

2007-2008

**SENATE
TRANSPORTATION
COMMITTEE**

MINUTES

Members

Chairman

Sen. Larry Shaw

Vice Chairman

Sen. Steve Goss

Vice Chairman

Sen. Clark Jenkins

Members

Sen. Philip E. Berger, Sen. Harry Brown, Sen. Janet Cowell, Sen. Don East, Sen. W. Edward (Eddie) Goodall, Sen. Malcolm Graham, Sen. Neal Hunt, Sen. John H. Kerr III, Sen. Floyd B. McKissick, Jr., Sen. Jean Preston, Sen. Joe Sam Queen, Sen. John Snow, Sen. R. C. Soles, Jr., Sen. Richard Stevens, Sen. A. B. Swindell, Sen. Jerry W. Tillman, Sen. David F. Weinstein

Through Senate Committee on
Transportation

Time: 12:47

Page: 001 of 001

Leg. Day: H-115/S-113

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0093=	Weiss	TRANSPORT OF INDIV. IN WHEELCHAIR STUDY.	S Ref To Com On Transportation	03-13-07	
H0133	Moore	ATV FOR BEACH DRIVING.	*S Ref To Com On Transportation	04-10-07	
H0135	Moore	MOTORCYCLE MANUFACTURER PLATES.	*SR Ch. SL 2007-291	06-21-07	06-27-07
H0292	Coates	ACCELERATED YADKIN RIVER BRIDGE REPLACEMENT.	*SR Ch. SL 2007-299	05-23-07	07-11-07
H1321	Clary	WEIGHT AND SIZE EXEMPTION FOR FIRE RESPONSE.	*SR Ch. SL 2007-290	06-11-07	07-11-07
H1330	Spear	EXEMPT LAW ENFORCEMENT FROM BACKSEAT BELTS.	*SR Ch. SL 2007-289	05-09-07	07-11-07
S0057=	Stan Bingham	TRANSPORT OF INDIV. IN WHEELCHAIR STUDY.	S Ref To Com On Transportation	02-12-07	
S0060	Steve Goss	DMV TEMPORARY LOCATIONS.	*SR Ch. SL 2007-243	02-12-07	05-09-07
S0298	Robert Pittenger	REQUIRE PASSPORT FOR DRIVERS LICENSE.	S Ref To Com On Transportation	02-22-07	
S0375	Tony Rand	MOTORCYCLE LEARNER'S PERMIT.	*S Ref To Com On Transportation	02-28-07	05-09-07
S0673	Janet Cowell	REQUIRE DUAL LICENSE PLATES ON VEHICLES.	S Ref To Com On Transportation	03-13-07	
S0796=	Clark Jenkins	SAFETY/EMISSION INSPECTION CHANGES.-AB	S Ref To Com On Transportation	03-15-07	
S0976	Julia Boseman	TRANSPORTER PLATES/ FILMMAKING PURPOSES.	S Re-ref Com On Finance	03-20-07	05-09-07
S1250	Clark Jenkins	ONLINE VEHICLE REGISTRATION PARTNERSHIPS.	S Re-ref to Commerce, Small Business and Entrepreneurship. If fav, re-ref to Finance	03-26-07	07-24-07
S1453	Clark Jenkins	OYSTER SHELLS/HIGHWAY BEAUTIFICATION.	*SR Ch. SL 2007-84	03-26-07	05-09-07

'\$' 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.

Senate Transportation Committee
Wednesday, May 9, 2007, 11:00 AM
1027 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 60	DMV Temporary Locations.	Senator Goss
SB 375	Motorcycle Learner's Permit.	Senator Rand
SB 976	Transporter Plates/Filmmaking Purposes.	Senator Boseman
SB 1453	Oyster Shells/Highway Beautification.	Senator Jenkins

Other Business

Adjournment

Senate Transportation Committee
Minutes
Wednesday, May 9, 2007 – 11:00 a.m.
1027 Legislative Building

The Senate Transportation Committee Meeting was called to order by Senator Larry Shaw, Chair. Senator recognized; members, visitors and pages.

Senator Goss was recognized to explain SB 60 – DMV Temporary Locations. This bill requires that when there are no remaining contract license plate agencies in a county, the Division of Motor Vehicle must immediately designate a temporary location for license And title transactions, and post the address and phone number of that temporary location at the last agency location. A former contract agent who fails to comply with the posting requirement would be guilty of a Class 3 misdemeanor. After further discussion this bill passed unanimously.

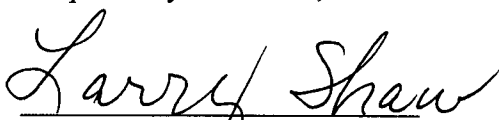
SB 375 – Motorcycle Learner's Permit was discussed. This bill says in order to drive a motorcycle, one must have a driver's license along with either a motorcycle learner's permit or a motorcycle endorsement. To obtain a motorcycle endorsement, you must pass a road test and a written or oral test concerning motorcycles and pay required fees. After further discussion this bill received an unfavorable report as to bill, but favorable as to committee substitute bill.

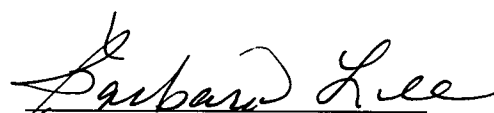
Senator Boseman was recognized to explain SB 976- Transporter Plates/Filmmaking Purposes. The bill would authorize the issuance of transporter plates to individuals engaged in businesses that require the limited operation of a motor vehicle for filmmaking purposes. This bill authorizes the issuance of a transporter plate to drive a Vehicle used for filmmaking purposes to and from a filming location and during filming. After further discussion the bill passed unanimously.

Senator Jenkins was recognized to explain SB 1453 – Oyster Shells/Highway Beautification. The states innovative recycling program is to collect oyster shells from Individuals and businesses and place them back overboard to help turn the tide on declining oyster stocks. Individuals are encouraged to take shells destined for the trash Heap and turn them in by participating in the North Carolina Oyster Shell Recycling Program. This bill prohibits the Department of Transportation or any other unit of government from using oyster shells as a ground cover in highway beautification projects. After further discussion the bill passed unanimously.

There being no further business the meeting was adjourned.

Respectfully submitted,


Senator Larry Shaw, Chair


Barbara Lee, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

1

SENATE BILL 60

Short Title: DMV Temporary Locations.

(Public)

Sponsors: Senators Goss; and Jones.

Referred to: Transportation.

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO
IMMEDIATELY DESIGNATE A TEMPORARY LOCATION FOR
REGISTRATION DOCUMENT AND PLATE ACQUISITION WHEN CLOSING
THE ONLY CONTRACT LICENSE PLATE AGENCY IN A COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-63 is amended by adding a new subsection to read:

"(h2) Upon the closing of the only contract license plate agency in a county, the Division shall immediately designate a temporary location for the issuance of all registration plates, registration certificates, and certificates of title issued by the Division for that county. The designation shall be posted at the former agency location for not less than 30 days and shall include the street address and telephone number of the temporary location. A former contract agent shall allow the posting of this required notice at the former location for a period of not less than 30 days. A failure to comply with the posting requirements of this section by a former contract agent shall be a Class 3 misdemeanor."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

2

SENATE BILL 375
Transportation Committee Substitute Adopted 5/9/07

Short Title: Motorcycle Learner's Permit.

(Public)

Sponsors:

Referred to:

February 28, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO SHORTEN THE DURATION AND AMEND THE REQUIREMENTS
3 FOR A MOTORCYCLE LEARNER'S PERMIT, AND CLARIFY THE
4 REQUIREMENTS FOR OBTAINING A MOTORCYCLE ENDORSEMENT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-7(a1) reads as rewritten:

7 "(a1) Motorcycles and Mopeds. – To drive a motorcycle, a person shall ~~have~~: have
8 one of the following:

- 9 (1) A full provisional license with a motorcycle learner's ~~permit~~; permit.
10 (2) A regular drivers license with a motorcycle learner's ~~permit~~; or permit.
11 (3) ~~Either~~:
12 a. A full provisional ~~license~~; or license, with a motorcycle
13 endorsement.
14 b.
15 (4) A regular drivers license, with a motorcycle endorsement.

16 ~~To obtain a motorcycle endorsement, a person shall demonstrate competence to~~
17 ~~drive a motorcycle by:~~

- 18 (1) ~~Passing a road test;~~
19 (2) ~~Passing a written or oral test concerning motorcycles; and~~
20 (3) ~~Paying the fee for a motorcycle endorsement.~~

21 ~~Neither a drivers license nor a motorcycle endorsement is required to drive a moped.~~

22 To obtain a motorcycle endorsement, a person shall demonstrate competence to
23 drive a motorcycle by passing a riding skills test administered by the Division, or by
24 providing proof of successful completion of the North Carolina Motorcycle Safety
25 Education Program Basic Rider Course or Experienced Rider Course. The person shall
26 pay the fee set in subsection (i) of this section for a motorcycle endorsement. Subsection
27 (a2) of this section sets forth the requirements for a motorcycle learner's permit. Neither
28 a drivers license nor a motorcycle endorsement is required to drive a moped."

29 SECTION 2. G.S. 20-7(a2) reads as rewritten:

1 "(a2) Motorcycle Learner's Permit. – The following persons are eligible for a
2 motorcycle learner's permit:

3 (1) A person who is at least 16 years old but less than 18 years old and has
4 a full provisional license issued by the Division.

5 (2) A person who is at least 18 years old and has a license issued by the
6 Division.

7 To obtain a motorcycle learner's permit, an applicant shall pass a vision test, a road
8 sign test, and a written test specified by the Division. An applicant who is less than 18
9 years old, or any applicant who has held a valid drivers license for less than two years,
10 shall successfully complete the North Carolina Motorcycle Safety Education Program
11 Basic Rider Course. A motorcycle learner's permit expires ~~18 months~~ six months after it
12 ~~is issued.~~ issued and may be renewed for one additional six-month period. The holder of
13 a motorcycle learner's permit may not drive a motorcycle with a passenger. The fee for a
14 motorcycle learner's permit is the amount set in G.S. 20-7(l) for a learner's permit."

15 **SECTION 3.** This act becomes effective October 1, 2007.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S

1

SENATE BILL 976

Short Title: Transporter Plates/Filmmaking Purposes.

(Public)

Sponsors: Senator Boseman.

Referred to: Transportation.

March 20, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW TRANSPORTER PLATES TO BE ISSUED TO MEMBERS
OF THE FILMMAKING INDUSTRY TO TRANSPORT VEHICLES TO AND
FROM FILMING LOCATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.2(a) is amended by adding a new subdivision to
read:

"(11) To drive a vehicle used for filmmaking purposes to and from a filming
location and during filming."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

1

SENATE BILL 1453

Short Title: Oyster Shells/Highway Beautification.

(Public)

Sponsors: Senators Jenkins; Albertson, Boseman, Soles, Swindell, and Weinstein.

Referred to: Transportation.

March 26, 2007

A BILL TO BE ENTITLED
AN ACT TO PREVENT THE USE OF OYSTER SHELLS IN HIGHWAY
BEAUTIFICATION PROJECTS BY THE DEPARTMENT OF
TRANSPORTATION OR ANY OTHER GOVERNMENTAL UNIT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-123 reads as rewritten:

"§ 136-123. Restoration, preservation and enhancement of natural or scenic beauty.

(a) The Department of Transportation is hereby authorized and empowered to acquire by purchase, exchanges or gift, the fee-simple title or any lesser interest therein in real property in the vicinity of public highways forming a part of the State highway system, for the restoration, preservation and enhancement of natural or scenic beauty; provided that no lands, rights-of-way or facilities of a public utility as defined by G.S. 62-3(23), or of an electric membership corporation or telephone membership corporation, may be acquired, except that the Department of Transportation upon payment of the full cost thereof may require the relocation of electric distribution or telephone lines or poles; provided further, that such lands may be acquired by the Department of Transportation with the consent of the public utility or membership corporation.

(b) No highway beautification project undertaken by the Department or any other unit of government may use oyster shells as a ground cover. The Department or any other unit of government that comes into possession of oyster shells shall make them available to the Department of Environment and Natural Resources, Division of Marine Fisheries, for use in any oyster bed revitalization programs or any other program that may use the shells."

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

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Wednesday, May 09, 2007

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

FAVORABLE

S.B.	60	DMV Temporary Locations.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	976	Transporter Plates/Filmmaking Purposes.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	1453	Oyster Shells/Highway Beautification.	
		Sequential Referral:	None
		Recommended Referral:	None

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

S.B.	375	Motorcycle Learner's Permit.	
		Draft Number:	PCS 55459
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 4

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

SENATE Transportation
Name of Committee

5/9/07
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Janice Mackay	Bikers USA . WAKE CTY
Brian Phillips	NC DENR- DAQ
Paul Gordon	NC DENR- DAQ
Johanna Reese	DOT
Portia Hanley	NE DOT / DMV
Tony Spence	DOT- DMV
DON NAIL	DOT - GHSP
Darrell Jernigan	DOT - GHSP
Sheria Reid	IOG - The Daily Bulletin
Tim Hoegemeyer	OSA
JAMES L. FORTE	OSA

VISITOR REGISTRATION SHEET

SENATE Transportation
Name of Committee

5/9/07
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Neil Dalton	NC DOJ
Joey Gardner	DMV License + Theft Bureau
Jeff Mixon	Civitas
John Palumbo	NCRPA
John Robinson	NC-DMV
Debbie BREWER	NC DMV
Russ Dubinsky	IFNIC
Jim Stephenson	NC Coastal Federation
David Baker	NC DOR
Charlie Diehl	NC Trucking Association
Hayes Holderness	NLGA

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Cristy Yates

Verizon Business

Andrea Wright

7 7

Patrick Buffkin

Nelson Mullins

Cullen Browder

WRAL-TV

Senate Transportation Committee
Wednesday, July 11, 2007, 11:00 AM
1027 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 292	Accelerated Yadkin River Bridge Replacement.	Representative Steen, II
HB 1321	Weight and Size Exemption for Fire Response.	Representative Coates
		Representative Clary
		Representative Moore
HB 1330	Exempt Law Enforcement from Backseat Belts.	Representative Folwell
		Representative Spear

Presentations

Other Business

Adjournment

Senate Transportation Committee
Minutes
Wednesday, July 11, 2007, 11:00 a.m.
1027 L.B.

Agenda

The Senate Transportation Committee Meeting was called to order by Senator Larry Shaw, Chair. Senator Shaw welcomed members, visitors and introduced pages for the week: Morah Davis, Cherryville, Senator Hoyle sponsor. Randy Griggs, Raleigh, Senator Stevens sponsor. Kirby Frennea, Winston-Salem, Senator Garrou sponsor. Donavan Wells, Raleigh, Senator Basnight, sponsor. Lauren Cloninger, Cherryville, Senator Hoyle sponsor.

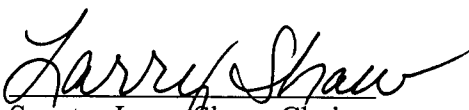
Rep. Coates was recognized to explain H.B. 292 (Accelerated Yadkin River Bridge Replacement) This bill authorizes the N.C. Turnpike Authority to study and undertake preliminary design work for replacement of the Yadkin River Bridge in order to expedite completion of the project. After further discussion, motion was made for a favorable report as amended, motion passed unanimously.


Rep. Moore was recognized to explained H.B. 1321 (Weight and Size Exemption for Fire Response) The proposed committee substitute for this bill would: exempt certain overweight and oversize vehicles owned and operated by the federal, State, or local authorities from State vehicles size and weight restriction when responding to a fire under the authority of a forest ranger, a county request for fire protection, a request for assistance under a state of emergency, or a request for assistance under a disaster declaration,

This bill authorizes DOT to issue annual or single oversize or overweight vehicle permits for commercial vehicles responding to a fire or t a request for assistance from a person authorized do direct emergency operation. This was unfavorable to bill No. 1, but, favorable to committee substitute bill. Motion carried unanimously.

There being no further business the meeting adjourned.

Respectfully submitted,


Senator Larry Shaw, Chair


Barbara Lee, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H

2

HOUSE BILL 292

Committee Substitute Favorable 4/12/07

Short Title: Accelerated Yadkin River Bridge Replacement.

(Public)

Sponsors:

Referred to:

February 21, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO
STUDY AND UNDERTAKE PRELIMINARY DESIGN WORK FOR A
REPLACEMENT FOR THE YADKIN RIVER BRIDGE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6H of Chapter 136 of the General Statutes is amended
by adding a new section to read:

"§ 136-89.183C. Accelerated Yadkin River Bridge Replacement Project.

(a) Contract for Accelerated Construction of the Yadkin River Bridge
Replacement Bridge Project. – The Authority shall study, plan, develop, undertake
preliminary design work, and analyze and list all necessary permits, in preparation for
construction of a replacement bridge and approaches for the Yadkin River Bridge over
the Yadkin River and between Rowan and Davidson Counties, in order to provide
accelerated, efficient, and cost-effective completion of the project.

(b) Replacement Bridge; Termini. – The bridge constructed pursuant to this
section shall be a replacement bridge, with north and south termini located in general
proximity to the termini of the existing Yadkin River Bridge."

SECTION 2. This act becomes effective July 1, 2007.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H

2

HOUSE BILL 1321

Committee Substitute Favorable 5/17/07

Short Title: Weight and Size Exemption for Fire Response.

(Public)

Sponsors:

Referred to:

April 5, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-118.4. Exempt firefighting equipment from size and weight restrictions while transporting or moving heavy equipment in an emergency; permits.

(a) Exemption From Weight and Size Restrictions During Emergency Response.
– Any overweight or oversize vehicle owned and operated by a State or local government or cooperating federal agency is exempt from the weight and size restrictions of this Chapter and implementing rules while it is actively engaged in a response to a fire under the authority of a forest ranger pursuant to G.S. 113-55(a); a county request for forest protection assistance pursuant to G.S. 113-59; a request for assistance under a state of emergency declared pursuant to G.S. 14-288.12, 14-288.13, 14-288.14, 14-288.15, and any other applicable statutes and provisions of common law; or a request for assistance under a disaster declared pursuant to G.S. 166A-6 or G.S. 166A-8.

(b) Marking, Lighting, and Bridge Requirements. – Vehicle subject to an exemption or permit under this section shall be marked and lighted according to applicable Department of Transportation rules and shall not exceed posted bridge limits.

emergency permit is issued under this subsection, the requestor shall contact the Department of Transportation's central permit office on the next business day to complete any further documentation and pay the applicable fees.

(b) Upon the issuance of a special permit for an oversize or overweight vehicle by the Department of Transportation in accordance with this section, the applicant shall pay to the Department for a single trip permit a fee of twelve dollars (\$12.00) for each dimension over lawful dimensions, including height, length, width, and weight up to 132,000 pounds. For overweight vehicles, the applicant shall pay to the Department for a single trip permit in addition to the fee imposed by the previous sentence a fee of three dollars (\$3.00) per 1,000 pounds over 132,000 pounds.

Upon the issuance of an annual permit for a single vehicle, the applicant shall pay a fee in accordance with the following schedule:

Commodity:	Annual Fee:
Annual Permit to Move House Trailers	\$200.00
Annual Permit to Move Other Commodities	\$100.00

In addition to the fees set out in this subsection, applications for permits that require an engineering study for pavement or structures or other special conditions or considerations shall be accompanied by a nonrefundable application fee of one hundred dollars (\$100.00).

This subsection does not apply to farm equipment or machinery being used at the time for agricultural purposes, nor to the moving of a house as provided for by the license and permit requirements of Article 16 of this Chapter. Fees will not be assessed for permits for oversize and overweight vehicles issued to any agency of the United States Government or the State of North Carolina, its agencies, institutions, subdivisions, or municipalities if the vehicle is registered in the name of the agency.

(b1) Neither the Department nor the Board may require review or renewal of annual permits, with or without fee, more than once per calendar year.

(c) Nothing in this section shall require the Department of Transportation to issue any permit for any load.

(d) For each violation of any of the terms or conditions of a special permit issued or where a permit is required but not obtained under this section the Department of Crime Control and Public Safety may assess a civil penalty for each violation against the registered owner of the vehicle as follows:

- (1) A fine of five hundred dollars (\$500.00) for any of the following: operating without the issuance of a permit, moving a load off the route specified in the permit, falsifying information to obtain a permit, failing to comply with dimension restrictions of a permit, or failing to comply with the number of properly certified escort vehicles required.
- (2) A fine of two hundred fifty dollars (\$250.00) for moving loads beyond the distance allowances of an annual permit covering the movement of house trailers from the retailer's premises or for operating in violation of time of travel restrictions.
- (3) A fine of one hundred dollars (\$100.00) for any other violation of the permit conditions or requirements imposed by applicable regulations.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

2

HOUSE BILL 1330
Committee Substitute Favorable 5/2/07

Short Title: Exempt Law Enforcement from Backseat Belts.

(Public)

Sponsors:

Referred to:

April 10, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN EXEMPTION FROM THE REQUIREMENT THAT A
BACKSEAT PASSENGER WEAR A SEAT BELT WHILE BEING
TRANSPORTED BY A LAW ENFORCEMENT OFFICER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-135.2A(c) reads as rewritten:

"(c) This section shall not apply to any of the following:

- (1) A driver or occupant of a noncommercial motor vehicle with a medical or physical condition that prevents appropriate restraint by a safety belt or with a professionally certified mental phobia against the wearing of vehicle ~~restraints~~restraints.
- (2) A motor vehicle operated by a rural letter carrier of the United States Postal Service while performing duties as a rural letter carrier and a motor vehicle operated by a newspaper delivery person while actually engaged in delivery of newspapers along the person's specified ~~route~~route.
- (3) A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle if the speed of the vehicle between stops does not exceed 20 miles per ~~hour~~hour.
- (4) Any vehicle registered and licensed as a property-carrying vehicle in accordance with G.S. 20-88, while being used for agricultural purposes in intrastate ~~commerce~~commerce.
- (5) A motor vehicle not required to be equipped with seat safety belts under federal ~~law~~or law.
- (6) Any occupant of a motor home, as defined in G.S. 20-4.01(27)d2, other than the driver and front seat passengers.
- (7) Any occupant, while in the custody of a law enforcement officer, being transported in the backseat of a law enforcement vehicle."

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

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Wednesday, July 11, 2007

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

FAVORABLE

H.B.(CS #1) 1330	Exempt Law Enforcement from Backseat Belts.
	Sequential Referral: None
	Recommended Referral: None

FAVORABLE, AS AMENDED

H.B.(CS #1) 292	Accelerated Yadkin River Bridge Replacement.
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

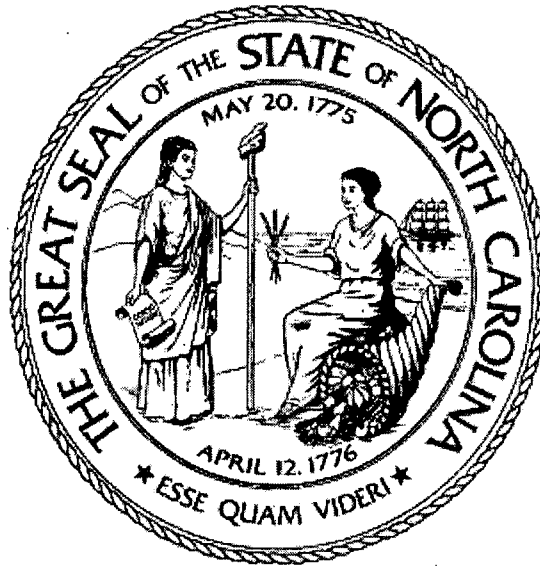
**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE
AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1) 1321	Weight and Size Exemption for Fire Response.
	Draft Number: PCS 70581
	Sequential Referral: Finance
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comments:

**STATE OF NORTH CAROLINA
NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING**



**SENATE TRANSPORTATION COMMITTEE
2008 Session**

Senator Larry Shaw, Chair

Vice-Chairs

**Senator Bozeman
Senator Hoyle**

**Committee Assistant
Barbara Lee**

Senate Transportation Committee
Wednesday, July 2, 2008, 11:00 AM
1027 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 133	ATV for Beach Driving.	Rep. Moore
HB 2364	Air Space Encroachment for City of Wilmington.	Rep. McComas
HB 93	Transport of Indiv. In Wheelchair Study	Rep. Weiss

Presentations

Other Business

Adjournment

**Senate Committee on
Transportation
Wednesday, July 2, 2008, 11:00 A.M
1027 Legislative Building**

The Senate Committee on Transportation meeting was called to order by Senator Larry Shaw, Chair. The following pages were introduced: Gianna Salmido, Cary Natalie Thomas, Cary sponsored by Senator Stevens. Willy Rowe, Raleigh, Henry Pollitt, Raleigh sponsored by Senator Janet Cowell. Mycal Brickhouse, Fayetteville sponsored by Senator Larry Shaw.

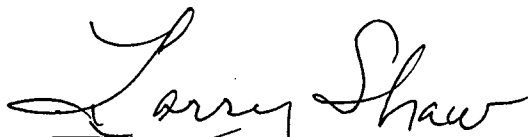
Rep. Moore was recognized to discuss the bill House Bill 133 ATV for Beach Driving. This bill exempts an individual 16 years of age or older, using ATVs on any ocean beach area where ATVs are allowed by law, from the requirements in General Statutes requires riders of ATVS to wear eye protection and safety helmets. The statute restricting the sale and use of ATVs was adopted in 2005. After discussion, Senator Tillman moved for a favorable report, and this bill unanimously passed.

Rep. McComas was recognized to discuss House Bill 2364 Air Space Encroachment for City of Wilmington. This bill authorizes the Department of Transportation to permit an encroachment of air space above State Road 1100 in Wilmington. DOT must determine the material conveyance system will not interfere with or impair the property rights of easements of abutting owners nor unreasonably interfere. After discussion, Senator Tillman moved for a favorable report, and this bill unanimously passed.

Rep. Weiss was recognized to discuss House Bill 93 Transport Individual in Wheelchair Study. This bill directs the Department of Transportation to study issues relating to the vehicular transportation of persons seated in wheelchairs. The proposed committee substitute directs the N.C. Department of Transportation to study issues relating to the vehicular transportation of persons seated in wheelchairs, and to report its findings and recommendations to the Study Commission on Aging and to the Joint Legislative Transportation Oversight Committee. After discussion, motion was made unfavorable as to bill, but favorable as to senate committee substitute bill, and bill passed unanimously.

There being no further business the meeting adjourned.

Respectfully submitted,



Larry Shaw, Chair
Chair



Barbara Lee,
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

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HOUSE BILL 133
Committee Substitute Favorable 4/4/07

Short Title: ATV for Beach Driving.

(Public)

Sponsors:

Referred to:

February 8, 2007

A BILL TO BE ENTITLED

AN ACT TO EXEMPT THE USE OF ALL-TERRAIN VEHICLES FOR BEACH
DRIVING FROM THE REQUIREMENTS OF ALL-TERRAIN VEHICLE
REGULATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-171.22 reads as rewritten:

"§ 20-171.22. Exceptions.

(a) The provisions of this Part do not apply to any owner, operator, lessor, or renter of a farm or ranch, or that person's employees or immediate family or household members, when operating an all-terrain vehicle while engaged in farming operations.

(b) The provisions of this Part do not apply to any person using an all-terrain vehicle for hunting or trapping purposes if the person is otherwise lawfully engaged in those activities.

(c) The provisions of G.S. 20-171.19(a) do not apply to any person 16 years of age or older if the person is otherwise lawfully using the all-terrain vehicle on any ocean beach area where such vehicles are allowed by law. As used in this subsection, "ocean beach area" means the area adjacent to the ocean and ocean inlets that is subject to public trust rights. Natural indicators of the landward extent of the ocean beaches include, but are not limited to, the first line of stable, natural vegetation; the toe of the frontal dune; and the storm trash line.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H

1

HOUSE BILL 2364*

Short Title: Air Space Encroachm. for City of Wilmington. (Public)

Sponsors: Representatives McComas, Hughes, and Justice (Primary Sponsors).

Referred to: Transportation, if favorable, Judiciary III.

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ENCROACHMENT OF AIR SPACE ABOVE
STATE ROAD 1100, RIVER ROAD, IN THE CITY OF WILMINGTON FOR
THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Transportation is hereby authorized to permit private use and encroachment upon the air space above State Road 1100, River Road, in the City of Wilmington, for the purpose of construction of a material conveyance system, provided in the opinion of the Department of Transportation, such material conveyance system will not unreasonably interfere with or impair the property rights or easements of abutting owners nor unreasonably interfere with or obstruct the public use of State Road 1100, River Road. This encroachment shall be subject to all other rules, regulations, and conditions of the Department of Transportation for encroachments. The location, plans, and specifications for the material conveyance system shall be approved by the Department.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

1

HOUSE BILL 93*

Short Title: Transport of Indiv. in Wheelchair Study. (Public)

Sponsors: Representatives Weiss, Earle, England (Primary Sponsors); Adams, Alexander, Bordsen, Carney, Clary, Coates, Coleman, Farmer-Butterfield, Fisher, Gibson, Glazier, Harrison, Jeffus, Lucas, Luebke, Martin, Mobley, Wainwright, Womble, and Wray.

Referred to: Rules, Calendar, and Operations of the House.

February 8, 2007

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY
ISSUES RELATING TO INDIVIDUALS BEING TRANSPORTED IN VEHICLES
WHILE SEATED IN WHEELCHAIRS, AS RECOMMENDED BY THE NORTH
CAROLINA STUDY COMMISSION ON AGING.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Transportation shall study issues relating to the vehicular transportation of individuals seated in wheelchairs. The study shall include reviewing appropriate methods of transporting passengers who remain seated in wheelchairs while in motor vehicles and developing guidelines for the installation and use of wheelchair tie-down systems. The Department shall report its findings and any recommendations to the North Carolina Study Commission on Aging and the Joint Legislative Transportation Oversight Committee not later than February 1, 2008.

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

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

SECOND REPORT

Wednesday, July 02, 2008

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

FAVORABLE

H.B.(CS #1) 133	ATV for Beach Driving.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. 2364	Air Space Encroachment for City Of Wilmington.	
	Sequential Referral:	None
	Recommended Referral:	None

TOTAL REPORTED: 2

Committee Clerk Comments:

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Wednesday, July 02, 2008

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

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

H.B.	93	Transport of Indiv. in Wheelchair Study.	
		Draft Number:	51039
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

Transp
Name of Committee

7/2/08
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DANIEL BAUM	K + L GATES
Dete Survis	Gov Office
David McGowan	NC Realtors
Jessica Hayes	NC FBA
Cady Thomas	NC AR
Clairie Hunter	MWL
Robert Sullivan	NC Div. Health Svc. Regulation
Erin Kinney	NC Conversation Network
Andy Munn	REBIC
Lisa Martin	Midwives Assn.
Amy SIMES	DNRC

VISITOR REGISTRATION SHEET

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Name of Committee

Date 7/2/08

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[illegible]