit corporations to receive funds for the purpose of advancing construction of a project identified in the Transportation Improvement Program.

The bill also provides that if DOT is required by the agreement with the local government or non-profit corporation to reimburse the funds provided, the reimbursement shall be noted in the TIP, and the reimbursement shall occur within 7 years.

House Bill 1382 would become effective when it becomes law.

H1382-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **ALLRED AND COATES** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1345 A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1345*

Short Title:	DOT Technical Correction.	(Public)
Sponsors:	Representatives Crawford; and K. Williams.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 10, 2004

A BILL TO BE ENTITLED

AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-180(a) reads as rewritten:

"(a) Funds allocated from the Trust Fund for urban loops may be used only for the following urban loops:

Loop	Description	Affected Counties
...		
Greensboro Loop	Multilane facility on new location encircling City of Greensboro including interchanges with Cone Boulevard Extension and ~~Lewis-Fleming~~ Lewiston-Fleming Road Extension	Guilford

...."

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

HOUSE BILL 1345:
DOT Technical Correction

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Crawford
Date:	June 9, 2004	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***House Bill 1345 corrects a technical error in the Highway Trust Fund statute.***

BILL ANALYSIS: Section 1 of House Bill 1345 corrects an incorrect reference to the name of a road in the description of the Highway Trust Fund Greensboro Loop project.

House Bill 1345 would become effective when it becomes law.

H1345-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **ALLRED AND COATES** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1383 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1383*

Short Title:	Staggered Issuance-Commercial/Dealer Plates.	(Public)
Sponsors:	Representatives Gillespie; Bowie, Cole, Crawford, Frye, Stiller, and K. Williams.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-64(a) reads as rewritten:

"(a) Except as otherwise provided in this Article, registration plates shall be retained by the owner thereof upon disposition of the vehicle to which assigned, and may be assigned to another vehicle, belonging to such owner and of a like vehicle category within the meaning of G.S. 20-87 and 20-88, upon proper application to the Division and payment of a transfer fee and such additional fees as may be due because the vehicle to which the plates are to be assigned requires a greater registration fee than that vehicle to which the license plates were last assigned. In cases where the plate is assigned to another vehicle belonging to such owner, and is not of a like vehicle category within the meaning of G.S. 20-87 and 20-88, the owner shall surrender the plate to the Division and receive therefor a plate of the proper category, and the unexpired portion of the fee originally paid by the owner for the plate so surrendered shall be a credit toward the fee charged for the new plate of the proper category. Provided, that the owner shall not be entitled to a cash refund when the registration fee for the vehicle to which the plates are to be assigned is less than the registration fee for that vehicle to which the license plates were last assigned. ~~Provided, however, registration plates may not be transferred under this section after December 31 of the year for which issued.~~ An owner assigning or transferring plates to another vehicle as provided herein shall be subject to the same assessments and penalties for use of the plates on another vehicle or for improper use of the plates, as he could have been for the use of the plates on the vehicle to which last assigned. Provided, however, that upon compliance with the requirements of this section, the registration plates of vehicles owned by and registered in the name of a corporation may be transferred and assigned to

a like vehicle category within the meaning of G.S. 20-87 and 20-88, upon the showing that the vehicle to which the transfer and assignment is to be made is owned by a corporation which is a wholly owned subsidiary of the corporation applying for such transfer and assignment."

SECTION 2. G.S. 20-66(g) reads as rewritten:

"(g) When Renewal Sticker Expires. – The registration of a vehicle that is renewed by means of a registration renewal sticker expires at midnight on the last day of the month designated on the sticker. It is lawful, however, to operate the vehicle on a highway until midnight on the fifteenth day of the month following the month in which the sticker ~~expired if the vehicle is not registered under the International Registration Plan. If the vehicle is registered under the International Registration Plan, it is not lawful to operate the vehicle on a highway after the sticker expires.~~ expired.

The Division may vary the expiration dates of registration renewal stickers issued for a type of vehicle so that an approximately equal number expires at the end of each month, quarter, or other period consisting of one or more months. When the Division implements registration renewal for a type of vehicle by means of a renewal sticker, it may issue a registration renewal sticker that expires at the end of any monthly ~~interval beginning at nine months and ending at eighteen months.~~interval."

SECTION 3. G.S. 20-66(h) is repealed.

SECTION 4. G.S. 20-79 reads as rewritten:

"**§ 20-79. Dealer license plates.**

(a) How to Get a Dealer Plate. – A dealer licensed under Article 12 of this Chapter may obtain a dealer license plate by filing an application with the Division and paying the required fee. An application must be filed on a form provided by the Division. The required fee is the amount set by G.S. 20-87(7).

(b) Number of Plates. – A dealer who was licensed under Article 12 of this Chapter for the previous 12-month period ending ~~April 30~~ December 31 may obtain the number of dealer license plates allowed by the following table; the number allowed is based on the number of motor vehicles the dealer sold during the relevant 12-month period and the average number of qualifying sales representatives the dealer employed during that same 12-month period:

Vehicles Sold In Relevant 12-Month Period	Maximum Number of Plates
Fewer than 12	1
At least 12 but less than 25	4
At least 25 but less than 37	5
At least 37 but less than 49	6
49 or more	At least 6, but no more than 4 times the average number of qualifying sales representatives employed by the dealer during the relevant 12-month period.

A dealer who was not licensed under Article 12 of this Chapter for part or all of the previous 12-month period ending ~~April 30~~ December 31 may obtain the number of dealer license plates that equals four times the number of qualifying sales representatives

employed by the dealer on the date the dealer files the application. A "qualifying sales representative" is a sales representative who works for the dealer at least 25 hours a week on a regular basis and is compensated by the dealer for this work.

A dealer who sold fewer than 49 motor vehicles the previous 12-month period ending ~~April 30~~ December 31 but has sold at least that number since ~~May 1~~ January 1 may apply for additional dealer license plates at any time. The maximum number of dealer license plates the dealer may obtain is the number the dealer could have obtained if the dealer had sold at least 49 motor vehicles in the previous 12-month period ending ~~April 30.~~December 31.

A dealer who applies for a dealer license plate must certify to the Division the number of motor vehicles the dealer sold in the relevant period. Making a material misstatement in an application for a dealer license plate is grounds for the denial, suspension, or revocation of a dealer's license under G.S. 20-294.

A dealer engaged in the alteration and sale of specialty vehicles may apply for up to two dealer plates in addition to the number of dealer plates that the dealer would otherwise be entitled to under this section.

(c) Form and Duration. – A dealer license plate is subject to G.S. 20-63, except for the requirement that the plate display the registration number of a motor vehicle and the requirement that the plate be a "First in Flight" plate. In addition, a dealer license plate must have a distinguishing symbol identifying the plate as a dealer license plate.

A dealer license plate is issued for a ~~fiscal year beginning July 1 and ending June 30.~~ period of one year. ~~During the fiscal year for which it is issued, a dealer may transfer a dealer license plate from one vehicle to another.~~ The Division shall vary the expiration dates of dealer registration renewals so that an approximately equal number expires at the end of each month, quarter, or other period consisting of one or more months. A dealer may transfer a dealer license plate from one vehicle to another. When the Division issues a dealer plate, it may issue a registration that expires at the end of any monthly interval. When one of the following occurs, a dealer must surrender to the Division all dealer license plates issued to the dealer:

(1) The dealer surrenders the license issued to the dealer under Article 12 of this Chapter.
(2) The Division suspends or revokes the license issued to the dealer under Article 12 of this Chapter.
(3) The Division rescinds the dealer license plates because of a violation of the restrictions on the use of a dealer license plate.

To obtain a dealer license plate after it has been surrendered, the dealer must file a new application for a dealer license plate and pay the required fee for the plate.

(d) Restrictions on Use. – A dealer license plate may be displayed only on a motor vehicle that meets all of the following requirements:

(1) Is part of the inventory of the dealer.
(2) Is not consigned to the dealer.
(3) Is covered by liability insurance that meets the requirements of Article 9A of this Chapter.

(4) Is not used by the dealer in another business in which the dealer is engaged.

(5) Is driven on a highway by a person who carries a copy of the registration card for the dealer plates issued to the dealer while driving the motor vehicle and who meets one of the following descriptions:

a. Has a demonstration permit to test-drive the motor vehicle and carries the demonstration permit while driving the motor vehicle.

b. Is an officer or sales representative of the dealer and is driving the vehicle for a business purpose of the dealer.

c. Is an employee of the dealer and is driving the vehicle in the course of employment.

A dealer may issue a demonstration permit for a motor vehicle to a person licensed to drive that type of motor vehicle. A demonstration permit authorizes each person named in the permit to drive the motor vehicle described in the permit for up to 96 hours after the time the permit is issued. A dealer may, for good cause, renew a demonstration permit for one additional 96-hour period.

A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the disposal of a person except as authorized by this subsection.

(e) Sanctions. – The following sanctions apply when a motor vehicle displaying a dealer license plate is driven in violation of the restrictions on the use of the plate:

(1) The individual driving the motor vehicle is responsible for an infraction and is subject to a penalty of fifty dollars ($50.00).

(2) The dealer to whom the plate is issued is subject to a civil penalty imposed by the Division of two hundred dollars ($200.00).

(3) The Division may rescind all dealer license plates issued to the dealer whose plate was displayed on the motor vehicle.

A penalty imposed under subdivision (1) of this subsection is payable to the county where the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision (2) of this subsection shall be credited to the Highway Fund as nontax revenue.

(f) Transfer of Dealer Registration. – No change in the name of a firm, partnership or corporation, nor the taking in of a new partner, nor the withdrawal of one or more of the firm, shall be considered a new business; but if any one or more of the partners remain in the firm, or if there is change in ownership of less than a majority of the stock, if a corporation, the business shall be regarded as continuing and the dealers' plates originally issued may continue to be used."

SECTION 5. G.S. 20-87 reads as rewritten:

"**§ 20-87. Passenger vehicle registration fees.**

These fees shall be paid to the Division ~~annually, as of the first day of January,~~ annually for the registration and licensing of passenger vehicles, ~~fees~~ according to the following classifications and schedules:

(1) For-Hire Passenger Vehicles. – The fee for a passenger vehicle that is operated for compensation and has a capacity of 15 passengers or less

is seventy-eight dollars ($78.00). The fee for a passenger vehicle that is operated for compensation and has a capacity of more than 15 passengers is one dollar and forty cents ($1.40) per hundred pounds of empty weight of the vehicle.

(2) U-Drive-It Vehicles. – U-drive-it vehicles shall pay the following tax:

Motorcycles:	1-passenger capacity	$18.00
	2-passenger capacity	22.00
	3-passenger capacity	26.00
Automobiles:	15 or fewer passengers	$41.00
Buses:	16 or more passengers	$1.40 per hundred pounds of empty weight
Trucks under 7,000 pounds that do not haul products for hire:	4,000 pounds	$41.50
	5,000 pounds	$51.00
	6,000 pounds	$61.00.

(3) Repealed by Session Laws 1981, c. 976, s. 3.

(4) Limousine Vehicles. – For-hire passenger vehicles on call or demand which do not solicit passengers indiscriminately for hire between points along streets or highways, shall be taxed at the same rate as for-hire passenger vehicles under G.S. 20-87(1) but shall be issued appropriate registration plates to distinguish such vehicles from taxicabs.

(5) Private Passenger Vehicles. – There shall be paid to the Division annually, as of the first day of January, for the registration and licensing of private passenger vehicles, fees according to the following classifications and schedules:

Private passenger vehicles of not more than fifteen passengers.. $20.00
Private passenger vehicles over fifteen passengers 23.00

Provided, that a fee of only one dollar ($1.00) shall be charged for any vehicle given by the federal government to any veteran on account of any disability suffered during war so long as such vehicle is owned by the original donee or other veteran entitled to receive such gift under Title 38, section 252, United States Code Annotated.

(6) Private Motorcycles. – The base fee on private passenger motorcycles shall be nine dollars ($9.00); except that when a motorcycle is equipped with an additional form of device designed to transport persons or property, the base fee shall be sixteen dollars ($16.00). An additional fee of three dollars ($3.00) is imposed on each private motorcycle registered under this subdivision in addition to the base fee. The revenue from the additional fee, in addition to any other funds appropriated for this purpose, shall be used to fund the Motorcycle Safety Instruction Program created in G.S. 115D-72.

(7) Dealer License Plates. – The fee for a dealer license plate is the regular fee for each of the first five plates issued to the same dealer and is one-half the regular fee for each additional dealer license plate issued to the same dealer. The "regular fee" is the fee set in subdivision (5) of this section for a private passenger motor vehicle of not more than 15 passengers.

(8) Driveaway Companies. – Any person engaged in the business of driving new motor vehicles from the place of manufacture to the place of sale in this State for compensation shall pay a fee of one-half of the amount that would otherwise be payable under this section for each set of plates.

(9) House Trailers. – In lieu of other registration and license fees levied on house trailers under this section or G.S. 20-88, the registration and license fee on house trailers shall be seven dollars ($7.00) for the license year or any portion thereof.

(10) Special Mobile Equipment. – The fee for special mobile equipment for the license year or any part of the license year is two times the fee in subdivision (5) for a private passenger motor vehicle of not more than 15 passengers.

(11) Any vehicle fee determined under this section according to the weight of the vehicle shall be increased by the sum of three dollars ($3.00) to arrive at the total fee.

(12) Low-Speed Vehicles. – The fee for a low-speed vehicle is the same as the fee for private passengers vehicles of not more than 15 passengers."

SECTION 6. G.S. 20-88(b)(6) reads as rewritten:

"(6) There shall be paid to the Division annually ~~as of the first of January,~~ the following fees for "wreckers" as defined under G.S. 20-4.01(50): a wrecker fully equipped weighing 7,000 pounds or less, seventy-five dollars ($75.00); wreckers weighing in excess of 7,000 pounds shall pay one hundred forty-eight dollars ($148.00). Fees to be prorated ~~quarterly.~~ monthly. Provided, further, that nothing herein shall prohibit a licensed dealer from using a dealer's license plate to tow a vehicle for a customer."

SECTION 7. G.S. 20-88(c) reads as rewritten:

"(c) The fee for a semitrailer or trailer is ten dollars ($10.00) for each year or part of a year. The fee is payable ~~on or before January 1 of~~ each year. Upon the application of the owner of a semitrailer or trailer, the Division may issue a multiyear plate and registration card for the semitrailer or trailer for a fee of seventy-five dollars ($75.00). A multiyear plate and registration card for a semitrailer or trailer are valid until the owner transfers the semitrailer or trailer to another person or surrenders the plate and registration card to the Division. A multiyear plate may not be transferred to another vehicle.

The Division shall issue a multiyear semitrailer or trailer plate in a different color than an annual semitrailer or trailer plate and shall include the word "multiyear" on the plate. The Division may not issue a multiyear plate for a house trailer."

SECTION 8. G.S. 20-94 reads as rewritten:

"**§ 20-94. Partial payments.**

In the purchase of licenses, where the gross amount of the license fee to any one owner amounts to more than four hundred dollars ($400.00), half of such payment may, if the Commissioner is satisfied of the financial responsibility of such owner, be deferred until ~~June 1~~ six months from the month of renewal in any calendar year upon the execution to the Commissioner of a draft upon any bank or trust company upon forms to be provided by the Commissioner in an amount equivalent to one half of such fee, plus a carrying charge of three percent (3%) of the deferred portion of the license fee: Provided, that any person using any tag so purchased after the first day of ~~June~~ six months from the month of renewal in any such year without having first provided for the payment of such draft, shall be guilty of a Class 2 misdemeanor. No further license plates shall be issued to any person executing such a draft after the due date of any such draft so long as such draft or any portion thereof remains unpaid. Any such draft being dishonored and not paid shall be subject to the penalties prescribed in G.S. 20-178 and shall be immediately turned over by the Commissioner to his duly authorized agents and/or the State Highway Patrol, to the end that this provision may be enforced. When the owner of the vehicles for which a draft has been given sells or transfers ownership to all vehicles covered by the draft, such draft shall become payable immediately, and such vehicles shall not be transferred by the Division until the draft has been paid. Any one owner whose gross license fee amounts to more than two hundred dollars ($200.00) but not more than four hundred dollars ($400.00) may also be permitted to sign a draft in accordance with the foregoing provisions of this section provided such owner makes application for the draft ~~on or before February 1~~ during the ~~license renewal period.~~ month of renewal."

SECTION 9. G.S. 20-288(c) reads as rewritten:

"(c) All licenses that are granted shall expire one year from the date issued unless ~~sooner~~ revoked or ~~suspended, on June 30 of the year following date of issue.~~ suspended."

SECTION 10. This act becomes effective January 1, 2005.

HOUSE BILL 1383:
Staggered Issuance-Commercial/Dealer Plates

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. Gillespie
Date:	June 9, 2004	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***House Bill 1383 would stagger the issuance of commercial motor vehicle plates and motor vehicle dealer licenses.***

CURRENT LAW: Under current law, commercial motor vehicle plates expire on December 31 and motor vehicle dealer licenses expire on June 30 of each year.

BILL ANALYSIS:

Section 1 is a conforming change to the statute governing transfer of plates to delete a prohibition on transfer of plates after December 31 of the year of issuance.

Section 2 of the bill changes the statutes governing expiration of the registration sticker for a vehicle registered under the International Registration Plan. Under current law, all stickers expire December 31st and are valid through February 15th. This section would make the expiration date the last day of the month of renewal, but remain valid until the 15th of the next month.

Section 3 of the bill amends the statute governing renewal of vehicle registrations to repeal a subsection providing for expiration of calendar-year plate expiration at midnight on December 31 of each year. The effect of this change is to authorize staggered expiration of commercial plates.

Section 4 of the bill provides for staggered issuance of dealer license plates, and makes a conforming change to the law governing the determination of the number of dealer plates issued to dealers.

Section 5 of the bill amends the vehicle registration fee statute to delete a reference to payment of registration fees on the first day of January.

Section 6 of the bill amends the wrecker fee statute to delete a reference to payment of fees on the first day of January.

Section 7 of the bill amends the semitrailer and trailer fee statute to delete a reference to payment of fees on the first day of January.

Section 8 of the bill amends the statute authorizing partial and deferred payments for registration fees over $400 to conform with staggered registration.

Section 9 of the bill staggers motor vehicle dealer and manufacturers license registration.

This bill would become effective January 1, 2005.

H1383-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **ALLRED AND COATES** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 1394 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1394

Short Title:	8-Year Drivers License/Internet DL Renewal.	(Public)
Sponsors:	Representatives Gillespie; Bell, Bonner, Crawford, Frye, Gibson, Gorman, Hilton, Pate, Stiller, K. Williams, and Wood.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 12, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(f) reads as rewritten:

"(f) Expiration and Temporary License. ~~The first drivers license the Division issues to a person expires on the person's fourth or subsequent birthday that occurs after the license is issued and on which the individual's age is evenly divisible by five, unless this subsection sets a different expiration date. A first drivers license may be issued for a shorter duration if the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration issued by the United States Department of State. The first drivers license the Division issues to a person who is at least 17 years old but is less than 18 years old expires on the person's twentieth birthday. The first drivers license the Division issues to a person who is at least 62 years old expires on the person's birthday in the fifth year after the license is issued, whether or not the person's age on that birthday is evenly divisible by five.~~ A drivers license issued to a person at least 18 years old but less than 57 years old expires eight years after the date of issuance, or on the person's 60th birthday, whichever is earlier. A drivers license issued to a person at least 60 years old expires five years after the date of issuance. A person who has no more than two reportable accidents on his or her drivers license record in the previous year, no restrictions on his or her drivers license record in the previous year, who has four or fewer drivers license points, and at least 25 years old and less than 60 years old, may renew his or her drivers license electronically for one five year period. A person who holds a commercial drivers license and is required by federal regulations to be retested shall not renew electronically. The electronic renewal shall only be used as an extension of an eight-year drivers license period. The Division may waive the vision and sign tests for applicants renewing electronically. At the expiration

of any five-year electronic renewal period, the person shall renew his or her drivers license in person at a drivers license office.

A drivers license that was issued by the Division and is renewed by the Division expires ~~five years~~ at the end of the period provided by this subsection after the expiration date of the license that is renewed unless the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration from the United States Department of State. A person may apply to the Division to renew a license during the 180 day period before the license expires. The Division may not accept an application for renewal made before the 180 day period begins.

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

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

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

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

SECTION 2. This act becomes effective January 1, 2005.

HOUSE BILL 1394:
8-Year DL/Internet DL Renewal

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. Gillespie
Date:	June 9, 2004	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***Authorizes DMV to issue an 8-year drivers license, and authorizes Internet renewal of some drivers licenses***

CURRENT LAW: Under current law, most drivers license are issued on a 5-year renewal cycle.

BILL ANALYSIS:

House Bill 1394 authorizes DMV to issue an eight-year drivers license to a person at least 18 years old but less than 57 years old, with no more than two reportable accidents and no restrictions on his or her license in the prior year, and with no more than four drivers license points.

The bill authorizes DMV to electronically renew for one five-year period the license of a person at least 25 years old but less than 60 years old who holds an eight-year license.

The bill authorizes DMV to waive the vision and sign test for a person renewing electronically.

House Bill 1394 would become effective January 1, 2005.

H1394-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **ALLRED AND COATES** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1398 A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE I-40 CORRIDOR IN NORTH CAROLINA AS THE U.S. VETERANS MEMORIAL HIGHWAY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1398

Short Title:	I-40 US Veterans Memorial Highway.	(Public)
Sponsors:	Representatives Allred; Baker, Eddins, Frye, Gibson, Gorman, McHenry, Mitchell, Moore, Pate, Walker, C. Wilson, and Wood.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 12, 2004

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE I-40 CORRIDOR IN NORTH CAROLINA AS THE U.S. VETERANS MEMORIAL HIGHWAY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-18.5B. U.S. Veterans Memorial Highway.**

The Interstate Highway 40 corridor in the State is designated as the 'U.S. Veterans Memorial Highway'. The Department shall erect signs along the corridor with a blue background and a United States flag decal, and shall include the phrase 'This is the' above the phrase 'U.S. Veterans Memorial Highway'."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1398
PROPOSED COMMITTEE SUBSTITUTE H1398-CSRW-79 [v.1]

6/8/2004 3:44:44 PM

Short Title: I-40 US Veterans Memorial Highway. (Public)

Sponsors:

Referred to:

May 12, 2004

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE I-40 CORRIDOR IN NORTH CAROLINA AS THE U.S. VETERANS MEMORIAL HIGHWAY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-18.5C. U.S. Veterans Memorial Highway.**

The Interstate Highway 40 corridor in the State is designated as the 'U.S. Veterans Memorial Highway'. The Department shall erect signs along the corridor with a blue background and a United States flag decal, and shall include the phrase 'This is the' above the phrase 'U.S. Veterans Memorial Highway'."

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

HOUSE BILL 1398:
I-40 US Veterans Memorial Highway

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. Allred
Date:	June 9, 2004	**Summary by:**	Giles S. Perry Committee Counsel
Version:	H1398-CSRW-79[v.1]		

SUMMARY: ***House Bill 1398 designates Interstate 40 in the State as the U.S. Veterans Memorial Highway.***

BILL ANALYSIS: House Bill 1398 designates I-40 in the State as the US Veterans Memorial Highway, and directs DOT to erect signs along the corridor with a blue background, a US Flag decal, and the phrase "This is the U.S. Veterans Memorial Highway."

House Bill 1398 would become effective when it becomes law.

BACKGROUND: The PCS corrects an incorrect statutory reference in the original bill.

H-1398-SMRW-001

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Rich Webb	NCGA Intern Alexander
Pat Clancy	Speaker Black's Office
Jennifer Allen	Marpin Taylor
Tina Stricklen	Lawrence Bewley & Assocs.
John Pollock	Land Loss Prevention Project
John Mathis?	Gov office
Kay Hatcher	NCDOT-DMV
Jamie Stevens	NCDOT-DMV
Ethel Flem	NCDOT-DMV
Charlie Dial	NC Trucking Assn.
N McBride	NCTA
S Markham	NC State Ports
Kevin Leonard	WCSR
Betty Bailey	NCDOA
Karen Kirchof	DUKE U.
Grady Mullis	N.C. Lumbermen Network.
Glenda S. Lee	Duke Univ.
Adrienne Harris	NC Conservation Network
Erin Kinsey	NC Conservation Network
John Cyrus	NC Grange
Wayne Hardin	DMV - Driver License
Stephen Bauman	LLPP
Michael Walker	LLPP
Christine Barbee	LLPP
BERRY JENKINS	CAROLINAS AGC
JOHN LONG	MARTIN MARIETTA
Leon Kirkland	LLPP

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Kelli Binks	House Intern
ROBERTO CANALES	NCDOT
Susan Conrad	NCDOT
Mike Stanley	NCDOT
Rick Moore	City of Kings Mountain
HOUSTON CORN	CITY OF KINGS MOUNTAIN
ERIC DYER	Gaston News Record
Dave Ingram	W-S Journal
Lynn Bonner	N&O
Jason Ramsey	NCSOS
[illegible]	AP
R. Paul Williams	NCMBA
Paul Kiesow	City of Oxford Commissioner
CATHY HEATH	TOWN OF CARY - GUEST
ELISSA YOUNT	City of Henderson Council

House Pages

1. Name: Robert Wiggins — David Point
   County: Iredell — New Hanover
   Sponsor: Rep. Ray — Danny McComas
2. Name: Sarah Wiggins
   County: Iredell
   Sponsor: Karen Ray
3. Name: Mark Trawick
   County: Wake
   Sponsor: Speaker Morgan
4. Name: Kevin Kiley
   County: Wake
   Sponsor: Speaker Morgan
5. Name: Ben Anderson
   County: Buncombe
   Sponsor: Phil Haire

Sgt-At-Arms

1. Name: Dusty Rhodes
2. Name: Martha Parrish
3. Name: Jim Brewer
4. Name: Phillip Schreibman

AGENDA

HOUSE TRANSPORTATION COMMITTEE

June 23, 2004

11:00 AM

Room 1228

Representative Lorene Coates, Presiding Chair
Representative Cary Allred, Chair

BILLS FOR CONSIDERATION

SB1086 PUBLIC TRANSIT DECELERATION LAMPS
-Sen. Jenkins

SB 1078 VEHICLE SIGNS AND SIGNALS
–Sen. Carpenter

SB1092 VA-NC INTERSTATE HIGH-SPEED RAIL COMPACT
-Sen. Jenkins

HB1344 HIGHWAY TRUST FUND CHANGES
-Rep. Crawford

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON TRANSPORTATION

June 23, 2004

The House Committee on Transportation met on Wednesday June 23, 2004 at 11:00 AM in room 1228 of the Legislative Building. The following members were present: Representative Cary Allred, Chair; Representative Lorene Coates, Chair; Representative William Daughtridge, Vice Chair; Representative Arthur Williams, Vice Chair; Representative Keith Williams, Vice Chair and Representatives G. Allen, L. Allen, Cole, Crawford, Frye, Haire, Hill, Holmes, Lewis, Moore, Nye, Rapp, Ray, and Sutton. Also present Giles Perry, Committee Counsel. Assisting the meeting were Martha Gadison, Charles Williams, and Jim Womack , House Sergeant-at-Arms and Melissa Lennon, Committee Assistant.

Representative Coates, presiding Chair, called the meeting to order and introduced the Pages.

The Chair recognized Representative Saunders to explain SB1086, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES sponsored by Senator Jenkins. The Senate version is identical to House Bill 1372 that the committee passed out earlier this session. The bill would allow public transit vehicles to be equipped with high-mounted amber lamps on the rear that would flash to warn that the vehicle is slowing down.

Following a discussion by members Representative Allred moved for a favorable report and the motion passed.

Then Representative Cole was recognized to present SB1078, A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW sponsored by Senators Jenkins and Carpenter. The bill would allow horizontal, in addition to the traditional vertical traffic signals. It would standardize and clarify language about traffic at intersections and change the length of time a light shall remain yellow when a red light camera is used at an intersection. Representative Daughtridge introduced an amendment to allow left turns on red.

Following a discussion among the committee members a motion was made by Representative Allred to continue the bill until the next meeting so representatives of the Blind could be present to speak on the amendment.

Next Representative Cole presented SB1092, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT. This bill establishes the Virginia-North Carolina Interstate High-Speed Rail Compact. Virginia has already passed this legislation into law and is ready to move forward.

Following a discussion Representative Sutton moved for a favorable report and the motion carried.

Then Representative Crawford was recognized to present HB1344, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE INTRASTATE HIGHWAY SYSTEM OF THE STATE AND TO MAKE THE INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS. Representative Crawford asked staff to bring forward an amendment that would clarify the original intent of the Trust Fund. Following a discussion Rep. Nye moved for adoption of the amendment and it carried. DOT Staff spoke on the desire to free up funds that cannot be used at this time so they can be used on safety and road enhancement projects.

Following a period of questions and discussion Representative Cole made a motion for a favorable report, the motion carried and the meeting was adjourned.

Respectfully submitted,

Lorene Coates
Lorene T. Coates, Presiding Chair

Melissa Lennon
Melissa Lennon, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 1086*

Judiciary I Committee Substitute Adopted 6/7/04

Short Title: Public Transit Deceleration Lamps. (Public)

Sponsors:

Referred to:

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-130 is amended by adding a new subsection to read:

"(e) High Mounted Flashing Deceleration Lamps. – Public transit vehicles may be equipped with amber, high mounted, flashing deceleration lamps on the rear of the vehicle."

SECTION 2. This act becomes effective July 1, 2004.

SENATE BILL 1086:
Public Transportation Deceleration Lamps

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Sen. Jenkins
Date:	June 23, 2004	**Summary by:**	Giles S. Perry
Version:	2nd Edition		Committee Counsel

SUMMARY: ***Senate Bill 1086 would allow public transit vehicles to be equipped with high-mounted amber lamps on the rear that would flash to warn that the vehicle is slowing down.***

CURRENT LAW: Currently the law specifies what kinds of lights may be used on a vehicle, but it does not allow a bus or van to have flashing amber lights to indicate the vehicle is slowing down.

BILL ANALYSIS: The bill allows a public transit vehicle, a bus or a van, to be equipped with flashing lamps that warn those behind it that it is slowing down. The lamps would be required to be mounted high on the rear of the vehicle. They would also have to be amber in color.

Senate Bill 1086 would become effective July 1, 2004.

BACKGROUND: This bill was recommended by the Joint Legislative Transportation Oversight Committee.

S1086-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative **Coates and Allred** (Chairs) for the Committee on **TRANSPORTATION**.

☒ Committee Substitute for
S.B. 1086 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

FOR JOURNAL USE ONLY

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

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

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

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

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

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

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S 2

SENATE BILL 1078*
Judiciary I Committee Substitute Adopted 6/7/04

Short Title: Vehicle Control Signs and Signals. (Public)

Sponsors:

Referred to:

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-158(a)(3) reads as rewritten:

"(3) At intersections and other appropriate places, by erecting or installing steady-beam ~~stoplights~~ traffic signals and other traffic control devices, signs, or signals. All steady-beam ~~stoplights~~ traffic signals emitting alternate red and green lights shall be arranged so that the red light in vertical-arranged signal faces shall appear ~~at the top of the signaling unit and the green light shall appear at the bottom of the signaling unit.~~above, and in horizontal-arranged signal faces shall appear to the left of all yellow and green lights."

SECTION 2. G.S. 20-158(b)(2) reads as rewritten:

"(2) Vehicles facing a red light controlling traffic ~~passing straight through~~ approaching an intersection ~~from a steady or strobe beam stoplight~~ with a steady-beam traffic signal shall not enter the intersection while the ~~steady or strobe beam stoplight~~ traffic signal is emitting ~~a~~ the red ~~light controlling traffic passing straight through an intersection;~~ light; provided that, except where prohibited by an appropriate sign, vehicular traffic facing a red light controlling traffic ~~passing straight through~~ approaching an intersection, after coming to a complete stop at the intersection, may enter the intersection to make a right turn but such vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection. When the ~~stoplight~~ traffic signal is emitting a steady yellow circular light on a traffic signal controlling traffic ~~passing straight through~~approaching an intersection or a steady yellow arrow light on a traffic signal controlling traffic turning at an intersection, vehicles facing the yellow light are warned that the related green light is being terminated or a red light will be

immediately forthcoming. When the ~~stoplight~~ traffic signal is emitting a steady green light, vehicles may proceed with due care through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law."

SECTION 3. G.S. 160A-300.2(e), as enacted by Section 3 of S.L. 2001-286, reads as rewritten:

"(e) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration ~~specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation.~~on the traffic signal plan of record signed and sealed by a licensed North Carolina Professional Engineer in accordance with Chapter 89C of the General Statutes, and shall be in full conformance with the requirements of the Manual on Uniform Traffic Control Devices."

SECTION 4. G.S. 160A-300.3(e), as enacted by Section 3 of S.L. 2001-286, reads as rewritten:

"(e) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified ~~in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation.~~on the traffic signal plan of record signed and sealed by a licensed North Carolina Professional Engineer in accordance with Chapter 89C of the General Statutes, and shall be in full conformance with the requirements of the Manual on Uniform Traffic Control Devices."

SECTION 5. This act becomes effective July 1, 2004.

SENATE BILL 1078:
Vehicle Control Signs and Signals.

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Senator Jenkins
Date:	June 23, 2004	**Summary by:**	Giles S. Perry
Version:	2nd Edition		Committee Co-Counsel

SUMMARY: ***Senate Bill 1078 would amend the vehicle control sign and signal law to do the following:***

- ***Allow horizontal, in addition to the traditional vertical, traffic signals.***
- ***Standardize and clarify language about traffic at intersections.***
- ***In the red light camera laws governing the municipalities of Wake County and the City of Concord, change the source for engineering standards for determining how long a light shall remain yellow.***

Section 1 – Horizontal traffic signals. Current law *(G.S. 20-158(a)(3))* says that on "stoplights," the red light shall be on top and the green light at the bottom. The bill changes the wording so that stoplights can be vertical as well as horizontal. If horizontal, the red light would be on the left. The bill also replaces the term "stoplight" with the newer standard term "traffic signal."

Section 2 – Language change about intersections. G.S. 20-158(b)(2) is the statute that requires motorists to stop when the light is red and allows them to go when it is green. This section of the bill attempts to standardize and update the language.

Sections 3 and 4 – Yellow light duration at photographed intersections. These sections amend the red light camera laws in the municipalities of Wake County and in the City of Concord. Both those local laws have provisions that provide a source for the standard for how long a light must remain yellow before turning red at signals where cameras are at work. That source, the Design Manual developed by the Signals and Geometrics Section of NCDOT, is now believed by NCDOT to be an inappropriate source. NCDOT's recommendation is that the source instead be the traffic signal plan of record signed by a licensed NC Professional Engineer. The Department also recommended that the yellow-light duration should fully conform with the requirements of the Manual on Uniform Traffic Control Devices, which G.S. 136-30 says should apply to all traffic control devices in the State.

Senate Bill 1078 would become effective July 1, 2004.

BACKGROUND: This bill was recommended by the Joint Legislative Transportation Oversight Committee.

Bill Gilkeson of the Research Division substantially contributed to this summary.

S1078-SMRW-001

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1078*

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

S1078-ARW-38 [v.2]

Date _____,2004

Comm. Sub. [NO]
Amends Title [YES]
Second Edition

Representative Gulley

moves to amend the bill on page 1, line 2, by rewriting that line to read:

"AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW AND TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS."

And on page 2, line 25, by rewriting that line to read:

" **SECTION 5.** G.S. 20-158(b) reads as rewritten:

"(b) Control of Vehicles at Intersections. –

(1) When a stop sign has been erected or installed at an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to vehicles operating on the designated main-traveled or through highway. When stop signs have been erected at three or more entrances to an intersection, the driver, after stopping in obedience thereto, may proceed with caution.

(2) ~~Vehicles facing a red light controlling traffic passing straight through an intersection from a steady or strobe beam stoplight shall not enter the intersection while the steady or strobe beam stoplight is emitting a red light controlling traffic passing straight through an intersection; provided that, except where prohibited by an appropriate sign, vehicular traffic facing a red light controlling traffic passing straight through an intersection, after coming to a complete stop at the intersection, may enter the intersection to make a right turn but such vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection.~~ When a steady or strobe beam stoplight is

emitting a red light controlling traffic passing through an intersection, an approaching vehicle facing the red light shall come to a stop and shall not enter the intersection. After coming to a complete stop and unless prohibited by an appropriate sign, that approaching vehicle may turn under one of the following conditions:

a. That vehicle may make a right turn. The turning vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection.

b. If that vehicle is in the leftmost lane of travel on a one-way street that intersects with another one-way street with traffic traveling from the turning driver's right to the turning driver's left, then that vehicle may enter the intersection and make a left turn into the extreme left-hand lane lawfully available to traffic. The turning vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection.

(2a) When ~~the~~ a stoplight is emitting a steady yellow circular light on a traffic signal controlling traffic passing straight through an intersection or a steady yellow arrow light on a traffic signal controlling traffic turning at an intersection, vehicles facing the yellow light are warned that the related green light is being terminated or a red light will be immediately forthcoming. When the stoplight is emitting a steady green light, vehicles may proceed with due care through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.

(3) When a flashing red light has been erected or installed at an intersection, approaching vehicles facing the red light shall stop and yield the right-of-way to vehicles in or approaching the intersection. The right to proceed shall be subject to the rules applicable to making a stop at a stop sign.

(4) When a flashing yellow light has been erected or installed at an intersection, approaching vehicles facing the yellow flashing light may proceed through the intersection with caution, yielding the right-of-way to vehicles in or approaching the intersection.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1078*

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

S1078-ARW-38 [v.2]

(5) When a stop sign, stoplight, flashing light, or other traffic-control device authorized by subsection (a) of this section requires a vehicle to stop at an intersection, the driver shall stop (i) at an appropriately marked stop line, or if none, (ii) before entering a marked crosswalk, or if none, (iii) before entering the intersection at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street.

SECTION 6. This act becomes effective December 1, 2004, and applies to offenses committed on or after that date.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative **Coates and Allred** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
S.B. 1078 A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1092*

Short Title:	VA-NC Interstate High-Speed Rail Compact.	(Public)
Sponsors:	Senator Jenkins.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 18.

"Virginia-North Carolina Interstate High-Speed Rail Compact.

"**§ 136-220. Compact established.**

Pursuant to the invitation in 49 U.S.C. § 24101 (Interstate Compacts), in which the United States Congress grants consent to states with an interest in a specific form, route, or corridor of intercity passenger rail service (including high-speed rail service) to enter into interstate compacts, there is hereby established the Virginia-North Carolina Interstate High-Speed Rail Compact.

"**§ 136-221. Agreement.**

The Commonwealth of Virginia and the State of North Carolina agree, upon adoption of this compact:

(1) To study, develop, and promote a plan for the design, construction, financing, and operation of interstate high-speed rail service through and between points in the Commonwealth of Virginia and the State of North Carolina, and adjacent states.

(2) To coordinate efforts to establish high-speed rail service at the federal, State, and local governmental levels.

(3) To advocate for federal funding to support the establishment of high-speed interstate rail service within and through Virginia and North Carolina and to receive federal funds made available for rail development.

(4) To provide funding and resources to the Virginia-North Carolina High-Speed Rail Compact Commission from funds that are or may become available and are appropriated for that purpose.

"**§ 136-222. Commission established; appointment and terms of members; chairman; reports; commission funds; staff.**

(a) Commission established. – The Virginia-North Carolina High-Speed Rail Compact Commission is hereby established as a regional instrumentality and a common agency of each signatory party, empowered in a manner hereinafter to carry out the purposes of the Compact.

(b) Members, terms. – The Virginia members of the Commission shall be appointed as follows: three members of the House of Delegates, appointed by the Speaker of the House of Delegates, and two members of the Senate, appointed by the Senate Committee on Rules. The North Carolina members of the Commission shall be composed of five members as follows: two members of the Senate appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, two members of the House of Representatives appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, and one appointed by the Governor.

(c) Chair. – The chair of the Commission shall be chosen by the members of the Commission from among its membership for a term of one year and shall alternate between the member states.

(d) Meetings and reports. – The Commission shall meet at least twice each year, at least once in Virginia and once in North Carolina, and shall issue a report of its activities each year.

(e) Funds. – The Commission may utilize, for its operation and expenses, funds appropriated to it therefore by the legislatures of Virginia and North Carolina, or received from federal sources.

(f) Expenses of Members. – Virginia members of the Commission shall receive compensation and reimbursement for expenses in accordance with the applicable laws of that state. North Carolina members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-31, 138-5, or 138-6, as appropriate.

(g) Staff. – Primary staff to the Commission shall be provided by the Virginia Department of Rail and Public Transportation and the North Carolina Department of Transportation."

SECTION 2. This act becomes effective when it becomes law.

SENATE BILL 1092:
VA-NC Interstate High-Speed Rail Compact

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Senator Jenkins
Date:	June 23, 2004	**Summary by:**	Giles S. Perry
Version:	First Edition		Committee Staff

SUMMARY: ***Senate Bill 1092 establishes the Virginia-North Carolina Interstate High-Speed Rail Compact.***

BILL ANALYSIS:

Senate Bill 1092 adds a new Article 18 to Chapter 136 (Roads and Highways) of the General Statutes. The new Article: 1) Establishes the Virginia-North Carolina Interstate High-speed Rail Compact in G.S. 136-220; 2) Outlines the agreement with the Commonwealth of Virginia in G.S. 136-221; and 3) Establishes the Virginia-North Carolina High-Speed Rail Compact Commission in G.S. 136-222.

- **G.S. 136-220** establishes the Compact pursuant to the invitation in the U.S.Code in which Congress grants consent to states to enter into interstate rail service compacts.
- **G.S. 136-221** outlines the agreement between the Commonwealth of Virginia and the State of North Carolina. Elements of the agreement include:
  - Developing a plan for design, construction and operation of interstate high-speed rail service;
  - Coordinating with federal, State and local governments;
  - Advocating for federal funding; and
  - Providing funding and resources to the Virginia-North Carolina High-Speed Rail Compact Commission.
- **G.S. 136-222** establishes the Virginia-North Carolina High-Speed Rail Compact Commission. There will be five Virginia (VA) members and five North Carolina (NC) members. The NC Governor appoints one member and the four remaining NC members are appointed by the General Assembly as follows: two Senate members upon the recommendation of the Present Pro Tempore of the Senate, and two House members upon recommendation of the Speaker of the House of Representatives. The chair of the Commission is selected by the Commission members and alternates between the states. The Commission is required to meet at least twice a year, once in each state, and to issue an annual report. Funds for the Commission's operations and expenses may be appropriated by the VA and NC legislatures, or received from federal sources.

This bill would become effective when it becomes law.

BACKGROUND:

Senate Bill 1092 represents Proposal #12 in the Joint Legislative Transportation Oversight Committee's report to the 2004 Session of the General Assembly.

Virginia's Governor signed the Rail Compact bill (VA Senate Bill 126) into law on April 12, 2004 (Chapter 622 of the Acts of Assembly of 2004).

Theresa Matula of the Research Division Staff contributed substantially to this summary.

S1092-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative **Coates and Allred** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
S.B. 1092 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

FOR JOURNAL USE ONLY

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

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

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

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

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

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

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 1344*

Short Title:	Highway Trust Fund Changes.	(Public)
Sponsors:	Representatives Crawford; Gillespie and K. Williams.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 10, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE INTRASTATE HIGHWAY SYSTEM OF THE STATE AND TO MAKE THE INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-175 reads as rewritten:

"**§ 136-175. Definitions.**

The following definitions apply in this Article:

(1) Intrastate System. The network of major, multilane arterial highways composed of those ~~projects~~ routes, segments or corridors listed in G.S. ~~136-179,~~ 136-178, ~~I-240, I-277, US-29 from I-85 to the Virginia line,~~ and any other route added by the Department of Transportation under G.S. 136-178.

(2) Transportation Improvement Program. The schedule of major transportation improvement projects required by G.S. 143B-350(f)(4).

(3) Trust Fund. The North Carolina Highway Trust Fund."

SECTION 2. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four percent (4%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section for the 2003-2004 fiscal year and three and eight-tenths percent (3.8%) thereafter, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation and project development costs of the North Carolina Turnpike Authority are eligible administrative expenses under this subsection. Any funds allocated to the Authority pursuant to this subsection shall be repaid by the Authority from its toll revenue as soon as possible, subject to any restrictions included in the agreements entered into by the Authority in connection with the issuance of the Authority's revenue bonds. Beginning one year after the Authority begins collecting tolls on a completed Turnpike Project, interest shall

accrue on any unpaid balance owed to the Highway Trust Fund at a rate equal to the State Treasurer's average annual yield on its investment of Highway Trust Fund funds pursuant to G.S. 147-6.1. Interest earned on the unpaid balance shall be deposited in the Highway Trust Fund upon repayment. The sum up to the amount anticipated to be necessary to meet the State matching funds requirements to receive federal-aid highway trust funds for the next fiscal year may be set aside for that purpose. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct ~~the~~ projects on segments or corridors of the Intrastate System as described in G.S. ~~136-179~~ 136-178 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 3. G.S. 136-178 reads as rewritten:

"**§ 136-178. Purpose and Description of Intrastate System.**

The Intrastate System is established to provide high-speed, safe travel service throughout the State. It connects major population centers both inside and outside the State and provides safe, convenient, through-travel for motorists. It is designed to support statewide growth and development objectives and to connect to major highways of adjoining states. All segments of the routes in the Intrastate System shall have at least four travel lanes ~~and, when~~ except those for which projected traffic volumes and environmental considerations dictate fewer lanes. When warranted, segments of the Intrastate System shall have vertical separation or interchanges at crossings, more than four travel lanes, or bypasses. Access to a route in the Intrastate System is determined by travel service and economic considerations.

Funds allocated from the Trust Fund for the Intrastate System may be used for projects on the following route segments or corridors:

I-26 from Tennessee to South Carolina.

I-40 from Tennessee to US 17 in New Hanover County.

I-73 from South Carolina to Virginia.

I-74 from South Carolina to Virginia.
I-77 from South Carolina to Virginia.
I-85 from South Carolina to Virginia.
I-95 from South Carolina to Virginia.
I-240 in Buncombe County.
I-277 in Mecklenburg County.
I-440 in Wake County.
US 1 from South Carolina to I-85 in Vance County.
US 13 from US 17 in Bertie County to Virginia.
US 17 from South Carolina to Virginia.
US 19/19E from I-26 in Madison County to NC 194 in Avery County.
US 23/441 from Georgia to US 74 in Jackson County.
US 29 from I-40 in Guilford County to Virginia.
US 52 from I-74 in Surry County to I-85 in Davidson County.
US 64 from US 52 in Davidson County to US 158 in Dare County.
US 70 from I-40 in Wake County to NC 24 in Carteret County.
US 74 from Tennessee to US 17 in Brunswick County, including Independence Boulevard from I-277 to I-485 in Mecklenburg County.
US 158 from US 52 in Forsyth County to I-85 in Granville County, and from I-85 in Warren County to US 64 in Dare County.
US 221 from South Carolina to NC 105 in Avery County.
US 264 from US 64 in Wake County to US 17 in Beaufort County.
US 321 From South Carolina to Tennessee.
US 421 from US 321 west of Boone in Watauga County to I-40 in Forsyth County, and from I-85 in Guilford County to NC 87 in Lee County.
NC 24 from I-77 in Mecklenburg County to US 70 in Carteret County.
NC 87 from US 421 in Lee County to US 74/76 in Columbus County.
NC 105 from US 221 in Avery County to US 321 in Watauga County.
NC 168 from US 158 in Currituck County to Virginia.
NC 194 from US 19E to US 221 in Avery County.
New route from US 158 to NC 12 including a new bridge over the Currituck Sound in Currituck County.
Interstate routes or corridors designated by Congress or officially accepted onto the Interstate System by the United States Department of Transportation.
Any portion of an urban loop project, as described in G.S. 136-180, that has been certified by the Department as complete and is no longer eligible for funding from the urban loop allocation specified in G.S. 136-176(b)(2).

The Department of Transportation may add a route to the Intrastate System if the route is a multilane route and has been designed and built to meet the construction criteria of the Intrastate System projects. No funds may be expended from the Trust Fund on routes added by the Department."

SECTION 4. G.S. 136-179 reads as rewritten:

"**§ 136-179. Projects of Intrastate System funded from Trust Fund.**

~~Funds allocated from the Trust Fund for the Intrastate System may be used only for~~ In the allocation of funds as specified in G.S. 136-176(b)(1), first priority shall be given to the following projects ~~of~~ on the Intrastate System:

Route	Improvements	Affected Counties
I-40	Widening	Buncombe, Haywood, Guilford, Wake, Durham
I-77	Widening	Mecklenburg
I-85	Widening	Durham, Orange, Alamance, Guilford, Cabarrus, Mecklenburg, Gaston
I-95	Widening	Halifax
US-1	Complete 4-laning from Henderson to South Carolina Line (including 6-laning of Raleigh Beltline)	Vance, Franklin, Wake, Chatham, Lee, Moore, Richmond
US-13	Complete 4-laning from Virginia Line to US-17	Gates, Hertford, Bertie
US-17	Complete 4-laning from Virginia Line to South Carolina Line (including Washington, New Bern, and Jacksonville Bypasses)	Camden, Pasquotank, Perquimans, Chowan, Bertie, Martin, Beaufort, Craven, Jones, Onslow, Pender, New Hanover, Brunswick
US-19/US-19E	Complete 4-laning from US-23 to NC 194 in Ingalls	Madison, Yancey, Mitchell, Avery
US-19	Complete 4-laning	Cherokee, Macon, Swain
US-23	Complete 4-laning and upgrading existing 4-lanes from Tennessee Line to I-240	Madison, Buncombe
US-23-441	Complete 4-laning from US-19/US-74 to Georgia Line	Macon
US-52	Complete 4-laning from I-77 to Lexington (including new I-77 Connector)	Surry, Davidson
US-64	Complete 4-laning from Raleigh to Coast (including freeway	Edgecombe, Pitt, Martin, Washington, Tyrrell, Dare

	construction from I-95 to US-17)	
US-64	Complete 4-laning from Lexington to Raleigh	Davidson, Randolph, Chatham, Wake
US-70	Complete 4-laning from Raleigh to Morehead City (including Clayton, Goldsboro, Kinston, Smithfield-Selma, and Havelock Bypasses predominately freeways on predominately new locations)	Wake, Johnston, Wayne, Lenoir, Craven
US-74	Complete 4-laning from Charlotte to US-17 (including multilaning of Independence Blvd. in Charlotte, and Bypasses of Monroe, Rockingham, and Hamlet)	Mecklenburg, Union, Richmond, Robeson, Columbus
US-74	Complete 4-laning from I-26 to I-85	Polk, Rutherford
US-158	Complete 4-laning from Winston-Salem to Whalebone	Forsyth, Guilford, Rockingham, Caswell, Person, Granville, Vance, Warren, Halifax, Northampton, Gates, Hertford, Pasquotank, Camden, Currituck, Dare
	New bridge over Currituck Sound	Currituck
US-221	Complete 4-laning from Linville to South Carolina	Avery, McDowell, Rutherford
US-220	Complete 4-laning from I-40 to US-1	Guilford, Randolph, Montgomery, Richmond
US-220/NC-68	Complete 4-laning from Virginia Line to I-40	Rockingham, Guilford
US-264	Complete 4-laning from US-64 to Washington (including Wilson and Greenville Bypasses)	Wilson, Greene, Pitt

	(including freeway construction from I-95 to Greenville)	
US-321	Complete 4-laning from ~~Boone~~ Tennessee Line to South Carolina Line	Avery, Caldwell, Catawba, Lincoln, ~~Gaston~~Gaston, Watauga
US-421	Complete 4-laning from ~~Tennessee Line~~ US 321 west of Boone to I-40	Watauga, Wilkes, Yadkin
US-421	Complete 4-laning from Greensboro to Sanford (including Bypass of Sanford)	Chatham, Lee
NC-24	Complete 4-laning from Charlotte to Morehead City	Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Harnett, Cumberland, Sampson, Duplin, Onslow, Carteret
NC-87	Complete 4-laning from Sanford to US-74	Lee, Harnett, Cumberland, Bladen, Columbus
NC-105	Complete 4-laning from Boone to Linville	Watauga, Avery
NC-168	Complete multilaning from Virginia Line to US-158	Currituck
NC-194	Complete 4-laning from US-19E to US-221	Avery"

SECTION 5. G.S. 136-182 reads as rewritten:

"**§ 136-182. Supplement for secondary road construction.**

Funds are allocated from the Trust Fund to increase allocations for secondary road construction made under G.S. 136-44.2A so that all State-maintained unpaved secondary roads with a traffic vehicular equivalent of at least 50 vehicles a day can be paved by the 2009-2010 fiscal year. ~~This supplement shall be discontinued when the Department of Transportation certifies that, with funds available from sources other than the Trust Fund, all State-maintained unpaved secondary roads, regardless of their traffic vehicular equivalent, can be paved during the following six years.~~ If all the State-maintained roads in a county have been paved under G.S. 136-44.7, except those that have unavailable rights-of-way or for which environmental permits cannot be approved to allow for paving, then the funds may be used for safety improvements on the paved or unpaved secondary roads in that county. ~~If the supplement is discontinued before the Trust Fund terminates, the funds that would otherwise be allocated under this~~

~~section shall be added to the allocation from the Trust Fund for projects of the Intrastate System.~~"

SECTION 6. G.S. 136-185 reads as rewritten:

"**§ 136-185. Maintenance reserve created in certain circumstances.**

If the Highway Trust Fund has not terminated but all contracts for the projects of the Intrastate System described in G.S. 136-179 have been let and the amount collected and allocated for the Intrastate System is enough to pay the contracts and retire any bonds issued under the State Highway Bond Act of 1996 for projects of the Intrastate System, all subsequent allocations of revenue for the Intrastate System shall be credited to a reserve account within the Trust Fund. Revenue in this reserve may be used only to maintain the projects of the Intrastate System.

If the Highway Trust Fund has not terminated but all contracts for the urban loops described in G.S. 136-180 have been let and the amount collected and allocated for the urban loops is enough to pay the contracts and retire any bonds issued under the State Highway Bond Act of 1996 for the urban loops, then all urban loops shall be considered a part of the Intrastate System, and all subsequent allocations of revenue for the urban loops shall be credited to ~~a reserve~~ the Intrastate account within the Trust Fund. ~~Revenue in this reserve may be used only to maintain the urban loops.~~"

SECTION 7. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1344*

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

H1344-ARW-39 [v.1]

Date _____,2004

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Crawford

moves to amend the bill on page 2, lines 40-41 by rewriting those lines to read:

"Funds allocated from the Trust Fund for the Intrastate System are primarily intended to be used to complete the projects listed in G.S. 136-179. If Intrastate Trust Funds assigned to a distribution region through the provisions of G.S. 136-17.2A cannot be used for projects listed in G.S. 136-179, then they may be used for projects on the following route segments or corridors:".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1344 DATE June 23, 2004

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Sen.) Daughtridge

1 moves to amend the bill on page 3, line 31 - 32

2 ( ) WHICH CHANGES THE TITLE

3 by _____

4 Remove lines 31 - 32

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED Bill Daughtridge

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Coates and Allred** (Chairs) for the Committee on **TRANSPORTATION**.

☒ Committee Substitute for
H.B. 1344 A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE INTRASTATE HIGHWAY SYSTEM OF THE STATE AND TO MAKE THE INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill (# 1344), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

FOR JOURNAL USE ONLY

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

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

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

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

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

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

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

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

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

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

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

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

ATTENDANCE
TRANSPORTATION – June 23, 2004

Allred
Coates
Daughtridge
A. Williams
K. Williams
G. Allen
L. Allen
Cole
Crawford
Frye
Haire
Hill
Hilton
Holmes
LaRoque
Lewis
Moore
Nye
Rapp
Ray
Starnes
Sutton
Wright

Culpepper
Cunningham
Brubaker
Eddins

Graf-Ray
Perry

J. Allred
Lennon

House Pages

1. Name: Chris Snyder
   County: Mecklenburg
   Sponsor: Alexander
2. Name: Bethany Anderson
   County: Guilford
   Sponsor: Jones
3. Name: MATTHEW RADFORD
   County: JOHNSTON
   Sponsor: Billy Creech
4. Name: Joseph RADFORD
   County: JOHNSTON
   Sponsor: Billy Creech
5. Name:
   County:
   Sponsor:

Honorary Pages

Sgt-At-Arms

1. Name: Charles Wilson
2. Name: Martha Gardner
3. Name: Jaime Womack
4. Name:

AGENDA

HOUSE COMMITTEE MEETING ON TRANSPORTATION

June 30, 2004

11:00 A.M.

Room 1228 LB

Representative Cary Allred, Presiding Chair
Representative Lorene Coates, Chair

OPENING REMARKS

BILLS FOR CONSIDERATION

HB 1359 DOT Minority/Women Businesses Program. – Rep. K. Williams
HB 1394 8 – Year Drivers License/Internet DL Renewal. –Rep. Gillespie
HB 1399 DOT Driveway Connection Changes. – Rep. Stiller
HB 1422 Mint-Hill – Police All-Terrain Vehicles. – Rep. Gulley
SB 1043 Aggregate Truck Weight Limits. – Sen. Garwood
SB 1078 Vehicle Control Signs and Signals. – Sen. Jenkins
SB 1083 Staggered Issuance-Commercial/Dealer Plates. – Sen. Jenkins

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON TRANSPORTATION

June 30, 2004

The HOUSE COMMITTEE ON TRANSPORTATION met on Wednesday, June 30, 2004 in Room 1228 of the Legislative Building at 11:00 A.M. The following were present: Representative Allred, presiding Chair, Representative Coates, Co-Chair, Representatives Daugthridge, A. Williams and K. Williams, Vice chairs and Representatives L. Allen, Cole, Frye, Haire, Lewis, Moore, Nye, Rapp, Ray, Starnes, Sutton and Cunningham. Assisting with the meeting were Giles Perry, Staff Counsel, Jean Allred and Melissa Lennon, Committee Assistants. Also assisting were Dusty Rhodes, Thomas Wilder and Martha Parrish, House Sergeants-at-Arms.

Representative Allred called the meeting to order and introduced the House Sergeants-at-Arms and the House Pages assisting with the meeting.

The first order of business was **HB-1422 – A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS.** – sponsored by Representative Gulley. Representative Lucy Allen moved to adopt the proposed committee substitute and Representative Gulley explained that the bill would allow law enforcement officers in Mint Hill to operate unregistered ATV's on North Carolina highways. Representative Keith Williams motioned to give the committee substitute a favorable report, which changed the title, unfavorable as to the original bill. The motion passed.

HB-1394 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES. – sponsored by Representative Gillespie was next for discussion. Representative Keith Williams moved to adopt a proposed committee substitute and Representative Gillespie explained that under current law most drivers' licenses are issued on a 5-year renewal cycle and that this bill would authorize DMV to issue an 8-year drivers license to certain persons and authorizes Internet renewal of some drivers' licenses. There were questions from Representatives Cole, Starnes, Haire and Sutton. Giles Perry was asked to clarify the age specifications within the bill. Representative Starnes offered an amendment which failed and Representative Sutton commented that North Carolina was going to be the easiest place to get a

drivers license if this bill passed. Representative Hilton moved for a favorable report as to the committee substitute bill, unfavorable to the original bill. The motion carried.

Representative Stiller, bill sponsor, asked that **HB-1399 – A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION CONCERNING DRIVEWAY CONNECTIONS TO STATE HIGHWAYS.** be held until a later time. Chairman Allred granted the request.

Committee Substitute for **SB-1043 –A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION.** sponsored by Senator Garwood was next for consideration. Representative Frye moved to adopt the House proposed committee substitute and Senator Garwood explained the bill. Representative Frye told the committee that the bill was a good bill and would be especially helpful in areas where there were no weight scales. Representative Cole asked if there were any DOT comments, being none, Representative Starnes moved for a favorable report as to the House committee substitute bill, unfavorable as to Senate substitute bill. The motion passed.

Next was **SB-1083 – A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES.** – sponsored by Senator Jenkins. Representative Sutton moved to adopt the House proposed committee substitute and Senator Jenkins explained the bill. The bill would stagger the issuance of commercial motor vehicle plates and motor vehicle dealer licenses. Chairman Allred explained that the bill adds a section for antique – *Historic* vehicles as defined in G.S. 20-79.4(b)(17), safety inspection exception. Representative Hilton motioned for a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill. The motion passed.

Senate Committee Substitute for **SB-1078 – A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.**

sponsored by Senator Jenkins was next for consideration by the committee. Senator Jenkins explained that the bill would amend the vehicle control sign and signal law as explained in the attached *Bill Analysis* for SB-1078. Representative Gulley was recognized by Chairman Allred to offer an amendment for discussion, which was moved for adoption by Representative Daughtridge. The amendment offered by Representative Gulley, would permit left turns on red in certain situations. Chairman Allred asked if any interested parties cared to address the committee. The following spoke against the passage of Representative Gulley's amendment: Reverend Robert Parrish, Wake Federation of the Blind; Gary Ray, National Federation of the Blind; and Les Seitz, NC Council of the Blind. Also, the following committee members urged the committee to vote against adopting the amendment: Representative Coates, Rapp, and Haire. Representative Gulley told the committee that if adopted his amendment would (1) benefit the environment, (2) that 43 other states already turn left on red and (3) that people from those states are confused when they visit here and being able to turn left on red would improve traffic flow. After discussion, a vote was taken and the amendment failed. Representative Cole moved that the committee substitute bill be approved with a favorable report. The motion passed.

The last bill considered was **HB-1359 – AN ACT TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION.** Sponsored by Representative Keith Williams. A proposed committee substitute was motioned for adoption by Representative Williams and he was recognized to explain the bill. The bill amends current State law setting out State policy concerning participation by disadvantaged minority and women businesses in DOT contracts. Representative Moore moved for a favorable report as to the committee substitute, unfavorable as to the original bill.

The motion passed and the meeting adjourned at 11:50 A.M.

Respectfully submitted,

Representative Cary Allred
Presiding Chairman

Jean Allred
Committee Assistant

Agenda
Committee Reports
Bills Considered
Attachments
Visitors Registration

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **ALLRED AND COATES** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1422 A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 1422

Short Title:	Mint Hill – Police All-Terrain Vehicles.	(Local)
Sponsors:	Representative Gulley.	
Referred to:	Transportation.	

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS.

The General Assembly of North Carolina enacts:

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

"**§ 20-114.2. Law enforcement all-terrain vehicles permitted on highways.**

Law enforcement officers enforcing provisions of this Article may use all-terrain vehicles, as defined in G.S. 14-159.3(b), on the public highways."

SECTION 2. This act applies to the Town of Mint Hill only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1422
PROPOSED COMMITTEE SUBSTITUTE H1422-PCS50438-RW-88

Short Title: Mint Hill – Police All-Terrain Vehicles. (Local)

Sponsors:

Referred to:

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

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

"**§ 20-114.2. Law enforcement all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from one mile per hour or less zone to a neighboring 35 miles per hour or less zone."

SECTION 2. This act applies to the Town of Mint Hill only.

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

HOUSE BILL 1422:
Mint Hill - Police All-Terrain Vehicles

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Rep. Gulley
Date:	June 9, 2004	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***House Bill 1422 authorizes law enforcement officers in the Town of Mint Hill to operate unregistered all-terrain vehicles on the highways of the State.***

CURRENT LAW: Under current law, vehicles intended to be operated on the highways of the State must be registered (G.S. 20-50, -52). Operation of a vehicle on the highways of the State without proper registration constitutes a Class 2 misdemeanor (G.S. 20-111)

BILL ANALYSIS: House Bill 1422 would authorize law enforcement officers in the Town of Mint Hill to operate unregistered all-terrain vehicles as defined in G.S. 14-159.3(b), on public highways.

G.S. 14-159.3(b) defines a motorized all terrain vehicle as "a two or more wheeled vehicle designed for recreational off-road use".

House Bill 142 would become effective when it becomes law.

H1422-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **ALLRED AND COATES** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1394 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1394

Short Title:	8-Year Drivers License/Internet DL Renewal.	(Public)
Sponsors:	Representatives Gillespie; Bell, Bonner, Crawford, Frye, Gibson, Gorman, Hilton, Pate, Stiller, K. Williams, and Wood.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 12, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(f) reads as rewritten:

"(f) Expiration and Temporary License. ~~The first drivers license the Division issues to a person expires on the person's fourth or subsequent birthday that occurs after the license is issued and on which the individual's age is evenly divisible by five, unless this subsection sets a different expiration date. A first drivers license may be issued for a shorter duration if the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration issued by the United States Department of State. The first drivers license the Division issues to a person who is at least 17 years old but is less than 18 years old expires on the person's twentieth birthday. The first drivers license the Division issues to a person who is at least 62 years old expires on the person's birthday in the fifth year after the license is issued, whether or not the person's age on that birthday is evenly divisible by five.~~ A drivers license issued to a person at least 18 years old but less than 57 years old expires eight years after the date of issuance, or on the person's 60th birthday, whichever is earlier. A drivers license issued to a person at least 60 years old expires five years after the date of issuance. A person who has no more than two reportable accidents on his or her drivers license record in the previous year, no restrictions on his or her drivers license record in the previous year, who has four or fewer drivers license points, and at least 25 years old and less than 60 years old, may renew his or her drivers license electronically for one five year period. A person who holds a commercial drivers license and is required by federal regulations to be retested shall not renew electronically. The electronic renewal shall only be used as an extension of an eight-year drivers license period. The Division may waive the vision and sign tests for applicants renewing electronically. At the expiration

of any five-year electronic renewal period, the person shall renew his or her drivers license in person at a drivers license office.

A drivers license that was issued by the Division and is renewed by the Division expires ~~five years~~ at the end of the period provided by this subsection after the expiration date of the license that is renewed unless the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration from the United States Department of State. A person may apply to the Division to renew a license during the 180 day period before the license expires. The Division may not accept an application for renewal made before the 180 day period begins.

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

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

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

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

SECTION 2. This act becomes effective January 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1394
PROPOSED COMMITTEE SUBSTITUTE H1394-CSRW-86 [v.2]

6/29/2004 3:42:18 PM

Short Title: 8-Year Drivers License/Internet DL Renewal. (Public)

Sponsors:

Referred to:

May 12, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE EIGHT-YEAR DRIVERS LICENSES AND INTERNET RENEWAL OF DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(f) reads as rewritten:

"(f) Duration and Renewal of Licenses.--~~Expiration and Temporary License. The first drivers license the Division issues to a person expires on the person's fourth or subsequent birthday that occurs after the license is issued and on which the individual's age is evenly divisible by five, unless this subsection sets a different expiration date. A first drivers license may be issued for a shorter duration if the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration issued by the United States Department of State. The first drivers license the Division issues to a person who is at least 17years old but is less than 18 years old expires on the person's twentieth birthday. The first drivers license the Division issues to a person who is at least 62 years old expires on the person's birthday in the fifth year after the license is issued, whether or not the person's age on that birthday is evenly divisible by five.~~

Drivers Licenses shall be issued and renewed pursuant to the provisions of this subsection.

(1) Duration of License for Persons under Age 18.—A full provisional license issued to a person under the age of 18 shall expire on the person's 20th birthday.

(2) Duration of License for Persons at least 18 Years of Age or Older.-- A drivers license issued to a person at least 18 years old but less than 38 years old expires eight years after the date of issuance. A drivers license issued to a person at least 38 years old expires five years after the date of issuance.

(3) Internet Renewal of License Authorized for Certain Persons.—The Division is authorized to renew a drivers license electronically in accordance with this subdivision. The Division may waive the sign tests for applicants renewing electronically. A person who holds a commercial drivers license and is required by federal regulations to be retested shall not renew electronically. A person may renew his or her drivers license electronically for one five year period at the time of each expiration of a license issued in a drivers license office if all of the following apply:

a. The person has no more than two reportable accidents on his or her drivers license record in the previous year.

b. The person no restrictions other than a restriction for corrective lenses on his or her drivers license record in the previous year.

c. The person has four or fewer drivers license points.

d. The person is at least 25 years old and less than 60 years old.

e. The person has obtained an eye examination by a licensed ophthalmologist or licensed optometrist within 12 months prior to the date of electronic renewal, and the results of the examination are submitted to the Division by the ophthalmologist or optometrist to the Division at the time of the application for the electronic renewal.

(4) Duration of License for Certain Visa Holders.--A drivers license that was issued by the Division and is renewed by the Division expires ~~five years~~ at the end of the period provided by this subsection after the expiration date of the license that is renewed unless the Division determines that a license of shorter duration should be issued when the applicant holds a visa of limited duration from the United States Department of State. A person may apply to the Division to renew a license during the 180 day period before the license expires. The Division may not accept an application for renewal made before the 180 day period begins.

(5) Renewal by Mail.--The Division may renew by mail a drivers license issued by the Division to a person who meets any of the following descriptions:

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

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

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

SECTION 2. This act becomes effective January 1, 2005.

HOUSE BILL 1394:
8-Year DL/Internet DL Renewal

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. Gillespie
Date:	June 9, 2004	**Summary by:**	Giles S. Perry
Version:	H1394-CSRW-86[v.2]		Committee Counsel

SUMMARY: ***Authorizes DMV to issue an 8-year drivers license to certain persons, and authorizes Internet renewal of some drivers licenses.***

CURRENT LAW: Under current law, most drivers license are issued on a 5-year renewal cycle.

BILL ANALYSIS:

House Bill 1394:

- authorizes DMV to issue an eight-year drivers license to a person at least 18 years old but less than 38 years old.
- authorizes a five year internet renewal of each drivers license obtained at a driver license office for any person who at least 25 and less than 60, if the person has no more than two reportable accidents, no restrictions on his or her license in the prior year other that a corrective lenses restriction, no more than four drivers license points, and who has his or her ophthalmologist or optician submit the results of an eye examination performed in the 12 months prior to renewal. The bill authorizes DMV to waive the vision and sign test for a person renewing electronically.

House Bill 1394 would become effective January 1, 2005.

H1394-SMRW-001

6-30-04
Rep. Stiller requested that bill be held until a later date.

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION**.

☐ Committee Substitute for
H.B. 1399 A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION CONCERNING DRIVEWAY CONNECTIONS TO STATE HIGHWAYS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1399*

Short Title:	DOT Driveway Connection Changes.	(Public)
Sponsors:	Representatives Stiller; Crawford, Bell, and K. Williams.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 12, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION CONCERNING DRIVEWAY CONNECTIONS TO STATE HIGHWAYS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18(29) reads as rewritten:

"**§ 136-18. Powers of Department of Transportation.**

"(29) The Department of Transportation may establish policies and adopt rules about the size, location, direction of traffic flow, and the construction of driveway connections into any street or highway which is a part of the State Highway System. The Department of Transportation may require the construction and public dedication of acceleration and deceleration lanes, ~~and~~ traffic storage ~~lanes~~ lanes, traffic control devices, and medians by others for the driveway connections ~~into~~ onto any United States route, or North Carolina route, and on any secondary road route ~~with an~~ where the combined existing traffic and projected traffic generated by the proposed development meets or exceeds an average daily traffic volume of 4,000 vehicles per day or ~~more.~~ if, in the opinion of the Department of Transportation, an unsafe condition will be created."

SECTION 2. This act becomes effective July 1, 2004.

HOUSE BILL 1399:
DOT Driveway Connection Changes

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. Stiller
Date:	June 30, 2004	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***House Bill 1399 amends the authority of DOT to require improvements when granting driveway connection permits.***

CURRENT LAW: Under current law, DOT can require driveway connection permit applicants to construct improvements, such as additional acceleration and deceleration lanes and medians, on any US or NC route, and on any secondary road if the ***current*** traffic volume at the site of the new driveway has 4,000 or more vehicles per day.

BILL ANALYSIS: Section 1 of the bill would amend the authority of the Department of Transportation concerning issuance of driveway connection permits in two ways:

First, the bill would authorize DOT to require driveway permit applicants to install traffic control devices on any US or NC route, and on any secondary route that also meets the conditions described below; and

Second, the bill would authorize DOT to require driveway permit applicants to make improvements on any secondary road where the ***combined existing traffic and traffic generated by the proposed development*** meets or exceeds 4,000 vehicles per day, or if DOT thinks an unsafe condition will be created.

House Bill 1399 would become effective July 1, 2004.

BACKGROUND: House Bill 1399 was recommended by the Joint Legislative Transportation Oversight Committee in its April 2004 report.

H1399-SMRW-001

4

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** Chairs for the Committee on **TRANSPORTATION.**

☒ Committee Substitute for
S.B. 1043 A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 1043
Commerce Committee Substitute Adopted 6/24/04

Short Title: Aggregate Truck Weight Limits. (Public)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-118(c)(15) reads as rewritten:

"(15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:

a. Is hauling wood residuals, including wood chips, sawdust, mulch, or tree ~~bark.~~ bark, or is transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings from a site that does not have a certified scale for weighing the vehicle.

b. Does not operate on an interstate highway, a posted light-traffic road, or a posted bridge.

c. Does not exceed a maximum gross weight 4,000 pounds in excess of what is allowed in subsection (b) of this section.

d. Does not exceed a single-axle weight of more than 22,000 pounds and a tandem-axle weight of more than 42,000 pounds."

SECTION 2. G.S. 20-118(e) is amended by adding a new subdivision to read:

"(6) The penalty for violating the gross weight or axle-group weight by a dump truck or dump trailer vehicle transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings intrastate from a site that does not have a certified scale for weighing the vehicle is one-half of the

amount it otherwise would be under subdivisions (1) and (3) of this subsection."

SECTION 3. G.S. 20-119 is amended by adding a new subsection to read:

"(g) No law enforcement officer shall issue a citation to a person for a violation of this section if the officer is able to determine by electronic means that the person has a valid permit but does not have the permit in his or her possession. Any person issued a citation pursuant to this section who does not have the permit in his or her possession at the time of the issuance of the citation shall not be responsible for a violation, and the Department of Crime Control and Public Safety may not impose any fines under this section if the person submits evidence to the Department of the existence of a valid permit within 30 days of the date of the violation."

SECTION 4. Section 3 of this act becomes effective January 1, 2005. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1043

Commerce Committee Substitute Adopted 6/24/04

PROPOSED HOUSE COMMITTEE SUBSTITUTE S1043-CSRW-89 [v.1]

6/30/2004 9:53:09 AM

Short Title: Aggregate Truck Weight Limits. (Public)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-118(c)(15) reads as rewritten:

"(15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:

a. Is hauling wood residuals, including wood chips, sawdust, mulch, or tree ~~bark.~~ bark, or is transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings from a site that does not have a certified scale for weighing the vehicle.

b. Does not operate on an interstate highway, a posted light-traffic road, or a posted bridge.

c. Does not exceed a maximum gross weight 4,000 pounds in excess of what is allowed in subsection (b) of this section.

d. Does not exceed a single-axle weight of more than 22,000 pounds and a tandem-axle weight of more than 42,000 pounds."

SECTION 2. G.S. 20-118(e) is amended by adding a new subdivision to read:

"(6) The penalty for violating the gross weight or axle-group weight by a dump truck or dump trailer vehicle transporting bulk soil, bulk rock,

sand, sand rock, or asphalt millings intrastate from a site that does not have a certified scale for weighing the vehicle is one-half of the amount it otherwise would be under subdivisions (1) and (3) of this subsection."

SECTION 3. G.S. 20-119 is amended by adding a new subsection to read:

"(g) No law enforcement officer shall issue a citation to a person for a violation of this section if the officer is able to determine by electronic means that the person has a permit valid at the time of the violation but does not have the permit in his or her possession. Any person issued a citation pursuant to this section who does not have the permit in his or her possession at the time of the issuance of the citation shall not be responsible for a violation, and the Department of Crime Control and Public Safety may not impose any fines under this section if the person submits evidence to the Department of the existence of a permit valid at the time of the violation within 30 days of the date of the violation."

SECTION 4. Section 3 of this act becomes effective January 1, 2005. The remainder of this act is effective when it becomes law.

SENATE BILL 1043:
Aggregate Truck Weight Limits

BILL ANALYSIS

Committee:	House Transportation	**Introduced by:**	Sen. Garwood
Date:	June 30, 2004	**Summary by:**	Giles S. Perry
Version:	S1043-CSRW-89 [v.1]		Committee Counsel

SUMMARY: Senate Bill 1043:

-- changes the weight limit law applicable to trucks transporting aggregates and related materials, and

-- provides that a person who fails to carry a vehicle permit for excessive size and weight shall not be liable for penalties if the officer can determine by electronic means that the person was issued a valid permit.

BILL ANALYSIS:

Section 1 of the bill provides that vehicles transporting aggregates and other related materials may transport specified heavier loads.

Section 2 of the bill provides that persons operating vehicles transporting aggregates or related materials will be assessed ½ price overweight penalties if they are hauling from a site without a scale.

Section 3 of the bill provides that a person who fails to carry a vehicle permit for excessive size and weight shall not be liable for penalties if the officer can determine by electronic means that the person was issued a valid permit.

Section 1, 2 and 4 of Senate Bill 1043 would become effective when it becomes law. Section 3 of the bill would become effective January 1, 2005.

S1043-SMRW-001

5

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
S.B. 1083 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1083*

Short Title:	Staggered Issuance-Commercial/Dealer Plates.	(Public)
Sponsors:	Senator Jenkins.	
Referred to:	Judiciary I.	

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-64(a) reads as rewritten:

"(a) Except as otherwise provided in this Article, registration plates shall be retained by the owner thereof upon disposition of the vehicle to which assigned, and may be assigned to another vehicle, belonging to such owner and of a like vehicle category within the meaning of G.S. 20-87 and 20-88, upon proper application to the Division and payment of a transfer fee and such additional fees as may be due because the vehicle to which the plates are to be assigned requires a greater registration fee than that vehicle to which the license plates were last assigned. In cases where the plate is assigned to another vehicle belonging to such owner, and is not of a like vehicle category within the meaning of G.S. 20-87 and 20-88, the owner shall surrender the plate to the Division and receive therefor a plate of the proper category, and the unexpired portion of the fee originally paid by the owner for the plate so surrendered shall be a credit toward the fee charged for the new plate of the proper category. Provided, that the owner shall not be entitled to a cash refund when the registration fee for the vehicle to which the plates are to be assigned is less than the registration fee for that vehicle to which the license plates were last assigned. ~~Provided, however, registration plates may not be transferred under this section after December 31 of the year for which issued.~~ An owner assigning or transferring plates to another vehicle as provided herein shall be subject to the same assessments and penalties for use of the plates on another vehicle or for improper use of the plates, as he could have been for the use of the plates on the vehicle to which last assigned. Provided, however, that upon compliance with the requirements of this section, the registration plates of vehicles owned by and registered in the name of a corporation may be transferred and assigned to a like vehicle category within the meaning of G.S. 20-87 and 20-88, upon the showing

that the vehicle to which the transfer and assignment is to be made is owned by a corporation which is a wholly owned subsidiary of the corporation applying for such transfer and assignment."

SECTION 2. G.S. 20-66(g) reads as rewritten:

"(g) When Renewal Sticker Expires. – The registration of a vehicle that is renewed by means of a registration renewal sticker expires at midnight on the last day of the month designated on the sticker. It is lawful, however, to operate the vehicle on a highway until midnight on the fifteenth day of the month following the month in which the sticker ~~expired if the vehicle is not registered under the International Registration Plan. If the vehicle is registered under the International Registration Plan, it is not lawful to operate the vehicle on a highway after the sticker expires.~~ expired.

The Division may vary the expiration dates of registration renewal stickers issued for a type of vehicle so that an approximately equal number expires at the end of each month, quarter, or other period consisting of one or more months. When the Division implements registration renewal for a type of vehicle by means of a renewal sticker, it may issue a registration renewal sticker that expires at the end of any monthly ~~interval beginning at nine months and ending at eighteen months.~~interval."

SECTION 3. G.S. 20-66(h) is repealed.

SECTION 4. G.S. 20-79 reads as rewritten:

"**§ 20-79. Dealer license plates.**

(a) How to Get a Dealer Plate. – A dealer licensed under Article 12 of this Chapter may obtain a dealer license plate by filing an application with the Division and paying the required fee. An application must be filed on a form provided by the Division. The required fee is the amount set by G.S. 20-87(7).

(b) Number of Plates. – A dealer who was licensed under Article 12 of this Chapter for the previous 12-month period ending ~~April 30~~ December 31 may obtain the number of dealer license plates allowed by the following table; the number allowed is based on the number of motor vehicles the dealer sold during the relevant 12-month period and the average number of qualifying sales representatives the dealer employed during that same 12-month period:

Vehicles Sold In Relevant 12-Month Period	Maximum Number of Plates
Fewer than 12	1
At least 12 but less than 25	4
At least 25 but less than 37	5
At least 37 but less than 49	6
49 or more	At least 6, but no more than 4 times the average number of qualifying sales representatives employed by the dealer during the relevant 12-month period.

A dealer who was not licensed under Article 12 of this Chapter for part or all of the previous 12-month period ending ~~April 30~~ December 31 may obtain the number of dealer license plates that equals four times the number of qualifying sales representatives employed by the dealer on the date the dealer files the application. A "qualifying sales

representative" is a sales representative who works for the dealer at least 25 hours a week on a regular basis and is compensated by the dealer for this work.

A dealer who sold fewer than 49 motor vehicles the previous 12-month period ending ~~April 30~~ December 31 but has sold at least that number since ~~May 1~~ January 1 may apply for additional dealer license plates at any time. The maximum number of dealer license plates the dealer may obtain is the number the dealer could have obtained if the dealer had sold at least 49 motor vehicles in the previous 12-month period ending ~~April 30.~~December 31.

A dealer who applies for a dealer license plate must certify to the Division the number of motor vehicles the dealer sold in the relevant period. Making a material misstatement in an application for a dealer license plate is grounds for the denial, suspension, or revocation of a dealer's license under G.S. 20-294.

A dealer engaged in the alteration and sale of specialty vehicles may apply for up to two dealer plates in addition to the number of dealer plates that the dealer would otherwise be entitled to under this section.

(c) Form and Duration. – A dealer license plate is subject to G.S. 20-63, except for the requirement that the plate display the registration number of a motor vehicle and the requirement that the plate be a "First in Flight" plate. In addition, a dealer license plate must have a distinguishing symbol identifying the plate as a dealer license plate.

A dealer license plate is issued for a ~~fiscal year beginning July 1 and ending June 30.~~ period of one year. ~~During the fiscal year for which it is issued, a dealer may transfer a dealer license plate from one vehicle to another.~~ The Division shall vary the expiration dates of dealer registration renewals so that an approximately equal number expires at the end of each month, quarter, or other period consisting of one or more months. A dealer may transfer a dealer license plate from one vehicle to another. When the Division issues a dealer plate, it may issue a registration that expires at the end of any monthly interval. When one of the following occurs, a dealer must surrender to the Division all dealer license plates issued to the dealer:

(1) The dealer surrenders the license issued to the dealer under Article 12 of this Chapter.
(2) The Division suspends or revokes the license issued to the dealer under Article 12 of this Chapter.
(3) The Division rescinds the dealer license plates because of a violation of the restrictions on the use of a dealer license plate.

To obtain a dealer license plate after it has been surrendered, the dealer must file a new application for a dealer license plate and pay the required fee for the plate.

(d) Restrictions on Use. – A dealer license plate may be displayed only on a motor vehicle that meets all of the following requirements:

(1) Is part of the inventory of the dealer.
(2) Is not consigned to the dealer.
(3) Is covered by liability insurance that meets the requirements of Article 9A of this Chapter.
(4) Is not used by the dealer in another business in which the dealer is engaged.

(5) Is driven on a highway by a person who carries a copy of the registration card for the dealer plates issued to the dealer while driving the motor vehicle and who meets one of the following descriptions:

a. Has a demonstration permit to test-drive the motor vehicle and carries the demonstration permit while driving the motor vehicle.

b. Is an officer or sales representative of the dealer and is driving the vehicle for a business purpose of the dealer.

c. Is an employee of the dealer and is driving the vehicle in the course of employment.

A dealer may issue a demonstration permit for a motor vehicle to a person licensed to drive that type of motor vehicle. A demonstration permit authorizes each person named in the permit to drive the motor vehicle described in the permit for up to 96 hours after the time the permit is issued. A dealer may, for good cause, renew a demonstration permit for one additional 96-hour period.

A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the disposal of a person except as authorized by this subsection.

(e) Sanctions. – The following sanctions apply when a motor vehicle displaying a dealer license plate is driven in violation of the restrictions on the use of the plate:

(1) The individual driving the motor vehicle is responsible for an infraction and is subject to a penalty of fifty dollars ($50.00).

(2) The dealer to whom the plate is issued is subject to a civil penalty imposed by the Division of two hundred dollars ($200.00).

(3) The Division may rescind all dealer license plates issued to the dealer whose plate was displayed on the motor vehicle.

A penalty imposed under subdivision (1) of this subsection is payable to the county where the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision (2) of this subsection shall be credited to the Highway Fund as nontax revenue.

(f) Transfer of Dealer Registration. – No change in the name of a firm, partnership or corporation, nor the taking in of a new partner, nor the withdrawal of one or more of the firm, shall be considered a new business; but if any one or more of the partners remain in the firm, or if there is change in ownership of less than a majority of the stock, if a corporation, the business shall be regarded as continuing and the dealers' plates originally issued may continue to be used."

SECTION 5. G.S. 20-87 reads as rewritten:

"**§ 20-87. Passenger vehicle registration fees.**

These fees shall be paid to the Division ~~annually, as of the first day of January,~~ annually for the registration and licensing of passenger vehicles, ~~fees~~ according to the following classifications and schedules:

(1) For-Hire Passenger Vehicles. – The fee for a passenger vehicle that is operated for compensation and has a capacity of 15 passengers or less is seventy-eight dollars ($78.00). The fee for a passenger vehicle that is operated for compensation and has a capacity of more than 15

passengers is one dollar and forty cents ($1.40) per hundred pounds of empty weight of the vehicle.

(2) U-Drive-It Vehicles. – U-drive-it vehicles shall pay the following tax:

Motorcycles:	1-passenger capacity	$18.00
	2-passenger capacity	22.00
	3-passenger capacity	26.00
Automobiles:	15 or fewer passengers	$41.00
Buses:	16 or more passengers	$1.40 per hundred pounds of empty weight
Trucks under 7,000 pounds that do not haul products for hire:	4,000 pounds	$41.50
	5,000 pounds	$51.00
	6,000 pounds	$61.00.

(3) Repealed by Session Laws 1981, c. 976, s. 3.

(4) Limousine Vehicles. – For-hire passenger vehicles on call or demand which do not solicit passengers indiscriminately for hire between points along streets or highways, shall be taxed at the same rate as for-hire passenger vehicles under G.S. 20-87(1) but shall be issued appropriate registration plates to distinguish such vehicles from taxicabs.

(5) Private Passenger Vehicles. – There shall be paid to the Division annually, as of the first day of January, for the registration and licensing of private passenger vehicles, fees according to the following classifications and schedules:

Private passenger vehicles of not more than fifteen passengers.. $20.00
Private passenger vehicles over fifteen passengers 23.00

Provided, that a fee of only one dollar ($1.00) shall be charged for any vehicle given by the federal government to any veteran on account of any disability suffered during war so long as such vehicle is owned by the original donee or other veteran entitled to receive such gift under Title 38, section 252, United States Code Annotated.

(6) Private Motorcycles. – The base fee on private passenger motorcycles shall be nine dollars ($9.00); except that when a motorcycle is equipped with an additional form of device designed to transport persons or property, the base fee shall be sixteen dollars ($16.00). An additional fee of three dollars ($3.00) is imposed on each private motorcycle registered under this subdivision in addition to the base fee. The revenue from the additional fee, in addition to any other funds appropriated for this purpose, shall be used to fund the Motorcycle Safety Instruction Program created in G.S. 115D-72.

(7) Dealer License Plates. – The fee for a dealer license plate is the regular fee for each of the first five plates issued to the same dealer and is

one-half the regular fee for each additional dealer license plate issued to the same dealer. The "regular fee" is the fee set in subdivision (5) of this section for a private passenger motor vehicle of not more than 15 passengers.

(8) Driveaway Companies. – Any person engaged in the business of driving new motor vehicles from the place of manufacture to the place of sale in this State for compensation shall pay a fee of one-half of the amount that would otherwise be payable under this section for each set of plates.

(9) House Trailers. – In lieu of other registration and license fees levied on house trailers under this section or G.S. 20-88, the registration and license fee on house trailers shall be seven dollars ($7.00) for the license year or any portion thereof.

(10) Special Mobile Equipment. – The fee for special mobile equipment for the license year or any part of the license year is two times the fee in subdivision (5) for a private passenger motor vehicle of not more than 15 passengers.

(11) Any vehicle fee determined under this section according to the weight of the vehicle shall be increased by the sum of three dollars ($3.00) to arrive at the total fee.

(12) Low-Speed Vehicles. – The fee for a low-speed vehicle is the same as the fee for private passengers vehicles of not more than 15 passengers."

SECTION 6. G.S. 20-88(b)(6) reads as rewritten:

"(6) There shall be paid to the Division annually ~~as of the first of January,~~ the following fees for "wreckers" as defined under G.S. 20-4.01(50): a wrecker fully equipped weighing 7,000 pounds or less, seventy-five dollars ($75.00); wreckers weighing in excess of 7,000 pounds shall pay one hundred forty-eight dollars ($148.00). Fees to be prorated ~~quarterly.~~ monthly. Provided, further, that nothing herein shall prohibit a licensed dealer from using a dealer's license plate to tow a vehicle for a customer."

SECTION 7. G.S. 20-88(c) reads as rewritten:

"(c) The fee for a semitrailer or trailer is ten dollars ($10.00) for each year or part of a year. The fee is payable ~~on or before January 1 of~~ each year. Upon the application of the owner of a semitrailer or trailer, the Division may issue a multiyear plate and registration card for the semitrailer or trailer for a fee of seventy-five dollars ($75.00). A multiyear plate and registration card for a semitrailer or trailer are valid until the owner transfers the semitrailer or trailer to another person or surrenders the plate and registration card to the Division. A multiyear plate may not be transferred to another vehicle.

The Division shall issue a multiyear semitrailer or trailer plate in a different color than an annual semitrailer or trailer plate and shall include the word "multiyear" on the plate. The Division may not issue a multiyear plate for a house trailer."

SECTION 8. G.S. 20-94 reads as rewritten:

"**§ 20-94. Partial payments.**

In the purchase of licenses, where the gross amount of the license fee to any one owner amounts to more than four hundred dollars ($400.00), half of such payment may, if the Commissioner is satisfied of the financial responsibility of such owner, be deferred until ~~June 1~~ six months from the month of renewal in any calendar year upon the execution to the Commissioner of a draft upon any bank or trust company upon forms to be provided by the Commissioner in an amount equivalent to one half of such fee, plus a carrying charge of three percent (3%) of the deferred portion of the license fee: Provided, that any person using any tag so purchased after the first day of ~~June~~ six months from the month of renewal in any such year without having first provided for the payment of such draft, shall be guilty of a Class 2 misdemeanor. No further license plates shall be issued to any person executing such a draft after the due date of any such draft so long as such draft or any portion thereof remains unpaid. Any such draft being dishonored and not paid shall be subject to the penalties prescribed in G.S. 20-178 and shall be immediately turned over by the Commissioner to his duly authorized agents and/or the State Highway Patrol, to the end that this provision may be enforced. When the owner of the vehicles for which a draft has been given sells or transfers ownership to all vehicles covered by the draft, such draft shall become payable immediately, and such vehicles shall not be transferred by the Division until the draft has been paid. Any one owner whose gross license fee amounts to more than two hundred dollars ($200.00) but not more than four hundred dollars ($400.00) may also be permitted to sign a draft in accordance with the foregoing provisions of this section provided such owner makes application for the draft ~~on or before February 1~~ during the ~~license renewal period.~~month of renewal."

SECTION 9. G.S. 20-288(c) reads as rewritten:

"(c) All licenses that are granted shall expire one year from the date issued unless ~~sooner~~ revoked or ~~suspended, on June 30 of the year following date of issue.~~suspended."

SECTION 10. This act becomes effective January 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1083*
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1083-CSRW-90 [v.1]

6/30/2004 10:26:51 AM

Short Title: Staggered Plates/Safety Inspection Change. (Public)

Sponsors:

Referred to:

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, AND TO EXEMPT HISTORIC VEHICLES FROM THE REQUIREMENT FOR A SAFETY INSPECTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-64(a) reads as rewritten:

"(a) Except as otherwise provided in this Article, registration plates shall be retained by the owner thereof upon disposition of the vehicle to which assigned, and may be assigned to another vehicle, belonging to such owner and of a like vehicle category within the meaning of G.S. 20-87 and 20-88, upon proper application to the Division and payment of a transfer fee and such additional fees as may be due because the vehicle to which the plates are to be assigned requires a greater registration fee than that vehicle to which the license plates were last assigned. In cases where the plate is assigned to another vehicle belonging to such owner, and is not of a like vehicle category within the meaning of G.S. 20-87 and 20-88, the owner shall surrender the plate to the Division and receive therefor a plate of the proper category, and the unexpired portion of the fee originally paid by the owner for the plate so surrendered shall be a credit toward the fee charged for the new plate of the proper category. Provided, that the owner shall not be entitled to a cash refund when the registration fee for the vehicle to which the plates are to be assigned is less than the registration fee for that vehicle to which the license plates were last assigned. ~~Provided, however, registration plates may not be transferred under this section after December 31 of the year for which issued.~~ An owner assigning or transferring plates to another vehicle as provided herein shall be subject to the same assessments and penalties for use of the plates on another vehicle or for improper use of the plates, as he could have been for the use of the plates on the vehicle to which last assigned. Provided, however, that upon

compliance with the requirements of this section, the registration plates of vehicles owned by and registered in the name of a corporation may be transferred and assigned to a like vehicle category within the meaning of G.S. 20-87 and 20-88, upon the showing that the vehicle to which the transfer and assignment is to be made is owned by a corporation which is a wholly owned subsidiary of the corporation applying for such transfer and assignment."

SECTION 2. G.S. 20-66(g) reads as rewritten:

"(g) When Renewal Sticker Expires. – The registration of a vehicle that is renewed by means of a registration renewal sticker expires at midnight on the last day of the month designated on the sticker. It is lawful, however, to operate the vehicle on a highway until midnight on the fifteenth day of the month following the month in which the sticker ~~expired if the vehicle is not registered under the International Registration Plan. If the vehicle is registered under the International Registration Plan, it is not lawful to operate the vehicle on a highway after the sticker expires.~~ expired.

The Division may vary the expiration dates of registration renewal stickers issued for a type of vehicle so that an approximately equal number expires at the end of each month, quarter, or other period consisting of one or more months. When the Division implements registration renewal for a type of vehicle by means of a renewal sticker, it may issue a registration renewal sticker that expires at the end of any monthly ~~interval beginning at nine months and ending at eighteen months.~~interval."

SECTION 3. G.S. 20-66(h) is repealed.

SECTION 4. G.S. 20-79 reads as rewritten:

"**§ 20-79. Dealer license plates.**

(a) How to Get a Dealer Plate. – A dealer licensed under Article 12 of this Chapter may obtain a dealer license plate by filing an application with the Division and paying the required fee. An application must be filed on a form provided by the Division. The required fee is the amount set by G.S. 20-87(7).

(b) Number of Plates. – A dealer who was licensed under Article 12 of this Chapter for the previous 12-month period ending ~~April 30~~ December 31 may obtain the number of dealer license plates allowed by the following table; the number allowed is based on the number of motor vehicles the dealer sold during the relevant 12-month period and the average number of qualifying sales representatives the dealer employed during that same 12-month period:

Vehicles Sold In Relevant 12-Month Period	Maximum Number of Plates
Fewer than 12	1
At least 12 but less than 25	4
At least 25 but less than 37	5
At least 37 but less than 49	6
49 or more	At least 6, but no more than 4 times the average number of qualifying sales representatives employed by the dealer during the relevant 12-month period.

A dealer who was not licensed under Article 12 of this Chapter for part or all of the previous 12-month period ending ~~April 30~~ December 31 may obtain the number of dealer license plates that equals four times the number of qualifying sales representatives employed by the dealer on the date the dealer files the application. A "qualifying sales representative" is a sales representative who works for the dealer at least 25 hours a week on a regular basis and is compensated by the dealer for this work.

A dealer who sold fewer than 49 motor vehicles the previous 12-month period ending ~~April 30~~ December 31 but has sold at least that number since ~~May 1~~ January 1 may apply for additional dealer license plates at any time. The maximum number of dealer license plates the dealer may obtain is the number the dealer could have obtained if the dealer had sold at least 49 motor vehicles in the previous 12-month period ending ~~April 30.~~December 31.

A dealer who applies for a dealer license plate must certify to the Division the number of motor vehicles the dealer sold in the relevant period. Making a material misstatement in an application for a dealer license plate is grounds for the denial, suspension, or revocation of a dealer's license under G.S. 20-294.

A dealer engaged in the alteration and sale of specialty vehicles may apply for up to two dealer plates in addition to the number of dealer plates that the dealer would otherwise be entitled to under this section.

(c) Form and Duration. – A dealer license plate is subject to G.S. 20-63, except for the requirement that the plate display the registration number of a motor vehicle and the requirement that the plate be a "First in Flight" plate. In addition, a dealer license plate must have a distinguishing symbol identifying the plate as a dealer license plate.

A dealer license plate is issued for a ~~fiscal year beginning July 1 and ending June 30.~~ period of one year. ~~During the fiscal year for which it is issued, a dealer may transfer a dealer license plate from one vehicle to another.~~ The Division shall vary the expiration dates of dealer registration renewals so that an approximately equal number expires at the end of each month, quarter, or other period consisting of one or more months. A dealer may transfer a dealer license plate from one vehicle to another. When the Division issues a dealer plate, it may issue a registration that expires at the end of any monthly interval. When one of the following occurs, a dealer must surrender to the Division all dealer license plates issued to the dealer:

(1) The dealer surrenders the license issued to the dealer under Article 12 of this Chapter.
(2) The Division suspends or revokes the license issued to the dealer under Article 12 of this Chapter.
(3) The Division rescinds the dealer license plates because of a violation of the restrictions on the use of a dealer license plate.

To obtain a dealer license plate after it has been surrendered, the dealer must file a new application for a dealer license plate and pay the required fee for the plate.

(d) Restrictions on Use. – A dealer license plate may be displayed only on a motor vehicle that meets all of the following requirements:

(1) Is part of the inventory of the dealer.
(2) Is not consigned to the dealer.

(3) Is covered by liability insurance that meets the requirements of Article 9A of this Chapter.
(4) Is not used by the dealer in another business in which the dealer is engaged.
(5) Is driven on a highway by a person who carries a copy of the registration card for the dealer plates issued to the dealer while driving the motor vehicle and who meets one of the following descriptions:
a. Has a demonstration permit to test-drive the motor vehicle and carries the demonstration permit while driving the motor vehicle.
b. Is an officer or sales representative of the dealer and is driving the vehicle for a business purpose of the dealer.
c. Is an employee of the dealer and is driving the vehicle in the course of employment.

A dealer may issue a demonstration permit for a motor vehicle to a person licensed to drive that type of motor vehicle. A demonstration permit authorizes each person named in the permit to drive the motor vehicle described in the permit for up to 96 hours after the time the permit is issued. A dealer may, for good cause, renew a demonstration permit for one additional 96-hour period.

A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the disposal of a person except as authorized by this subsection.

(e) Sanctions. – The following sanctions apply when a motor vehicle displaying a dealer license plate is driven in violation of the restrictions on the use of the plate:
(1) The individual driving the motor vehicle is responsible for an infraction and is subject to a penalty of fifty dollars ($50.00).
(2) The dealer to whom the plate is issued is subject to a civil penalty imposed by the Division of two hundred dollars ($200.00).
(3) The Division may rescind all dealer license plates issued to the dealer whose plate was displayed on the motor vehicle.

A penalty imposed under subdivision (1) of this subsection is payable to the county where the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision (2) of this subsection shall be credited to the Highway Fund as nontax revenue.

(f) Transfer of Dealer Registration. – No change in the name of a firm, partnership or corporation, nor the taking in of a new partner, nor the withdrawal of one or more of the firm, shall be considered a new business; but if any one or more of the partners remain in the firm, or if there is change in ownership of less than a majority of the stock, if a corporation, the business shall be regarded as continuing and the dealers' plates originally issued may continue to be used."

SECTION 5. G.S. 20-87 reads as rewritten:

"**§ 20-87. Passenger vehicle registration fees.**

These fees shall be paid to the Division ~~annually, as of the first day of January,~~ annually for the registration and licensing of passenger vehicles, ~~fees~~ according to the following classifications and schedules:

(1) For-Hire Passenger Vehicles. – The fee for a passenger vehicle that is operated for compensation and has a capacity of 15 passengers or less is seventy-eight dollars ($78.00). The fee for a passenger vehicle that is operated for compensation and has a capacity of more than 15 passengers is one dollar and forty cents ($1.40) per hundred pounds of empty weight of the vehicle.

(2) U-Drive-It Vehicles. – U-drive-it vehicles shall pay the following tax:

Motorcycles:	1-passenger capacity	$18.00
	2-passenger capacity	22.00
	3-passenger capacity	26.00
Automobiles:	15 or fewer passengers	$41.00
Buses:	16 or more passengers	$1.40 per hundred pounds of empty weight
Trucks under 7,000 pounds that do not haul products for hire:	4,000 pounds	$41.50
	5,000 pounds	$51.00
	6,000 pounds	$61.00.

(3) Repealed by Session Laws 1981, c. 976, s. 3.

(4) Limousine Vehicles. – For-hire passenger vehicles on call or demand which do not solicit passengers indiscriminately for hire between points along streets or highways, shall be taxed at the same rate as for-hire passenger vehicles under G.S. 20-87(1) but shall be issued appropriate registration plates to distinguish such vehicles from taxicabs.

(5) Private Passenger Vehicles. – There shall be paid to the Division annually, as of the first day of January, for the registration and licensing of private passenger vehicles, fees according to the following classifications and schedules:

Private passenger vehicles of not more than fifteen passengers.. $20.00
Private passenger vehicles over fifteen passengers 23.00

Provided, that a fee of only one dollar ($1.00) shall be charged for any vehicle given by the federal government to any veteran on account of any disability suffered during war so long as such vehicle is owned by the original donee or other veteran entitled to receive such gift under Title 38, section 252, United States Code Annotated.

(6) Private Motorcycles. – The base fee on private passenger motorcycles shall be nine dollars ($9.00); except that when a motorcycle is equipped with an additional form of device designed to transport persons or property, the base fee shall be sixteen dollars ($16.00). An additional fee of three dollars ($3.00) is imposed on each private motorcycle registered under this subdivision in addition to the base fee. The revenue from the additional fee, in addition to any other funds

appropriated for this purpose, shall be used to fund the Motorcycle Safety Instruction Program created in G.S. 115D-72.

(7) Dealer License Plates. – The fee for a dealer license plate is the regular fee for each of the first five plates issued to the same dealer and is one-half the regular fee for each additional dealer license plate issued to the same dealer. The "regular fee" is the fee set in subdivision (5) of this section for a private passenger motor vehicle of not more than 15 passengers.

(8) Driveaway Companies. – Any person engaged in the business of driving new motor vehicles from the place of manufacture to the place of sale in this State for compensation shall pay a fee of one-half of the amount that would otherwise be payable under this section for each set of plates.

(9) House Trailers. – In lieu of other registration and license fees levied on house trailers under this section or G.S. 20-88, the registration and license fee on house trailers shall be seven dollars ($7.00) for the license year or any portion thereof.

(10) Special Mobile Equipment. – The fee for special mobile equipment for the license year or any part of the license year is two times the fee in subdivision (5) for a private passenger motor vehicle of not more than 15 passengers.

(11) Any vehicle fee determined under this section according to the weight of the vehicle shall be increased by the sum of three dollars ($3.00) to arrive at the total fee.

(12) Low-Speed Vehicles. – The fee for a low-speed vehicle is the same as the fee for private passengers vehicles of not more than 15 passengers."

SECTION 6. G.S. 20-88(b)(6) reads as rewritten:

"(6) There shall be paid to the Division annually ~~as of the first of January,~~ the following fees for "wreckers" as defined under G.S. 20-4.01(50): a wrecker fully equipped weighing 7,000 pounds or less, seventy-five dollars ($75.00); wreckers weighing in excess of 7,000 pounds shall pay one hundred forty-eight dollars ($148.00). Fees to be prorated ~~quarterly.~~ monthly. Provided, further, that nothing herein shall prohibit a licensed dealer from using a dealer's license plate to tow a vehicle for a customer."

SECTION 7. G.S. 20-88(c) reads as rewritten:

"(c) The fee for a semitrailer or trailer is ten dollars ($10.00) for each year or part of a year. The fee is payable ~~on or before January 1 of~~ each year. Upon the application of the owner of a semitrailer or trailer, the Division may issue a multiyear plate and registration card for the semitrailer or trailer for a fee of seventy-five dollars ($75.00). A multiyear plate and registration card for a semitrailer or trailer are valid until the owner transfers the semitrailer or trailer to another person or surrenders the plate and

registration card to the Division. A multiyear plate may not be transferred to another vehicle.

The Division shall issue a multiyear semitrailer or trailer plate in a different color than an annual semitrailer or trailer plate and shall include the word "multiyear" on the plate. The Division may not issue a multiyear plate for a house trailer."

SECTION 8. G.S. 20-94 reads as rewritten:

"**§ 20-94. Partial payments.**

In the purchase of licenses, where the gross amount of the license fee to any one owner amounts to more than four hundred dollars ($400.00), half of such payment may, if the Commissioner is satisfied of the financial responsibility of such owner, be deferred until ~~June 1~~ six months from the month of renewal in any calendar year upon the execution to the Commissioner of a draft upon any bank or trust company upon forms to be provided by the Commissioner in an amount equivalent to one half of such fee, plus a carrying charge of three percent (3%) of the deferred portion of the license fee: Provided, that any person using any tag so purchased after the first day of ~~June~~ six months from the month of renewal in any such year without having first provided for the payment of such draft, shall be guilty of a Class 2 misdemeanor. No further license plates shall be issued to any person executing such a draft after the due date of any such draft so long as such draft or any portion thereof remains unpaid. Any such draft being dishonored and not paid shall be subject to the penalties prescribed in G.S. 20-178 and shall be immediately turned over by the Commissioner to his duly authorized agents and/or the State Highway Patrol, to the end that this provision may be enforced. When the owner of the vehicles for which a draft has been given sells or transfers ownership to all vehicles covered by the draft, such draft shall become payable immediately, and such vehicles shall not be transferred by the Division until the draft has been paid. Any one owner whose gross license fee amounts to more than two hundred dollars ($200.00) but not more than four hundred dollars ($400.00) may also be permitted to sign a draft in accordance with the foregoing provisions of this section provided such owner makes application for the draft ~~on or before February 1~~ during the ~~license renewal period.~~ month of renewal."

SECTION 9. G.S. 20-288(c) reads as rewritten:

"(c) All licenses that are granted shall expire one year from the date issued unless ~~sooner~~ revoked or ~~suspended, on June 30 of the year following date of issue.~~ suspended."

SECTION 10. G.S. 20-183.2 is amended by adding a new subsection to read:

"(a1) Safety inspection exception.—Historic vehicles, as defined in G.S. 20-79.4(b)(17), shall not be subject to a safety inspection pursuant to this Article."

SECTION 11. This act becomes effective January 1, 2005.

SENATE BILL 1083:
Staggered Issuance-Commercial/Dealer Plates

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Sen. Jenkins
Date:	June 30, 2004	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***Senate Bill 1083 would stagger the issuance of commercial motor vehicle plates and motor vehicle dealer licenses.***

CURRENT LAW: Under current law, commercial motor vehicle plates expire on December 31 and motor vehicle dealer licenses expire on June 30 of each year.

BILL ANALYSIS:

Section 1 is a conforming change to the statute governing transfer of plates to delete a prohibition on transfer of plates after December 31 of the year of issuance.

Section 2 of the bill changes the statutes governing expiration of the registration sticker for a vehicle registered under the International Registration Plan. Under current law, all stickers expire December 31st and are valid through February 15th. This section would make the expiration date the last day of the month of renewal, but remain valid until the 15th of the next month.

Section 3 of the bill amends the statute governing renewal of vehicle registrations to repeal a subsection providing for expiration of calendar-year plate expiration at midnight on December 31 of each year. The effect of this change is to authorize staggered expiration of commercial plates.

Section 4 of the bill provides for staggered issuance of dealer license plates, and makes a conforming change to the law governing the determination of the number of dealer plates issued to dealers.

Section 5 of the bill amends the vehicle registration fee statute to delete a reference to payment of registration fees on the first day of January.

Section 6 of the bill amends the wrecker fee statute to delete a reference to payment of fees on the first day of January.

Section 7 of the bill amends the semitrailer and trailer fee statute to delete a reference to payment of fees on the first day of January.

Section 8 of the bill amends the statute authorizing partial and deferred payments for registration fees over $400 to conform with staggered registration.

Section 9 of the bill staggers motor vehicle dealer and manufacturers license registration.

This bill would become effective January 1, 2005.

S1083-SMRW-001

6

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☒ Committee Substitute for
S.B. 1078 A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 1078*

Judiciary I Committee Substitute Adopted 6/7/04

Short Title: Vehicle Control Signs and Signals. (Public)

Sponsors:

Referred to:

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-158(a)(3) reads as rewritten:

"(3) At intersections and other appropriate places, by erecting or installing steady-beam ~~stoplights~~ traffic signals and other traffic control devices, signs, or signals. All steady-beam ~~stoplights~~ traffic signals emitting alternate red and green lights shall be arranged so that the red light in vertical-arranged signal faces shall appear ~~at the top of the signaling unit and the green light shall appear at the bottom of the signaling unit.~~above, and in horizontal-arranged signal faces shall appear to the left of all yellow and green lights."

SECTION 2. G.S. 20-158(b)(2) reads as rewritten:

"(2) Vehicles facing a red light controlling traffic ~~passing straight through~~ approaching an intersection ~~from a steady or strobe beam stoplight~~ with a steady-beam traffic signal shall not enter the intersection while the ~~steady or strobe beam stoplight~~ traffic signal is emitting ~~a~~ the red ~~light controlling traffic passing straight through an intersection;~~ light; provided that, except where prohibited by an appropriate sign, vehicular traffic facing a red light controlling traffic ~~passing straight through~~ approaching an intersection, after coming to a complete stop at the intersection, may enter the intersection to make a right turn but such vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection. When the ~~stoplight~~ traffic signal is emitting a steady yellow circular light on a traffic signal controlling traffic ~~passing straight through~~approaching an intersection or a steady yellow arrow light on a traffic signal controlling traffic turning at an intersection, vehicles facing the yellow light are warned that the related green light is being terminated or a red light will be

immediately forthcoming. When the ~~stoplight~~ traffic signal is emitting a steady green light, vehicles may proceed with due care through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law."

SECTION 3. G.S. 160A-300.2(e), as enacted by Section 3 of S.L. 2001-286, reads as rewritten:

"(e) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration ~~specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation.~~on the traffic signal plan of record signed and sealed by a licensed North Carolina Professional Engineer in accordance with Chapter 89C of the General Statutes, and shall be in full conformance with the requirements of the Manual on Uniform Traffic Control Devices."

SECTION 4. G.S. 160A-300.3(e), as enacted by Section 3 of S.L. 2001-286, reads as rewritten:

"(e) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified ~~in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation.~~on the traffic signal plan of record signed and sealed by a licensed North Carolina Professional Engineer in accordance with Chapter 89C of the General Statutes, and shall be in full conformance with the requirements of the Manual on Uniform Traffic Control Devices."

SECTION 5. This act becomes effective July 1, 2004.

Failed to pass 6-30-2004

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1078*

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

S1078-ARW-38 [v.2]

Date _____,2004

Comm. Sub. [NO]
Amends Title [YES]
Second Edition

Representative Gulley

moves to amend the bill on page 1, line 2, by rewriting that line to read:

"AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW AND TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS."

And on page 2, line 25, by rewriting that line to read:

" **SECTION 5.** G.S. 20-158(b) reads as rewritten:

"(b) Control of Vehicles at Intersections. –

(1) When a stop sign has been erected or installed at an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to vehicles operating on the designated main-traveled or through highway. When stop signs have been erected at three or more entrances to an intersection, the driver, after stopping in obedience thereto, may proceed with caution.

(2) ~~Vehicles facing a red light controlling traffic passing straight through an intersection from a steady or strobe beam stoplight shall not enter the intersection while the steady or strobe beam stoplight is emitting a red light controlling traffic passing straight through an intersection; provided that, except where prohibited by an appropriate sign, vehicular traffic facing a red light controlling traffic passing straight through an intersection, after coming to a complete stop at the intersection, may enter the intersection to make a right turn but such vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection.~~ When a steady or strobe beam stoplight is

emitting a red light controlling traffic passing through an intersection, an approaching vehicle facing the red light shall come to a stop and shall not enter the intersection. After coming to a complete stop and unless prohibited by an appropriate sign, that approaching vehicle may turn under one of the following conditions:

a. That vehicle may make a right turn. The turning vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection.

b. If that vehicle is in the leftmost lane of travel on a one-way street that intersects with another one-way street with traffic traveling from the turning driver's right to the turning driver's left, then that vehicle may enter the intersection and make a left turn into the extreme left-hand lane lawfully available to traffic. The turning vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection.

(2a) When ~~the~~ a stoplight is emitting a steady yellow circular light on a traffic signal controlling traffic passing straight through an intersection or a steady yellow arrow light on a traffic signal controlling traffic turning at an intersection, vehicles facing the yellow light are warned that the related green light is being terminated or a red light will be immediately forthcoming. When the stoplight is emitting a steady green light, vehicles may proceed with due care through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.

(3) When a flashing red light has been erected or installed at an intersection, approaching vehicles facing the red light shall stop and yield the right-of-way to vehicles in or approaching the intersection. The right to proceed shall be subject to the rules applicable to making a stop at a stop sign.

(4) When a flashing yellow light has been erected or installed at an intersection, approaching vehicles facing the yellow flashing light may proceed through the intersection with caution, yielding the right-of-way to vehicles in or approaching the intersection.

(5) When a stop sign, stoplight, flashing light, or other traffic-control device authorized by subsection (a) of this section requires a vehicle to stop at an intersection, the driver shall stop (i) at an appropriately marked stop line, or if none, (ii) before entering a marked crosswalk, or if none, (iii) before entering the intersection at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street.

SECTION 6. This act becomes effective December 1, 2004, and applies to offenses committed on or after that date.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 1078:
Vehicle Control Signs and Signals.

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Senator Jenkins
Date:	June 23, 2004	**Summary by:**	Giles S. Perry
Version:	2nd Edition		Committee Co-Counsel

SUMMARY: ***Senate Bill 1078 would amend the vehicle control sign and signal law to do the following:***

- ***Allow horizontal, in addition to the traditional vertical, traffic signals.***
- ***Standardize and clarify language about traffic at intersections.***
- ***In the red light camera laws governing the municipalities of Wake County and the City of Concord, change the source for engineering standards for determining how long a light shall remain yellow.***

Section 1 – Horizontal traffic signals. Current law *(G.S. 20-158(a)(3))* says that on "stoplights," the red light shall be on top and the green light at the bottom. The bill changes the wording so that stoplights can be vertical as well as horizontal. If horizontal, the red light would be on the left. The bill also replaces the term "stoplight" with the newer standard term "traffic signal."

Section 2 – Language change about intersections. G.S. 20-158(b)(2) is the statute that requires motorists to stop when the light is red and allows them to go when it is green. This section of the bill attempts to standardize and update the language.

Sections 3 and 4 – Yellow light duration at photographed intersections. These sections amend the red light camera laws in the municipalities of Wake County and in the City of Concord. Both those local laws have provisions that provide a source for the standard for how long a light must remain yellow before turning red at signals where cameras are at work. That source, the Design Manual developed by the Signals and Geometrics Section of NCDOT, is now believed by NCDOT to be an inappropriate source. NCDOT's recommendation is that the source instead be the traffic signal plan of record signed by a licensed NC Professional Engineer. The Department also recommended that the yellow-light duration should fully conform with the requirements of the Manual on Uniform Traffic Control Devices, which G.S. 136-30 says should apply to all traffic control devices in the State.

Senate Bill 1078 would become effective July 1, 2004.

BACKGROUND: This bill was recommended by the Joint Legislative Transportation Oversight Committee.

Bill Gilkeson of the Research Division substantially contributed to this summary.
S1078-SMRW-001

Reverend Robert Parish

Wake Federation of the Blind

Gary Ray

National Federation of the Blind

Les Seitz

NC Council of the Blind

1

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Allred and Coates** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
H.B. 1359 A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1359*

Short Title:	DOT Minority/Women Businesses Program.	(Public)
Sponsors:	Representatives K. Williams; Alexander, B. Allen, Moore, Parmon, Stiller, and Warren.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.4 reads as rewritten:

"**§ 136-28.4. State policy concerning participation by ~~disadvantaged~~ disadvantaged, minority, and women businesses in highway contracts.**

(a) It is the policy of this ~~State~~ State, based on a compelling governmental interest, to encourage and promote participation by ~~disadvantaged~~ disadvantaged, minority, and women businesses in contracts let by the Department pursuant to this Chapter for the design, construction, alteration, or maintenance of State highways, roads, streets, or bridges and in the procurement of materials for these projects. All State agencies, institutions, and political subdivisions shall cooperate with the Department of Transportation and all other State agencies, institutions, and political subdivisions in efforts to encourage and promote the use of ~~disadvantaged~~ disadvantaged, minority, and women businesses in these contracts.

~~(b) A ten percent (10%) goal is established for participation by minority businesses and a five percent (5%) goal for participation by women businesses is established in contracts let by the Department of Transportation for the design, construction, alteration, or maintenance of State highways, roads, streets, or bridges and for the procurement of materials for these projects. The Department of Transportation shall endeavor to award to minority businesses at least ten percent (10%), by value, of the contracts it lets for these purposes, and shall endeavor to award to women businesses at least five percent (5%), by value, of the contracts it lets for these purposes. The Department shall adopt written procedures specifying the steps it will take to achieve these goals. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or handicapping~~

~~condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.~~ At least every five years, the Department shall conduct a study on the availability and utilization of minority-owned and women-owned business enterprises and evidence of race-based and gender-based discrimination against such business enterprises in contracts for design, construction, alteration, or maintenance of State highways, roads, streets, or bridges and for the procurement of materials for these projects. Should the study show evidence of historical and continuing discrimination that prevents minority businesses and women businesses from participating in the above contracts at a level which would have existed absent such discrimination, such evidence shall constitute a basis for the State's continued compelling governmental interest in eliminating the effects of historical race and gender discrimination in highway contracting. Should the study show continued effects of such discrimination, the Department shall, in conformity with State and federal law, adopt by rule and contract provisions a specific program of good-faith goals for the participation in contracting opportunities by minority businesses and women businesses that the study demonstrates continue to suffer the effects of such discrimination. Further, the Department is authorized to establish specific project goals for participation by minority businesses and women businesses. Nothing in this statute shall authorize the use of set-asides, quotas, sheltered markets, or bid preferences. Any program implemented as a result of the study conducted in accordance with this section shall be narrowly tailored to eliminate the effects of historical and continuing discrimination and its impacts on such minority business and women business enterprises with a minimum of burden on other contractors. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.

~~(c) The following definitions apply in this section:~~

~~(1) "Disadvantaged business" has the same meaning as in 49 C.F.R. § 23.62.~~

~~(2) "Minority" has the same meaning as in 49 C.F.R. § 23.5.~~

(d) The Department shall report annually to the Joint Legislative Transportation Oversight Committee on the utilization of minority businesses and women businesses and any program adopted to promote contracting opportunities for those businesses. Following each study of availability and utilization, the Department shall report to the Joint Legislative Transportation Oversight Committee on the results of the study for the purpose of determining whether the provisions of this section should continue in force and effect.

(e) This section expires August 31, 2009."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1359*
PROPOSED COMMITTEE SUBSTITUTE H1359-PCS70488-RW-87

Short Title: DOT Minority/Women Businesses Program. (Public)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.4 reads as rewritten:

"**§ 136-28.4. State policy concerning participation by ~~disadvantaged~~ disadvantaged minority and women businesses in highway contracts.**

(a) It is the policy of this ~~State~~ State, based on a compelling governmental interest, to encourage and promote participation by ~~disadvantaged~~ disadvantaged minority and women businesses in contracts let by the Department pursuant to this Chapter for the design, construction, alteration, or maintenance of State highways, roads, streets, or bridges and in the procurement of materials for these projects. All State agencies, institutions, and political subdivisions shall cooperate with the Department of Transportation and all other State agencies, institutions, and political subdivisions in efforts to encourage and promote the use of ~~disadvantaged~~ disadvantaged minority and women businesses in these contracts.

(b) ~~A ten percent (10%) goal is established for participation by minority businesses and a five percent (5%) goal for participation by women businesses is established in contracts let by the Department of Transportation for the design, construction, alteration, or maintenance of State highways, roads, streets, or bridges and for the procurement of materials for these projects. The Department of Transportation shall endeavor to award to minority businesses at least ten percent (10%), by value, of the contracts it lets for these purposes, and shall endeavor to award to women businesses at least five percent (5%), by value, of the contracts it lets for these purposes. The Department shall adopt written procedures specifying the steps it will take to achieve these goals. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or handicapping~~

~~condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.~~ At least every five years, the Department shall conduct a study on the availability and utilization of minority-owned and women-owned business enterprises and evidence of race-based and gender-based discrimination against such business enterprises in contracts for design, construction, alteration, or maintenance of State highways, roads, streets, or bridges and for the procurement of materials for these projects. Should the study show evidence of historical and continuing discrimination that prevents minority businesses and women businesses from participating in the above contracts at a level which would have existed absent such discrimination, such evidence shall constitute a basis for the State's continued compelling governmental interest in eliminating the effects of historical race and gender discrimination in highway contracting. Should the study show continued effects of such discrimination, the Department shall, in conformity with State and federal law, adopt by rule and contract provisions a specific program of good-faith goals for the participation in contracting opportunities by minority businesses and women businesses that the study demonstrates continue to suffer the effects of such discrimination. Further, the Department is authorized to establish specific project goals for participation by minority businesses and women businesses. Nothing in this section shall authorize the use of set-asides, quotas, sheltered markets, or bid preferences. Any program implemented as a result of the study conducted in accordance with this section shall be narrowly tailored to eliminate the effects of historical and continuing discrimination and its impacts on such minority business and women business enterprises with a minimum of burden on other contractors. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.

(c) The following definitions apply in this section:

(1) "Disadvantaged business" has the same meaning as "disadvantaged business enterprise" in 49 C.F.R. § ~~23.62.~~26.5 or any subsequently promulgated replacement regulation.

~~(2) "Minority" has the same meaning as in 49 C.F.R. § 23.5.~~

(d) The Department shall report annually to the Joint Legislative Transportation Oversight Committee on the utilization of minority businesses and women businesses and any program adopted to promote contracting opportunities for those businesses. Following each study of availability and utilization, the Department shall report to the Joint Legislative Transportation Oversight Committee on the results of the study for the purpose of determining whether the provisions of this section should continue in force and effect.

(e) This section expires August 31, 2009."

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

HOUSE BILL 1359:
DOT/Minority Women Businesses Program

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. K. Williams
Date:	June 30, 2004	**Summary by:**	Giles S. Perry
Version:	H1359-CSRW-87 [v.3]		Committee Counsel

SUMMARY: ***House Bill 1359 amends current State law setting out State policy concerning participation by disadvantaged minority and women businesses in DOT contracts.***

BILL ANALYSIS: The bill makes the following changes to State law concerning participation by disadvantaged minority and women businesses in highway contracts:

-states that the policy of the State is based on a "compelling governmental interest."

-replaces the use of the term "disadvantaged" businesses with the terms "disadvantaged minority and women" businesses.

-replaces the 10% minority and 5% women goal in current law with a requirement for a utilization study every 5 years. Requires DOT to adopt a program of good faith goals to address specific discrimination found in each 5-year utilization study for participation by minority and women businesses.

-prohibits "set-asides, quotas, sheltered markets, or bid preferences."

-requires annual report by DOT to the Joint Legislative Transportation Oversight Committee on its utilization of minority and women businesses.

-includes a sunset of August 31, 2009.

House Bill 1359 would become effective when it becomes law.

H1359-SMRW-001

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — June 30, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Hester	Allied Domecq
Jerry Williams	NCRA
Kevin G. Leonard	NCSR
Steve Brown	CSCV
Ken Irey	NCDOT
Beau Mills	NC Auto Coalition
Don McCorquodale	SAS
Rick Zechini	NC Assoc. of Realtors
Sandy Sanders	WCSR
John Holton	intern

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — June 30, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Meredith	NC State Grange
Kevin Lacy	NC DOT
Tammy C Denning	NCDOT
Beth Leonard McKay	Attorney General's Office -
Christie Barbee	CHPA
Bill Wilkes	Revenue
BERRY Jenkins	CAROLINAS AGC
Patrick Clancy	Speaker Black's Office
Fred Allen	NC Aggregates Assn.
Don Forman	DMV DC
Lois WARREN	NCDMV
Khaner Walker	Statewatch

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — June 30, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Phelps	NCLM
R. Paul Wiggs	NCMBA
John Long	Martin Marietta
Todd Lacy	Bore & Assoc
Lynda Tippett	NCDOT
John Morris	PSF
Jane Prasley	AAA
Rev. Robert Pattish	Wake Federation of the Blind
LPS Spitz	Wake Council for the Blind
Gary Roy	National Federation of the Blind of North Carolina
Betsy Bailey	NC Public Transportation

VISITOR REGISTRATION SHEET

HOUSE TRANSPORTATION — June 30, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tina Harris	WCPSS
Elizabeth Dalton	Bona & Assoc.
Andy Romanet	NCLM
Lisa Conrad	NCDOT
Cole Hamilton	CAHA
[illegible]	NCCBI
John Cyrus	NC Grange
Lu Ann Coe	CTA
TOM BOOKER	CTA
D. C. Linda	NCDOT
Ellen Greaves	PAC

PAGE AND SERGEANT-AT-ARMS REGISTRATION SHEET

HOUSE TRANSPORTATION **Wednesday, June 30, 2004**
Date

PAGES AND SERGEANTS-AT-ARMS:
PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK. THANK YOU.

NAME	COUNTY AND SPONSOR (FOR PAGES ONLY)

Serg. at Arms -
Thomas Wilder
Dusty Rhodes
Martha Parrish

House Pages

1. Name: Ashley McSwain
   County: WAK
   Sponsor: Rep. WAINWright
2. Name: Jonathan Pittard
   County: Johnston
   Sponsor: Daughtry
3. Name: Brandon Rasberry
   County: Lenoir
   Sponsor: Rep. Wainwright
4. Name: Chris Stanley
   County: Johnston
   Sponsor: Billy Creech.
5. Name:
   County:
   Sponsor:

Sgt-At-Arms

1. Name: Thomas Wilder
2. Name: Dusty R Rhoades
3. Name: Martha Parrish
4. Name:

AGENDA

HOUSE TRANSPORTATION COMMITTEE

July 13, 2004

11:00 AM

Room 1228

Representative Lorene Coates, Presiding Chair
Representative Cary Allred, Chair

BILLS FOR CONSIDERATION

HB 1359 DOT MINORITY /WOMEN BUSINESSES PROGRAM
- Rep. K. Williams

SB 1089 DOT AUTHORITY TO RECEIVE FUNDS FROM LOCAL GOVS – Sen. Jenkins

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON TRANSPORTATION

July 13, 2004

The House Committee on Transportation met on Tuesday July 13, 2004 at 11:00 AM in room 1228 of the Legislative Building. The following members were present: Representative Lorene Coates, Chair; Representative William Daughtridge, Vice Chair; Representative Arthur Williams, Vice Chair; Representative Keith Williams, Vice Chair and Representatives G. Allen, L. Allen, Cole, Frye, Haire, Hill, Hilton, Lewis, Nye, Rapp, Ray, and Sutton. Also present Giles Perry, Committee Counsel. Assisting the meeting were Martha Parrish, Charles Williams, and James Worth, House Sergeant-at-Arms and Melissa Lennon, Committee Assistant.

Representative Coates, presiding Chair, called the meeting to order and introduced the Pages.

The Chair recognized Representative Keith Williams to explain HB1359, A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN OWNED-BUSINESSES IN HIGHWAY CONSTRUCTION sponsored by Representative K. Williams. The bill amends current State law setting out State policy concerning participation by disadvantaged minority-owned and women-owned businesses in DOT contracts. Representative K. Williams moves for adoption of the committee substitute for discussion and the motion carries. DOT Secretary Lyndo Tippett spoke on the need for this legislation to address concerns in the letting of minority contracts. Kenneth Johnson, representative of the North Carolina Minority Contractors Association spoke against the bill, stating that it did not fully address their concerns.

Following a discussion by members Representative Coates appointed a sub-committee to work out the differences. Representative Cole, Chair; Representatives K. Williams, Daughtridge, and L. Allen were appointed to the sub-committee on HB1359 and instructed to report back to the full Transportation Committee.

Then Senator Jenkins was recognized to present SB1089, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS sponsored by Senator Jenkins. The bill authorizes DOT to enter into agreements with local governments and non-profit corporations to receive funds for the purpose of advancing TIP projects.

Following a discussion Representative Cole moved for a favorable report, the motion carried and the meeting was adjourned.

Respectfully submitted,

Lorene Coates
Lorene T. Coates, Presiding Chair

Melissa Lennon
Melissa Lennon, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1359*

Committee Substitute Favorable 6/30/04

PROPOSED COMMITTEE SUBSTITUTE H1359-CSRW-93 [v.3]

7/13/2004 9:51:36 AM

Short Title: DOT Minority/Women Businesses Program. (Public)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN HIGHWAY CONSTRUCTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.4 reads as rewritten:

"**§ 136-28.4. State policy concerning participation by ~~disadvantaged~~ disadvantaged minority-owned and women-owned businesses in highway contracts.**

(a) It is the policy of this ~~State~~ State, based on a compelling governmental interest, to encourage and promote participation by ~~disadvantaged~~ disadvantaged minority-owned and women-owned businesses in contracts let by the Department pursuant to this Chapter for the planning, design, preconstruction, construction, alteration, or maintenance of State highways, roads, streets, or bridges and in the procurement of materials for these projects. All State agencies, institutions, and political subdivisions shall cooperate with the Department of Transportation and ~~all other State agencies, institutions, and political subdivisions~~ among themselves in all efforts to conduct outreach and to encourage and promote the use of ~~disadvantaged~~ disadvantaged minority-owned and women-owned businesses in these contracts.

(b) ~~A ten percent (10%) goal is established for participation by minority businesses and a five percent (5%) goal for participation by women businesses is established in contracts let by the Department of Transportation for the design, construction, alteration, or maintenance of State highways, roads, streets, or bridges and for the procurement of materials for these projects. The Department of Transportation shall endeavor to award to minority businesses at least ten percent (10%), by value, of the contracts it lets for these purposes, and shall endeavor to award to women businesses at least five percent (5%), by value, of the contracts it lets for these purposes. The Department shall adopt written procedures specifying the steps it will take to~~

~~achieve these goals. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.~~ At least every five years, the Department shall conduct a study on the availability and utilization of disadvantaged minority-owned and women-owned business enterprises and examine relevant evidence of the effects of race-based or gender-based discrimination upon the utilization of such business enterprises in contracts for planning, design, preconstruction, construction, alteration, or maintenance of State highways, roads, streets, or bridges and in the procurement of materials for these projects. Should the study show a strong basis in evidence of on-going effects of past or present discrimination that prevents or limits disadvantaged minority-owned and women-owned businesses from participating in the above contracts at a level which would have existed absent such discrimination, such evidence shall constitute a basis for the State's continued compelling governmental interest in remedying such race and gender discrimination in highway contracting. Under such circumstances, the Department shall, in conformity with State and federal law, adopt by rule and contract provisions a specific program to remedy such discrimination. This specific program shall, to the extent reasonably practicable, address each barrier identified in such study that adversely affects contract participation by disadvantaged minority-owned and women-owned businesses.

(b1) Based upon the findings of the Department's Second Generation Disparity Study completed in 2004, hereinafter referred to as 'Study', the program design shall, to the extent reasonably practicable, incorporate narrowly tailored remedies identified in the Study. As appropriate, the program design shall be modified by rules adopted by the Department that are consistent with findings made in the Study and in subsequent studies conducted in accordance with subsection (b) of the this section. As part of this program, the Department shall review its budget and establish annual aspirational goals, not mandatory goals, in percentages, for the overall participation in contracts by disadvantaged minority-owned and women-owned businesses. These annual aspirational goals for disadvantaged minority-owned and women-owned businesses shall be established consistent with methodology specified in the Study, and they shall not be applied rigidly on specific contracts or projects. Instead, the Department shall establish contract-specific goals or project-specific goals for the participation of such firms in a manner consistent with availability of disadvantaged minority-owned and women-owned businesses, as appropriately defined by its most recent Study, for each disadvantaged minority-owned and women-owned business category that has demonstrated significant disparity in contract utilization. Nothing in this section shall authorize the use of quotas. Any program implemented as a result of the Study conducted in accordance with this section shall be narrowly tailored to eliminate the effects of historical and continuing discrimination and its impacts on such disadvantaged minority-owned and women-owned business without any undue burden on other contractors. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or handicapping

condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.

(c) The following definitions apply in this section:

(1) "Disadvantaged business" has the same meaning as "disadvantaged business enterprise" in 49 C.F.R. § ~~23.62.~~26.5 or any subsequently promulgated replacement regulation.

(2) "Minority" ~~has the same meaning as in 49 C.F.R. § 23.5.~~includes only those racial or ethnicity classification identified by a study conducted in accordance with this section that have been subjected to discrimination in the relevant marketplace, and that have been adversely affected in their ability to obtain contracts with the Department.

(d) The Department shall report semi-annually to the Joint Legislative Transportation Oversight Committee on the utilization of disadvantaged minority-owned businesses and women-owned businesses and any program adopted to promote contracting opportunities for those businesses. Following each study of availability and utilization, the Department shall report to the Joint Legislative Transportation Oversight Committee on the results of the study for the purpose of determining whether the provisions of this section should continue in force and effect.

(e) This section expires August 31, 2009."

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

HOUSE BILL 1359:
DOT/Minority Women Businesses Program

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. K. Williams
Date:	July 13, 2004	**Summary by:**	Giles S. Perry
Version:	H1359-CSRW-93 [v.3]		Committee Counsel

SUMMARY: House Bill 1359 amends current State law setting out State policy concerning participation by disadvantaged minority-owned and women-owned businesses in DOT contracts.

BILL ANALYSIS: The bill makes the following changes to State law concerning participation by disadvantaged minority-owned and women-owned businesses in highway contracts:

-states that the policy of the State is based on a "compelling governmental interest."

-replaces the use of the term "disadvantaged" businesses with the terms "disadvantaged minority and women" businesses.

-replaces the 10% minority and 5% women contract participation goal in current law with a requirement for a utilization study every 5 years. Requires DOT to adopt a program of narrowly tailored remedies to address evidence of discrimination shown by the study.

- requires DOT to establish "aspirational" goals for participation in contracts by disadvantaged minority-owned and women-owned businesses

--provides that "nothing in this section shall authorize the use of quotas."

-requires semi-annual report by DOT to the Joint Legislative Transportation Oversight Committee on its utilization of minority and women businesses.

-includes a sunset of August 31, 2009.

House Bill 1359 would become effective when it becomes law.

H1359-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1089*

Short Title:	DOT Authority to Receive Funds from Local Gov.	(Public)
Sponsors:	Senator Jenkins.	
Referred to:	Judiciary I.	

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18 is amended by adding a new subdivision to read:

"(38) To enter into agreements with municipalities, counties, governmental entities, or nonprofit corporations to receive funds for the purpose of advancing the construction schedule of a project identified in the Transportation Improvement Program. If these funds are subject to repayment by the Department, prior to receipt of funds, reimbursement of all funds received by the Department shall be shown in the existing Transportation Improvement Program and shall be reimbursed within seven years of receipt."

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

SENATE BILL 1089:
DOT Auth. to Receive Funds from Loc Govs.

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Sen. Jenkins
Date:	July 13, 2004	**Summary by:**	Giles S. Perry
Version:	1st Edition		Committee Counsel

SUMMARY: ***Authorizes DOT to enter into agreements with local governments and non-profit corporations to receive funds for the purpose of advancing TIP projects.***

CURRENT LAW: Current law does not specifically authorize or prohibit DOT from entering into agreements to receive funds to advance construction of TIP projects.

BILL ANALYSIS: Senate Bill 1089 amends the powers of the Department of Transportation to specifically authorize the Department to enter into agreements with local governments and non-profit corporations to receive funds for the purpose of advancing construction of a project identified in the Transportation Improvement Program.

The bill also provides that if DOT is required by the agreement with the local government or non-profit corporation to reimburse the funds provided, the reimbursement shall be noted in the TIP, and the reimbursement shall occur within 7 years.

Senate Bill 1089 would become effective when it becomes law.

S1089-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **COATES and ALLRED** (Chairs) for the Committee on **TRANSPORTATION.**

☐ Committee Substitute for
S.B. 1089 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

ATTENDANCE
TRANSPORTATION – July 13, 2004

Allred
Coates
Daughtridge
A. Williams
K. Williams
G. Allen
L. Allen
Cole
Crawford
Frye
Haire
Hill
Hilton
Holmes
LaRoque
Lewis
Moore
Nye
Rapp
Ray
Starnes
Sutton
Wright

Culpepper
Cunningham
Brubaker
Eddins

Graf-Ray
Perry

J. Allred
Lennon

House Pages

1. Name: Megan Flanagan
   County: Mecklemburg
   Sponsor: Mrs. Alexander
2. Name: Claire Alston
   County: Forsyth
   Sponsor: Speaker Black
3. Name: Kenan Gay
   County: Lee
   Sponsor: John Sauls
4. Name: Scott Liberaind
   County: Wake
   Sponsor: Russell Capps
5. Name: Hamilton Angley
   County: Lee
   Sponsor: John Sauls

Sgt-At-Arms

1. Name: James Wirth
2. Name: Charles Williams
3. Name: Martha Parrish
4. Name:

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
BERRY JENKINS	CAROLINAS AGC
Calvin Leggett	DOT
Queen Crittenton	DOT
John Mahler	Cardinal
Lee-Ann Cox	NCPA
S Cardinal	NCDOT
Tim Minton	N. Hinn Builders
Rich Webb	NCEA Intern

Subcommittee Meeting for
HB 1359 DOT MINORITY/WOMEN BUSINESSES PROGRAM
Wednesday, July 14, 2004
10:00 a.m.
Room 1228 LB

The Subcommittee for HB 1359 DOT MINORITY/WOMEN BUSINESSES PROGRAM met on Wednesday, July 14, 2004 at 10:00 a.m. in room 1228 of the Legislative Building. The following members of the subcommittee were present:

Representative Nelson Cole, Chair
Representative Lucy Allen
Representative Bill Daughtridge
Representative Keith Williams
Representative Lorene Coates, Ex-Officio Member

Representative Cole called the meeting to order. Copies of the Proposed Committee Substitute H1359-CSRW-93 (v.3) were passed out (see attached). On page two, line 24, the following was added after "Study", and the Department shall implement a comprehensive anti-discrimination enforcement policy. After brief discussion, Representative Cole moved to accept the language added on page two, line 24. Representative Daughtridge seconded the motion and it passed unanimously. This change will be reported back to the House Transportation Committee.

There being no further business, the meeting was adjourned at 10:18 a.m.

Respectfully submitted:

Nelson Cole

Representative Nelson Cole, Chair
Subcommittee for HB 1359

Suzanne Smith

Suzanne Smith
Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1359*

Committee Substitute Favorable 6/30/04

PROPOSED COMMITTEE SUBSTITUTE H1359-CSRW-93 [v.3]

7/13/2004 9:51:36 AM

Short Title: DOT Minority/Women Businesses Program. (Public)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN HIGHWAY CONSTRUCTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.4 reads as rewritten:

"**§ 136-28.4. State policy concerning participation by ~~disadvantaged~~ disadvantaged minority-owned and women-owned businesses in highway contracts.**

(a) It is the policy of this ~~State~~ State, based on a compelling governmental interest, to encourage and promote participation by ~~disadvantaged~~ disadvantaged minority-owned and women-owned businesses in contracts let by the Department pursuant to this Chapter for the planning, design, preconstruction, construction, alteration, or maintenance of State highways, roads, streets, or bridges and in the procurement of materials for these projects. All State agencies, institutions, and political subdivisions shall cooperate with the Department of Transportation and ~~all other State agencies, institutions, and political subdivisions~~ among themselves in all efforts to conduct outreach and to encourage and promote the use of ~~disadvantaged~~ disadvantaged minority-owned and women-owned businesses in these contracts.

(b) ~~A ten percent (10%) goal is established for participation by minority businesses and a five percent (5%) goal for participation by women businesses is established in contracts let by the Department of Transportation for the design, construction, alteration, or maintenance of State highways, roads, streets, or bridges and for the procurement of materials for these projects. The Department of Transportation shall endeavor to award to minority businesses at least ten percent (10%), by value, of the contracts it lets for these purposes, and shall endeavor to award to women businesses at least five percent (5%), by value, of the contracts it lets for these purposes. The Department shall adopt written procedures specifying the steps it will take to~~

~~achieve these goals. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.~~ At least every five years, the Department shall conduct a study on the availability and utilization of disadvantaged minority-owned and women-owned business enterprises and examine relevant evidence of the effects of race-based or gender-based discrimination upon the utilization of such business enterprises in contracts for planning, design, preconstruction, construction, alteration, or maintenance of State highways, roads, streets, or bridges and in the procurement of materials for these projects. Should the study show a strong basis in evidence of on-going effects of past or present discrimination that prevents or limits disadvantaged minority-owned and women-owned businesses from participating in the above contracts at a level which would have existed absent such discrimination, such evidence shall constitute a basis for the State's continued compelling governmental interest in remedying such race and gender discrimination in highway contracting. Under such circumstances, the Department shall, in conformity with State and federal law, adopt by rule and contract provisions a specific program to remedy such discrimination. This specific program shall, to the extent reasonably practicable, address each barrier identified in such study that adversely affects contract participation by disadvantaged minority-owned and women-owned businesses.

(b1) Based upon the findings of the Department's Second Generation Disparity Study completed in 2004, hereinafter referred to as 'Study', the program design shall, to the extent reasonably practicable, incorporate narrowly tailored remedies identified in the Study.* As appropriate, the program design shall be modified by rules adopted by the Department that are consistent with findings made in the Study and in subsequent studies conducted in accordance with subsection (b) of the this section. As part of this program, the Department shall review its budget and establish annual aspirational goals, not mandatory goals, in percentages, for the overall participation in contracts by disadvantaged minority-owned and women-owned businesses. These annual aspirational goals for disadvantaged minority-owned and women-owned businesses shall be established consistent with methodology specified in the Study, and they shall not be applied rigidly on specific contracts or projects. Instead, the Department shall establish contract-specific goals or project-specific goals for the participation of such firms in a manner consistent with availability of disadvantaged minority-owned and women-owned businesses, as appropriately defined by its most recent Study, for each disadvantaged minority-owned and women-owned business category that has demonstrated significant disparity in contract utilization. Nothing in this section shall authorize the use of quotas. Any program implemented as a result of the Study conducted in accordance with this section shall be narrowly tailored to eliminate the effects of historical and continuing discrimination and its impacts on such disadvantaged minority-owned and women-owned business without any undue burden on other contractors. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or handicapping

condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.

(c) The following definitions apply in this section:

(1) "Disadvantaged business" has the same meaning as "disadvantaged business enterprise" in 49 C.F.R. § ~~23.62.~~26.5 or any subsequently promulgated replacement regulation.

(2) "Minority" ~~has the same meaning as in 49 C.F.R. § 23.5.~~includes only those racial or ethnicity classification identified by a study conducted in accordance with this section that have been subjected to discrimination in the relevant marketplace, and that have been adversely affected in their ability to obtain contracts with the Department.

(d) The Department shall report semi-annually to the Joint Legislative Transportation Oversight Committee on the utilization of disadvantaged minority-owned businesses and women-owned businesses and any program adopted to promote contracting opportunities for those businesses. Following each study of availability and utilization, the Department shall report to the Joint Legislative Transportation Oversight Committee on the results of the study for the purpose of determining whether the provisions of this section should continue in force and effect.

(e) This section expires August 31, 2009."

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

A BILL TO BE ENTITLED
AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED, MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.4 reads as rewritten:

"§ 136-28.4. **State policy concerning participation by disadvantaged, minority and women businesses in highway contracts.**

(a) It is the policy of this State, based on a compelling governmental interest, to encourage and promote participation by disadvantaged, minority-owned and women-owned businesses in contracts let by the Department of Transportation pursuant to this Chapter for the planning, design, pre-construction, construction, alteration, or maintenance of State highways, roads, streets, or bridges and in the procurement of materials for these projects. All State agencies, institutions, and political subdivisions shall cooperate with the Department and among themselves in all efforts to conduct outreach and to encourage and promote the use of disadvantaged, minority-owned and women-owned businesses in these contracts.

(b) At least every five years, the Department shall conduct a study on the availability and utilization of disadvantaged, minority-owned and women-owned business enterprises and examine relevant evidence of the effects of race-based or gender-based discrimination upon the utilization of such business enterprises in contracts for planning, design, pre-construction, construction, alteration, or maintenance of State highways, roads, streets, or bridges and in the procurement of materials for these projects. Should the study show a strong basis in evidence of on-going effects of past or present discrimination that prevents or limits disadvantaged, minority-owned and women-owned businesses from participating in the above contracts at a level which would have existed absent such discrimination, such evidence shall constitute a basis for the State's continued compelling governmental interest in remedying such race and gender discrimination in highway contracting. Under such circumstances, the Department shall, in conformity with State and federal law, adopt by rule and contract provisions a specific program to remedy such discrimination. This specific program shall, to the extent reasonably practicable, address each barrier identified in such study that adversely affects contract participation by disadvantaged, minority-owned and women-owned businesses.

(c) Based upon the findings of the Department's Second Generation Disparity Study completed in 2004 ("Study"), the program design shall, to the extent reasonably practicable, incorporate narrowly tailored remedies identified in the Study, **and the Department shall implement a comprehensive anti-discrimination enforcement policy**. As appropriate, the program design shall be modified by regulations promulgated by the Department that are consistent with findings made in this Study and in subsequent studies conducted in accordance with subsection

AGENDA

HOUSE TRANSPORTATION COMMITTEE

July 14, 2004

4:00 PM

HOUSE CHAMBERS

Representative Lorene Coates, Presiding Chair
Representative Cary Allred, Chair

BILL FOR CONSIDERATION

HB 1359 DOT MINORITY /WOMEN BUSINESSES PROGRAM
- Rep. K. Williams

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON TRANSPORTATION

July 14, 2004

The House Committee on Transportation met on Wednesday July 14, 2004 at 4:00 PM in House Chambers immediately following session. The following members were present: Representative Lorene Coates, Chair; Representative William Daughtridge, Vice Chair; Representative Arthur Williams, Vice Chair; Representative Keith Williams, Vice Chair and Representatives G. Allen, L. Allen, Cole, Frye, Haire, Lewis, Ray, and Sutton. Also present Giles Perry, Committee Counsel and Melissa Lennon, Committee Assistant.

Representative Coates, presiding Chair, called the meeting to order.

The Chair recognized Representative Keith Williams to explain HB1359, A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN OWNED-BUSINESSES IN HIGHWAY CONSTRUCTION sponsored by Representative K. Williams. The bill amends current State law setting out State policy concerning participation by disadvantaged minority-owned and women-owned businesses in DOT contracts.

Kenneth Johnson, representative of the North Carolina Minority Contractors said that she had meet with the DOT Secretary and that she gave him a list of recommendations that he said he would look at but since he did not promise to implement the recommendations the association was not in favor of this bill. DOT staff said they had added some of the provisions asked for by the association and that they were satisfied that this was a good first step and urged passage of the legislation.

Following a discussion by members Representative Ray moved for a favorable report on the committee substitute, unfavorable to the original bill and the motion carried.

Respectfully submitted,

Lorene Coates
Lorene T. Coates, Presiding Chair

Melissa Lennon
Melissa Lennon, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1359*

Committee Substitute Favorable 6/30/04

PROPOSED COMMITTEE SUBSTITUTE H1359-PCS30580-RW-93

Short Title: DOT Minority/Women Businesses Program. (Public)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN HIGHWAY CONSTRUCTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-28.4 reads as rewritten:

"**§ 136-28.4. State policy concerning participation by ~~disadvantaged~~ disadvantaged minority-owned and women-owned businesses in highway contracts.**

(a) It is the policy of this ~~State~~ State, based on a compelling governmental interest, to encourage and promote participation by ~~disadvantaged~~ disadvantaged minority-owned and women-owned businesses in contracts let by the Department pursuant to this Chapter for the planning, design, preconstruction, construction, alteration, or maintenance of State highways, roads, streets, or bridges and in the procurement of materials for these projects. All State agencies, institutions, and political subdivisions shall cooperate with the Department of Transportation and ~~all other State agencies, institutions, and political subdivisions~~ among themselves in all efforts to conduct outreach and to encourage and promote the use of ~~disadvantaged~~ disadvantaged minority-owned and women-owned businesses in these contracts.

(b) ~~A ten percent (10%) goal is established for participation by minority businesses and a five percent (5%) goal for participation by women businesses is established in contracts let by the Department of Transportation for the design, construction, alteration, or maintenance of State highways, roads, streets, or bridges and for the procurement of materials for these projects. The Department of Transportation shall endeavor to award to minority businesses at least ten percent (10%), by value, of the contracts it lets for these purposes, and shall endeavor to award to women businesses at least five percent (5%), by value, of the contracts it lets for these purposes. The Department shall adopt written procedures specifying the steps it will take to~~

~~achieve these goals. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.~~ At least every five years, the Department shall conduct a study on the availability and utilization of disadvantaged minority-owned and women-owned business enterprises and examine relevant evidence of the effects of race-based or gender-based discrimination upon the utilization of such business enterprises in contracts for planning, design, preconstruction, construction, alteration, or maintenance of State highways, roads, streets, or bridges and in the procurement of materials for these projects. Should the study show a strong basis in evidence of ongoing effects of past or present discrimination that prevents or limits disadvantaged minority-owned and women-owned businesses from participating in the above contracts at a level which would have existed absent such discrimination, such evidence shall constitute a basis for the State's continued compelling governmental interest in remedying such race and gender discrimination in highway contracting. Under such circumstances, the Department shall, in conformity with State and federal law, adopt by rule and contract provisions a specific program to remedy such discrimination. This specific program shall, to the extent reasonably practicable, address each barrier identified in such study that adversely affects contract participation by disadvantaged minority-owned and women-owned businesses.

(b1) Based upon the findings of the Department's Second Generation Disparity Study completed in 2004, hereinafter referred to as 'Study', the program design shall, to the extent reasonably practicable, incorporate narrowly tailored remedies identified in the Study, and the Department shall implement a comprehensive antidiscrimination enforcement policy. As appropriate, the program design shall be modified by rules adopted by the Department that are consistent with findings made in the Study and in subsequent studies conducted in accordance with subsection (b) of this section. As part of this program, the Department shall review its budget and establish annual aspirational goals, not mandatory goals, in percentages, for the overall participation in contracts by disadvantaged minority-owned and women-owned businesses. These annual aspirational goals for disadvantaged minority-owned and women-owned businesses shall be established consistent with methodology specified in the Study, and they shall not be applied rigidly on specific contracts or projects. Instead, the Department shall establish contract-specific goals or project-specific goals for the participation of such firms in a manner consistent with availability of disadvantaged minority-owned and women-owned businesses, as appropriately defined by its most recent Study, for each disadvantaged minority-owned and women-owned business category that has demonstrated significant disparity in contract utilization. Nothing in this section shall authorize the use of quotas. Any program implemented as a result of the Study conducted in accordance with this section shall be narrowly tailored to eliminate the effects of historical and continuing discrimination and its impacts on such disadvantaged minority-owned and women-owned businesses without any undue burden on other contractors. The Department shall give equal opportunity for contracts it lets without regard to race, religion, color, creed, national origin, sex, age, or

handicapping condition, as defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.

(c) The following definitions apply in this section:

(1) "Disadvantaged business" has the same meaning as "disadvantaged business enterprise" in 49 C.F.R. § ~~23.62.~~26.5 or any subsequently promulgated replacement regulation.

(2) "Minority" ~~has the same meaning as in 49 C.F.R. § 23.5.~~includes only those racial or ethnicity classifications identified by a study conducted in accordance with this section that have been subjected to discrimination in the relevant marketplace, and that have been adversely affected in their ability to obtain contracts with the Department.

(d) The Department shall report semiannually to the Joint Legislative Transportation Oversight Committee on the utilization of disadvantaged minority-owned businesses and women-owned businesses and any program adopted to promote contracting opportunities for those businesses. Following each study of availability and utilization, the Department shall report to the Joint Legislative Transportation Oversight Committee on the results of the study for the purpose of determining whether the provisions of this section should continue in force and effect.

(e) This section expires August 31, 2009."

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

HOUSE BILL 1359:
DOT/Minority Women Businesses Program

BILL ANALYSIS

Committee:	House Transportation Committee	**Introduced by:**	Rep. K. Williams
Date:	June 30, 2004	**Summary by:**	Giles S. Perry
Version:	H1359-CSRW-87 [v.3]		Committee Counsel

SUMMARY: ***House Bill 1359 amends current State law setting out State policy concerning participation by disadvantaged minority and women businesses in DOT contracts.***

BILL ANALYSIS: The bill makes the following changes to State law concerning participation by disadvantaged minority and women businesses in highway contracts:

-states that the policy of the State is based on a "compelling governmental interest."

-replaces the use of the term "disadvantaged" businesses with the terms "disadvantaged minority and women" businesses.

-replaces the 10% minority and 5% women goal in current law with a requirement for a utilization study every 5 years. Requires DOT to adopt a program of good faith goals to address specific discrimination found in each 5-year utilization study for participation by minority and women businesses.

-prohibits "set-asides, quotas, sheltered markets, or bid preferences."

-requires annual report by DOT to the Joint Legislative Transportation Oversight Committee on its utilization of minority and women businesses.

-includes a sunset of August 31, 2009.

House Bill 1359 would become effective when it becomes law.

H1359-SMRW-001

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Coates and Allred** (Chairs) for the Committee on **TRANSPORTATION**.

☒ Committee Substitute for
H.B. 1359 A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill (# 2), ☒ which changes the title, unfavorable as to (Committee Substitute Bill # 1).

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

ATTENDANCE
TRANSPORTATION – July 14, 2004

Allred
Coates
Daughtridge
A. Williams
K. Williams
G. Allen
L. Allen
Cole
Crawford
Frye
Haire
Hill
Hilton
Holmes
LaRoque
Lewis
Moore
Nye
Rapp
Ray
Starnes
Sutton
Wright

Culpepper
Cunningham
Brubaker
Eddins

Graf-Ray
Perry

J. Allred
Lennon

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Miller**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 430, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Miller**
Bill Sponsor(s)

SUBJECT: **HB 430, Elect Board of Transportation** (Short Title)

I request that the Committee on Transportation not consider HB 430

Sponsor(s) Signature

July 6, 2004 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 12, 2204

TO: **Representative(s) Stiller**
Bill Sponsor(s)

FROM: **Representative(s) Coates and Allred**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on TRANSPORTATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on TRANSPORTATION not consider HB 707, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Stiller**
Committee Chair(s)

FROM: **Representative(s) Coates and Allred**
Bill Sponsor(s)

SUBJECT: **HB 707, OCEAN ISLE BEACH TRAFFIC CAMERAS**

I request that the Committee on TRANSPORTATION not consider HB 707

Bonnie Stiller
Sponsor(s) Signature

7-12-04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Brubaker and Culp**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 929, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Brubaker and Culp**
Bill Sponsor(s)

SUBJECT: **HB 929, Lemon Law For Commercial Vehicles** (Short Title)

I request that the Committee on Transportation not consider HB 929

Sponsor(s) Signature

7/8/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Brubaker and Culp**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 929, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Brubaker and Culp**
Bill Sponsor(s)

SUBJECT: **HB 929, Lemon Law For Commercial Vehicles** (Short Title)

I request that the Committee on Transportation not consider HB 929

Postpone
TO NEXT SESSION

Sponsor(s) Signature

7-8-04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Brubaker and Culp**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 929, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Brubaker and Culp**
Bill Sponsor(s)

SUBJECT: **HB 929, Lemon Law For Commercial Vehicles** (Short Title)

I request that the Committee on Transportation not consider HB 929

Archie F. Culp
Sponsor(s) Signature

Postpone
TO NEXT SESSION

7-8-04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 12, 2204

TO: **Representative(s) Miner**
Bill Sponsor(s)

FROM: **Representative(s) Coates and Allred**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on TRANSPORTATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on TRANSPORTATION not consider HB 1069, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Miner**
Committee Chair(s)

FROM: **Representative(s) Coates and Allred**
Bill Sponsor(s)

SUBJECT: **HB 1069, REGIONAL PUBLIC TRANSPORTATION LIABILITY**

I request that the Committee on TRANSPORTATION not consider HB 1069

Sponsor(s) Signature

7/12/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Crawford and K. Williams**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1346, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Crawford and K. Williams**
Bill Sponsor(s)

SUBJECT: **HB 1346, Interest On Highway Condemnation Awards** (Short Title)

I request that the Committee on Transportation not consider HB 1346.

Sponsor(s) Signature

7/7/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Crawford and K. Williams**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1346, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Crawford and K. Williams**
Bill Sponsor(s)

SUBJECT: **HB 1346, Interest On Highway Condemnation Awards** (Short Title)

I request that the Committee on Transportation not consider HB 1346.

Sponsor(s) Signature

7/7/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Crawford and K. Williams**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1346, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Crawford and K. Williams**
Bill Sponsor(s)

SUBJECT: **HB 1346, Interest On Highway Condemnation Awards** (Short Title)

I request that the Committee on Transportation not consider HB 1346.

Jill Crawford Jr
Sponsor(s) Signature

7-8-04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Saunders**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1372, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Saunders**
Bill Sponsor(s)

SUBJECT: **HB 1372, Public Transit Deceleration Lamps** (Short Title)

I request that the Committee on Transportation not consider HB 1372

Sponsor(s) Signature

7/7/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Cole, Crawford and Stiller**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1379, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Cole, Crawford and Stiller**
Bill Sponsor(s)

SUBJECT: **HB 1379, Vehicle Control Signs And Signals** (Short Title)

I request that the Committee on Transportation not consider HB 1379

Nelson Cole
Sponsor(s) Signature

7/7/04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Cole, Crawford and Stiller**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1379, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Cole, Crawford and Stiller**
Bill Sponsor(s)

SUBJECT: **HB 1379, Vehicle Control Signs And Signals** (Short Title)

I request that the Committee on Transportation not consider HB 1379.

J W Crawford Jr
Sponsor(s) Signature

4-8-04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Cole, Crawford and Stiller**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1379, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Cole, Crawford and Stiller**
Bill Sponsor(s)

SUBJECT: **HB 1379, Vehicle Control Signs And Signals** (Short Title)

I request that the Committee on Transportation not consider HB 1379.

J W Crawford Jr
Sponsor(s) Signature

4-8-04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Cole, Cunningham, McAllister and Crawford**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1381, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Cole, Cunningham, McAllister and Crawford**
Bill Sponsor(s)

SUBJECT: **HB 1381, VA-NC Interstate High-Speed Rail Compact** (Short Title)

I request that the Committee on Transportation not consider HB 1381

Sponsor(s) Signature

7/7/04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Cole, Cunningham, McAllister and Crawford**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1381, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Cole, Cunningham, McAllister and Crawford**
Bill Sponsor(s)

SUBJECT: **HB 1381, VA-NC Interstate High-Speed Rail Compact** (Short Title)

I request that the Committee on Transportation not consider HB 1381

Mary Ea. McAllister
Sponsor(s) Signature

7-7-04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Cole, Cunningham, McAllister and Crawford**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1381, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Cole, Cunningham, McAllister and Crawford**
Bill Sponsor(s)

SUBJECT: **HB 1381, VA-NC Interstate High-Speed Rail Compact** (Short Title)

I request that the Committee on Transportation not consider HB 1381

Mary Ea. McAllister
Sponsor(s) Signature

1-7-04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 8, 2004

TO: **Representative(s) Gillespie, Bell, Bonner, Crawford, Frye, Gibson, Gorman, Hilton, Pate, Stiller, K. Williams, Wood**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1394, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Gillespie, Bell, Bonner, Crawford, Frye, Gibson, Gorman, Hilton, Pate, Stiller, K. Williams, Wood**
Bill Sponsor(s)

SUBJECT: **HB 1394, 8-Year Drivers License/Internet DL Renewal** (Short Title)

I request that the Committee on Transportation not consider HB 1394

Sponsor(s) Signature

7/8/04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 12, 2204

TO: **Representative(s) Stiller**
Bill Sponsor(s)

FROM: **Representative(s) Coates and Allred**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on TRANSPORTATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on TRANSPORTATION not consider HB 1399, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Stiller**
Committee Chair(s)

FROM: **Representative(s) Coates and Allred**
Bill Sponsor(s)

SUBJECT: **HB 1399, DOT DRIVEWAY CONNECTION CHANGES**

I request that the Committee on TRANSPORTATION not consider HB 1399

Bonnie Stiller
Sponsor(s) Signature

7-12-04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Stiller, Crawford, Bell and K.Williams**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1399, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Stiller, Crawford, Bell and K.Williams**
Bill Sponsor(s)

SUBJECT: **HB 1399, DOT Driveway Connection Changes** (Short Title)

I request that the Committee on Transportation not consider HB 1399

J W Crawford Jr
Sponsor(s) Signature

7-8-04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Stiller, Crawford, Bell and K.Williams**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1399, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Stiller, Crawford, Bell and K.Williams**
Bill Sponsor(s)

SUBJECT: **HB 1399, DOT Driveway Connection Changes** (Short Title)

I request that the Committee on Transportation not consider HB 1399

J W Crawford Jr
Sponsor(s) Signature

7-8-04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Stiller, Crawford, Bell and K.Williams**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1399, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Stiller, Crawford, Bell and K.Williams**
Bill Sponsor(s)

SUBJECT: **HB 1399, DOT Driveway Connection Changes** (Short Title)

I request that the Committee on Transportation not consider HB 1399

Sponsor(s) Signature

7/7/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 6, 2004

TO: **Representative(s) Stiller, Crawford, Bell and K.Williams**
Bill Sponsor(s)

FROM: **Representative(s) Allred and Coates**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Transportation**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Transportation not consider HB 1399, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Allred and Coates**
Committee Chair(s)

FROM: **Representative(s) Stiller, Crawford, Bell and K.Williams**
Bill Sponsor(s)

SUBJECT: **HB 1399, DOT Driveway Connection Changes** (Short Title)

I request that the Committee on Transportation not consider HB 1399

Sponsor(s) Signature

7/7/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: July 12, 2204

TO: **Representative(s) McComas**
Bill Sponsor(s)

FROM: **Representative(s) Coates and Allred**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on TRANSPORTATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on TRANSPORTATION not consider HB 1477, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 633. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) McComas**
Committee Chair(s)

FROM: **Representative(s) Coates and Allred**
Bill Sponsor(s)

SUBJECT: **HB 1477, TRANSIT DRUG TEST**

I request that the Committee on TRANSPORTATION not consider HB 1477

Sponsor(s) Signature

7/12/04 Date