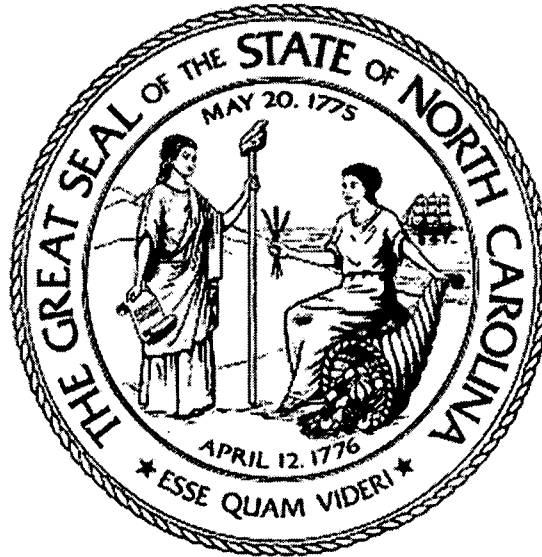


2003-2004

**SENATE
TRANSPORTATION**

**COMMITTEE
MINUTES**

STATE OF NORTH CAROLINA
NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27601



SENATE TRANSPORTATION COMMITTEE

2003 SESSION

Senator Larry Shaw, Chair

Vice-Chairs

Senator Gulley
Senator Hoyle

COMMITTEE ASSISTANT

Barbara Lee

Transportation Committee Members

Chairman	Sen. Larry Shaw
Vice Chairman	Sen. Wib Gulley
Vice Chairman	Sen. David W. Hoyle
Ranking Minority Member	Sen. Robert A. Rucho
Members	Sen. Philip E. Berger, Sen. Andrew C. Brock, Sen. Robert C. Carpenter, Sen. John H. Carrington, Sen. Linda Garrou, Sen. Cecil Hargett, Sen. Clark Jenkins, Sen. Tony P. Moore, Sen. Tony Rand, Sen. R. B. Sloan, Jr., Sen. Richard Stevens, Sen. A. B Swindell, Sen. Scott Thomas, Sen. Jerry W. Tillman, Sen. David F. Weinstein

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0021=	Crawford	HIGHWAY TRUST FUND MATCH/CONTINUING BUDGET AUTH.	*S Conf Com Appointed	04-02-03	05-14-03
H0022=	Crawford	DOT RESURFACING/SECONDARY ROAD FUND USE.	*SR Ch. SL 2003-112	04-02-03	05-14-03
H0023=	Crawford	DOT TRANSIT SAFETY OVERSIGHT.	S Ref To Com On Transportation	04-03-03	
H0026	Miller	CAMERA DEFEATING LICENSE COVERS ILLEGAL.	*S Ref To Com On Transportation	04-23-03	
H0425	sexton	HORSE TRAILER/WEIGH STATIONS.	*SR Ch. SL 2003-338	04-29-03	06-11-03
H0692	Mitchell	AUTO AUCTIONEERS-NO DEALER LICENSE NEEDED.	*SR Ch. SL 2003-265	04-10-03	06-11-03
H0824	Allred	DOT BRIDGE ENCROACHMENTS.	*SR Ch. SL 2003-267	04-23-03	06-04-03
H0944	Mitchell	REQUIRED NOTICES FOR TOWING PAYMENTS.	*SR Ch. SL 2003-336	05-05-03	06-11-03
H0970	K. Williams	SCHOOL BUS DRIVER MEDICAL EVALUATIONS.	*S Ref To Com On Transportation	05-05-03	
H1159=	Dickson	MILITARY EXPIRATION OF DRIVERS LICENSE.	*SR Ch. SL 2003-152	04-29-03	05-07-03
S0035=	wib Gullety	CHARTER SCHOOLS/DEED REGISTRATION.	*SR Ch. SL 2003-354	02-13-03	03-19-03
S0037=	wib Gullety	DOT RETIRED ENGINEERS.	S Ref to Transportation. If fav, re-ref to Appropriations/Base Budget	02-13-03	
S0038=	wib Gullety	DOT SAFETY AND LOGO SIGNS.	*SR Ch. SL 2003-184	02-13-03	03-19-03
S0291=	Katie G. Dorsett	GREENSBORO CONSTRUCT ROADS OUTSIDE CITY.	*S Ref To Com On Local Government II	03-05-03	04-28-03
S0377	John A. Garwood	WEIGHT LIMIT CHANGES.	*S Re-ref Com On Rules and Operations of the Senate	03-12-03	04-28-03
S0384=	wib Gullety	DURHAM NORTHERN LOOP CORRIDOR.	*S Re-ref Com On Appropriations	03-12-03	03-27-03

S0426	Fletcher L. Hart	ABANDONMENT BY DOT OF CITY ROADWAYS.	S	Subcommittee on Transportation Ref To Com On	03-17-03
S0526	Fletcher L. Hart	CARTWAYS-RELOCATION OF ROADWAY BY DOT.	S	Transportation Ref To Com On	03-25-03
S0635	James Forrester	MEDICAL SPECIALTIES ON DRIVERS LICENSE.	S	Transportation Ref To Com On	04-01-03
S0864	Daniel G. Clodfe	MPO/RTO TRANSPORTATION PLANNING FUNDING.	S	Transportation. If fav, re-ref to Appropriations/ Base Budget	04-03-03
S0885	Robert C. Carpen	WINDSHIELDS REQUIRED AND INSPECTED.	S	Ref To Com On Transportation	04-03-03
S0935	John H. Kerr III	MILITARY EXPIRATION OF DRIVERS LICENSE.	*S	Re-ref Com On Finance	04-03-03 04-28-03
S1003	Patrick J. Balla	PROSPERITY PROJECT - HIGHWAY CORRIDOR.	S	Ref To Com On Transportation	04-03-03
S1008	wib Gullely	VA-NC HIGH SPEED RAIL COMMISSION.	*S	Re-ref Com On Rules, Calendar, and Operations of the House	04-03-03 04-16-03

'\$' 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

SENATE TRANSPORTATION COMMITTEE
Wednesday March 19, 2003 at 11:00 a.m.
Room 1027, Legislative Building

- I. Welcome and Opening Remarks**

- II. SB 384 Durham Northern Loop Corridor Sen. Gulley**
SB 38 DOT Transit Safety Oversight Sen. Gulley
SB 35 DOT Resurfacing Secondary Road Funds Use. Sen. Gulley

- III. Adjournment**

MINUTES

SENATE TRANSPORTATION COMMITTEE

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, March 19, 2003. Fifteen members were present.

Senator Shaw presided and had each member to introduced him/herself.

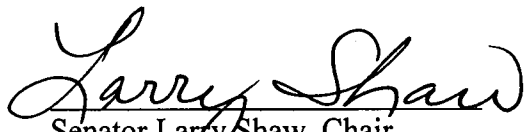
Senator Gulley was recognized to explain SB 384 Durham Northern Loop Corridor. This bill redefines the "Durham Northern Loop" regarding Highway Trust Fund allocations for urban loops. Planning and constructing the projects will be established by agreement of the Metropolitan Planning Organization and the Department of Transportation Improvement Program process. After further discussion Senator Swindell moved for a favorable report. The motion carried unanimously.


Senator Gulley explained SB 38 DOT Transit Safety Oversight. This bill designates the Department of Transportation as the agency responsible for guide way transit systems. Additionally, this bill is a recommendation of the Joint Legislative Transportation Oversight Committee. The Department of Transportation indicated that program standards and procedures have been drafted and will be sent to relevant state/local agencies for review. After further discussion Senator Carpenter moved for a favorable report. The motion carried unanimously.

Senator Gulley explained SB 35 DOT Resurfacing/Secondary Road Fund Use. This bill authorizes DOT to use contract maintenance resurfacing funds for widening and existing narrow payment. This bill also provides specified circumstances the Department of Transportation may use county's allocated second road paving funds for safety improvements on paved or unpaved roads. After further discussion. A motion was made unfavorable as to bill, but favorable as to committee substitute. Motion carried unanimously.

There being no further business Senator Shaw adjourned the meeting.

Respectfully submitted,


Senator Larry Shaw, Chair


Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Wednesday, March 19, 2003

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

FAVORABLE

S.B.	38	DOT Transit Safety Oversight.	
		Sequential Referral:	None
		Recommended Referral:	None

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE
BILL**

S.B.	35	DOT Resurfacing/Secondary Road Fund Use.	
		Draft Number:	PCS55093
		Sequential Referral:	Appropriations/Base Budget
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 384

Short Title: Durham Northern Loop Corridor.

(Public)

Sponsors: Senators Gulley; and Lucas.

Referred to: Transportation.

March 12, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF
3 THE DURHAM NORTHERN LOOP.

4 The General Assembly of North Carolina enacts:

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

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

8			Affected
9	Loop	Description	Counties
10	Asheville Western	Multilane facility on new	Buncombe
11	Loop	location from I-26 west of	
12		Asheville to US-19/23	
13		north of Asheville for the	
14		purpose of connecting these	
15		roads. The funds may be	
16		used to improve existing	
17		corridors.	
18	Charlotte Outer Loop	Multilane facility on	Mecklenburg
19		new location encircling	
20		City of Charlotte	
21	Durham Northern Loop	The corridor shall be	Durham, Orange Wake
22		identified as a part of the	
23		local long-range	
24		transportation plan as	
25		mutually adopted in 2003 by	
26		the Durham-Chapel Hill-	
27		Carrboro metropolitan	
28			
29			

1 ~~planning organization and the~~
2 ~~North Carolina Board of~~
3 ~~Transportation~~

4 The projects listed below are
5 eligible for funding under this
6 section as part of the Durham
7 Northern Loop. The priorities
8 for planning and constructing
9 these projects will be
10 established by mutual
11 agreement of the
12 Metropolitan Planning
13 Organization (MPO) and the
14 Department of Transportation
15 through the federally
16 mandated Transportation
17 Improvement Program
18 development process. The
19 cross sections for these
20 projects will be established by
21 mutual agreement of the
22 MPO and the Department of
23 Transportation through the
24 State and federal
25 environmental review
26 process.

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

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

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

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

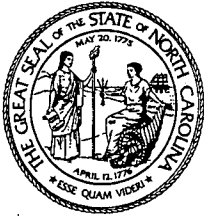
37 (5) Northern Durham
38 Parkway, Section A, from
39 I-85 to I-540.

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

43 (7) Roxboro Rd. from Duke
44 St. to Goodwin Rd.

1	Greensboro Loop	Multilane facility on new	Guilford
2		location encircling City	
3		of Greensboro	
4	Raleigh Outer Loop	Multilane facility on	Wake
5		new location from US-1	
6		southwest of Cary	
7		northerly to US-64 in	
8		eastern Wake County	
9	Wilmington Bypass	Multilane facility on new	New Hanover
10		location from US-17	
11		northeast of Wilmington	
12		to US-17 southwest	
13		of Wilmington,	
14		including the Blue Clay Road	
15		interchange	
16	Winston-Salem	Multilane facility on	Forsyth
17	Northbelt	new location from I-40 west	
18		of Winston-Salem northerly	
19		to I-40 in eastern Forsyth	
20		County"	

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



SENATE BILL 384: Durham Northern Loop Corridor

BILL ANALYSIS

Committee: Senate Transportation
Date: March 19, 2003
Version: 1st Edition

Introduced by: Senator Gulley
Summary by: Brenda J. Carter
Committee Counsel

SUMMARY: *Senate Bill 384 redefines the "Durham Northern Loop" with regard to Highway Trust Fund allocations for urban loops.*

CURRENT LAW: The "Durham Northern Loop" is currently defined as a part of the local long-range transportation plan as mutually adopted in 2003 by the Durham-Chapel Hill-Carrboro metropolitan planning organization and the North Carolina Board of Transportation.

BILL ANALYSIS: Senate Bill 384 specifically lists the Durham Northern Loop projects eligible for funding from the Trust Fund. Priorities for planning and constructing the projects will be established by agreement of the Metropolitan Planning Organization (MPO) and DOT through the Transportation Improvement Program process. Cross-sections for the projects will be established by mutual agreement of the MPO and DOT through the State and federal environmental review process.

The bill would be effective when it becomes law.

S384-SMRV-001a

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 35*

Short Title: DOT Resurfacing/Secondary Road Fund Use.

(Public)

Sponsors: Senators Gulley; and Carpenter.

Referred to: Transportation.

February 13, 2003

A BILL TO BE ENTITLED

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

11 The General Assembly of North Carolina enacts:

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

13 **"§ 136-44.16. Resurfaced roads may be widened.**

14 Of the contract maintenance resurfacing program funds appropriated by the General
15 Assembly to the Department of Transportation, an amount not to exceed fifteen percent
16 (15%) of the Board of Transportation's allocation of these funds may be used for
17 widening existing narrow pavements that are scheduled for resurfacing pavements."

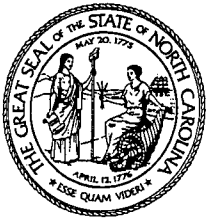
18 **SECTION 2.** G.S. 136-182 reads as rewritten:

19 **"§ 136-182. Supplement for secondary road construction.**

20 Funds are allocated from the Trust Fund to increase allocations for secondary road
21 construction made under G.S. 136-44.2A so that all State-maintained unpaved
22 secondary roads with a traffic vehicular equivalent of at least 50 vehicles a day can be
23 paved by the ~~1998-99~~ 2009-2010 fiscal year. This supplement shall be discontinued
24 when the Department of Transportation certifies that, with funds available from sources
25 other than the Trust Fund, all State-maintained unpaved secondary roads, regardless of
26 their traffic vehicular equivalent, can be paved during the following six years. If all the
27 State-maintained roads in a county have been paved under G.S. 136-44.7, except those
28 that have unavailable right-of-way or for which environmental permits cannot be
29

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

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



SENATE BILL 38: DOT Transit Safety Oversight

BILL ANALYSIS

Committee: Senate Transportation
Date: March 19, 2003
Version: 1st Edition

Introduced by: Senator Gulley
Summary by: Brenda J. Carter
Committee Counsel

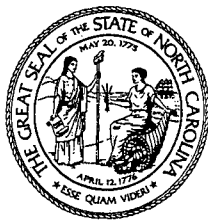
SUMMARY: *Senate Bill 38 designates DOT as the State agency responsible for fixed guideway transit systems. The bill is a recommendation of the Joint Legislative Transportation Oversight Committee.*

CURRENT LAW: The Federal Transit Administration (FTA), through 49 CFR, Part 659, delegates to states the responsibility for fixed guideway transit system safety and security and oversight. There is currently no specific statutory authority for the Secretary of Transportation to manage and promulgate necessary rules on behalf of the State.

BILL ANALYSIS: **Section 1** of the bill adds to the current list of DOT powers set out in G.S. 136-18 an additional power concerning transit system safety oversight. The Federal Transit Administration (FTA), through 49 CFR, Part 659, delegates to states the responsibility for rail fixed guideway transit system safety and security and oversight. DOT indicates that these responsibilities are similar to those currently managed by the DOT Rail Division under the Federal Railroad Administration's state certified safety inspection program, but that statutory authority is needed to establish the Secretary's authority to manage and promulgate necessary rules concerning the oversight of the safety of fixed guideway transit systems. DOT has also indicated that program standards and procedures have been drafted and will shortly be sent to the relevant state and local agencies for review and comment.

The bill would be effective when it becomes law.

S38-SMRV-001



SENATE BILL 35: DOT Resurfacing/Secondary Road Fund Use

BILL ANALYSIS

Committee: Senate Transportation
Date: March 19, 2003
Version: 1st Edition

Introduced by: Senator Gulley
Summary by: Brenda J. Carter
Committee Counsel

SUMMARY: *Senate Bill 35 authorizes the Department of Transportation (DOT) to use contract maintenance resurfacing funds for widening any existing narrow pavements, not just existing narrow pavements that are scheduled for resurfacing. The bill also provides that under specified circumstances DOT may use a county's allocated secondary road paving funds for safety improvements on the paved or unpaved roads in that county. The bill is a recommendation of the Joint Legislative Transportation Oversight Committee.*

CURRENT LAW: Under G.S. 136-44.16, up to 15% of the contract maintenance resurfacing program funds appropriated to DOT may be used for widening existing narrow pavements that are scheduled for resurfacing. G.S. 136-182 provides for an allocation from the Highway Trust Fund to increase allocations for secondary road construction so that all State-maintained unpaved secondary roads with a traffic equivalent of at least 50 vehicles a day can be paved by the specified target date.

BILL ANALYSIS: **Section 1** of the bill authorizes DOT to use contract resurfacing program funds currently allocated for widening existing narrow pavements *scheduled for resurfacing* to be used to widen *any* existing narrow pavements.

Section 2 of the bill amends G.S. 136-182 to extend until fiscal year 2009-2010 the target date by which State-maintained unpaved secondary roads meeting the 50 vehicle/day specification should be paved. It authorizes DOT to use Highway Trust Fund funds allocated to a particular county for paving secondary roads to also be used for safety improvements on secondary roads within that same county, if all State-maintained unpaved secondary roads in that county have been paved except those which have unavailable right-of-way or for which environmental permits cannot be approved to allow for paving.

The bill would be effective when it becomes law.

Note: The bill requires a technical amendment to correct the cite to the statute being amended in Section 1 of the bill.

S35-SMRV-001

VISITOR REGISTRATION SHEET

Senate Committee On Transportation

March 19, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Steve Hall

Conservation Council

Mary Thomson

REBIC

John Phelps

NCLM

John Long

Martin Marcetta

Sue Conrad

NCDOT

JANET D'IGNAZIO

NCDOT

Miriam Perry

NCDOT

Dallas Baker

Intern - Senator Gulley

John Palumbo

AT&T

JAMES FRANKLIN

THE INFLUENCER

Beau Mills

NC Metro Coalition

VISITOR REGISTRATION SHEET

Senate Committee On Transportation

March 19, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Greeky McCallis	S.C. Committee on Transportation
Charlie Diehl	NC Trucking Association
R. Paul Wilms	NCHBA
Craig Deal	NCDEUR
V.L. McBride	NCTA
Doug Lantz	NCSTA
Richard Westwood	UTU
Steen Linn	UTU
DAVID BARNES	Poyner + Spurr LLP
John Cyrus	N.C. State Grange
Scott McKellon	NC Public Transportation Association

SENATE TRANSPORTATION COMMITTEE

AGENDA

THURSDAY, MARCH 27, 2003

15 minutes before Senate Session

**Senate Chamber
Desk of Senator Larry Shaw**

S.B. 384 Durham Northern Loop Corridor

Senator Gulley

MINUTES

SENATE TRANSPORTATION COMMITTEE MEETING

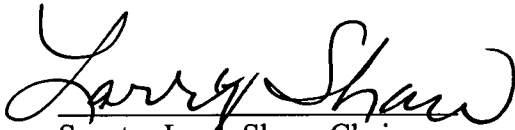
SENATE CHAMBER DESK OF SENATOR LARRY SHAW


The Senate Committee on Transportation met on Thursday, March 27, 2003 15 minutes before Senate Session in Senate Chamber Desk of Senator Larry Shaw. There were twelve members present.

Senator Gulley was recognized to explain SB 384 Durham Northern Loop Corridor. This bill is an act to amend the Highway Trust Fund Act of the Durham Northern Loop and Intrastate Improvement Projects. After explanation of this bill, Senator Gulley made a motion to adopt a committee substitute. Senator Weinstein seconded motion and the motion passed unanimously.

There being no further business Senator Shaw adjourned the meeting.

Respectfully submitted,


Senator Larry Shaw, Chair


Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Thursday, March 27, 2003

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

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE
BILL**

S.B. 384	Durham Northern Loop Corridor.	
	Draft Number:	PCS15149
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

March 12, 2003

S 384. DURHAM NORTHERN LOOP CORRIDOR. TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP. Amends GS 136-180(a) as title indicates.

Intro. by Gulley.

Ref. to Transportation	GS 136
------------------------	--------

March 27, 2003

S 384. DURHAM NORTHERN LOOP CORRIDOR. Intro. 3/12/03. Senate committee substitute makes the following changes to 1st edition. Changes title to *AN ACT TO AMEND THE HIGHWAY TRUST FUNDS DESCRIPTION OF THE DURHAM NORTHERN LOOP AND INTRASTATE IMPROVEMENT PROJECTS*. Amends GS 136-179 to specify projects for which funds from Trust Fund for Intrastate System may be used.

May 8, 2003

S 384. DURHAM NORTHERN LOOP CORRIDOR. Intro. 3/12/03. House committee substitute adopted 5/7/03 makes the following changes to 2nd edition. Changes one boundary of Wilmington Bypass from US-17 southwest of Wilmington to US-421 in southern Wilmington.

June 4, 2003

S 384. DURHAM NORTHERN LOOP CORRIDOR. Intro. 3/12/03. Conference report recommends the following changes to 3rd edition to reconcile matters in controversy. Rewrites GS 136-180(a) as set out in 3rd edition to add following specifics: (1) specifies that Charlotte Outer Loop is to include 6 laning of portion from Johnston Road/US 521 south to I-77 south of Charlotte; (2) specifies that Greensboro Loop is to include interchanges with Cone Blvd Extension and Lewis-Fleming Road Extension; (3) specifies that Raleigh Outer Loop is to run from NC 55 (rather than US 1) southwest of Cary; and (4) specifies that Winston-Salem Northbelt is to run to US 311/Future I-74 rather than I-40. Amends GS 136-179 as set out in 3rd edition to add following Pitt county project: new southwest bypass of Greenville from US-264 west of Greenville to NC-11 south of Winterville.

June 10, 2003

S 384. DURHAM NORTHERN LOOP CORRIDOR. Intro. 3/12/03. Conference report recommends the following changes to 3rd edition to reconcile matters in controversy. Replaces first conference report with second conference report, making following changes to first report: Amends GS 136-180(a) to add the following urban loop projects: (1) Fayetteville Western Outer Loop (multilane facility on new location from US 401 north of Fayetteville to I-95 south of Hope Mills) and (2) Greenville Loop (multilane extension of the Greenville Loop from US 264 west of Greenville to NC-11 south of Winterville). Deletes Greenville project from GS 136-179.

March 12, 2003

S 384. DURHAM NORTHERN LOOP CORRIDOR. TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP. Amends GS 136-180(a) as title indicates.

Intro. by Gulley.

Ref. to Transportation	GS 136
------------------------	--------

March 27, 2003

S 384. DURHAM NORTHERN LOOP CORRIDOR. Intro. 3/12/03. Senate committee substitute makes the following changes to 1st edition. Changes title to *AN ACT TO AMEND THE HIGHWAY TRUST FUNDS DESCRIPTION OF THE DURHAM NORTHERN LOOP AND INTRASTATE IMPROVEMENT PROJECTS*. Amends GS 136-179 to specify projects for which funds from Trust Fund for Intrastate System may be used.

May 8, 2003

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**Senate Committee on Transportation
Wednesday, April 23, 2003**

**Immediately After Senate Session
LB 1124**

SB 377	Weight Limit Changes.	Senator Garwood
SB 291	Greensboro Construct Roads Outside City	Senator Dorsett
SB 935	Military Expiration of Drivers Licenses.	Senator Kerr
SB 1003	Prosperity Project – Highway Corridor	Senator Ballantine

MINUTES

SENATE TRANSPORTATION COMMITTEE

The Senate Committee on Transportation met immediately after Senate Session on Wednesday, April 23, 2003 in Legislative Building 1124. Sixteen members were present.

Senator Shaw, Chair presided.

Senator Garwood was recognized to explain SB 377 Weight Limit Changes. This bill authorizes the Transportation Oversight Committee to study the weight limits and penalties for trucks transporting bulk commodities. After some discussion Senator Sloan moved to adopt committee substitute and refer to Rules. The motion carried unanimously.

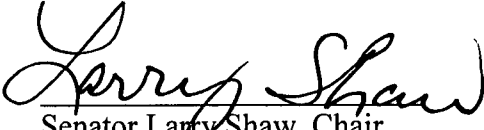
Senator Dorsett was recognized to explain SB 291 Greensboro Construct Roads Outside City. This bill authorizes the City of Greensboro to expend funds on roads outside the corporate limits. Senator Sloan moved to adopt committee substitute. The motion carried unanimously.

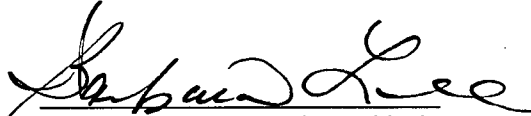
Senator Kerr was recognized to explain SB 935 Military Expiration of Drivers License. This bill would establish a military drivers license expiration procedure within the Division of Motor Vehicles. After some discussion, a motion was made to adopt committee substitute. The motion carried unanimously.

Senator Ballantine was recognized to explain SB 1003. Senator Carrington moved for a favorable report. Motion carried.

There being no further business Senator Shaw adjourned the meeting.

Respectfully submitted.


Senator Larry Shaw, Chair


Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Monday, April 28, 2003

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

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE
BILL**

S.B. 291	Greensboro Construct Roads Outside City.	
	Draft Number:	PCS 65279
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	No
S.B. 377	Weight Limit Changes.	
	Draft Number:	PCS 65280
	Sequential Referral:	None
	Recommended Referral:	Rules
	Long Title Amended:	Yes
S.B. 935	Military Expiration of Drivers License.	
	Draft Number:	PCS 65278
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	No

TOTAL REPORTED: 3

Committee Clerk Comments:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

S

1

SENATE BILL 377

Short Title: **Weight Limit Changes.**

(Public)

Sponsors: **Senator Garwood.**

Referred to: **Transportation.**

March 12, 2003

1 **A BILL TO BE ENTITLED**
2 **AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING**
3 **AGGREGATES.**
4 **The General Assembly of North Carolina enacts:**
5 **SECTION 1. G.S. 20-118 is amended to adjust the weight limits for trucks**
6 **transporting aggregates.**
7 **SECTION 2. This act is effective when it becomes law.**

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 291

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

Sponsors: Senators Dorsett, Hagan, and Berger.

Referred to: Transportation.

March 5, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS
3 ON ROADS OUTSIDE THE CORPORATE LIMITS.

4 The General Assembly of North Carolina enacts:

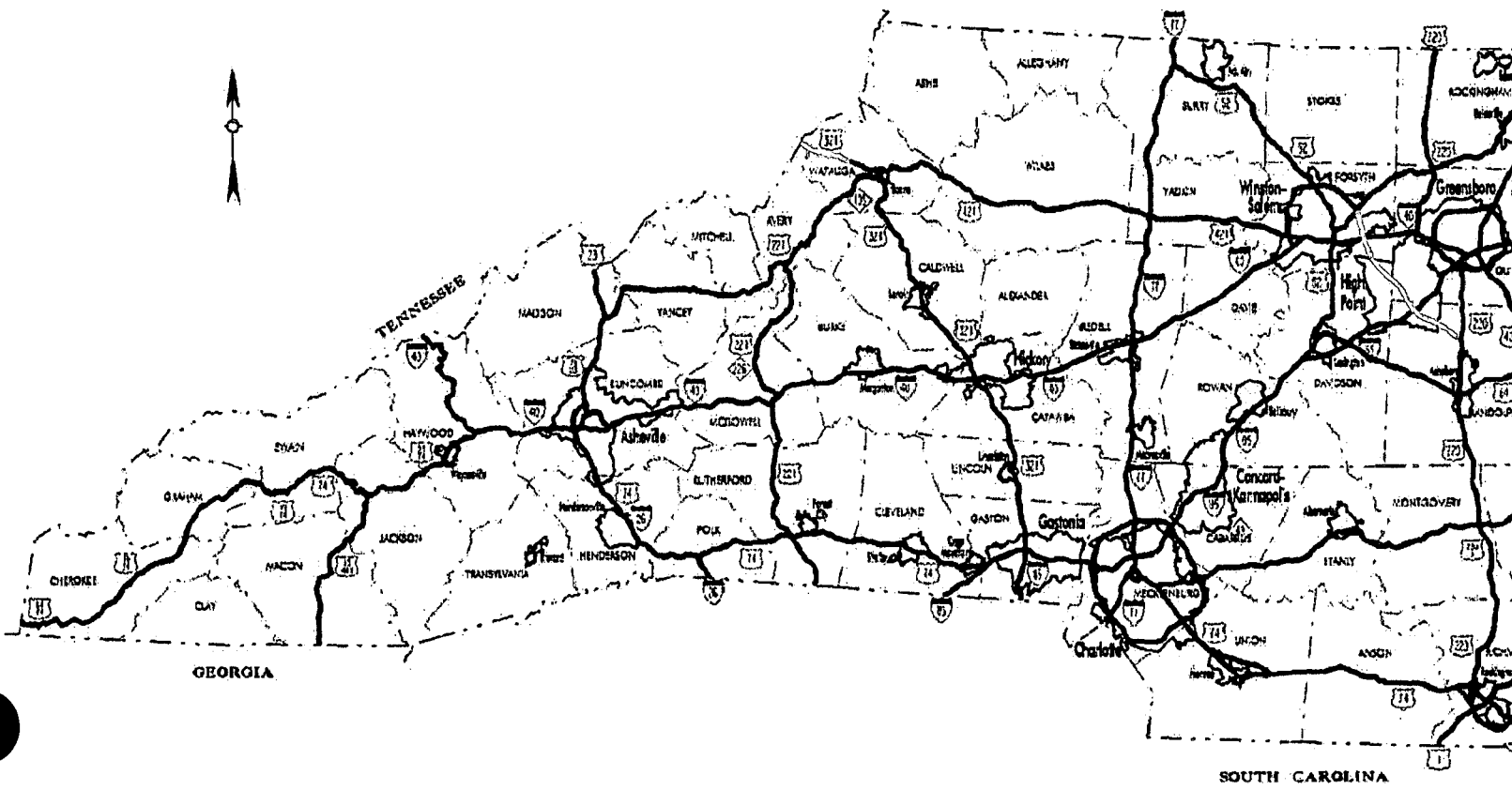
5 SECTION 1. Chapter 160A of the General Statutes is amended by adding a
6 new section to read:

7 "**§ 160A-296.1. Expenditure of funds for roads outside the corporate limits.**

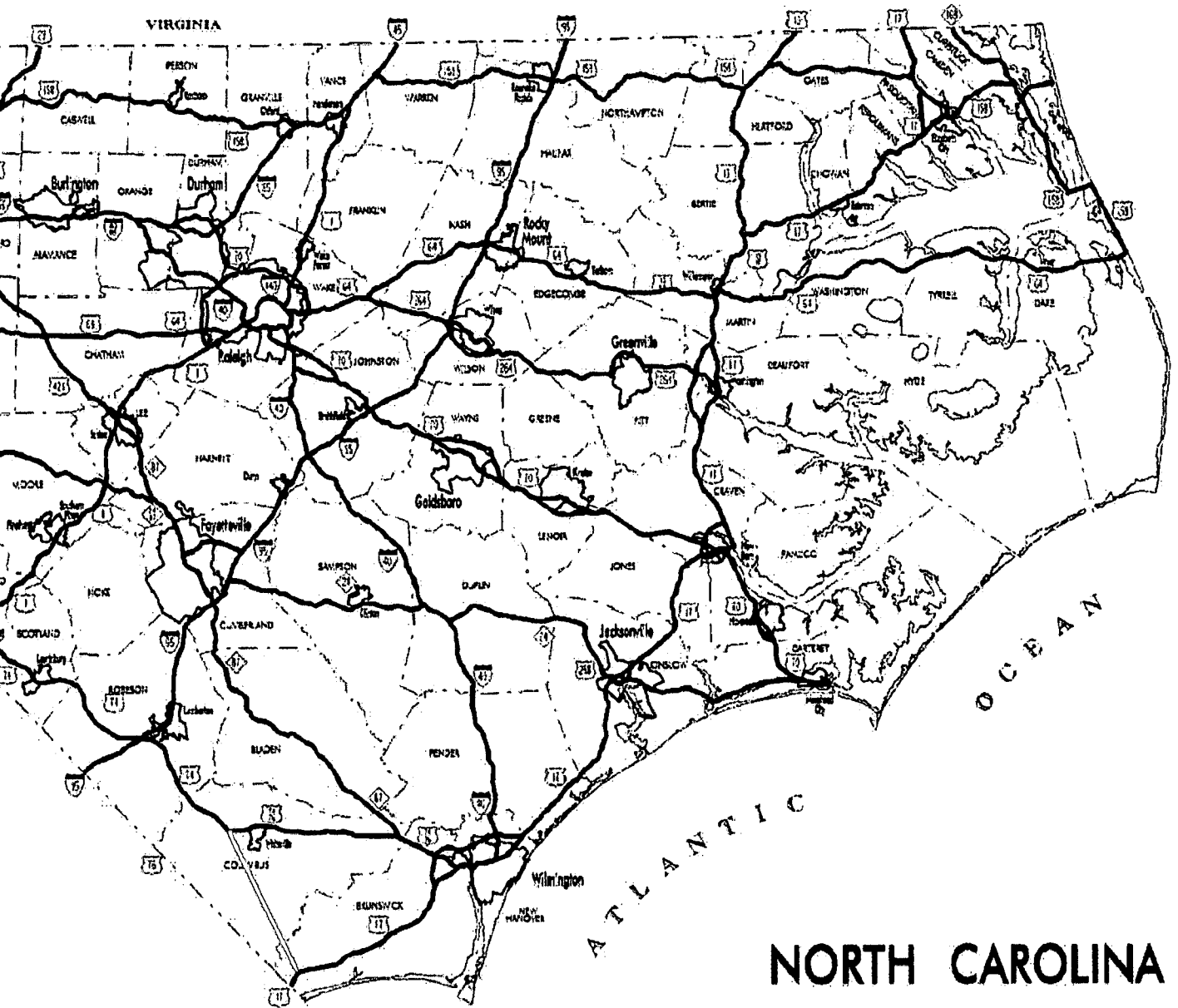
8 A city may appropriate funds not otherwise limited as to use by law to construct
9 roadways in areas outside its corporate limits and outside its extraterritorial planning
10 and zoning jurisdiction only if those roadways are owned by the State and maintained
11 by the Department of Transportation."

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

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



- PROPOSED INTRASTATE SYSTEM
- ==== I-73/74 CORRIDORS TO BE ADDED TO INTRASTATE SYSTEM
- - - - PROPOSED REDESIGNATION



NORTH CAROLINA
Intrastate System

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

D

SENATE BILL 935
PROPOSED COMMITTEE SUBSTITUTE S935-CSRV-15 [v.1]

4/23/2003 3:04:10 PM

Short Title: Military Expiration of Drivers License.

(Public)

Sponsors:

Referred to:

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION
3 PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 20-7 is amended by adding a new subsection to read:

6 "(q) Military Expiration and Renewal. – The Division of Motor Vehicles shall
7 develop a 'military' designation for drivers licenses. These licenses shall:

- 8 (1) Be issued, upon request, to North Carolina residents on active duty and
9 to their spouses and dependent children.
10 (2) Be renewed by mail no more than two times under this subsection.
11 (3) Be renewed up to one year prior to expiration upon the presentation of
12 military or Department of Defense credentials.
13 (4) Be renewed without a vision test if the member is deployed to a
14 combat zone or a qualified hazardous duty zone."

15 SECTION 2. G.S. 20-7 is amended by adding a new subsection to read:

16 "(r) National Guard and Reserve. – A license holder who is a member of the
17 National Guard or of a Reserve component of the Armed Forces of the United States
18 shall be exempt from any required eye exam when renewing a drivers license if, at the
19 time of renewal, the license holder is serving in a combat or qualified hazardous duty
20 zone."

21 SECTION 3. This act becomes effective January 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 1003

Short Title: Prosperity Project - Highway Corridor. (Public)

Sponsors: Senators Ballantine; and Shubert.

Referred to: Transportation.

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE
FUNDING AND CONSTRUCTION OF THE PROSPERITY PROJECT
HIGHWAY CORRIDOR.

The General Assembly of North Carolina enacts:

SECTION 1. 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
...		
<u>Prosperity</u>	<u>Controlled access divided</u>	<u>Brunswick</u>
<u>Project Corridor</u>	<u>highway</u>	<u>Columbus</u>
		<u>Robeson</u>
		<u>Scotland</u>
		<u>Richmond</u>
		<u>Anson</u>
		<u>Union</u>
		<u>Mecklenburg</u>
		<u>Gaston</u>
		<u>Cleveland</u>
		<u>Rutherford</u>
		<u>Polk</u>
		<u>Henderson</u>
		<u>Buncombe"</u>

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

MINUTES

SENATE TRANSPORTATION COMMITTEE

WEDNESDAY, MAY 14, 2003

AGENDA

- | | | |
|---------|--|------------------------------|
| H.B. 21 | Highway Trust Fund Federal-Aid Match. | Representative Crawford, Jr. |
| H.B. 22 | DOT Resurfacing/Secondary Road Fund Use. | Representative Crawford, Jr. |

MINUTES

SENATE TRANSPORTATION COMMITTEE

The Senate Committee on Transportation met at 11:00 a.m. on Wednesday, May 14, 2003 in Room 1027 Legislative Building. Sixteen members were present.

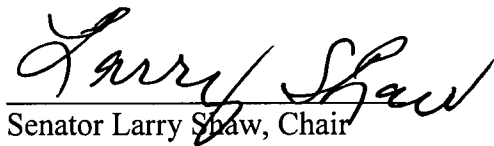
Senator Shaw presided and introduced pages: Stephen Kouba, Fayetteville – sponsor Senator Rand, and Jesse Maness, Yanceyville – sponsor Senator Webster.

Representative Crawford was recognized to explain HB 21 Highway Trust Fund Federal-Aid Match. This bill amends the Highway Trust Fund Act of 189 to allow DOT to use funds from the Highway Trust Fund to match federal-aid highway funds. This bill is a recommendation of the Joint Legislative Transportation Oversight Committee. The Department of Transportation may not be able to match all federal aid due to this limitation. After some discussion Senator Gulley moved for a favorable report. The motion carried unanimously.

Representative was recognized again to explain HB 22 DOT Resurfacing/Secondary Road Fund Use. This bill authorizes DOT to use contract maintenance resurfacing funds for widening existing narrow pavements. After some discussion Senator Gulley moved for a favorable report. The motion passed unanimously.

There being no further business Senator Shaw adjourned the meeting.

Respectfully submitted,


Senator Larry Shaw, Chair


Barbara Lee, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Wednesday, May 14, 2003

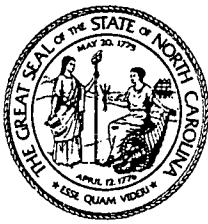
SENATOR SHAW,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #1) 21	Highway Trust Fund Federal-Aid Match.	
	Sequential Referral:	None
	Recommended Referral:	Appropriations/Base Budget
H.B.(CS #1) 22	DOT Resurfacing/Secondary Road Fund Use.	
	Sequential Referral:	None
	Recommended Referral:	None

TOTAL REPORTED: 2

Committee Clerk Comments:



HOUSE BILL 21: Highway Trust Fund Federal-Aid Match

BILL ANALYSIS

Committee: Senate Transportation
Date: May 14, 2003
Version: 2nd Edition

Introduced by: Representative Crawford
Summary by: Brenda J. Carter
Committee Counsel

SUMMARY: *House Bill 21 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.*

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 for transfer to the General Fund, and for DOT administration.

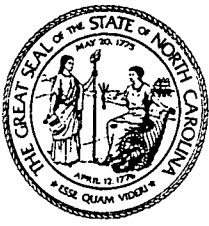
BILL ANALYSIS: House Bill 21 authorizes DOT to set aside funds from the Highway Trust Fund to match federal aid highway funds, prior to allocation and distribution of the Highway Trust Fund to the specified intrastate, urban loop, secondary and "Powell Bill" (municipal) road projects. The proposed change would allow DOT to use funds from the Highway Trust Fund 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.

BACKGROUND: The bill is a recommendation of the Joint Legislative Transportation Oversight Committee. Federal-aid matching funds 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. There is some concern that DOT soon may not be able to match all federal aid due to this limitation.

H21-CSR-001

**Giles Perry, Co-Counsel to the House Transportation Committee, substantially contributed to this summary.*



HOUSE BILL 22: DOT Resurfacing/Secondary Road Fund Use

BILL ANALYSIS

Committee: Senate Transportation
Date: May 14, 2003
Version: 2nd Edition

Introduced by: Representative Crawford
Summary by: Brenda J. Carter
Committee Counsel

SUMMARY: *House Bill 22 authorizes the Department of Transportation (DOT) to use contract maintenance resurfacing funds for widening any existing narrow pavements, not just existing narrow pavements that are scheduled for resurfacing. The bill also provides that under specified circumstances DOT may use a county's allocated secondary road paving funds for safety improvements on the paved or unpaved roads in that county. The bill is a recommendation of the Joint Legislative Transportation Oversight Committee.*

CURRENT LAW: Under G.S. 136-44.16, up to 15% of the contract maintenance resurfacing program funds appropriated to DOT may be used for widening existing narrow pavements that are scheduled for resurfacing. G.S. 136-182 provides for an allocation from the Highway Trust Fund to increase allocations for secondary road construction so that all State-maintained unpaved secondary roads with a traffic equivalent of at least 50 vehicles a day can be paved by the specified target date.

BILL ANALYSIS: Section 1 of the bill authorizes DOT to use contract resurfacing program funds to be used to widen *any* existing narrow pavements.

Section 2 of the bill amends G.S. 136-182 to extend until fiscal year 2009-2010 the target date by which State-maintained unpaved secondary roads meeting the 50-vehicle per day specification should be paved. It authorizes DOT to use Highway Trust Fund funds allocated to a particular county for paving secondary roads to also be used for safety improvements on secondary roads within that same county, if all State-maintained unpaved secondary roads in that county have been paved except those which have unavailable right-of-way or for which environmental permits cannot be approved to allow for paving.

The bill would be effective when it becomes law.

BACKGROUND: The bill is a recommendation of the Joint Legislative Transportation Oversight Committee. It is identical to Senate Bill 35, which was given a favorable report by this Committee and was subsequently passed by the Senate on April 17.

H22-SMRV-001

**Resolution by the Board of Transportation
On State Highway Trust Fund Budget Constraints
May 2, 2002**

WHEREAS, it is the duty of the State Board of Transportation to provide and support an integrated transportation system and related services that enhance the state's well being; and

WHEREAS, in 2001 the Legislative Study Commission's Committee on Transportation Finance identified \$45 billion in unmet roadway construction needs within the state; and

WHEREAS, the Department has no budgeted source of funds to match available federal-aid highway construction funds; and

WHEREAS, the requirement to provide state matching funds for federal-aid projects, requires the Board of Transportation to transfer approximately \$200 million per year from the State Highway Trust Fund to the Highway Fund; and

WHEREAS, current budgets will not allow all needs within the state to be addressed; and

WHEREAS, there appear to be no immediate prospects for increased revenue to meet these needs; and

WHEREAS, the Board of Transportation has determined that the current budget restrictions in the State Highway Trust Fund Law prevent the most pressing needs in some regions of the state from being addressed; and

WHEREAS, the General Assembly has authorized the establishment of a Highway Trust Fund Study Committee to examine issues relating to the structure of the Trust Fund, the feasibility of the projects identified as eligible for state highway trust funds, problems associated with the structure of the Trust Fund, and the gap between transportation funding structures and the actual transportation needs of the state;

NOW THEREFORE BE IT RESOLVED that the Board of Transportation requests the North Carolina General Assembly to provide immediate additional flexibility in the use of State Highway Trust Funds by:

Making the matching Federal-aid Highway funds a Trust Fund eligible expense, and

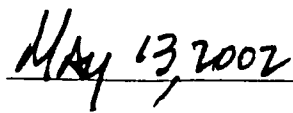
Making all Transportation Improvement Program projects on the Intrastate Highway System eligible for use of Trust Funds; and

BE IT FURTHER RESOLVED that the Board of Transportation respectfully requests the Legislative Study Committee to quickly address the long-term financial and structural needs of the Department so that additional funding and structural flexibility may be established to meet both the current and expected future demands for transportation services within the state.

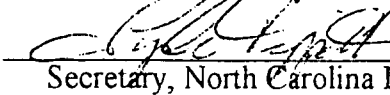
Signed:


Chair, North Carolina Board of Transportation

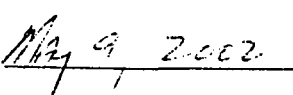
Date:



Signed:


Secretary, North Carolina Department of Transportation

Date:



Article 14.
North Carolina Highway Trust Fund.

§ 136-175. (For contingent repeal see editor's note) **Definitions.**
The following definitions apply in this Article:

- (1) Intrastate System. The network of major, multilane arterial highways composed of those projects-routes or corridors listed in G.S. 136-179, I-240, I-277, US-29 from I-85 to the Virginia line, Interstate routes or corridors designated by Congress, 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. (1989, c. 692, s. 1.1.)

§ 136-176. (For contingent repeal see editor's note)
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 shall 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 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.

- (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.

(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. 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. (1989, c. 692, s. 1.1; c. 770, ss. 68.2, 74.6; 1989 (Reg. Sess., 1990), c. 1024, s. 46(a), (b); 1991, c. 193, s. 9; c. 280, s. 1; c. 689, s. 62; 1995, c. 390, s. 27; 1995 (Reg. Sess., 1996), c. 590, s. 6; 1996, 2nd Ex. Sess., c. 18, s. 19.4(a); 1998-212, s. 27.2; 1999-237, s. 27.1; 2000-140, s. 31; 2001-424, ss. 27.1, 27.23(d), 27.23(e), 27.23(f).)

§ 136-177. (For contingent repeal see editor's note)

Limitation on funds obligated from Trust Fund.

In a fiscal year, the Department of Transportation may not obligate more Trust Fund revenue, other than revenue allocated for city streets under G.S. 136-176(b)(3) or secondary roads under G.S. 136-176(b)(4) and G.S. 20-85(b), to construct or improve highways than the amount indicated in the following table:

Fiscal Year	Maximum Expenditure
1989-90	\$200,000,000
1990-91	250,000,000
1991-92	300,000,000
1992-93	400,000,000
1993-94	500,000,000
1994-95 and following years	Unlimited

The amount of revenue credited to the Trust Fund in a fiscal year under G.S. 136-176(a) that exceeds the maximum allowable expenditure set in the table above may be used only for preliminary planning and design and the acquisition of

rights-of-way for scheduled highways and highway improvements to be funded from the Trust Fund. (1989, c. 692, s. 1.1.)

§ 136-177.1. (For contingent repeal see editor's note)

Requirement to use federal funds for Intrastate System projects and urban loops.

For fiscal years 1996-97 through 2010-11, the Department of Transportation must use ten million dollars (\$10,000,000) of the funds it receives each year under 23 U.S.C. Chapter 1, Federal-Aid Highways, to construct the Intrastate System projects described in G.S. 136-179. For fiscal years 1996-97 through 2011-12, the Department of Transportation must use ten million dollars (\$10,000,000) of the funds it receives each year under 23 U.S.C. Chapter 1, Federal-Aid Highways, to construct the urban loops described in G.S. 136-180. G.S. 136-176(c) does not apply to federal funds required to be used under this section for Intrastate System projects or urban loops, nor does it apply to any funds from the Highway Fund that were used to match these federal funds. (1995 (Reg. Sess., 1996), c. 590, s. 15.)

§ 136-178. (For contingent repeal see editor's note) **Purpose 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 warranted; 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.

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.~~ (1989, c. 692, s. 1.1.)

§ 136-179. (For contingent repeal see editor's note)

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 on the Intrastate System~~ following route segments or corridors:

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 Vance, Franklin, Henderson to South Carolina Line (including 6-laning of Raleigh Beltline)	Wake, Chatham, Lee, Moore, Richmond
US-13	Connector from I-95 to NC-87	Cumberland
US-13	Complete 4-laning from Gates, Hertford, Virginia Line to US-17	Bertie
US-17	Complete 4-laning from Camden, Pasquotank, Virginia Line to South Carolina Line (including Washington, New Bern, and Jacksonville Bypasses)	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	Edgecombe, Pitt, Martin, Washington,

~~(including freeway construction from I-95 to US-17)~~ Tyrrell, Dare

US-64 Complete 4-laning from Davidson, Randolph, Lexington to Raleigh Chatham, Wake

US-70 Complete 4-laning from Wake, Johnston, Raleigh to Morehead City Wayne, Lenoir, (including Clayton, Craven Goldsboro, Kinston, Smithfield-Selma, and Havelock Bypasses predominately freeways on predominately new locations)

US-74 Complete 4-laning from Mecklenburg, Union, Charlotte to US-17 Richmond, Robeson, (including multilaning of Independence Blvd. in Charlotte, and Bypasses of Monroe, Rockingham, and Hamlet) Columbus

US-74 Complete 4-laning from Polk, Rutherford I-26 to I-85

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 Avery, McDowell, Linville to South Carolina Rutherford

US-220 Complete 4-laning from Guilford, Randolph, I-40 to US-1 Montgomery, Richmond

US-220/NC-68 Complete 4-laning from Virginia Line to I-40 Rockingham, Guilford

US-264 Complete 4-laning from Wilson, Greene,

~~US-64 to Washington Pitt~~
~~(including Wilson and~~
~~Greenville Bypasses)~~
~~(including freeway~~
~~construction from I-95~~
~~to Greenville)~~

~~US-321 Complete 4-laning from Caldwell, Catawba,~~
~~Boone to South Carolina Lincoln, Gaston~~
~~Line~~

~~US-421 Complete 4-laning from Watauga, Wilkes,~~
~~Tennessee Line to I-40 Yadkin~~

~~US-421 Complete 4-laning from Chatham, Lee~~
~~Greensboro to Sanford~~
~~(including Bypass of~~
~~Sanford)~~

~~NC-24 Complete 4-laning from Mecklenburg,~~
~~Charlotte to Morehead Cabarrus, Stanly,~~
~~City Montgomery, Moore,~~
~~Harnett, Cumberland,~~
~~Sampson, Duplin,~~
~~Onslow, Carteret~~

~~NC-87 Complete 4-laning from Lee, Harnett,~~
~~Sanford to US-74 Cumberland, Bladen,~~
~~Columbus~~

~~NC-105 Complete 4-laning from Watauga, Avery~~
~~Boone to Linville~~

~~NC-168 Complete multilaning Currituck~~
~~from Virginia Line~~
~~to US-158~~

~~NC-194 Complete 4-laning from Avery~~
~~US-19E to US-221~~
I-26 from I-40 to South Carolina.

Future I-26 from Tennessee to I-40.

I-40 from Tennessee to US 17 in New Hanover County.

Future I-73 from South Carolina to Virginia

I-74 from I-77 to US 52 in Surry County.

Future I-74 from US 52 in Surry County to South Carolina.

I-77 from South Carolina to Virginia.

I-85 from South Carolina to Virginia.

I-95 from South Carolina to Virginia.

I-240 from I-26 west of Asheville to I-40 east of Asheville.

I-277 from I-77 south of downtown Charlotte to I-77 north of downtown Charlotte.

I-440 in Wake County.

I-485 in Mecklenburg County.

I-540 in Wake County.

US 1 from South Carolina to I-85 in Vance County.

US 13 from US 17 in Bertie County to Virginia, and from NC 87 to I-95 in Cumberland County.

US 17 from South Carolina to Virginia.

US 19/19E from US 23 (new I-26 corridor) in Madison County to NC 194 in Avery County.

US 23 (future I-26) from I-240 in Buncombe County to Tennessee.

US 23/441 from Georgia to US 74 in Jackson County.

US 29 from I-40/85 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 220 from US 74 in Richmond County to I-85 in Guilford County, and from NC 68 in Guilford County to Virginia.

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 in Watauga County to I-40 in Forsyth County, and from I-85 in Guilford County to NC 87 in Lee County.

NC 68 from I-40 to US 220 in Guilford County.

NC 24 from US 74 (Independence Boulevard) 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.

§ 136-180. (For contingent repeal see editor's note) Urban loops.

(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-Carrboro metropolitan planning organization and the North Carolina Board of Transportation	Durham, Orange
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	Wake

northerly to US-64 in
eastern Wake County

Wilmington Bypass Multilane facility on new New Hanover
location from US-17
northeast of Wilmington
to US-17 southwest
of Wilmington, including
the Blue Clay Road
interchange

Winston-Salem Multilane facility on Forsyth
Northbelt new location from I-40 west
of Winston-Salem northerly
to I-40 in eastern Forsyth
County

(1989, c. 692, s. 1.1.)

(b) The Board of Transportation may, by official resolution, accept a new interstate or freeway as the revised termini of an urban loop described in subsection (a) of this section, and the revised project shall be eligible for funding with funds described in G.S. 136-176(b)(2) if the following conditions are met:

The Department of Transportation has constructed a new interstate or freeway facility since 1989 and has changed the official route designation from the termini described in subsection (a) of this section to the new facility.

(2) The Board of Transportation finds that the purposes of the urban loop facility, specifically including reduced congestion and high-speed, safe, regional through-travel service, would be enhanced by the action.

§ 136-181. (For contingent repeal see editor's note)

Supplement for city streets.

Funds allocated to supplement the appropriations for city streets made under G.S. 136-41.1 shall be distributed to cities as provided in that statute. (1989, c. 692, s. 1.1.)

§ 136-182. (For contingent repeal see editor's note)

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 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 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. (1989, c. 692, s. 1.1.)

§ 136-183: Repealed by Session Laws 2001-424, s. 27.1.

§ 136-184. (For contingent repeal see Editor's note) **Reports by Department of Transportation.**

(a) The Department of Transportation shall develop, and update annually, a report containing a completion schedule for all projects to be funded from the Trust Fund. The report shall include a separate schedule for the Intrastate System projects, the urban loop projects, and the paving of unpaved State-maintained secondary roads that have a traffic vehicular equivalent of at least 50 vehicles a day. The annual update shall indicate the projects, or portions thereof, that were completed during the preceding fiscal year, any changes in the original completion schedules, and the reasons for the changes. The Department shall submit the report and the annual updates to the Joint Legislative Transportation Oversight Committee.

(b) The Department of Transportation shall make quarterly reports to the Joint Legislative Transportation Oversight Committee containing any information requested by the Committee. The Department shall provide the Committee with all information needed to determine if funds available under the Trust Fund and the Transportation Improvement Program are being spent in accordance with G.S. 136-17.2A. (1989, c. 692, s. 1.1; 1993, c. 321, s. 169.2(e).)

§ 136-185. (For contingent repeal see editor's note)

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 subsequent allocations of revenue for the urban loops shall be credited to a reserve account within the Trust Fund. Revenue in this reserve may be used only to maintain the urban loops. (1995 (Reg. Sess., 1996), c. 590, s. 16.)

§§ 136-186 through 136-189. Reserved for future codification purposes.

MINUTES

SENATE TRANSPORTATION COMMITTEE

The Senate Committee on Transportation met around Senator Shaw's desk in the Chamber on June 11, 2003. Thirteen members of the committee were present.

Senator Larry Shaw, Chair, presided.

Senator Shaw explained HB 425, Horse Trailer/Weigh Stations, introduced by Representative Wayne Sexton. Senator Shaw sent forth an amendment and Senator David Weinstein moved its adoption. The motion carried. Senator Weinstein moved favorable report as amended and that it be engrossed into a committee substitute. The motion carried.

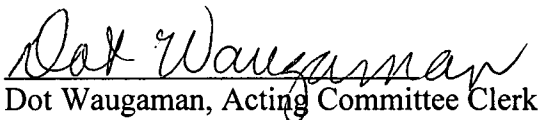
Senator Shaw explained HB 692, Auto Auctioneers-No Dealer License Needed, introduced by Representative Frank Mitchell. Mr. Jim Edwards of the Division of Motor Vehicles said the Department supported the legislation. Senator Tillman moved favorable report of the bill. The motion carried.

Senator Shaw explained HB 944, Required Notices for Towing Payments, introduced by Representative Mitchell. He moved adoption of an amendment to describe a date certain. Mr. Edwards, Mr. Eddie Caldwell, and Mr. Roger Bone said they and the organizations they represented had no problem with the amendment. The motion carried. Senator Richard Stevens moved a favorable report as amended and that it be engrossed into a committee substitute. The motion carried.

Respectfully submitted,



Senator Larry Shaw, Chair



Dot Waugaman, Acting Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

2

HOUSE BILL 425
Committee Substitute Favorable 4/23/03

Short Title: Horse Trailer/Weigh Stations.

(Public)

Sponsors:

Referred to:

March 12, 2003

A BILL TO BE ENTITLED

1 AN ACT TO ELIMINATE THE REQUIREMENT THAT SMALL HORSE
2 TRAILERS DESIGNED TO CARRY FOUR OR FEWER HORSES MUST STOP
3 AT PERMANENT WEIGH STATIONS.
4

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-118.1 reads as rewritten:

7 "**§ 20-118.1. Officers may weigh vehicles and require overloads to be removed.**

8 A law enforcement officer may stop and weigh a vehicle to determine if the vehicle's
9 weight is in compliance with the vehicle's declared gross weight and the weight limits
10 set in this Part. The officer may require the driver of the vehicle to drive to a scale
11 located within five miles of where the officer stopped the vehicle.

12 Any person operating a vehicle or a combination of vehicles having a GVWR of
13 10,001 pounds or more or any vehicle transporting hazardous materials that is required
14 to be placarded under 49 C.F.R. § 171-180 must enter a permanent weigh station or
15 temporary inspection or weigh site as directed by duly erected signs or an electronic
16 transponder for the purpose of being electronically screened for compliance, or
17 weighed, or inspected.

18 If the vehicle's weight exceeds the amount allowable, the officer may detain the
19 vehicle until the overload has been removed. Any property removed from a vehicle
20 because the vehicle was overloaded is the responsibility of the owner or operator of the
21 vehicle. The State is not liable for damage to or loss of the removed property.

22 Failure to permit a vehicle to be weighed or to remove an overload is a misdemeanor
23 of the Class set in G.S. 20-176. An officer must weigh a vehicle with a scale that has
24 been approved by the Department of Agriculture and Consumer Services.

25 A privately owned noncommercial horse trailer constructed to transport four or
26 fewer horses shall not be required to stop at any permanent weigh station in the State,
27 unless the driver of the vehicle hauling the trailer is directed to stop by a law
28 enforcement officer."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

SENATE
COMMITTEE SUBSTITUTE

JUN 11 2003

H

HOUSE BILL 425

ADOPTED

Committee Substitute Favorable 4/23/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H425-PCS30378-RV-29

Short Title: Horse Trailer/Weigh Stations.

(Public)

Sponsors:

Referred to:

March 12, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND 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 privately owned noncommercial horse trailer constructed to transport four or fewer horses shall not be required to stop at any permanent weigh station in the State while transporting horses, unless the driver of the vehicle hauling the trailer is directed

1 to stop by a law enforcement officer. A 'privately owned noncommercial horse trailer'
2 means a trailer used solely for the occasional transportation of horses and not for
3 compensation or in furtherance of a commercial enterprise."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

2

HOUSE BILL 692
Committee Substitute Favorable 4/7/03

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.

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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.

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- 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.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

2

**HOUSE BILL 944
Committee Substitute Favorable 4/29/03**

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

SENATE
COMMITTEE SUBSTITUTE

JUN 11 2003

ADOPTED

H

HOUSE BILL 944

Committee Substitute Favorable 4/29/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H944-PCS30379-RV-28

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 by certified mail.

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.

SENATE TRANSPORTATION COMMITTEE

AGENDA

WEDNESDAY, JUNE 16, 2004

11:00 A.M.

1027, LEGISLATIVE BUILDING

HB 23	DOT Transit Safety Oversight	Representative Crawford
HB 26	Camera Defeating License Covers Illegal	Representative Miller

Senate Transportation Committee Minutes

The Senate Transportation Committee met Wednesday, June 16, 2004 at 11:00 a.m.
Legislative Building Room 1027.

Senator Larry Shaw, Chair presided.

Pages: Dawson Gage, Wilmington, North Carolina – Sponsor Senator Rand
Josh Anders, Pfafftown, North Carolina - Sponsor Senator Horton
Emily Nash, Camden, North Carolina - Sponsor Senator Basnight
Abbie Griffen Camden Sponsor Senator Basnight

Sgt At Arms: Stan Johnson, Jon Fitchett, Fran Cameron, Dustin Locklear

Representative Paul Miller was recognized to lead discussion on HB 26 Camera Defeating License Covers Illegal. House Bill 26 makes it an infraction to cover a license plate with a device designed or intended to prevent the taking of a clear photograph by a traffic control system using cameras commits an infraction. An infraction is a noncriminal violation of law. After some discussion Senator Rand moved for unfavorable as to bill, but favorable as to Senate Committee Substitute Bill. Motion passed unanimously.

Representative Crawford was recognized to lead discussion on HB 23 DOT Transit Safety Oversight. This bill would limit the authority of local governments to enact or enforce any ordinance or regulations concerning personal watercraft. The Committee Substitute would rewrite the law regarding the authority of local governments, marine commissions and local lake authorities to adopt regulations concerning the operation of personal watercraft. After some discussion Senator moved unfavorable as to bill, but favorable as to Senate Committee Substitute Bill. Motion passed unanimously.

Respectfully submitted



Larry Shaw, Chair



Barbara Lee, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

2

HOUSE BILL 23*

Senate Transportation Committee Substitute Adopted 6/16/04

Short Title: Uniform Personal Watercraft Laws. (Public)

Sponsors:

Referred to:

February 17, 2003

A BILL TO BE ENTITLED

AN ACT TO INSURE UNIFORM STATE LAWS ON PERSONAL WATERCRAFT.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 75A-13.3(h) reads as rewritten:

"(h) ~~Nothing in this section prohibits~~
Notwithstanding any other provision of law, except
G.S. 160A-176.2, no units of local government, marine
commissions, or local lake authorities ~~from regulating~~
shall enact or enforce any law, ordinance, rule, or
regulation concerning personal watercraft. ~~personal~~
watercraft pursuant to the provisions of G.S. 160A-176.2 or any
other law authorizing such regulation, provided that the
regulations are more restrictive than the provisions of this
section or regulate aspects of personal watercraft operation
that are not covered by this section. Whenever a unit of local
government, marine commission, or local lake authority regulates
personal watercraft pursuant to this subsection, it shall
conspicuously post signs that are reasonably calculated to
provide notice to personal watercraft users of the stricter
regulations."

SECTION 2. This act is effective when it becomes law and applies to ordinances or rules enacted on or after the effective date of this act.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

SESSION LAW 2004-79
HOUSE BILL 26

AN ACT TO CLARIFY THAT DEVICES DESIGNED TO COVER
REGISTRATION PLATES TO PREVENT THE TAKING OF A CLEAR
PHOTOGRAPH BY TRAFFIC CONTROL SYSTEMS USING CAMERAS ARE
UNLAWFUL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-63(g) reads as rewritten:

"(g)Alteration, Disguise, or Concealment of Numbers. - Any operator of a motor vehicle who shall willfully mutilate, bend, twist, cover or cause to be covered or partially covered by any bumper, light, spare tire, tire rack, strap, or other device, or who shall paint, enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or portion of a registration plate or the figures or letters thereon, or who shall place or deposit or cause to be placed or deposited any oil, grease, or other substance upon such registration plates for the purpose of making dust adhere thereto, or who shall deface, disfigure, change, or attempt to change any letter or figure thereon, or who shall display a number plate in other than a horizontal upright position, shall be guilty of a Class 2 misdemeanor. Any operator of a motor vehicle who shall willfully cover or cause to be covered any part or portion of a registration plate or the figures or letters thereon by any device designed or intended to prevent or interfere with the taking of a clear photograph of a registration plate by a traffic control system using cameras commits an infraction and shall be fined under G.S. 14-3.1. Any operator of a motor vehicle who shall otherwise intentionally cover any number or registration renewal sticker on a registration plate with any material that makes the number or registration renewal sticker illegible commits an infraction and shall be fined under G.S. 14-3.1. Nothing in this subsection shall prohibit the use of transparent covers that are not designed or intended to prevent or interfere with the taking of a clear photograph of a registration plate by a traffic control system using cameras."

SECTION 2. This act becomes effective October 1, 2004, and applies to acts committed on or after that date.

In the General Assembly read three times and ratified this the 29th day of June, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of

⌘ . . ↩

Representatives

s/ Michael F. Easley
Governor

Approved 4:11 p.m. this 8th day of July, 2004

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Wednesday, June 16, 2004

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

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE
SUBSTITUTE BILL**

H.B.	23	DOT Transit Safety Oversight.	
		Draft Number:	PCS 50425
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

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

H.B.(CS #2)	26	Camera Defeating License Covers Illegal.	
		Draft Number:	PCS 50426
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

SENATE TRANSPORTATION
Name of Committee

Date 06/16/04

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

NAME	FIRM OR AGENCY AND ADDRESS
BILL CARSTATHEN	CHARLOTTE AREA TRANSIT SYSTEM
Dave Ingram	WSS
Chris Dilla	Pro Tem
Co Dowell	The Insider
JANE PING	AAA
VINNY BARTON	NCAZ
Janis Ramgool	NCIMS
Matt Bussan	Capitol Group
Craig Deal	NCDENR
John Cyrus	NC Mortgage
Luke Gentry	Gov. Off.
Kevin G. Leonard	WESR
Shirley	NCAAC

VISITOR REGISTRATION SHEET

Senate Transportation
Name of Committee

06/16/04
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joe Dalk	Gov. Off.
Bob Haynes	Motorola Inc.
David Hurler	Reboer
Amanda Mann	intern to David Knight
David Meredith	N C state Grange
Roguesbone	Bone + Assoc.
Mark Jalen	Doctrin of Day
Irene Jalen	