

2014

**SENATE
TRANSPORTATION**

MINUTES

MEMBERSHIP

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Room 200, LOB 733-2578

Wendy Graf Ray (staff attorney)
Room 200, LOB

North Carolina General Assembly
Through Senate Committee on
Transportation

2013-2014 Biennium
Leg. Day: H-162/S-163

Date: 09/03/2014
Time: 10:06:31 AM

Bill	Introducer	Short Title		Latest Action	Date In	Date Out
<u>H 10</u>	Stam	Remove Route Restriction for NC 540 Loop.	*R	Ch. SL 2013-94	02/18/2013	03/06/2013
<u>H 109</u>	Torbett	Motorcycle Helmet Law/Study.	*S	Re-ref Com On Transportation	06/17/2014	
<u>H 157</u>	Jeter, Jr.	Limit Use of Highway Fund Credit Balance.	*R	Ch. SL 2013-125	05/16/2013	05/29/2013
<u>H 211</u>	Dixon	Weight Limits/Animal Feed Trucks.	R	Ch. SL 2013-120	04/04/2013	06/05/2013
<u>H 272</u>	Stam	DOT/DMV Changes #2.	*R	Ch. SL 2014-108	04/18/2013	07/28/2014
<u>H 313</u>	Brawley, Jr.	DOT Sales of Unused Property.	*S	Ref to Transportation. If fav, re-ref to Finance	04/15/2013	
<u>H 322</u>	Szoka	CDL Requirements/Military Experience.	*R	Ch. SL 2013-201	04/10/2013	06/05/2013
<u>H 348</u>	Faircloth, Jr.	Public Safety Technology/State ROW.	*S	Re-ref Com On Rules and Operations of the Senate	05/15/2013	06/11/2014
<u>H 348</u>	Faircloth, Jr.	Public Safety Technology/State ROW.	*S	Re-ref Com On Rules and Operations of the Senate	06/16/2014	07/15/2014
<u>H 375</u>	Jeter, Jr.	Increase Allowed Size of Passenger Buses.	R	Ch. SL 2014-71	04/15/2013	05/06/2013
<u>H 378</u>	Floyd.	Study Oversight of MPOs.	*S	Ref To Com On Transportation	05/16/2013	
<u>H 410</u>	Jordan	Cancel Title to Manufactured Home.	*R	Ch. SL 2013-79	04/29/2013	05/29/2013
<u>H 428</u>	Hanes, Jr.	North Carolina School Bus Safety Act.	*R	Ch. SL 2013-293	05/15/2013	06/12/2013
<u>H 513</u>	Stone	Clarify Dealer Plates Law.	*S	Ref To Com On Transportation	04/29/2013	
<u>H 584</u>	Dixon	Suspend Truck Inspection/Severe Weather.	*S	Ref To Com On Transportation	04/22/2013	
<u>H 623</u>	Presnell	Modify Weight Limits for Line Trucks.	*R	Ch. SL 2013-134	05/14/2013	06/05/2013
<u>H 626</u>	Moffitt	Notify Law Enforcement of Towed Vehicles.	*R	Ch. SL 2013-241	05/14/2013	06/12/2013
<u>H 660</u>	Alexander, Jr.	Amend Funeral Procession Law.	*S	Ref To Com On Transportation	04/23/2013	-

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North Carolina General Assembly
Through Senate Committee on
Transportation

<u>H 665</u>		Inspection Requirements for Salvaged Vehicles.	S	Ref To Com On Transportation	05/09/2013	
<u>H 684</u>	Elmore	Increase Driveway Safety on Curvy Roads.	*R	Ch. SL 2013-137	05/15/2013	06/05/2013
<u>H 727</u>	Hamilton	Alt. Procedure for Obtaining Salvage Title.	*R	Ch. SL 2013-400	05/15/2013	06/05/2013
<u>H 759</u>	Brown	Required Number of Operating Brake Lights.	*S	Ref To Com On Transportation	05/15/2013	
<u>H 785</u>	Iler	Cost-Sharing/Transportation Improvements.	*R	Ch. SL 2013-245	05/09/2013	06/12/2013
<u>H 817</u>	Brawley, Jr.	Strategic Transportation Investments.	*R	Ch. SL 2013-183	05/13/2013	05/22/2013
<u>H1002</u>		Rail Corridor Lease/Town of Belmont.	S	Ref To Com On Transportation	05/14/2013	
<u>H1025</u>	Torbett	DOT/DMV Changes.	*R	Ch. SL 2014-58	06/10/2014	06/11/2014
<u>H1026</u>	Torbett	Update State Rail Safety Oversight.	*S	Ref To Com On Transportation	06/10/2014	
<u>H1027</u>	Torbett	DWI Interlock Violation/DMV Hearing Site.	*S	Re-ref Com On Rules and Operations of the Senate	05/30/2014	06/11/2014
<u>H1028</u>	Torbett	Single License Plate Renewal Sticker.	S	Ref To Com On Transportation	06/10/2014	
<u>H1086</u>	Presnell	NC and SC Rail Compact.	*H	Pres. To Gov. 8/15/2014	06/10/2014	07/30/2014
<u>H1088</u>	Davis, Jr.	Highway Patrol Routine Maintenance.	S	Ref To Com On Transportation	06/19/2014	
<u>H1097</u>	Torbett	Service of Hearing Order/MV Dealer Licensee.	*S	Ref To Com On Transportation	06/30/2014	
<u>H1157</u>	Saine	Electronic Drivers License Amendment.	S	Ref To Com On Transportation	06/30/2014	
<u>H1190</u>	Langdon, Jr.	DPS Study Commercial Vehicle Safety Alliance.	S	Ref To Com On Transportation	06/30/2014	
\$ H1234	Steinburg, Sr.	Ferry Tolling/Replacement Funds.	S	Ref To Com On Transportation	07/08/2014	
<u>S 92</u>	Harrington	43rd Senatorial District Local Act-1.	S	Re-ref Com On Transportation	04/23/2013	
<u>S 105</u>	Tillman	Add Towns to SHP.	*R	Ch. SL 2014-75	02/20/2013	04/18/2013
<u>S 127</u>	Brown	Economic Development Modifications.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05/08/2013	05/09/2013

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North Carolina General Assembly
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<u>S 145</u>	Hartsell	Reform Oversight of State-Owned Vehicles.	S	Ref To Com On Transportation	02/28/2013	
<u>S 218</u>	Newton	No Tolls on Interstate 95.	S	Ref To Com On Transportation -	03/07/2013	
<u>S 280</u>	Meredith	DCR/Historic Sites/Fees.	*R	Ch. SL 2013-297	03/14/2013	03/27/2013
<u>S 301</u>	Graham	Increase Allowed Size of Passenger Buses.	S	Re-ref Com On Rules and Operations of the Senate	03/14/2013	05/06/2013
<u>S 305</u>	Tillman	DMV Commission Contract Changes.	*R	Ch. SL 2013-372	03/14/2013	06/12/2013
<u>S 311</u>	Stein	Apex/Cary/Raleigh ROW Usage in CBD.	*H	Ref to the Com on Transportation, if favorable, Government	04/16/2013	04/18/2013
<u>S 353</u>	Harrington	Health and Safety Law Changes.	*R	Ch. SL 2013-366	03/20/2013	04/03/2013
<u>S 355</u>	Rabon	Tech Correction/Gaston, Nash, Union Local Act.	*R	Ch. SL 2014-9	03/20/2013	03/27/2013
<u>S 377</u>	Jackson	Suspend Truck Inspection/Severe Weather.	*R	Ch. SL 2013-230	03/21/2013	04/18/2013
<u>S 379</u>	Jackson	Exp. of Natural Gas & Propane for Agriculture.	*R	Ch. SL 2013-367	03/21/2013	04/03/2013
<u>S 407</u>	Brunstetter	Electronic Vehicle Lien/Title.	*R	Ch. SL 2013-341	03/26/2013	04/03/2013
<u>S 411</u>	Rabon	Ethics Requirements for MPOs/RPOs.	*R	Ch. SL 2013-156	03/26/2013	03/27/2013
<u>S 433</u>	Rabon	Prevent Pay for Weight Exceeding Allowance.	R	Ch. SL 2013-92	03/27/2013	04/03/2013
<u>S 454</u>	Cook	Registration of Petroleum Device Technicians.-AB	R	Ch. SL 2013-344	03/27/2013	04/24/2013
<u>S 460</u>	Rabon	Rail Corridor Lease/City of Belmont.	*R	Ch. SL 2013-86	03/28/2013	04/24/2013
<u>S 461</u>	Wade	CDL Changes.	*R	Ch. SL 2013-195	03/28/2013	04/18/2013
<u>S 493</u>	Walters	Health and Safety Regulatory Reform.	*S	Ref To Com On Ways & Means	03/28/2013	05/01/2013
<u>S 501</u>	Hartsell	Clarify ATV Def/Est. Gen. Gov. Oversight Comm.	*S	Failed Concur In H Com Sub	03/28/2013	05/15/2013
<u>S 517</u>	Allran	Establish "Hero Crew" Jobs for Clean Roads.	S	Ref to Transportation. If fav, re-ref to Appropriations/Base Budget	04/01/2013	

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North Carolina General Assembly
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<u>S 524</u>	Sanderson	Ferry Tolling Alternatives.	S	Ref To Com On Transportation	04/01/2013	
<u>S 559</u>	Hise	Dealer License Plate/Ind. Dealer.	S	Ref To Com On Transportation	04/01/2013	
<u>S 568</u>	Brock	Bioptic Lenses for Drivers License Tests.	*R	Ch. SL 2013-231	04/02/2013	04/24/2013
<u>S 601</u>	Rabon	Clarify Transportation Tolling Statutes.-AB	S	Ref To Com On Transportation	04/03/2013	
<u>S 602</u>	Rabon	Submit Accident Reports Electronically.-AB	S	Ref To Com On Transportation	04/03/2013	
<u>S 603</u>	Rabon	Clarify Issuance of Plates/Certificates Law.-AB	R	Ch. SL 2013-87	04/03/2013	04/10/2013
<u>S 609</u>	Clodfelter	Regional Transportation Authorities.	S	Ref To Com On Transportation	04/03/2013	
<u>S 623</u>	McKissick	Automatic License Plate Readers.	S	Ref To Com On Transportation	04/03/2013	
<u>S 628</u>	Wade	DMV Block Registration/Unpaid Parking Fines.	S	Ref To Com On Transportation	04/03/2013	
<u>S 653</u>	Parmon	Clarify Dealer Plates.	*S	Re-ref Com On Finance	04/03/2013	05/15/2013
<u>S 659</u>	Harrington	MAP 21 Conforming Revisions.-AB	R	Ch. SL 2013-348	04/03/2013	04/10/2013
<u>S 660</u>	Harrington	Uniform Ferry Tolling.	S	Ref To Com On Transportation	04/03/2013	
<u>S 709</u>	Hunt	DOT Study 75 mph Speed/Develop Pilot Proposal.	*HF	Failed 2nd Reading	04/03/2013	04/10/2013
<u>S 710</u>	Hunt	Fair Share Contribution for Elect. Vehicles.	S	Ref to Transportation. If fav, re-ref to Finance	04/03/2013	
<u>S 712</u>	Hunt	ID Card for Homebound Persons.	*R	Ch. SL 2013-233	04/03/2013	04/11/2013
<u>S 716</u>	Rabon	Repeal Certain Trnpke Projts. Auth'n/Funding.	S	Ref to Transportation. If fav, re-ref to Appropriations/Base Budget	04/03/2013	
<u>S 717</u>	Rabon	MV Safety Inspector/MV Licensing Law Changes.	*R	Ch. SL 2013-302	04/03/2013	05/15/2013
<u>S 740</u>	Jackson	DPS Study Commercial Vehicle Safety Alliance.	S	Sequential Referral To Agriculture/Environment/Natural Resources Added	05/15/2014	06/09/2014

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\$ S 792	Cook	Ferry Tolling/Replacement Funds.	S Ref to Transportation. If fav, re-ref to Appropriations/Base Budget	05/20/2014	
<u>S 822</u>	Rabon	DMV Inspection Station Case Continuances.	S Ref To Com On Transportation	05/22/2014	
<u>S 823</u>	Rabon	Alt. Criteria under STI for Emergency Repair.	S Ref to Transportation. If fav, re-ref to Appropriations/Base Budget	05/22/2014	
<u>S 824</u>	Meredith	Agritourism Sign Location/DOT Standards.	S Ref To Com On Transportation	05/22/2014	
<u>S 825</u>	Meredith	DMV DL Medical Review Program Changes.	S Ref To Com On Transportation	05/22/2014	
<u>S 826</u>	Meredith	MAP-21 Update/Rail Safety.	S Ref To Com On Transportation	05/22/2014	
<u>S 827</u>	Meredith	DOT Partnerships with Private Developers.	S Ref To Com On Transportation	05/22/2014	
<u>S 828</u>	Meredith	Single License Plate Renewal Sticker.	S Ref To Com On Transportation	05/22/2014	
<u>S 829</u>	Harrington	Turnpike Authority Annual Audit Date Change.	S Ref To Com On Transportation	05/22/2014	
<u>S 830</u>	Harrington	DWI Interlock Violation/DMV Hearing Site.	S Ref to Transportation. If fav, re-ref to Judiciary II	05/22/2014	
<u>S 831</u>	Harrington	Exclude Federal Lands Access Funds from STI.	S Ref To Com On Transportation	05/22/2014	
<u>S 832</u>	Harrington	Drivers License Material Technical Standard.	S Ref To Com On Transportation	05/22/2014	
<u>S 834</u>	Ford	DMV Conversion of Paper Titles.	S Ref to Transportation. If fav, re-ref to Judiciary II	05/22/2014	
<u>S 835</u>	Ford	Service of Hearing Order/MV Dealer Licensee.	S Ref to Transportation. If fav, re-ref to Judiciary II	05/22/2014	
<u>S 836</u>	Ford	DOT Minority/Women Business Program.	S Re-ref Com On Appropriations/Base Budget	05/22/2014	06/11/2014
<u>S 850</u>	Sanderson	Permanent License Plates / Charter Schools.	S Ref To Com On Transportation	05/28/2014	

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**Senate Committee on Transportation
Wednesday, June 11, 2014, 11:00 AM
1027/1128 Legislative Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 1025	DOT/DMV Changes.	Representative Torbett
SB 836	DOT Minority/Women Business Program.	Senator Ford Senator Daniel
HB 1027	DWI Interlock Violation/DMV Hearing Site.	Representative Torbett
HB 348	Public Safety Technology/State ROW.	Representative Faircloth Representative McNeill Representative Hardister

Presentations

Senator Daniel will chair.

Other Business

Adjournment

Senate Committee on Transportation
June 11, 2014 at 11:00 AM
Room 1027/1128

MINUTES

The Senate Committee on Transportation met at 11:00 on June 11, 2014 in Room 1027. 12Sen members were present.

Senator Daniel presided.

H348 Public Safety Technology/State ROW: Rep. Hardister presented the bill. Fred Bagget, representing the NC Chiefs of Police, spoke in favor of the bill. There was just a brief discussion with Sen. Hunt motioning for a favorable report. Motion carried. Bill was reported out same day as Favorable. Sen. Wade was listed as the floor handler.

H1027 DWI Interlock Violation/DMV Hearing Site: Rep. Torbett was the sponsor. Sen. Harrington helped to explain the bill, which was an LRC recommendation. No discussion. Sen. Ford motioned for a favorable report. Sen. Walters seconded and the motion passed. The bill was reported out the same day as Favorable As to the Original. Sen. Ford was to be the bill's floor handler.

S836 DOT Minority/Women Business Program: Sen. Ford sponsored and explained the bill. There was no discussion. Sen. Harrington motioned for a favorable report as to the original bill. Sen. Gunn seconded the motion and the bill passed and was reported out the same day as Favorable as to the Original.

H1025 DOT/DMV Changes (CS#1): Sen. Harrington explained the bill as an LRC recommendation. Staff member Giles Perry explained each part of the bill. Sen. Meredith offered up an perfecting change amendment for line 44, which was adopted by the committee after motions by Sen. Harrington and Gunn. There was a bit of member discussion and questions. DOT Chief of Staff Bobby Lewis, NCDOT's Nick Tennyson, and NCDOT Traffic Division's Kevin Lacy answered members' questions and spoke in favor of the bill. Sen. Walters made the motion to report the bill as favorable as amended. Sen. Hunt seconded the motion, and the bill as amended (Meredith Amendment) was passed by the committee. The bill was reported out, after the amendment was engrossed, as Unfavorable as to Committee Substitute #1, but Favorable as to Senate Committee Substitute Bill.

The meeting adjourned at 11:35 AM.



Senator Warren Daniel
Presiding



Andy Perrigo, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

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HOUSE BILL 348
Committee Substitute Favorable 5/14/13

Short Title: Public Safety Technology/State ROW.

(Public)

Sponsors:

Referred to:

March 20, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO
3 AGREEMENTS WITH LOCAL GOVERNMENTS TO ALLOW PUBLIC SAFETY
4 TECHNOLOGY IN THE RIGHTS-OF-WAY OF THE STATE HIGHWAY SYSTEM.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 136-18 is amended by adding two new subdivisions to read:
7 "§ 136-18. Powers of Department of Transportation.

8 ...

9 (44) To enter into agreements with municipalities, counties, and other
10 governmental entities for the use of and encroachment upon the right-of-way
11 of any road designated as part of the State highway system, for the
12 installation and use of law enforcement, fire suppression service, emergency
13 medical response service, and related public safety technology.

14 (45) To approve agreements between utilities and municipalities, counties, and
15 other public entities for the use and encroachment upon utility easements
16 previously granted by the Department of Transportation to the utility, for the
17 purposes of installing public safety technology."

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





HOUSE BILL 348: Public Safety Technology/State ROW

2013-2014 General Assembly

Committee: Senate Transportation
Introduced by: Reps. Faircloth, McNeill, Hardister
Analysis of: Second Edition

Date: June 10, 2014
Prepared by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 348 authorizes DOT to enter into agreements with local governments and other governmental entities for encroachments to DOT right-of-way, and with local government and public entities for encroachments to DOT-granted utility easements.*

CURRENT LAW: Current law, G.S. 136-18 and G.S. 136-19.5, authorizes DOT to enter to acquire, and enter into agreements, for the use of DOT right of way for utilities.

BILL ANALYSIS: House Bill 348 amends the powers of the DOT, to authorize the Department to:

- To enter into agreements with municipalities, counties, and other governmental entities for the use of and encroachment upon the right of way of any road designated as part of the State highway system, for the installation and use of law enforcement, fire suppression service, emergency medical response service, and related public safety technology.
- To approve agreements between utilities and municipalities, counties, and other public entities for the use and encroachment upon utility easements previously granted by the Department of Transportation to the utility, for the purposes of installing public safety technology.

EFFECTIVE DATE: This act is effective when it becomes law.

O. Walker Reagan
Director



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Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

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HOUSE BILL 1027*

Short Title: DWI Interlock Violation/DMV Hearing Site.

(Public)

Sponsors: Representative Torbett (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee B.

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES HEARING ON A
LICENSE REVOCATION AS A RESULT OF A DRIVING WHILE IMPAIRED
IGNITION INTERLOCK VIOLATION BE HELD IN THE LICENSEE'S COUNTY OF
RESIDENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE
TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-17.8(j) reads as rewritten:

"(j) Right to Hearing Before Division; Issues. – If the person's license is revoked pursuant to subsection (g) of this section, before the effective date of the order issued under subsection (i) of this section, the person may request in writing a hearing before the Division. Except for the time referred to in G.S. 20-16.5, if the person shows to the satisfaction of the Division that the person's license was surrendered to the court and remained in the court's possession, then the Division shall credit the amount of time for which the license was in the possession of the court against the revocation period required by subsection (g) of this section. If the person properly requests a hearing, the person retains the person's license, unless it is revoked under some other provision of law, until the hearing is held, the person withdraws the request, or the person fails to appear at a scheduled hearing. The hearing officer may subpoena any witnesses or documents that the hearing officer deems necessary. The person may request the hearing officer to subpoena the charging officer, the chemical analyst, or both to appear at the hearing if the person makes the request in writing at least three days before the hearing. The person may subpoena any other witness whom the person deems necessary, and the provisions of G.S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under the authority of this section. The hearing officer is authorized to administer oaths to witnesses appearing at the hearing. The hearing must be conducted in the county where the charge was brought, except when the evidence of the violation is an alcohol concentration report from an ignition interlock system, the hearing shall be conducted in the county where the person resides. ~~and~~ The hearing must be limited to consideration of whether:

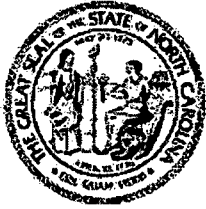
- (1) The drivers license of the person had an ignition interlock requirement; and
- (2) The person:
 - a. Was driving a vehicle that was not equipped with a functioning ignition interlock system; or
 - b. Did not personally activate the ignition interlock system before driving the vehicle; or



1 c. Drove the vehicle in violation of an applicable alcohol concentration
2 restriction prescribed by subdivision (b)(3) of this section.

3 If the Division finds that the conditions specified in this subsection are
4 met, it must order the revocation sustained. If the Division finds that the
5 condition of subdivision (1) is not met, or that none of the conditions of
6 subdivision (2) are met, it must rescind the revocation. If the revocation is
7 sustained, the person must surrender the person's license immediately upon
8 notification by the Division. If the revocation is sustained, the person may
9 appeal the decision of the Division pursuant to G.S. 20-25."

10 **SECTION 2.** This act becomes effective October 1, 2014, and applies to hearings
11 requested on or after that date.



HOUSE BILL 1027: DWI Interlock Violation/DMV Hearing Site

2013-2014 General Assembly

Committee:	Senate Ref to Transportation. If fav, re-ref to Judiciary II	Date:	June 11, 2014
Introduced by:	Rep. Torbett	Prepared by:	Wendy Graf Ray
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 1027 is a recommendation of the Joint Legislative Transportation Oversight Committee. The bill provides for DMV interlock violation hearings to be conducted in the county where the person resides rather than the county where the charge is brought.*

[As introduced, this bill was identical to S830, as introduced by Sens. Harrington, Daniel, which is currently in Senate Ref to Transportation. If fav, re-ref to Judiciary II.]

CURRENT LAW: Under G.S. 20-17.8, certain persons whose drivers licenses are revoked as a result of a conviction of driving while impaired are subject to an ignition interlock requirement as a condition for restoration of the drivers license. The ignition interlock requirement applies when a person whose license is revoked had an alcohol concentration of 0.15 or more at the time of the offense, had been convicted of another impaired driving offense within the 7 years preceding the current offense, was sentenced to Aggravated Level One Punishment (3 or more grossly aggravating factors, including a prior DWI offense within 7 years, driving while license revoked due to impaired driving, serious injury to another person, driving with a minor or disabled person in the vehicle), or the person's license was revoked for a conviction of habitual impaired driving. The length of the ignition interlock requirement depends upon the length of the revocation period; the requirement is one year if the original revocation period was one year, and seven years if the original revocation was a permanent revocation. A person who violates ignition interlock requirements but is not charged with or convicted of driving while license revoked and subject to punishment under that provision will have his or her license revoked for one year under G.S. 20-17.8(g). A person charged with a violation of ignition interlock requirements may request a DMV hearing. The hearing must be conducted in the county where the charge is brought. When the violation is evidenced by an ignition interlock system report, that would be the county where the service provider is located.

BILL ANALYSIS: House Bill 1027 amends the statute governing DMV driver's license hearings held as a result of an ignition interlock violation. The bill specifies that in the case of a violation evidenced by an ignition interlock system report, the hearing will be conducted *in the county where the person resides*.

EFFECTIVE DATE: The bill would become effective October 1, 2014, and would apply to hearings requested on or after that date.

Brenda Carter, counsel to House Judiciary Subcommittee B, substantially contributed to this summary.

O. Walker Reagan
Director



Research Division
(919) 733-2578

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

S

1

SENATE BILL 836*

Short Title: DOT Minority/Women Business Program. (Public)

Sponsors: Senators Ford, Daniel (Primary Sponsors); and Robinson.

Referred to: Transportation.

May 22, 2014

1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND BY ONE YEAR THE DEPARTMENT OF TRANSPORTATION
3 DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESS
4 PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE
5 TRANSPORTATION OVERSIGHT COMMITTEE.
6 The General Assembly of North Carolina enacts:
7 SECTION 1. G.S. 136-28.4(e) reads as rewritten:
8 "(e) This section expires ~~August 31, 2014.~~ August 31, 2015."
9 SECTION 2. This act is effective when it becomes law.



* S 8 3 6 - V - 1 *



SENATE BILL 836: DOT Minority/Women Business Program

2013-2014 General Assembly

Committee: Senate Transportation
Introduced by: Sens. Ford, Daniel
Analysis of: First Edition

Date: June 11, 2014
Prepared by: Wendy Graf Ray
Committee Counsel

SUMMARY: *House Bill 1124 extends the DOT Minority/Women Owned Business Program for one year to August 31, 2015, as recommended by the Joint Legislative Transportation Oversight Committee.*

[As introduced, this bill was identical to H1124, as introduced by Rep. Iler, which is currently in House Appropriations.]

CURRENT LAW: Current law, G.S. 136-28.4, establishes a DOT disadvantaged minority-owned and women-owned businesses in transportation contracts program, for the purpose of encouraging and promoting participation by disadvantaged minority-owned and women-owned businesses in contracts let by the Department. The statute requires DOT to review the program every five years to determine if there is a continuing basis for the program. DOT's contractor completed and delivered the required five year report in mid-May.

BILL ANALYSIS: Senate Bill 836 extends for one year, to August 31, 2015, DOT's disadvantaged minority-owned and women-owned business contract participation program. DOT has stated that it needs additional time to review the most recent report and develop recommendations to the General Assembly for the 2015 session.

EFFECTIVE DATE: This act is effective when it becomes law.

Giles Perry, counsel to House Transportation, substantially contributed to this summary.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

D

HOUSE BILL 1025*
Committee Substitute Favorable 6/3/14
Third Edition Engrossed 6/4/14
PROPOSED SENATE COMMITTEE SUBSTITUTE H1025-CSRW-90 [v.8]
6/10/2014 8:19:29 PM

Short Title: DOT/DMV Changes.

(Public)

Sponsors:

Referred to:

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO (1) AUTHORIZE CONTINUANCES OF DIVISION OF MOTOR VEHICLES
INSPECTION STATION VIOLATION CASES; (2) PROVIDE THAT AGRICULTURAL
TOURISM SIGNS ON STATE HIGHWAYS ARE SUBJECT TO DEPARTMENT OF
TRANSPORTATION LOCATION AND PLACEMENT RULES; (3) CHANGE THE
DUE DATE FOR THE NORTH CAROLINA TURNPIKE AUTHORITY ANNUAL
AUDIT REPORT TO OCTOBER; (4) REPEAL A REQUIREMENT THAT THE
DEPARTMENT OF TRANSPORTATION ANNUALLY REPORT RIGHT TURN ON
RED PEDESTRIAN CRASHES; (5) AMEND THE STATE DRIVERS LICENSE
MATERIAL TECHNICAL STANDARDS; (6) APPLY ALTERNATE PRIORITIZATION
CRITERIA UNDER THE STRATEGIC TRANSPORTATION INVESTMENTS ACT
FORMULA TO FEDERAL AND STATE FUNDS USED FOR EMERGENCY REPAIR
WORK; (7) REENACT THE AUTHORIZATION FOR THE DEPARTMENT OF
TRANSPORTATION TO PARTICIPATE IN PRIVATE DEVELOPER CONTRACTS
FOR IMPROVEMENTS TO THE STATE HIGHWAY SYSTEM, SUBJECT TO A LIMIT
OF THE LESSER OF TEN PERCENT OR TWO HUNDRED FIFTY THOUSAND
DOLLARS, AND (8) TO EXCLUDE FEDERAL LANDS ACCESS PROGRAM FUNDS
FROM THE STRATEGIC TRANSPORTATION INVESTMENTS ACT FORMULA, AS
RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT
COMMITTEE; AND (9) TO UPDATE STATE LAW GOVERNING DEPARTMENT OF
TRANSPORTATION OVERSIGHT OF THE SAFETY OF RAIL FIXED GUIDEWAY
PUBLIC TRANSPORTATION SYSTEMS; (10) TO AUTHORIZE THE DEPARTMENT
OF TRANSPORTATION TO INSTALL AND OPERATE RAMP METERS AND TO
PROVIDE THAT VIOLATION OF A RAMP METER SIGNAL IS AN INFRACTION;
(11) TO CLARIFY STATE LAW CONCERNING FERRY RECEIPT GENERATING
ACTIVITIES; AND (12) TO SPECIFY PENALTIES FOR VIOLATION OF REQUIRED
ETHICS REPORTING PROVISIONS APPLICABLE TO METROPOLITAN PLANNING
ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING
ORGANIZATIONS.

The General Assembly of North Carolina enacts:

DMV INSPECTION STATION CASE CONTINUANCES

SECTION 1. G.S. 20-183.8G reads as rewritten:

"§ 20-183.8G. Administrative and judicial review.



* H 1 0 2 5 - C S R W - 9 0 - V - 8 *

(a) Right to Hearing. – A person who applies for a license or registration under this Part or who has a license or registration issued under this Part has the right to a hearing when any of the following occurs:

- (1) The Division denies the person's application for a license or registration.
- (2) The Division delivers to the person a written statement of charges of a violation that could result in the suspension or revocation of the person's license.
- (3) The Division summarily suspends or revokes the person's license following review and authorization of the proposed adverse action by a judge.
- (4) The Division assesses a civil penalty against the person.
- (5) The Division issues a warning letter to the person.
- (6) The Division cancels the person's registration.

(b) Hearing After Statement of Charges. – When a license holder receives a statement of charges of a violation that could result in the suspension or revocation of the person's license, the person can obtain a hearing by making a request for a hearing. The person must make the request to the Division within 10 days after receiving the statement of the charges. A person who does not request a hearing within this time limit waives the right to a hearing.

The Division must hold a hearing requested under this subsection within 30 days after receiving the ~~request~~ request, unless the matter is continued for good cause. The hearing must be held at the location designated by the Division. Suspension or revocation of the license is stayed until a decision is made following the hearing.

If a person does not request a hearing within the time allowed for making the request, the proposed suspension or revocation becomes effective the day after the time for making the request ends. If a person requests a hearing but does not attend the hearing, the proposed suspension or revocation becomes effective the day after the date set for the hearing.

(c) Hearing After Summary Action. – When the Division summarily suspends a license issued under this Part after judicial review and authorization of the proposed action, the person whose license was suspended or revoked may obtain a hearing by filing with the Division a written request for a hearing. The request must be filed within 10 days after the person was notified of the summary action. The Division must hold a hearing requested under this subsection within 14 days after receiving the request.

(d) All Other Hearings. – When this section gives a person the right to a hearing and subsection (b) or (c) of this section does not apply to the hearing, the person may obtain a hearing by filing with the Division a written request for a hearing. The request must be filed within 10 days after the person receives written notice of the action for which a hearing is requested. The Division must hold a hearing within 90 days after the Division receives the ~~request~~ request, unless the matter is continued for good cause.

(e) Review by Commissioner. – The Commissioner may conduct a hearing required under this section or may designate a person to conduct the hearing. When a person designated by the Commissioner holds a hearing and makes a decision, the person who requested the hearing has the right to request the Commissioner to review the decision. The procedure set by the Division governs the review by the Commissioner of a decision made by a person designated by the Commissioner.

(f) Decision. – Upon the Commissioner's review of a decision made after a hearing on the imposition of a monetary penalty against a motorist for an emissions violation or on a Type I, II, or III violation by a license holder, the Commissioner must uphold any monetary penalty, license suspension, license revocation, or warning required by G.S. 20-183.7A, G.S. 20-183.8A or G.S. 20-183.8B, respectively, if the decision is based on evidence presented at the hearing that supports the hearing officer's determination that the motorist or license holder committed the act for which the monetary penalty, license suspension, license revocation, or warning was imposed. Pursuant to the authority under G.S. 20-183.7A(c) and G.S. 20-183.8B(c), the

Commissioner may order a suspension for a first occurrence Type I violation of a station to be stayed upon reasonable compliance terms to be determined by the Commissioner. Pursuant to the authority under G.S. 20-183.7A(d1) and G.S. 183.8B(c2), the Commissioner may order the suspensions against a license holder to run consecutively or concurrently. The Commissioner may uphold, dismiss, or modify a decision made after a hearing on any other action.

(g) Judicial Review. – Article 4 of Chapter 150B of the General Statutes governs judicial review of an administrative decision made under this section."

AGRITOURISM SIGN LOCATION/DOT STANDARDS

SECTION 2. G.S. 106-22.5(a) reads as rewritten:

"(a) The Department of Agriculture and Consumer Services shall work with the Department of Transportation to provide directional signs on major highways at or in reasonable proximity to the nearest interchange or within one mile leading to an agricultural facility that promotes tourism by providing tours and on-site sales or samples of North Carolina agricultural products to area tourists. The Department shall follow the sign location and placement rules of the Department of Transportation's Tourist-Oriented Directional Signs and Logo Signs programs."

TURNPIKE AUTHORITY ANNUAL AUDIT DATE CHANGE

SECTION 3. G.S. 136-89.193(b) reads as rewritten:

"(b) Annual Reports. – The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding fiscal year and an annual audit of its books and accounts for the preceding fiscal year to the Governor, the General Assembly, and the Department of Transportation. ~~Each report shall be accompanied by an audit of its books and accounts. The report and audit shall be submitted no later than October 31 of the~~ fiscal year in which the report and audit are completed."

REPEAL REPORT/RIGHT TURN ON RED

SECTION 4. G.S. 20-158(b)(2)d. is repealed.

DRIVERS LICENSE MATERIAL TECHNICAL STANDARD

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

"(n) Format. – A drivers license issued by the Division must be tamperproof and must contain all of the following information:

- (1) An identification of this State as the issuer of the license.
- (2) The license holder's full name.
- (3) The license holder's residence address.
- (4) ~~A color photograph, or a properly applied laser engraved picture on polycarbonate material, of the license holder, taken by the Division.~~ A color photograph of the license holder applied to material that is measured by the industry standard of security and durability and is resistant to tampering and reproduction.
- (5) A physical description of the license holder, including sex, height, eye color, and hair color.
- (6) The license holder's date of birth.
- (7) An identifying number for the license holder assigned by the Division. The identifying number may not be the license holder's social security number.
- (8) Each class of motor vehicle the license holder is authorized to drive and any endorsements or restrictions that apply.
- (9) The license holder's signature.
- (10) The date the license was issued and the date the license expires.

1 The Commissioner shall ensure that applicants 21 years old or older are issued drivers
2 licenses and special identification cards that are printed in a horizontal format. The
3 Commissioner shall ensure that applicants under the age of 21 are issued drivers licenses and
4 special identification cards that are printed in a vertical format, that distinguishes them from the
5 horizontal format, for ease of identification of individuals under age 21 by members of
6 industries that regulate controlled products that are sale restricted by age and law enforcement
7 officers enforcing these laws.

8 At the request of an applicant for a drivers license, a license issued to the applicant must
9 contain the applicant's race."

11 ALTERNATE CRITERIA FOR EMERGENCY REPAIR UNDER STRATEGIC 12 TRANSPORTATION INVESTMENTS ACT

13 SECTION 6. G.S. 136-189.11 is amended by adding a new subsection to read:

14 "(c1) Emergency Funds With Alternative Criteria. – The following funds, obligated in
15 support of emergency repair work necessary to restore essential travel, minimize the extent of
16 damage, or protect remaining facilities, as a result of events that occurred during a federal- or
17 State-declared emergency that significantly damaged the State-maintained transportation
18 system to the extent that safe passage is jeopardized, shall be subject to subsection (d) of this
19 section but shall not be subject to the prioritization criteria set forth in that subsection:

- 20 (1) Federal or State funds obligated for repairs for which federal Emergency
21 Relief Funds are available pursuant to 23 U.S.C. § 125.
- 22 (2) State funds obligated for repairs to damage occurring as a result of an event
23 that is lawfully declared to be a federal or State emergency."

25 DOT PARTNERSHIP WITH PRIVATE DEVELOPERS

26 SECTION 7. Section 2 of S.L. 2009-235 reads as rewritten:

27 "SECTION 2. This act is effective when it becomes law. This act shall expire on ~~December~~
28 ~~31, 2011~~ December 31, 2016."

30 EXCLUDE FEDERAL LANDS ACCESS FUNDS

31 SECTION 8. G.S. 136-189.11(b) reads as rewritten:

32 "(b) Funds Excluded From Formula. – The following funds are not subject to this
33 section:

- 34 (1) Federal congestion mitigation and air quality improvement program funds
35 appropriated to the State by the United States pursuant to 23 U.S.C. §
36 104(b)(2) and 23 U.S.C. § 149.
- 37 (2) Funds received through competitive awards or discretionary grants through
38 federal appropriations either for local governments, transportation
39 authorities, transit authorities, or the Department.
- 40 (3) Funds received from the federal government that under federal law may only
41 be used for Appalachian Development Highway System projects.
- 42 (4) Funds used in repayment of "GARVEE" bonds related to Phase I of the
43 Yadkin River Veterans Memorial Bridge project.
- 44 (5) Funds committed to gap funding for toll roads funded with bonds issued
45 pursuant to G.S. 136-176.
- 46 (6) Funds obligated for projects in the State Transportation Improvement
47 Program that are scheduled for construction as of October 1, 2013, in State
48 fiscal year 2012-2013, 2013-2014, or 2014-2015.
- 49 (7) Toll collections from a turnpike project under Article 6H of this Chapter and
50 other revenue from the sale of the Authority's bonds or notes or project
51 loans, in accordance with G.S. 136-89.192.

- (8) Toll collections from the State-maintained ferry system collected under the authority of G.S. 136-82.
- (9) Federal State Planning and Research Program funds (23 U.S.C. § 505) and Metropolitan Planning funds (23 U.S.C. §§ 104 and 134).
- (10) Federal Lands Access Program funds received by the State pursuant to 23 U.S.C. § 204."

UPDATE FIXED GUIDEWAY SYSTEM SAFETY OVERSIGHT

SECTION 9. G.S. 136-18(36) reads as rewritten:

"(36) The Department shall have the following powers related to fixed guideway public transportation system safety:

- a. To oversee the safety of fixed guideway ~~transit~~ public transportation systems in the State not regulated by the Federal Railroad Administration, pursuant to ~~the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. § 5330)~~ 49 U.S.C. § 5329 and § 5330 and any reauthorizations of or amendments to those sections. The Department shall adopt rules in conformance with 49 U.S.C. § 5329 and 49 U.S.C. § 5330 concerning its oversight of the safety of fixed guideway ~~transit~~ public transportation systems.
- b. The Department shall examine and inspect the condition of each rail fixed guideway public transportation system and its equipment and facilities for the purpose of ensuring the safety and convenience of the public and the rail fixed guideway public transportation system's employees. If the Department finds any equipment or facilities to be unsafe, it shall at once notify the rail fixed guideway public transportation system and require the rail fixed guideway public transportation system to repair the equipment or facilities.
- c. The Department may conduct, in a manner consistent with federal law, a program of accident prevention and public safety covering all rail fixed guideway public transportation systems and may investigate the cause of any rail fixed guideway public transportation system accident. In order to facilitate this program, any rail fixed guideway public transportation system involved in an accident meeting the reporting thresholds defined by the Department shall report the accident to the Department.
- d. The Department shall review, approve, oversee, and enforce each rail fixed guideway public transportation system's implementation of the public transportation system safety plan required pursuant to 49 U.S.C. § 5329(d).
- e. The Department shall audit, at least once triennially, each rail fixed guideway public transportation system's compliance with the public transportation agency safety plan required pursuant to 49 U.S.C. § 5329(d).
- f. The Department shall provide, at least once annually, a status report on the safety of the rail fixed guideway public transportation systems overseen by the Department to the Federal Transit Administration, the Governor, and the Board of Directors, or equivalent entity, of any rail fixed guideway public transportation system the Department oversees.
- g. The Department shall not receive funding for the activities authorized by sub-subdivisions a. through f. of this subdivision from

any rail fixed guideway public transportation systems subject to the Department's authority pursuant to the provisions of sub-subdivisions a. through f. of this subdivision."

RAMP METER AUTHORIZED/PENALTY

SECTION 10.(a) G.S. 20-4.01 is amended by adding a new subdivision to read:

"(32a) Ramp Meter. – A traffic control device that consists of a circular red and circular green display placed at a point along an interchange entrance ramp."

SECTION 10.(b) G.S. 20-158(c) is amended by adding a new subdivision to read:

"(6) When a ramp meter is displaying a circular red display, vehicles facing the red light must stop. When a ramp meter is displaying a circular green display, a vehicle may proceed for each lane of traffic facing the meter. When the display is dark or not emitting a red or green display, a vehicle may proceed without stopping. A violation of this subdivision is an infraction. No drivers license points or insurance surcharge shall be assessed as a result of a violation of this subdivision."

SECTION 10.(c) G.S. 20-4.01(32a) reads as rewritten:

"(32a)(32b) Recreational Vehicle. – A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper.

...."

SECTION 10.(d) G.S. 20-4.01(32b) reads as rewritten:

"(32b)(32c) Regular Drivers License. – A license to drive a commercial motor vehicle that is exempt from the commercial drivers license requirements or a noncommercial motor vehicle."

SECTION 10.(e) G.S. 20-305(6)d.1.I reads as rewritten:

"I. Each new and unsold motor vehicle within the new motor vehicle dealer's inventory that has been acquired within 24 months of the effective date of the termination from the manufacturer or distributor or another same line-make dealer in the ordinary course of business, and which has not been substantially altered or damaged to the prejudice of the manufacturer or distributor while in the new motor vehicle dealer's possession, and which has been driven less than 1,000 miles or, for purposes of a recreational vehicle motor home as defined in ~~G.S. 20-4.01(32a)a., G.S. 20-4.01(32b)a.,~~ less than 1,500 miles following the original date of delivery to the dealer, and for which no certificate of title has been issued. For purposes of this sub-subdivision, the term "ordinary course of business" shall include inventory transfers of all new, same line-make vehicles between affiliated dealerships, or otherwise between dealerships having common or interrelated ownership, provided that the transfer is not intended solely for the purpose of benefiting from the termination assistance described in this sub-subdivision."

SECTION 10.(f) G.S. 20-305(6)f. reads as rewritten:

"f. The provisions of sub-subdivision e. above shall not be applicable when the termination, nonrenewal, or cancellation of the franchise agreement by a new motor vehicle dealer is the result of the sale of assets or stock of the motor vehicle dealership. The provisions of sub-subdivisions d. and e. above shall not be applicable when the termination, nonrenewal, or cancellation of the franchise agreement is at the initiation of a new motor vehicle dealer of recreational vehicle motor homes, as defined in ~~G.S. 20-4.01(32a)a.,~~ G.S. 20-4.01(32b)a., provided that at the time of the termination, nonrenewal, or cancellation, the recreational vehicle manufacturer or distributor has paid to the dealer all claims for warranty or recall work, including payments for labor, parts, and other expenses, which were submitted by the dealer 30 days or more prior to the date of termination, nonrenewal, or cancellation."

CLARIFY FERRY RECEIPT GENERATING ACTIVITIES**SECTION 11.(a)** G.S. 136-82(f) reads as rewritten:**"§ 136-82. Department of Transportation to establish and maintain ferries.**

...
(f) Authority to Generate Certain Receipts. – The Department of Transportation, notwithstanding any other provision of law, may operate or contract for the following receipt-generating activities and use the proceeds for ferry passenger vessel replacement projects in the manner set forth in subsection (e)(d) of this section:

- (1) Operation of, concessions on the ferries and at ferry facilities to provide to passengers on the ferries food, drink, and other refreshments, personal comfort items, Internet access, and souvenirs publicizing the ferry system.
- (2) ~~The Sponsorships, including, but not limited to, the sale of naming rights to any ferry vessel, ferry route, or ferry facility.~~
- (3) Advertising on or within any ferry ~~vessel, vessel or at any ferry facility,~~ including, but not limited to, display advertising and advertising delivered to passengers through the use of video monitors, public address systems installed in passenger areas, and other electronic media.
- (4) Any other receipt-generating activity not otherwise forbidden by applicable law pertaining to public health or safety.

The Department may issue rules to implement this subsection.

...."

SECTION 11.(b) G.S. 66-58(c) is amended by adding a new subdivision to read:

"(21) Any activity conducted by the Department of Transportation that is authorized by G.S. 136-82(f)."

MPO/RPO ETHICS FINES**SECTION 12.(a)** G.S. 136-200.2 reads as rewritten:

"...
(g) Ethics Provisions. – All individuals with voting authority serving on a metropolitan planning organization who are not members of the Board of Transportation shall do all of the following:

- ...
(4) File, with and in the same manner as the statement of economic interest filed under subdivision (3) of this subsection, an additional disclosure of a list of all real estate owned wholly or in part by the MPO member, the MPO

member's extended family, or a business with which the MPO member is associated within the jurisdiction of the MPO on which the MPO member is serving. All additional disclosures of real estate filed by MPO members are public records under Chapter 132 of the General Statutes. The penalties for failure to file shall be as set forth in G.S. 138A-25(d).

...
(j) Violations. – A violation of subdivision (1) of subsection (g) of this section shall be a Class 1 misdemeanor. An MPO member who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a required filing under subdivisions (3) or (4) of subsection (g) of this section shall be guilty of a Class 1 misdemeanor. An MPO member who provides false information on a required filing under subdivisions (3) or (4) of subsection (g) of this section knowing that the information is false is guilty of a Class H felony. If the State Ethics Commission receives written allegations of violations of this section, the Commission shall report such violations to the Attorney General for investigation and referral to the District Attorney for possible prosecution. All written allegations or related documents are confidential and are not matters of public record.

...."
SECTION 12.(b) G.S. 136-211 reads as rewritten:

"...
(f) Ethics Provisions. – All individuals with voting authority serving on a rural transportation planning organization who are not members of the Board of Transportation shall do all of the following:

...
(4) File, with and in the same manner as the statement of economic interest filed under subdivision (3) of this subsection, an additional disclosure of a list of all real estate owned wholly or in part by the rural transportation planning organization member, the rural transportation planning organization member's extended family, or a business with which the rural transportation planning organization member is associated within the jurisdiction of the rural transportation planning organization on which the rural transportation planning organization member is serving. All additional disclosures of real estate filed by members are public records under Chapter 132 of the General Statutes. The penalties for failure to file shall be as set forth in G.S. 138A-25(d).

...
(j) Violations. – A violation of subdivision (1) of subsection (f) of this section shall be a Class 1 misdemeanor. A rural transportation planning organization member who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a required filing under subdivisions (3) or (4) of subsection (f) of this section shall be guilty of a Class 1 misdemeanor. A rural transportation planning organization member who provides false information on a required filing under subdivisions (3) or (4) of subsection (f) of this section knowing that the information is false is guilty of a Class H felony. If the State Ethics Commission receives written allegations of violations of this section, the Commission shall report such violations to the Attorney General for investigation and referral to the District Attorney for possible prosecution. All written allegations or related documents are confidential and are not matters of public record.

...."
SECTION 12.(c) G.S. 138A-25 is amended by adding the following new subsections to read:

"(d) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify persons who are required to file a Statement of Economic Interest under G.S. 136-200.2(g)(3)

1 or G.S. 136-211(f)(3) of a failure to file the Statement of Economic Interest or the filing of an
2 incomplete Statement of Economic Interest. The Commission shall notify the filing person that
3 if the Statement of Economic Interest is not filed or completed within 30 days of receipt of the
4 notice of failure to file or complete, the filing person shall be fined and referred for prosecution
5 after an additional 30 days, as provided for in this section.

6 (1) Any filing person who fails to file a Statement of Economic Interest under
7 G.S. 136-200.2(g)(3) or G.S. 136-211(f)(3) within 30 days of the receipt of
8 the notice required under this section shall be fined two hundred fifty dollars
9 (\$250.00) by the Commission for not filing or filing an incomplete
10 Statement of Economic Interest, except in extenuating circumstances as
11 determined by the Commission.

12 (2) Failure by any filing person to file or complete the Statement of Economic
13 Interest within 60 days of the receipt of the notice required under this
14 subsection shall be a Class 1 misdemeanor. The Commission shall report
15 such failure to the Attorney General for investigation and referral to the
16 District Attorney for possible prosecution, unless the Commission
17 determines extenuating circumstances exist.

18 (e) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify
19 persons who are required to file an additional disclosure under G.S. 136-200.2(g)(4) or
20 G.S. 136-211(f)(4) of a failure to file the additional disclosure or the filing of an incomplete
21 additional disclosure. The Commission shall notify the filing person that if the additional
22 disclosure is not filed or completed within 30 days of receipt of the notice of failure to file or
23 complete, the filing person shall be fined and referred for prosecution after an additional 30
24 days, as provided for in this section.

25 (1) Any filing person who fails to file or who files an incomplete additional
26 disclosure within 30 days of the receipt of the notice required under this
27 section shall be fined two hundred fifty dollars (\$250.00) for not filing or
28 filing an incomplete additional disclosure, except in extenuating
29 circumstances as determined by the Commission.

30 (2) Failure by any filing person to file or complete the additional disclosure
31 within 60 days of the receipt of the notice required under this subsection
32 shall be a Class 1 misdemeanor. The Commission shall report such failure to
33 the Attorney General for investigation and referral to the District Attorney
34 for possible prosecution, unless the Commission determines extenuating
35 circumstances exist."

36 37 **EFFECTIVE DATE**

38 **SECTION 13.** Section 1 of this act becomes effective October 1, 2014. Section 10
39 of this act becomes effective December 1, 2014, and applies to offenses committed on or after
40 that date. Section 12 becomes effective October 1, 2014, and applies to obligations to file
41 additional disclosures arising on or after that date. The remaining sections of this act become
42 effective when they become law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT

Bill _____

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

_____ ARW-92 [v.5]

Page 1 of 1

Comm. Sub. [NO]
Amends Title [YES]

Date _____, 2014

1 moves to amend the bill on page __, line __, by adding the following:

2
3 **DOT SPONSORSHIP AUTHORIZE**

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

5 "(44) The Department is authorized to contract for sponsorship arrangements for
6 Department operations and may solicit contracts for such arrangements
7 pursuant to Article 2 of this Chapter. All amounts collected and all savings
8 realized as a result of these sponsorship arrangements shall be used by the
9 Department towards funding of authorized operations and maintenance
10 activities." *Mandeth* *Mandeth A*

11
SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* U N K N O W N - A R W - 9 2 - V - 5 *

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

H

4

**HOUSE BILL 1025*
Committee Substitute Favorable 6/3/14
Third Edition Engrossed 6/4/14
Senate Transportation Committee Substitute Adopted 6/11/14**

Short Title: DOT/DMV Changes.

(Public)

Sponsors:

Referred to:

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO (1) AUTHORIZE CONTINUANCES OF DIVISION OF MOTOR VEHICLES INSPECTION STATION VIOLATION CASES; (2) PROVIDE THAT AGRICULTURAL TOURISM SIGNS ON STATE HIGHWAYS ARE SUBJECT TO DEPARTMENT OF TRANSPORTATION LOCATION AND PLACEMENT RULES; (3) CHANGE THE DUE DATE FOR THE NORTH CAROLINA TURNPIKE AUTHORITY ANNUAL AUDIT REPORT TO OCTOBER; (4) REPEAL A REQUIREMENT THAT THE DEPARTMENT OF TRANSPORTATION ANNUALLY REPORT RIGHT TURN ON RED PEDESTRIAN CRASHES; (5) AMEND THE STATE DRIVERS LICENSE MATERIAL TECHNICAL STANDARDS; (6) APPLY ALTERNATE PRIORITIZATION CRITERIA UNDER THE STRATEGIC TRANSPORTATION INVESTMENTS ACT FORMULA TO FEDERAL AND STATE FUNDS USED FOR EMERGENCY REPAIR WORK; (7) REENACT THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN PRIVATE DEVELOPER CONTRACTS FOR IMPROVEMENTS TO THE STATE HIGHWAY SYSTEM, SUBJECT TO A LIMIT OF THE LESSER OF TEN PERCENT OR TWO HUNDRED FIFTY THOUSAND DOLLARS; (8) TO EXCLUDE FEDERAL LANDS ACCESS PROGRAM FUNDS FROM THE STRATEGIC TRANSPORTATION INVESTMENTS ACT FORMULA, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; (9) UPDATE STATE LAW GOVERNING DEPARTMENT OF TRANSPORTATION OVERSIGHT OF THE SAFETY OF RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEMS; (10) AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO INSTALL AND OPERATE RAMP METERS AND TO PROVIDE THAT VIOLATION OF A RAMP METER SIGNAL IS AN INFRACTION; (11) CLARIFY STATE LAW CONCERNING FERRY RECEIPT GENERATING ACTIVITIES; (12) SPECIFY PENALTIES FOR VIOLATION OF REQUIRED ETHICS REPORTING PROVISIONS APPLICABLE TO METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS; AND (13) AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO CONTRACT FOR SPONSORSHIP ARRANGEMENTS FOR DEPARTMENT OPERATIONS.

The General Assembly of North Carolina enacts:

DMV INSPECTION STATION CASE CONTINUANCES



1 **SECTION 1.** G.S. 20-183.8G reads as rewritten:

2 **"§ 20-183.8G. Administrative and judicial review.**

3 (a) Right to Hearing. – A person who applies for a license or registration under this Part
4 or who has a license or registration issued under this Part has the right to a hearing when any of
5 the following occurs:

- 6 (1) The Division denies the person's application for a license or registration.
7 (2) The Division delivers to the person a written statement of charges of a
8 violation that could result in the suspension or revocation of the person's
9 license.
10 (3) The Division summarily suspends or revokes the person's license following
11 review and authorization of the proposed adverse action by a judge.
12 (4) The Division assesses a civil penalty against the person.
13 (5) The Division issues a warning letter to the person.
14 (6) The Division cancels the person's registration.

15 (b) Hearing After Statement of Charges. – When a license holder receives a statement
16 of charges of a violation that could result in the suspension or revocation of the person's
17 license, the person can obtain a hearing by making a request for a hearing. The person must
18 make the request to the Division within 10 days after receiving the statement of the charges. A
19 person who does not request a hearing within this time limit waives the right to a hearing.

20 The Division must hold a hearing requested under this subsection within 30 days after
21 receiving the ~~request~~request, unless the matter is continued for good cause. The hearing must
22 be held at the location designated by the Division. Suspension or revocation of the license is
23 stayed until a decision is made following the hearing.

24 If a person does not request a hearing within the time allowed for making the request, the
25 proposed suspension or revocation becomes effective the day after the time for making the
26 request ends. If a person requests a hearing but does not attend the hearing, the proposed
27 suspension or revocation becomes effective the day after the date set for the hearing.

28 (c) Hearing After Summary Action. – When the Division summarily suspends a license
29 issued under this Part after judicial review and authorization of the proposed action, the person
30 whose license was suspended or revoked may obtain a hearing by filing with the Division a
31 written request for a hearing. The request must be filed within 10 days after the person was
32 notified of the summary action. The Division must hold a hearing requested under this
33 subsection within 14 days after receiving the request.

34 (d) All Other Hearings. – When this section gives a person the right to a hearing and
35 subsection (b) or (c) of this section does not apply to the hearing, the person may obtain a
36 hearing by filing with the Division a written request for a hearing. The request must be filed
37 within 10 days after the person receives written notice of the action for which a hearing is
38 requested. The Division must hold a hearing within 90 days after the Division receives the
39 ~~request~~request, unless the matter is continued for good cause.

40 (e) Review by Commissioner. – The Commissioner may conduct a hearing required
41 under this section or may designate a person to conduct the hearing. When a person designated
42 by the Commissioner holds a hearing and makes a decision, the person who requested the
43 hearing has the right to request the Commissioner to review the decision. The procedure set by
44 the Division governs the review by the Commissioner of a decision made by a person
45 designated by the Commissioner.

46 (f) Decision. – Upon the Commissioner's review of a decision made after a hearing on
47 the imposition of a monetary penalty against a motorist for an emissions violation or on a Type
48 I, II, or III violation by a license holder, the Commissioner must uphold any monetary penalty,
49 license suspension, license revocation, or warning required by G.S. 20-183.7A, G.S. 20-183.8A
50 or G.S. 20-183.8B, respectively, if the decision is based on evidence presented at the hearing
51 that supports the hearing officer's determination that the motorist or license holder committed

the act for which the monetary penalty, license suspension, license revocation, or warning was imposed. Pursuant to the authority under G.S. 20-183.7A(c) and G.S. 20-183.8B(c), the Commissioner may order a suspension for a first occurrence Type I violation of a station to be stayed upon reasonable compliance terms to be determined by the Commissioner. Pursuant to the authority under G.S. 20-183.7A(d1) and G.S. 183.8B(c2), the Commissioner may order the suspensions against a license holder to run consecutively or concurrently. The Commissioner may uphold, dismiss, or modify a decision made after a hearing on any other action.

(g) Judicial Review. – Article 4 of Chapter 150B of the General Statutes governs judicial review of an administrative decision made under this section."

AGRITOURISM SIGN LOCATION/DOT STANDARDS

SECTION 2. G.S. 106-22.5(a) reads as rewritten:

"(a) The Department of Agriculture and Consumer Services shall work with the Department of Transportation to provide directional signs on major highways at or in reasonable proximity to the nearest interchange or within one mile leading to an agricultural facility that promotes tourism by providing tours and on-site sales or samples of North Carolina agricultural products to area tourists. The Department shall follow the sign location and placement rules of the Department of Transportation's Tourist-Oriented Directional Signs and Logo Signs programs."

TURNPIKE AUTHORITY ANNUAL AUDIT DATE CHANGE

SECTION 3. G.S. 136-89.193(b) reads as rewritten:

"(b) Annual Reports. – The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding fiscal year and an annual audit of its books and accounts for the preceding fiscal year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts. The report and audit shall be submitted no later than October 31 of the fiscal year in which the report and audit are completed."

REPEAL REPORT/RIGHT TURN ON RED

SECTION 4. G.S. 20-158(b)(2)d. is repealed.

DRIVERS LICENSE MATERIAL TECHNICAL STANDARD

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

"(n) Format. – A drivers license issued by the Division must be tamperproof and must contain all of the following information:

- (1) An identification of this State as the issuer of the license.
- (2) The license holder's full name.
- (3) The license holder's residence address.
- (4) A color photograph, or a properly applied laser engraved picture on polycarbonate material, of the license holder, taken by the Division. A color photograph of the license holder applied to material that is measured by the industry standard of security and durability and is resistant to tampering and reproduction.
- (5) A physical description of the license holder, including sex, height, eye color, and hair color.
- (6) The license holder's date of birth.
- (7) An identifying number for the license holder assigned by the Division. The identifying number may not be the license holder's social security number.
- (8) Each class of motor vehicle the license holder is authorized to drive and any endorsements or restrictions that apply.

(9) The license holder's signature.

(10) The date the license was issued and the date the license expires.

The Commissioner shall ensure that applicants 21 years old or older are issued drivers licenses and special identification cards that are printed in a horizontal format. The Commissioner shall ensure that applicants under the age of 21 are issued drivers licenses and special identification cards that are printed in a vertical format, that distinguishes them from the horizontal format, for ease of identification of individuals under age 21 by members of industries that regulate controlled products that are sale restricted by age and law enforcement officers enforcing these laws.

At the request of an applicant for a drivers license, a license issued to the applicant must contain the applicant's race."

ALTERNATE CRITERIA FOR EMERGENCY REPAIR UNDER STRATEGIC TRANSPORTATION INVESTMENTS ACT

SECTION 6. G.S. 136-189.11 is amended by adding a new subsection to read:

"(c1) Emergency Funds With Alternative Criteria. – The following funds, obligated in support of emergency repair work necessary to restore essential travel, minimize the extent of damage, or protect remaining facilities, as a result of events that occurred during a federal- or State-declared emergency that significantly damaged the State-maintained transportation system to the extent that safe passage is jeopardized, shall be subject to subsection (d) of this section but shall not be subject to the prioritization criteria set forth in that subsection:

(1) Federal or State funds obligated for repairs for which federal Emergency Relief Funds are available pursuant to 23 U.S.C. § 125.

(2) State funds obligated for repairs to damage occurring as a result of an event that is lawfully declared to be a federal or State emergency."

DOT PARTNERSHIP WITH PRIVATE DEVELOPERS

SECTION 7. Section 2 of S.L. 2009-235 reads as rewritten:

"SECTION 2. This act is effective when it becomes law. This act shall expire on ~~December 31, 2011~~ December 31, 2016."

EXCLUDE FEDERAL LANDS ACCESS FUNDS

SECTION 8. G.S. 136-189.11(b) reads as rewritten:

"(b) Funds Excluded From Formula. – The following funds are not subject to this section:

(1) Federal congestion mitigation and air quality improvement program funds appropriated to the State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149.

(2) Funds received through competitive awards or discretionary grants through federal appropriations either for local governments, transportation authorities, transit authorities, or the Department.

(3) Funds received from the federal government that under federal law may only be used for Appalachian Development Highway System projects.

(4) Funds used in repayment of "GARVEE" bonds related to Phase I of the Yadkin River Veterans Memorial Bridge project.

(5) Funds committed to gap funding for toll roads funded with bonds issued pursuant to G.S. 136-176.

(6) Funds obligated for projects in the State Transportation Improvement Program that are scheduled for construction as of October 1, 2013, in State fiscal year 2012-2013, 2013-2014, or 2014-2015.

- (7) Toll collections from a turnpike project under Article 6H of this Chapter and other revenue from the sale of the Authority's bonds or notes or project loans, in accordance with G.S. 136-89.192.
- (8) Toll collections from the State-maintained ferry system collected under the authority of G.S. 136-82.
- (9) Federal State Planning and Research Program funds (23 U.S.C. § 505) and Metropolitan Planning funds (23 U.S.C. §§ 104 and 134).
- (10) Federal Lands Access Program funds received by the State pursuant to 23 U.S.C. § 204."

UPDATE FIXED GUIDEWAY SYSTEM SAFETY OVERSIGHT

SECTION 9. G.S. 136-18(36) reads as rewritten:

"(36) The Department shall have the following powers related to fixed guideway public transportation system safety:

- a. To oversee the safety of fixed guideway ~~transit~~-public transportation systems in the State not regulated by the Federal Railroad Administration, pursuant to ~~the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. § 5330). 49 U.S.C. § 5329 and 49 U.S.C. § 5330 and any reauthorizations of or amendments to those sections.~~ The Department shall adopt rules in conformance with 49 U.S.C. § 5329 and 49 U.S.C. § 5330 concerning its oversight of the safety of fixed guideway ~~transit~~-public transportation systems.
- b. The Department shall examine and inspect the condition of each rail fixed guideway public transportation system and its equipment and facilities for the purpose of ensuring the safety and convenience of the public and the rail fixed guideway public transportation system's employees. If the Department finds any equipment or facilities to be unsafe, it shall at once notify the rail fixed guideway public transportation system and require the rail fixed guideway public transportation system to repair the equipment or facilities.
- c. The Department may conduct, in a manner consistent with federal law, a program of accident prevention and public safety covering all rail fixed guideway public transportation systems and may investigate the cause of any rail fixed guideway public transportation system accident. In order to facilitate this program, any rail fixed guideway public transportation system involved in an accident meeting the reporting thresholds defined by the Department shall report the accident to the Department.
- d. The Department shall review, approve, oversee, and enforce each rail fixed guideway public transportation system's implementation of the public transportation system safety plan required pursuant to 49 U.S.C. § 5329(d).
- e. The Department shall audit, at least once triennially, each rail fixed guideway public transportation system's compliance with the public transportation agency safety plan required pursuant to 49 U.S.C. § 5329(d).
- f. The Department shall provide, at least once annually, a status report on the safety of the rail fixed guideway public transportation systems overseen by the Department to the Federal Transit Administration, the Governor, and the Board of Directors, or equivalent entity, of any

1 rail fixed guideway public transportation system the Department
2 oversees.

3 g. The Department shall not receive funding for the activities
4 authorized by sub-subdivisions a. through f. of this subdivision from
5 any rail fixed guideway public transportation systems subject to the
6 Department's authority pursuant to the provisions of sub-subdivisions
7 a. through f. of this subdivision."

9 **RAMP METER AUTHORIZED/PENALTY**

10 **SECTION 10.(a)** G.S. 20-4.01 is amended by adding a new subdivision to read:

11 **"(32a) Ramp Meter.** – A traffic control device that consists of a circular red and
12 circular green display placed at a point along an interchange entrance ramp."

13 **SECTION 10.(b)** G.S. 20-158(c) is amended by adding a new subdivision to read:

14 **"(6)** When a ramp meter is displaying a circular red display, vehicles facing the
15 red light must stop. When a ramp meter is displaying a circular green
16 display, a vehicle may proceed for each lane of traffic facing the meter.
17 When the display is dark or not emitting a red or green display, a vehicle
18 may proceed without stopping. A violation of this subdivision is an
19 infraction. No drivers license points or insurance surcharge shall be assessed
20 as a result of a violation of this subdivision."

21 **SECTION 10.(c)** G.S. 20-4.01(32a) reads as rewritten:

22 **"(32a)(32b)** **Recreational Vehicle.** – A vehicular type unit primarily designed
23 as temporary living quarters for recreational, camping, or travel use that
24 either has its own motive power or is mounted on, or towed by, another
25 vehicle. The basic entities are camping trailer, fifth-wheel travel trailer,
26 motor home, travel trailer, and truck camper.
27 "

28 **SECTION 10.(d)** G.S. 20-4.01(32b) reads as rewritten:

29 **"(32b)(32c)** **Regular Drivers License.** – A license to drive a commercial
30 motor vehicle that is exempt from the commercial drivers license
31 requirements or a noncommercial motor vehicle."

32 **SECTION 10.(e)** G.S. 20-305(6)d.1.I. reads as rewritten:

33 "I. Each new and unsold motor vehicle within the new
34 motor vehicle dealer's inventory that has been
35 acquired within 24 months of the effective date of the
36 termination from the manufacturer or distributor or
37 another same line-make dealer in the ordinary course
38 of business, and which has not been substantially
39 altered or damaged to the prejudice of the
40 manufacturer or distributor while in the new motor
41 vehicle dealer's possession, and which has been driven
42 less than 1,000 miles or, for purposes of a recreational
43 vehicle motor home as defined in G.S. 20-4.01(32a)a.,
44 G.S. 20-4.01(32b)a., less than 1,500 miles following
45 the original date of delivery to the dealer, and for
46 which no certificate of title has been issued. For
47 purposes of this sub-subdivision, the term "ordinary
48 course of business" shall include inventory transfers
49 of all new, same line-make vehicles between affiliated
50 dealerships, or otherwise between dealerships having
51 common or interrelated ownership, provided that the

transfer is not intended solely for the purpose of benefiting from the termination assistance described in this sub-subdivision."

SECTION 10.(f) G.S. 20-305(6)f. reads as rewritten:

"f. The provisions of sub-subdivision e. above shall not be applicable when the termination, nonrenewal, or cancellation of the franchise agreement by a new motor vehicle dealer is the result of the sale of assets or stock of the motor vehicle dealership. The provisions of sub-subdivisions d. and e. above shall not be applicable when the termination, nonrenewal, or cancellation of the franchise agreement is at the initiation of a new motor vehicle dealer of recreational vehicle motor homes, as defined in G.S. 20-4.01(32a)a., G.S. 20-4.01(32b)a., provided that at the time of the termination, nonrenewal, or cancellation, the recreational vehicle manufacturer or distributor has paid to the dealer all claims for warranty or recall work, including payments for labor, parts, and other expenses, which were submitted by the dealer 30 days or more prior to the date of termination, nonrenewal, or cancellation."

CLARIFY FERRY RECEIPT GENERATING ACTIVITIES

SECTION 11.(a) G.S. 136-82(f) reads as rewritten:

"§ 136-82. Department of Transportation to establish and maintain ferries.

...
(f) Authority to Generate Certain Receipts. – The Department of Transportation, notwithstanding any other provision of law, may operate or contract for the following receipt-generating activities and use the proceeds for ferry passenger vessel replacement projects in the manner set forth in subsection ~~(e)~~ (d) of this section:

- (1) Operation of, concessions on the ferries and at ferry facilities to provide to passengers on the ferries food, drink, and other refreshments, personal comfort items, Internet access, and souvenirs publicizing the ferry system.
- (2) The Sponsorships, including, but not limited to, the sale of naming rights to any ferry vessel, ferry route, or ferry facility.
- (3) Advertising on or within any ferry vessel, including vessel or at any ferry facility, including, but not limited to, display advertising and advertising delivered to passengers through the use of video monitors, public address systems installed in passenger areas, and other electronic media.
- (4) Any other receipt-generating activity not otherwise forbidden by applicable law pertaining to public health or safety.

The Department may issue rules to implement this subsection.

...."

SECTION 11.(b) G.S. 66-58(c) is amended by adding a new subdivision to read:

"(21) Any activity conducted by the Department of Transportation that is authorized by G.S. 136-82(f)."

MPO/RPO ETHICS FINES

SECTION 12.(a) G.S. 136-200.2 reads as rewritten:

"...

(g) Ethics Provisions. – All individuals with voting authority serving on a metropolitan planning organization who are not members of the Board of Transportation shall do all of the following:

...

(4) File, with and in the same manner as the statement of economic interest filed under subdivision (3) of this subsection, an additional disclosure of a list of all real estate owned wholly or in part by the MPO member, the MPO member's extended family, or a business with which the MPO member is associated within the jurisdiction of the MPO on which the MPO member is serving. All additional disclosures of real estate filed by MPO members are public records under Chapter 132 of the General Statutes. The penalties for failure to file shall be as set forth in G.S. 138A-25(d).

...
(j) Violations. – A violation of subdivision (1) of subsection (g) of this section shall be a Class 1 misdemeanor. An MPO member who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a required filing under subdivisions (3) or (4) of subsection (g) of this section shall be guilty of a Class 1 misdemeanor. An MPO member who provides false information on a required filing under subdivisions (3) or (4) of subsection (g) of this section knowing that the information is false is guilty of a Class H felony. If the State Ethics Commission receives written allegations of violations of this section, the Commission shall report such violations to the Attorney General for investigation and referral to the District Attorney for possible prosecution. All written allegations or related documents are confidential and are not matters of public record.

..."
SECTION 12.(b) G.S. 136-211 reads as rewritten:

"...
(f) Ethics Provisions. – All individuals with voting authority serving on a rural transportation planning organization who are not members of the Board of Transportation shall do all of the following:

...
(4) File, with and in the same manner as the statement of economic interest filed under subdivision (3) of this subsection, an additional disclosure of a list of all real estate owned wholly or in part by the rural transportation planning organization member, the rural transportation planning organization member's extended family, or a business with which the rural transportation planning organization member is associated within the jurisdiction of the rural transportation planning organization on which the rural transportation planning organization member is serving. All additional disclosures of real estate filed by members are public records under Chapter 132 of the General Statutes. The penalties for failure to file shall be as set forth in G.S. 138A-25(d).

...
(j) Violations. – A violation of subdivision (1) of subsection (f) of this section shall be a Class 1 misdemeanor. A rural transportation planning organization member who knowingly conceals or knowingly fails to disclose information that is required to be disclosed on a required filing under subdivisions (3) or (4) of subsection (f) of this section shall be guilty of a Class 1 misdemeanor. A rural transportation planning organization member who provides false information on a required filing under subdivisions (3) or (4) of subsection (f) of this section knowing that the information is false is guilty of a Class H felony. If the State Ethics Commission receives written allegations of violations of this section, the Commission shall report such violations to the Attorney General for investigation and referral to the District Attorney for possible prosecution. All written allegations or related documents are confidential and are not matters of public record.

1 **SECTION 12.(c)** G.S. 138A-25 is amended by adding the following new
2 subsections to read:

3 "(d) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify
4 persons who are required to file a Statement of Economic Interest under G.S. 136-200.2(g)(3)
5 or G.S. 136-211(f)(3) of a failure to file the Statement of Economic Interest or the filing of an
6 incomplete Statement of Economic Interest. The Commission shall notify the filing person that
7 if the Statement of Economic Interest is not filed or completed within 30 days of receipt of the
8 notice of failure to file or complete, the filing person shall be fined and referred for prosecution
9 after an additional 30 days, as provided for in this section.

10 (1) Any filing person who fails to file a Statement of Economic Interest under
11 G.S. 136-200.2(g)(3) or G.S. 136-211(f)(3) within 30 days of the receipt of
12 the notice required under this section shall be fined two hundred fifty dollars
13 (\$250.00) by the Commission for not filing or filing an incomplete
14 Statement of Economic Interest, except in extenuating circumstances as
15 determined by the Commission.

16 (2) Failure by any filing person to file or complete the Statement of Economic
17 Interest within 60 days of the receipt of the notice required under this
18 subsection shall be a Class 1 misdemeanor. The Commission shall report
19 such failure to the Attorney General for investigation and referral to the
20 District Attorney for possible prosecution, unless the Commission
21 determines extenuating circumstances exist.

22 (e) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify
23 persons who are required to file an additional disclosure under G.S. 136-200.2(g)(4) or
24 G.S. 136-211(f)(4) of a failure to file the additional disclosure or the filing of an incomplete
25 additional disclosure. The Commission shall notify the filing person that if the additional
26 disclosure is not filed or completed within 30 days of receipt of the notice of failure to file or
27 complete, the filing person shall be fined and referred for prosecution after an additional 30
28 days, as provided for in this section.

29 (1) Any filing person who fails to file or who files an incomplete additional
30 disclosure within 30 days of the receipt of the notice required under this
31 section shall be fined two hundred fifty dollars (\$250.00) for not filing or
32 filing an incomplete additional disclosure, except in extenuating
33 circumstances as determined by the Commission.

34 (2) Failure by any filing person to file or complete the additional disclosure
35 within 60 days of the receipt of the notice required under this subsection
36 shall be a Class 1 misdemeanor. The Commission shall report such failure to
37 the Attorney General for investigation and referral to the District Attorney
38 for possible prosecution, unless the Commission determines extenuating
39 circumstances exist."

40 41 **DOT SPONSORSHIPS AUTHORIZED**

42 **SECTION 13.** G.S. 136-18 is amended by adding a new subdivision to read:

43 "(44) The Department is authorized to contract for sponsorship arrangements for
44 Department operations and may solicit contracts for such arrangements
45 pursuant to Article 2 of this Chapter. All amounts collected and all savings
46 realized as a result of these sponsorship arrangements shall be used by the
47 Department toward funding of maintenance activities."

48 49 **EFFECTIVE DATE**

50 **SECTION 14.** Section 1 of this act becomes effective October 1, 2014. Section 10
51 of this act becomes effective December 1, 2014, and applies to offenses committed on or after

- 1 that date. Section 12 of this act becomes effective October 1, 2014, and applies to obligations to
2 file additional disclosures arising on or after that date. The remaining sections of this act are
3 effective when they become law.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT

Senator Daniel, Co-Chair

Senator Rabon, Co-Chair

Wednesday, June 11, 2014

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

FAVORABLE

HB 348 (CS#1)	Public Safety Technology/State ROW.
	Draft Number: None
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No
HB 1027	DWI Interlock Violation/DMV Hearing Site.
	Draft Number: None
	Sequential Referral: Judiciary II
	Recommended Referral: None
	Long Title Amended: No
SB 836	DOT Minority/Women Business Program.
	Draft Number: None
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 3

Senator Trudy Wade will handle HB 348
Senator Kathryn Harrington will handle HB 1027
Senator Joel Ford will handle SB 836



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**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

TRANSPORTATION COMMITTEE REPORT

Senator Daniel, Co-Chair

Senator Rabon, Co-Chair

Wednesday, June 11, 2014

Senator Daniel,

submits the following with recommendations as to passage:

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

HB 1025 (CS#1)

DOT/DMV Changes.

Draft Number: H1025-PCS40240-RW-90

Sequential Referral: None

Recommended Referral: None

Long Title Amended: Yes

TOTAL REPORTED: 1

Senator Kathryn Harrington will handle HB 1025

