2015-2016

HOUSE TRANSPORTATION

MINUTES

House Committee on Transportation
Tuesday, March 3, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on March 3, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Blackwell, Boles, Brawley, Brockman, R. Brown, B. Brown, Bumgardner, Carney, Catlin, Cleveland, Dollar, Faircloth, Ford, Fraley, Goodman, C. Graham, Hardister, Holley, Hunter, Iler, Jeter, McGrady, McNeill, R. Moore, Presnell, Queen, Robinson, Schaffer, Shepard, Speciale, Steinburg, Terry, Tine, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative Frank Iler, Chair, presided.

The following bills were considered:

HB 5 Military Veterans Special Plate. (Representative Torbett)
After discussion and debate Representative Boles was recognized for a motion to give the bill a favorable report with a re-refer to the committee on Finance. The motion carried.

HB 6 Autocycle Definition and Regulation. (Representative Torbett)
After discussion and debate Representative Blackwell proposed an amendment that was seconded by Representative Zachary. The motion carried. Representative Boles was recognized for a motion to give the amended bill a favorable report and roll the amendment into a PCS. The motion carried.

HB 60 Passing Slow Moving Vehicles. (Representatives Elmore, R. Brown, Zachary)
After discussion, this bill was displaced and will be calendared at a later date.

The meeting adjourned at 12:55.

Representative Frank Iler, Chair
Presiding

Carla Farmer, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, February 24, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Iler will be chairing.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 5	Military Veterans Special Plate.	Representative Torbett
HB 6	Autocycle Definition and Regulation.	Representative Torbett
HB 60	Passing Slow Moving Vehicles.	Representative Elmore
		Representative R. Brown
		Representative Zachary

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:48 AM on Friday, February 20, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Carla Farmer (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, February 24, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Iler will be chairing.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 5	Military Veterans Special Plate.	Representative Torbett
HB 6	Autocycle Definition and Regulation.	Representative Torbett
HB 60	Passing Slow Moving Vehicles.	Representative Elmore Representative R. Brown Representative Zachary

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:48 AM on Friday, February 20, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Carla Farmer (Committee Assistant)

HOUSE BILL 5

Short Title:	Military Veterans Special Plate.	(Public)
Sponsors:	Representative Torbett (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation, if favorable, Finance.	

January 29, 2015

A BILL TO BE ENTITLED

AN ACT TO REAUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR MILITARY VETERANS AND REMOVE THE REQUIREMENT THAT THE DIVISION MUST RECEIVE A MINIMUM NUMBER OF APPLICATIONS BEFORE ISSUING THE PLATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.4(b)(122), as it existed on September 30, 2014, is reenacted.

SECTION 2. G.S. 20-79.4(b)(122), as reenacted by Section 1 of this act, reads as rewritten:

"(b) Types. – The Division shall issue the following types of special registration plates:

...

(122) Military Veteran. – Issuable to an individual who served honorably in the Armed Forces of the United States. The plate shall bear the words "U.S. Military Veteran" and the name and insignia of the branch of service in which the individual served. ~~The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.~~The plate authorized by this subdivision is not subject to the provisions of G.S. 20-79.3A or G.S. 20-79.8."

SECTION 3. The fee amount set for "Military Veteran" special registration plates in G.S. 20-79.7(a1) is reenacted.

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

HOUSE BILL 5:
Military Veterans Special Plate

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	February 24, 2015
Introduced by:	Rep. Torbett	**Prepared by:**	Wendy Graf Ray
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 5 would reauthorize the Military Veteran special registration plate without a requirement for a minimum number of applications. The plate is currently authorized but will expire on July 1, 2015, if it does not receive at least 300 applications.

CURRENT LAW: North Carolina offers a number of special registration plates. Upon application and payment of the required registration fees, a person may obtain from the Division of Motor Vehicles a special registration plate for a motor vehicle registered in that person's name if the person qualifies for the registration plate. The issuance of most authorized plates is contingent upon the receipt by the Division of at least 300 applications for the particular plate.

The Military Veteran plate is authorized under current law, but the Division must receive at least 300 applications for the plate before it may be issued. In 2011, the General Assembly passed legislation enacting G.S. 20-79.8, which provides for the expiration of special plate authorizations if they do not receive the required number of applications by July 1 of the second calendar year following the year in which the special plate was authorized. Pursuant to that provision, the Military Veteran plate expired on July 1, 2013. However, S.L. 2013-376 reauthorized the plate and eliminated the special registration plate fee for it. Although this plate is currently authorized, it will expire again on July 1 of this year pursuant to G.S. 20-79.8 if it has not received at least 300 applications.

BILL ANALYSIS: House Bill 5 would reauthorize the Military Veteran special registration plate without a required minimum number of applications. The bill would also specify that the plate authorization expiration statute does not apply and the process for legislative approval of new special plates that was enacted last year does not apply to this plate.

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

HOUSE BILL 6
Committee Substitute Favorable 3/3/15

Short Title: Autocycle Definition and Regulation. (Public)

Sponsors:

Referred to:

January 29, 2015

A BILL TO BE ENTITLED

AN ACT TO DEFINE AND REGULATE AUTOCYCLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(27) reads as rewritten:

"**§ 20-4.01. Definitions.**

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

...

(27) Passenger Vehicles. –

a. Autocycle. – A three-wheeled motorcycle that has a steering wheel, pedals, seat safety belts for each occupant, antilock brakes, air bag protection, completely enclosed seating that does not require the operator to straddle or sit astride, and is otherwise manufactured to comply with federal safety requirements for motorcycles.

~~a.~~a1. Excursion passenger vehicles. – Vehicles transporting persons on sight-seeing or travel tours.

...

d. Motorcycles. – Vehicles having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including ~~motor scooters~~autocycles, motor scooters, and motor-driven bicycles, but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies and mopeds as defined in subdivision d1 of this subsection.

...."

SECTION 2. G.S. 20-7 reads as rewritten:

"**§ 20-7. Issuance and renewal of drivers licenses.**

...

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

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

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

To obtain a motorcycle learner's permit, an applicant shall pass a vision test, a road sign test, and a knowledge test specified by the Division. An applicant who is less than 18 years old shall successfully complete the North Carolina Motorcycle Safety Education Program Basic Rider Course or any course approved by the Commissioner consistent with the instruction provided through the Motorcycle Safety Instruction Program established under G.S. 115D-72. A motorcycle learner's permit expires twelve months after it is issued and may be renewed for one additional six-month period. The holder of a motorcycle learner's permit may not drive a motorcycle with a passenger. The fee for a motorcycle learner's permit is the amount set in G.S. 20-7(l) for a learner's permit.

(a3) Autocycles. – For purposes of this section, the term "motorcycle" shall not include autocycles. To drive an autocycle, a person shall have a regular drivers license.

...

(c) Tests. – To demonstrate physical and mental ability, a person must pass an examination. The examination may include road tests, vision tests, oral tests, and, in the case of literate applicants, written tests, as the Division may require. The tests must ensure that an applicant recognizes the handicapped international symbol of access, as defined in G.S. 20-37.5. The Division may not require a person who applies to renew a license that has not expired to take a written test or a road test unless one or more of the following applies:

(1) The person has been convicted of a traffic violation since the person's license was last issued.

(2) The applicant suffers from a mental or physical condition that impairs the person's ability to drive a motor vehicle.

The Division may not require a person who is at least 60 years old to parallel park a motor vehicle as part of a road test. A person shall not use an autocycle to complete a road test under this subsection.

...."

SECTION 3. G.S. 20-37.16(c) reads as rewritten:

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

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

To qualify for any of the above endorsements, an applicant shall pass a knowledge test. To obtain an H or an X endorsement, an applicant must take a test. This requirement applies when a person first obtains an H or an X endorsement and each time a person renews an H or an X endorsement. An applicant who has an H or an X endorsement issued by another state who applies for an H or an X endorsement must take a test unless the person has passed a test that covers the information set out in 49 C.F.R. § 383.121 within the preceding two years. For purposes of this subsection, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the requirements under this section for motor vehicles."

SECTION 4. G.S. 20-124(d) reads as rewritten:

"(d) Every motorcycle and every motor-driven cycle when operated upon a highway shall be equipped with at least one brake which may be operated by hand or foot. For purposes

of this section, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the requirements under this section for motor vehicles."

SECTION 5. G.S. 20-125.1(d) reads as rewritten:

"(d) Nothing in this section shall apply to motorcycles. For purposes of this section, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the requirements under this section for motor vehicles."

SECTION 6. G.S. 20-129(c) reads as rewritten:

"(c) Headlamps on Motorcycles. – Every motorcycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations set forth in G.S. 20-131 or 20-132. The headlamps on a motorcycle shall be lighted at all times while the motorcycle is in operation on highways or public vehicular areas. For purposes of this section, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the requirements under this section for motor vehicles."

SECTION 7. G.S. 20-130(a) reads as rewritten:

"(a) Spot Lamps. – Any motor vehicle may be equipped with not to exceed two spot lamps, except that a motorcycle shall not be equipped with more than one spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the highway nor more than 100 feet ahead of the vehicle. No spot lamps shall be used on the rear of any vehicle. For purposes of this section, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the requirements under this section for motor vehicles."

SECTION 8. G.S. 20-131(a) reads as rewritten:

"(a) The headlamps of motor vehicles shall be so constructed, arranged, and adjusted that, except as provided in subsection (c) of this section, they will at all times mentioned in G.S. 20-129, and under normal atmospheric conditions and on a level road, produce a driving light sufficient to render clearly discernible a person 200 feet ahead, but any person operating a motor vehicle upon the highways, when meeting another vehicle, shall so control the lights of the vehicle operated by him by shifting, depressing, deflecting, tilting, or dimming the headlight beams in such manner as shall not project a glaring or dazzling light to persons within a distance of 500 feet in front of such headlamp. Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this State after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. For purposes of this section, the term "motorcycle" shall not include autocycles. Autocycles shall be subject to the requirements under this section for motor vehicles."

SECTION 9. G.S. 20-135.2 is amended by adding a new subsection to read:

"(d) For purposes of this section, the term "motorcycle" shall not include autocycles. Every autocycle registered in this State shall be equipped with seat safety belts for the front seats of the autocycle. The seat safety belts shall meet the same construction, design, and strength requirements under this section for seat safety belts in motor vehicles."

SECTION 10. G.S. 20-135.3 reads as rewritten:

"**§ 20-135.3. Seat belt anchorages for rear seats of motor vehicles.**

(a) Every new motor vehicle registered in this State and manufactured, assembled or sold after July 1, 1966, shall be equipped with sufficient anchorage units at the attachment points for attaching at least two sets of seat safety belts for the rear seat of the motor vehicle. Such anchorage units at the attachment points shall be of such construction, ~~design~~design, and strength to support a loop load strength of not less than 5,000 pounds for each belt.

(b) The provisions of this section shall apply to passenger vehicles of nine-passenger capacity or less, except motorcycles.

(c) For purposes of this section, the term "motorcycle" shall not include autocycles. Every autocycle registered in this State shall be equipped with sufficient anchorage units at the attachment points for attaching seat safety belts for the rear seat of the autocycle. The anchorage unit shall meet the same construction, design, and strength requirements under this section for anchorage units in motor vehicles."

SECTION 11. G.S. 20-140.4(a) reads as rewritten:

"(a) No person shall operate a motorcycle or moped upon a highway or public vehicular area:

(1) When the number of persons upon or within such motorcycle or moped, including the operator, shall exceed the number of persons which it was designed to carry.

(2) Unless the operator and all passengers thereon wear on their heads, with a retention strap properly secured, safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218. This subdivision shall not apply to an operator of an autocycle or any passengers within an autocycle."

SECTION 12. G.S. 20-146.1(b) reads as rewritten:

"(b) Motorcycles shall not be operated more than two abreast in a single lane. For purposes of this subsection, the term "motorcycle" shall not include autocycles. Autocycles shall not be operated more than one abreast in a single lane."

SECTION 13. G.S. 20-127(c)(1) reads as rewritten:

"(c) Tinting Exceptions. – The window tinting restrictions in subsection (b) of this section apply without exception to the windshield of a vehicle. The window tinting restrictions in subdivisions (b)(1) and (b)(2) of this section do not apply to any of the following vehicle windows:

(1) A window of an excursion passenger vehicle, as defined in ~~G.S. 20-4.01(27)a.~~G.S. 20-4.01(27)."

SECTION 14. This act becomes effective October 1, 2015. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

HOUSE BILL 6:
Autocycle Definition and Regulation

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	February 23, 2015
Introduced by:	Rep. Torbett	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 6 amends the motor vehicle laws of the State to define and regulate three-wheeled enclosed motorcycles, known as autocycles.

CURRENT LAW: Under current law, autocycles are treated as motorcycles under the State's motor vehicle laws. This includes a requirement for operators of these vehicles to wear a motorcycle type helmet.

BILL ANALYSIS:

House Bill 6 amends the State's motor vehicle laws to specially address autocycles.

Specifically, the bill makes the following changes:

Section 1 of the bill defines autocycles as a special type of three-wheeled motorcycle with: a steering wheel, pedals, seat safety belts, antilock brakes, airbags, an enclosed seating area, no saddle seat, and otherwise manufactured to comply with federal laws.

Sections 2 and 3 of the bill amend the States' driver's license law to require a regular driver's license, with no motorcycle endorsement, to operate an autocycle.

Section 4 of the bill specifies that State motor vehicle law concerning brakes applies to autocycles.

Section 5 of the bill specifies that State motor vehicle law concerning turn signals applies to autocycles.

Section 6 of the bill specifies that State motor vehicle law concerning lights applies to autocycles.

Section 7 of the bill specifies that State motor vehicle law concerning spot lamps applies to autocycles.

Section 8 of the bill specifies that State motor vehicle law concerning headlamps applies to autocycles.

Sections 9 and 10 amend the State seat belt law to require a seat safety belt for the front and rear seats of the autocycle. The belts must meets the same standards as required in State law for a motor vehicle belt.

Section 11 of the bill exempts the operator and any passenger inside an autocycle from the State motorcycle helmet law.

Section 12 of the bill amends State law allowing the riding of motorcycles two abreast, to specify that autocycles may only be ridden one abreast in a single lane.

Section 13 of the bill is a conforming change to a statutory citation.

EFFECTIVE DATE: House Bill 6 would become effective October 1, 2015.

BACKGROUND: An example of an autocycle is the proposed Elio vehicle. More information about this vehicle can be found at: http://www.eliomotors.com/

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 60
PROPOSED COMMITTEE SUBSTITUTE H60-CSSU-1 [v.2]

2/25/2015 11:32:18 AM

Short Title: Passing Slow Moving Vehicles. (Public)

Sponsors:

Referred to:

February 10, 2015

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE DRIVER OF A VEHICLE TO OVERTAKE AND PASS SLOWER MOVING VEHICLES ON PORTIONS OF THE HIGHWAY WHICH ARE MARKED BY SIGNS, MARKERS, OR MARKINGS PLACED BY THE DEPARTMENT OF TRANSPORTATION STATING OR CLEARLY INDICATING THAT PASSING SHOULD NOT BE ATTEMPTED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-150(e) reads as rewritten:

"(e) The driver of a vehicle shall not overtake and pass another on any portion of the highway which is marked by signs, markers or markings placed by the Department of Transportation stating or clearly indicating that passing should not be attempted. The prohibition in this subsection shall not apply when the overtaking and passing is done in accordance with all of the following:

(1) The slower moving vehicle to be overtaken and passed is proceeding at less than half the speed of the posted speed limit.

(2) The faster moving vehicle overtakes and passes the slower moving vehicle without exceeding the posted speed limit.

(3) The faster moving vehicle overtakes and passes at least two feet to the left of the slower moving vehicle.

(4) The left side of the center of the highway is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be made in safety."

SECTION 2. This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

HOUSE BILL 60:
Passing Slow Moving Vehicles

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	March 3, 2015
Introduced by:	Reps. Elmore, R. Brown, Zachary	**Prepared by:**	Wendy Graf Ray
Analysis of:	PCS to First Edition H60-CSSU-1		Committee Counsel

SUMMARY: The Proposed Committee Substitute for House Bill 60 would allow a vehicle to pass a slower moving vehicle on a portion of a highway that is otherwise marked as a no passing zone if the passing is done in accordance with certain requirements.

CURRENT LAW: G.S. 20-149 allows for the overtaking and passing of one vehicle by another when the vehicles are proceeding in the same direction on the highway. G.S. 20-149(a) specifies that an overtaking vehicle must pass at least two feet to the left of the slower vehicle and shall not move back to the right side of the highway until safely clear of the overtaken vehicle. G.S. 20-150 provides limitations on the privilege of overtaking and passing. Subsection (e) prohibits passing on any portion of the highway that is marked by signs or markers placed by the Department of Transportation indicating that passing should not be attempted. Violation of the prohibition on passing is an infraction.

BILL ANALYSIS: The PCS for House Bill 60 would provide for an exception to G.S. 20-150(e), allowing a vehicle to overtake and pass another vehicle on a portion of the highway that is marked as a no passing zone, if the overtaking and passing is done in accordance with all of the following:

- The vehicle to be passed is going less than half the posted speed limit.
- The overtaking vehicle passes without exceeding the speed limit.
- The overtaking vehicle passes at least two feet to the left of the slower vehicle.
- The highway left of center is clearly visible and free of oncoming traffic for a sufficient distance to permit safe passing.

EFFECTIVE DATE: The act would be effective December 1, 2015, and would apply to offenses committed on or after that date.

VISITOR REGISTRATION SHEET

House Transportation — March 3, 2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ben Sturgis	TSS
Paul Sherman	NCBA
John Palumbo	NCRMA
Tonya Hilton	TSS
Fred Baggett	NC Police Chiefs
A. B Swindell	Brix-Stone Inc
John Hardin	MFJS
Penny Hyatt	School Gov.
Sammy Frye	YTBC - church
Fred Bone	Bone & Assoc.
Erin Jones	TWC

VISITOR REGISTRATION SHEET

House Transportation — March 3, 2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Sean	Rumpe
[illegible]	RANC
Phillip Barefoot	McGuire Woods
Andy Walsh	SA
Maggie P. Thomas	DOT
Michael T. Farmer	DOT
Jeffrey D Zimmerman	DOT
Hope Mangum	DOT
Debbie Jones	DMV
Sherry Lee	DMV/DOT
[illegible]	

VISITOR REGISTRATION SHEET

House Transportation
Name of Committee

March 3, 2015
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robert Sawyer	NC DOT
Reston Jones	NC DOT
Rhian Merwald	Williams Mullen
Andy Chase	KMA
Sarah Wolfe	MWC
Bo Heath	MWC
David Heinen	NC Center for Missing

VISITOR REGISTRATION SHEET

House Transportation — March 3, 2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Phoebe Landon	Brooks Pierce
Kelly Holcombe	BCBSNC
[illegible]	NCDTSEA
David Collins	SEPNC
Michelle Frazier	MFS

House Committee on Transportation
Tuesday, March 10, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on March 10, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Blackwell, Boles, Brawley, Brockman, R. Brown, B. Brown, Carney, Cleveland, Dollar, Faircloth, Fraley, Goodman, C. Graham, D. Hall, Hardister, Holley, Hunter, Iler, Jeter, McGrady, McNeill, Presnell, Queen, Robinson, Ross, Schaffer, Shepard, Speciale, Steinburg, Tine, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative Phil Shepard, Chair, presided.

The following bills were considered:

HB 102 Utility Vehicles/Law Enforcement. (Representative Davis)
Representative Carney was recognized for a motion to bring the PCS before the committee. The motion carried. After discussion and debate, Representative Dollar was recognized for a motion for a favorable report for the PCS, unfavorable to the original bill. The motion carried.

HB 136 Speed Limit/Highway Work Zone. (Representative Stevens)
After discussion and debate, Representative Brawley made the motion that a subcommittee be appointed to look at HB136. The motion carried.

The meeting adjourned at 12:55p.m.

Representative Phil Shepard, Chair
Presiding

Viddia Torbett, Committee Clerk

Corrected #1: HB 91 Has Been Removed

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, March 10, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Shepard Will Be Chairing**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 102	Utility Vehicles/Move-Over Changes.	Representative Davis
HB 136	Speed Limit/Highway Work Zone.	Representative Stevens

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:33 PM on Sunday, May 10, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Tuesday, March 10, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 102	Utility Vehicles/Move-Over Changes.	Representative Davis
HB 136	Speed Limit/Highway Work Zone.	Representative Stevens

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **102** Utility Vehicles/Law Enforcement.

Draft Number:	H102-PCS40101-RW-2
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Davis

TOTAL REPORTED: 1



HOUSE BILL 102:
Utility Vehicles/Law Enforcement

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	March 9, 2015
Introduced by:	Rep. Davis	**Prepared by:**	Giles S. Perry
Analysis of:	PCS to First Edition H102-CSRW-2		Committee Counsel

SUMMARY: ***House Bill 102 (proposed committee substitute) authorizes law enforcement officials; fire, rescue, and emergency medical services personnel; and municipal and county employees in listed jurisdictions to operate utility vehicles on some roads. In addition, the bill adds the City of Wilmington and the Town of Enfield to the list of municipalities whose municipal employees may operate utility vehicles and all terrain vehicles on certain roads.***

The proposed committee substitute corrects a typographical error and adds the Town of Enfield to Section 2 of the bill.

CURRENT LAW: Under current law:

- **Law enforcement officials, and fire, rescue, and emergency medical services personnel** acting in the course and scope of their duties are authorized to operate motorized all terrain vehicles on roads with a speed limit of 35 mph or less, and cross over non-controlled access roads with higher speed limits while traveling on lower speed roads.
- **Municipal and county officials in 37 municipalities and 5 counties** are authorized to operate motorized all terrain vehicles owned or leased by them on roads with a speed limit of 35 mph or less, and cross over non-controlled access roads with higher speed limits while traveling on lower speed roads.

BILL ANALYSIS: House Bill 102 (PCS):

- **adds utility vehicles** to the current law authorization for operation of all terrain vehicles by **law enforcement officials; and fire, rescue, and emergency medical services ; and municipal and county officials in 37 municipalities and 5 counties** on roads with a speed limit of 35 mph or less, and cross over non-controlled access roads with higher speed limits while traveling on lower speed roads; and
- **adds the City of Wilmington and the Town of Enfield** to the list of municipalities whose municipal employees may operate utility vehicles and all terrain vehicles on roads with a speed limit of 35 mph or less, and cross over non-controlled access roads with higher speed limits while traveling on lower speed roads.

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

BACKGROUND:

- A **"motorized all terrain vehicle"** is defined in G.S. 14-159.3 as a "two or more wheeled vehicle designed for recreational off road use."

- **A "utility vehicle"** is defined in G.S. 20-4.01(48c) as a " motor vehicle that is (i) designed for off road use and (ii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include an all terrain vehicle or golf cart, as defined in this section, or a riding lawn mower."

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 102
PROPOSED COMMITTEE SUBSTITUTE H102-CSRW-2 [v.2]

3/9/2015 3:28:11 PM

Short Title: Utility Vehicles/Law Enforcement. (Public)

Sponsors:

Referred to:

February 27, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS, EMERGENCY PERSONNEL, AND CERTAIN MUNICIPAL AND COUNTY EMPLOYEES TO OPERATE UTILITY VEHICLES ON SOME PUBLIC HIGHWAYS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-171.23 reads as rewritten:

"**§ 20-171.23. Motorized ~~all-terrain~~all terrain vehicles of law enforcement officers and fire, rescue, and emergency medical services permitted on certain highways.**

(a) Law enforcement officers acting in the course and scope of their duties may operate motorized ~~all-terrain vehicles, as defined in G.S. 14-159.3(b)~~all terrain vehicles and owned or leased by the agency, or under the direct control of the incident commander, on: (i) public highways where the speed limit is 35 miles per hour or less; and (ii) nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less.

(b) Fire, rescue, and emergency medical services personnel acting in the course and scope of their duties may operate motorized ~~all-terrain vehicles, as defined in G.S. 14-159.3(b)~~all terrain vehicles and owned or leased by fire, rescue, or emergency medical services departments, or under the direct control of the incident commander, on: (i) public highways where the speed limit is 35 miles per hour or less; and (ii) nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less.

(c) This Part and all other State laws governing the operation of ~~all-terrain~~all terrain vehicles apply to the operation of all-terrain vehicles authorized by this section.

(d) An ~~all-terrain~~all terrain vehicle operated pursuant to this section shall be equipped with operable front and rear lights and a horn.

(e) A person operating an ~~all-terrain~~all terrain vehicle pursuant to this section shall observe posted speed limits and shall not exceed the manufacturer's recommended speed for the vehicle.

(f) A person operating an ~~all-terrain~~all terrain vehicle pursuant to this section shall carry an official identification card or badge.

(g) For purposes of this section, the term "motorized all terrain vehicle" has the same meaning as in G.S. 14-159.3, except that the term also includes utility vehicles, as defined in this Chapter."

SECTION 2. G.S. 20-171.24 reads as rewritten:

"**§ 20-171.24. Motorized ~~all-terrain~~all terrain vehicle use by employees of listed municipalities and counties permitted on certain highways.**

(a) Municipal and county employees may operate motorized ~~all-terrain vehicles, as defined in G.S. 14-159.3(b)~~all terrain vehicles and owned or leased by the agency, on: (i) public highways where the speed limit is 35 miles per hour or less; and (ii) nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less.

(b) This Part and all other State laws governing the operation of ~~all-terrain~~all terrain vehicles apply to the operation of ~~all-terrain~~all terrain vehicles authorized by this section.

(c) An ~~all-terrain~~all terrain vehicle operated pursuant to this section shall be equipped with operable front and rear lights and a horn.

(d) A person operating an ~~all-terrain~~all terrain vehicle pursuant to this section shall observe posted speed limits and shall not exceed the manufacturer's recommended speed for the vehicle.

(e) A person operating an ~~all-terrain~~all terrain vehicle pursuant to this section shall carry an official identification card or badge.

(e1) For purposes of this section, the term "motorized all terrain vehicle" has the same meaning as in G.S. 14-159.3, except that the term also includes utility vehicles, as defined in this Chapter.

(f) This section applies to the Towns of Ansonville, Atlantic Beach, Burgaw, Carolina Beach, Cramerton, Dallas, Davidson, Duck, Emerald Isle, Enfield, Franklin, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Lowell, Manteo, Murphy, Nags Head, North Topsail Beach, Oakboro, Ocean Isle Beach, Pine Knoll Shores, Stanley, Surf City, Sylva, Topsail Beach, Williamston, Wrightsville Beach, and Yanceyville, the Cities of Albemarle, Belmont, Cherryville, Gastonia, Hamlet, Kings Mountain, Mount Holly, ~~and Rockingham~~ Rockingham, and Wilmington and the Counties of Cleveland, Currituck, Gaston, Surry, and Wilkes only."

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

HOUSE BILL 136:
Speed Limit/Highway Work Zone

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Judiciary III	**Date:**	March 9, 2015
Introduced by:	Rep. Stevens	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 136 limits imposition of the additional $250 penalty for speeding in a posted highway work zone to violations that occur when workers are present and work is actively in progress.

CURRENT LAW: Under current law, a person who speeds in a posted highway work zone is subject to the regular penalty for speeding (an infraction, penalty up to $100 G.S. 20-176), plus an additional penalty of $250.

BILL ANALYSIS: House Bill 136 would limit imposition of the additional $250 penalty for speeding in a highway work zone to violations that occur when workers are present and work is actively in progress at the time of the violation.

EFFECTIVE DATE: This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

HOUSE BILL 136

Short Title:	Speed Limit/Highway Work Zone.	(Public)
Sponsors:	Representative Stevens (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation, if favorable, Judiciary III.	

March 4, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE ADDITIONAL PENALTY IMPOSED FOR SPEEDING IN A HIGHWAY WORK ZONE APPLIES ONLY IF WORKERS ARE PRESENT AND WORK IS ACTIVELY IN PROGRESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-141(j2) reads as rewritten:

"(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under this section shall be required to pay a penalty of two hundred fifty dollars ($250.00). This penalty shall be imposed in addition to those penalties established in this Chapter. A "highway work zone" is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs motorists of the end of the work zone. The additional penalty imposed by this subsection applies only if (i) signs are posted at the beginning and end of any segment of the highway work zone stating the penalty for speeding in that segment of the work ~~zone.~~zone and (ii) workers are present and work is actively in progress at the time of the violation. The Secretary shall ensure that work zones shall only be posted with penalty signs if the Secretary determines, after engineering review, that the posting is necessary to ensure the safety of the traveling public due to a hazardous condition.

A law enforcement officer issuing a citation for a violation of this section while in a highway work zone shall indicate the vehicle speed and speed limit posted in the segment of the work zone, and determine whether the individual committed a violation of G.S. 20-141(j1). Upon an individual's conviction of a violation of this section while in a highway work zone, the clerk of court shall report that the vehicle was in a work zone at the time of the violation, the vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles."

SECTION 2. This act becomes effective December 1, 2015, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

VISITOR REGISTRATION SHEET

Transportation — 3-10-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Reston Jones	NC DOT
Chris A. Nicholls	NCAFC
BLOOM MARTINETTE	WILMINGTON FIRE DEPT.
Tim BRADLEY	NC STATE Firemen's Assoc
Donny William.	Wilmington Police Dept
Kevin Lacy	NCDOT
Betsy Bailey	CAGC
BERRY JENKINS	CAROLINAS AGC
Dave Shupe	CAGC
Emily Cleveland	—

VISITOR REGISTRATION SHEET

Transportation
Name of Committee

3-10-2015
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Hamlin	MFJS
Donna Clark	UNC Dept of Govt
Rhian Merwald	Williams Mullen
Andy Walsh	SA
Cody Garris	Sarah Stevens
Donald W Summer	Rep Rep Tuesday Olsen NC
Bruce Mildwurf	NCSBA
Eddie Caldwell	NC Sheriffs' Assn.

House Committee on Transportation
Tuesday, March 17, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on March 17, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Blackwell, Boles, Brawley, Brockman, R. Brown, B. Brown, Bumgardner, Carney, Catlin, Cleveland, Dollar, Faircloth, Ford, Fraley, Goodman, C. Graham, Hardister, Holley, Hunter, Iler, McGrady, McNeill, Presnell, Robinson, Ross, Schaffer, Shepard, Speciale, Steinburg, Terry, Tine, Torbett, R. Turner, Yarborough, and Zachary attended.

Representative John A. Torbett, Chair, presided.

The following bills were considered:

HB 169 Limit Motor Vehicle Emissions Inspections. (Representatives Hager, Presnell) Representative Dollar was recognized for a motion to bring the PCS before the committee. The motion carried. After discussion and debate, Representative Dollar was recognized for a motion for a favorable report for the PCS, unfavorable to the original bill. The motion carried.

The meeting adjourned at 12:50p.m.

Representative John A. Torbett, Chair
Presiding

Viddia Torbett, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, March 17, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Torbett Will Be Chairing**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 80	RiverLink Plate Background.	Representative Fisher Representative B. Turner Representative Ager
HB 148	Insurance and Safety Inspection/Mopeds.	Representative Shepard Representative R. Brown Representative Waddell Representative Adams
HB 169	Limit Motor Vehicle Emissions Inspections.	Representative Hager Representative Presnell
HB 183	Repeal Map Act. Information Only	Representative R. Brown Representative Conrad Representative Lambeth Representative Watford

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:39 PM on Thursday, March 12, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Tuesday, March 17, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 80	RiverLink Plate Background.	Representative Fisher Representative B. Turner Representative Ager
HB 148	Insurance and Safety Inspection/Mopeds.	Representative Shepard Representative R. Brown Representative Waddell Representative Adams
HB 169	Limit Motor Vehicle Emissions Inspections.	Representative Hager Representative Presnell
HB 183	Repeal Map Act. Information Only	Representative R. Brown Representative Conrad Representative Lambeth Representative Watford

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **169** Limit Motor Vehicle Emissions Inspections.

Draft Number:	H169-PCS30104-SU-3
Serial Referral:	None
Recommended Referral:	**FINANCE**
Long Title Amended:	No
Floor Manager:	Hager

TOTAL REPORTED: 1



HOUSE BILL 169:
Limit Motor Vehicle Emissions Inspections

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	March 17, 2015
Introduced by:	Reps. Hager, Presnell	**Prepared by:**	Wendy Graf Ray
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 169 would eliminate the following five counties from the list of counties in which motor vehicle emissions inspections are required: Burke, Haywood, Rutherford, Surry, and Wilkes.

CURRENT LAW: The State is required by the federal Clean Air Act to have an implementation plan to control air pollution. The State's plan includes a motor vehicle emissions inspection program. Pursuant to G.S. 143-215.107A, motor vehicle emissions inspections are performed only in covered counties. Emissions inspections are currently performed in 48 counties in North Carolina.

BILL ANALYSIS: House Bill 169 would delete Burke, Haywood, Rutherford, Surry, and Wilkes Counties from the list of counties requiring emissions inspections for motor vehicles.

EFFECTIVE DATE: The act would be effective the later of the following two dates: January 1, 2016, or the first day of the month that is 30 days after the Department of Environment and Natural Resources certifies that the US Environmental Protection Agency has approved the change.

BACKGROUND: S.L. 2013-413 directed the Department of Environment and Natural Resources to study whether all of the counties covered under the emissions program are needed to meet federal ozone standards in North Carolina. The Department is required to report its interim findings to the Environmental Review Commission by April 1, 2015. A final report is due on or before April 1, 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

H.B. 169
Mar 5, 2015
HOUSE PRINCIPAL CLERK
D

HOUSE DRH40082-MH-62 (02/23)

Short Title:	Limit Motor Vehicle Emissions Inspections.	(Public)
Sponsors:	Representatives Hager and Presnell (Primary Sponsors).	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO LIMIT COUNTIES IN WHICH MOTOR VEHICLE EMISSIONS INSPECTIONS ARE REQUIRED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.107A reads as rewritten:

"**§ 143-215.107A. Motor vehicle emissions testing and maintenance program.**

(a) General Provisions. –

(1) G.S. 143-215.107(a)(6) shall be implemented as provided in this section.

(2) Motor vehicle emissions inspections shall be performed by a person who holds an emissions inspection mechanic license issued as provided in G.S. 20-183.4A(c) at a station that holds an emissions inspection station license issued under G.S. 20-183.4A(a) or at a place of business that holds an emissions self-inspector license issued as provided in G.S. 20-183.4A(d). Motor vehicle emissions inspections may be performed by a decentralized network of test-and-repair stations as described in 40 Code of Federal Regulations § 51.353 (1 July 1998 Edition). The Commission may not require that motor vehicle emissions inspections be performed by a network of centralized or decentralized test-only stations.

(b) Repealed by Session Laws 2000-134, s. 2, effective July 14, 2000.

(c) Counties Covered. – Motor vehicle emissions inspections shall be performed in the following counties: Alamance, Buncombe, ~~Burke,~~ Cabarrus, Caldwell, Catawba, Chatham, Cleveland, Cumberland, Davidson, Durham, Edgecombe, Forsyth, Franklin, Gaston, Granville, Guilford, Harnett, ~~Haywood,~~ Henderson, Iredell, Johnston, Lee, Lenoir, Lincoln, Mecklenburg, Moore, Nash, Orange, Pitt, Randolph, Robeson, Rockingham, Rowan, ~~Rutherford,~~ Stanly, Stokes, ~~Surry,~~ Union, Wake, Wayne, ~~Wilkes~~ and Wilson."

SECTION 2. This act becomes effective on the later of the following dates and applies to motor vehicles inspected, or due to be inspected, on or after the effective date of this act:

(1) January 1, 2016.

(2) The first day of a month that is 30 days after the Department of Environment and Natural Resources certifies to the Revisor of Statutes that the United States Environmental Protection Agency has approved the amendment to the North Carolina State Implementation Plan based on the change to the motor vehicle emissions testing program provided in this act.

Speakers

VISITOR REGISTRATION SHEET

Transportation — 03-17-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ana Miller	Wake Forest Baptist Health
Kelly Thomas	DMV
Tim Lucas	NC Rate Bureau
?	DENR

VISITOR REGISTRATION SHEET

House Committee on Transportation — Name of Committee

3/17/15 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Crystal Collins	NC Trucking Association
Nick Tennyson	NC DOT
Anna Miller	Wake Forest Baptist Health
Tim Lucas	NC Rate Bureau
Robert PASCHAL	Young Moore
[illegible]	NMRS
Bob Mack	NCDOT
Ben Popkin	NCDOT
Kevin Lacy	NCDOT
Reston Jones	NCDOT
Calvin Leggett	NCDOT

VISITOR REGISTRATION SHEET

House Committee on Transportation — 3/17/15

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Poland	NCMMA
Johanna Reese	NCJCC

VISITOR REGISTRATION SHEET

House Committee on Transportation — Name of Committee

3/17/15 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susan Hayes	NCDTSEA
Isabel Villa-Gomez	NC AP
Tonya Hoaton	TSJ
Penny Huffman	School of Gov.
Carol Deane	PROPERTY OWNER (MAP Act)
Jim Deane	APEX
MATTHEW BRYANT	HENDRICK BRYANT WINSTON-SALEM NC
Lisa Riegel	BikeWalk NC
Brian Merwald	Williams Mullen
Barry J. Davis	NCDMV
Gail McKell	NCDMV
JAMES CRISSMAN	NCDMV

VISITOR REGISTRATION SHEET

Transportation — 3-17-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David McGowan	NCPC
[illegible]	[illegible]
E. Starnes	Treasurer
[illegible]	RANC. NCMA. LPA's
[illegible]	RBAC
Erin Wynia	NCLM
Dana Fenton	City of Charlotte
Ellen Vick	Duke Energy
Kevin LeCount	SEANC
[illegible]	[illegible]
John McMillan	MF&S
Jon Guze	John Locke Foundation

VISITOR REGISTRATION SHEET

Transportation — 3-17-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	CAP AD
Becki Gray	97
Susan Valdum	NW
Sarah Wolfe	MMC
[illegible]	Farmers
Bill Tibbens	Farmers
[illegible] White	NCMMC
Leki Morgan	NCRMA
Elizabeth Robinson	NCRMA
Chris McClure	BFirm
JAKE PARKER	NCFB
PAUL SHERMAN	NCFB
[illegible]	NCAE

VISITOR REGISTRATION SHEET

Transportation — 3-17-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Phoebe Landon	Brooks Pierce
~~Hope~~ Mozeyo	NC DMV
Kelly Thomas	DMV
Alison Roach	NCDMV
Sherry Lee	NCDMV
~~Kathy~~ Brannan	ncdmv
Debbie Jones	NC DMV
Maggie Thomas	NCDOT IT
ANDY WAESU	SA
Matthew Dockham	NC DENR
Mike Abraczinskas	NC DENR - DAQ

House Committee on Transportation
Tuesday, March 24, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on March 24, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Blackwell, Brockman, R. Brown, B. Brown, Bumgardner, Carney, Catlin, Cleveland, Dollar, Faircloth, Ford, Fraley, Goodman, C. Graham, Hardister, Holley, Hunter, Iler, Jeter, McGrady, McNeill, R. Moore, Presnell, Robinson, Ross, Schaffer, Shepard, Speciale, Steinburg, Tine, Torbett, R. Turner, and Yarborough attended.

Representative Frank Iler, Chair, presided.

The following bills were considered:

HB 148 Insurance Required for Mopeds. (Representatives Shepard, R. Brown, Waddell, Adams) After discussion and debate, Fred Baggett with the NC Association of Police spoke in favor of the bill. Rep. Blackwell presented an amendment to delete Section 8 in its entirety. The amendment passed. Rep. McNeil made a motion favorable to the committee sub, unfavorable to the original bill with a re-referral to the committee on Insurance. The motion carried.

HB 183 Repeal Map Act. (Representatives R. Brown, Conrad, Lambeth, Watford) After discussion and debate, Rep. Bumgardner made a motion to give the bill a favorable report with a re-referral to the committee on Finance. The motion carried.

The meeting adjourned at 12:45.

Representative Frank Iler, Chair
Presiding

Carla Farmer, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, March 24, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 148	Insurance and Safety Inspection/Mopeds.	Representative Shepard Representative R. Brown Representative Waddell Representative Adams
HB 183	Repeal Map Act.	Representative R. Brown Representative Conrad Representative Lambeth Representative Watford

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:35 AM on Thursday, March 19, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Carla Farmer (Committee Assistant)

House Committee on Transportation
Tuesday, March 24, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

BILL #	SHORT TITLE	SPONSOR
HB 148	Insurance and Safety Inspection/Mopeds. Re-refer to Insurance	Representative Shepard Representative R. Brown Representative Waddell Representative Adams
HB 183	Repeal Map Act. Re-refer to Finance	Representative R. Brown Representative Conrad Representative Lambeth Representative Watford

Adjournment

House Committee on Transportation
Tuesday, March 24, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 148	Insurance and Safety Inspection/Mopeds.	Representative Shepard Representative R. Brown Representative Waddell Representative Adams
HB 183	Repeal Map Act.	Representative R. Brown Representative Conrad Representative Lambeth Representative Watford

Adjournment

HOUSE BILL 148

Short Title:	Insurance and Safety Inspection/Mopeds.	(Public)
Sponsors:	Representatives Shepard, R. Brown, Waddell, and Adams (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation, if favorable, Insurance.	

March 5, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE OWNERS OF MOPEDS TO HAVE IN FULL FORCE AND EFFECT A POLICY OF FINANCIAL RESPONSIBILITY, TO PROVIDE THAT MOPEDS ARE SUBJECT TO SAFETY INSPECTIONS, AND TO MAKE CLARIFYING CHANGES RELATED TO THE LAW REQUIRING THE REGISTRATION OF MOPEDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(23) reads as rewritten:

"(23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. ~~This~~Except as specifically provided otherwise, this term shall not include mopeds as defined in G.S. 20-4.01(27)d1."

SECTION 2. G.S. 20-279.1 is amended by adding a new subdivision to read:

"(6a) Motor vehicle. – This term includes mopeds, as that term is defined in G.S. 20-4.01."

SECTION 3. G.S. 20-309(a) reads as rewritten:

"(a) No motor vehicle shall be registered in this State unless the owner at the time of registration provides proof of financial responsibility for the operation of such motor vehicle, as provided in this Article. The owner of each motor vehicle registered in this State shall maintain financial responsibility continuously throughout the period of registration. For purposes of this Article, the term "motor vehicle" includes mopeds, as that term is defined in G.S. 20-4.01."

SECTION 4. G.S. 58-36-3 reads as rewritten:

"**§ 58-36-3. Limitation of scope; motorcycle and moped endorsements allowed; Department of Insurance report.**

(a) The Bureau has no jurisdiction over:

...

(7) Personal excess liability or personal "umbrella" insurance.

(8) Liability insurance and theft or physical damage insurance on mopeds, as defined in G.S. 105-164.3.

(b) Member companies writing motorcycle liability insurance under this Article and writing insurance against theft of or physical damage to motorcycles under Article 40 of this Chapter may incorporate motorcycle theft and physical damage coverage as an endorsement to the liability policy issued under this Article. Member companies writing moped liability insurance or theft and physical damage insurance under Article 40 of this Chapter may

incorporate either or both types of insurance as an endorsement to liability and physical damage policies issued under this Article.

...."

SECTION 5. G.S. 58-37-1(6) reads as rewritten:

"(6) "Motor vehicle" means every self-propelled vehicle that is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers). "Motor vehicle" also means a motorcycle, as defined in G.S. 20-4.01(27)d. "Motor vehicle" does not mean a moped, as defined in G.S. 105-164.3. Notwithstanding any other provisions of this Article, liability insurance on a moped is not eligible for cession to the Facility."

SECTION 6. G.S. 58-40-10(1) reads as rewritten:

"(1) "Private passenger motor vehicle" means:

a. A motor vehicle of the private passenger or station wagon type that is owned or hired under a long-term contract by the policy named insured and that is neither used as a public or livery conveyance for passengers nor rented to others without a driver; or

b. A motor vehicle that is a pickup truck or van that is owned by an individual or by husband and wife or individuals who are residents of the same household if it:

1. Has a gross vehicle weight as specified by the manufacturer of less than 14,000 pounds; and

2. Is not used for the delivery or transportation of goods or materials unless such use is (i) incidental to the insured's business of installing, maintaining, or repairing furnishings or equipment, or (ii) for farming or ranching. Such vehicles owned by a family farm copartnership or a family farm corporation shall be considered owned by an individual for the purposes of this section; or

c. A motorcycle, motorized scooter or other similar motorized vehicle not used for commercial purposes. A moped, as defined in G.S. 105-164.3, is not considered a motorcycle, motorized scooter, or other similar motorized vehicle."

SECTION 7. G.S. 58-40-15 reads as rewritten:

"**§ 58-40-15. Scope of application.**

The provisions of this Article shall apply to all insurance on risks or on operations in this State, ~~except:~~except for all of the following:

(1) Reinsurance, other than joint reinsurance to the extent stated in ~~G.S. 58-40-60;~~G.S. 58-40-60.

(2) Any policy of insurance against loss or damage to or legal liability in connection with property located outside this State, or any motor vehicle or aircraft principally garaged and used outside of this State, or any activity wholly carried on outside this ~~State;~~State.

(3) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance ~~policies;~~policies.

(4) Accident, health, or life ~~insurance;~~insurance.

(5) ~~Annuities:~~Annuities.

(6) Repealed by Session Laws 1985, c. 666, s. 43.

(7) Mortgage guaranty ~~insurance;~~insurance.

(8) Workers' compensation and employers' liability insurance written in connection ~~therewith;~~therewith.

(9) For private passenger (nonfleet) motor vehicle liability insurance, automobile medical payments insurance, uninsured motorists' coverage and other insurance coverages written in connection with the sale of such liability insurance; except this Article applies to motor vehicle liability insurance, automobile medical payments insurance, uninsured motorists' coverage, and theft or physical damage insurance on mopeds, as defined in G.S. 105-164.3.

(10) Theft of or physical damage to nonfleet private passenger motor vehicles; except this Article applies to insurance against theft of or physical damage to motorcycles, as defined in ~~G.S. 20-4.01(27)d.; and~~G.S. 20-4.01(27)d.

(11) Insurance against loss to residential real property with not more than four housing units located in this State or any contents thereof or valuable interest therein and other insurance coverages written in connection with the sale of such property insurance. Provided, however, that this Article shall apply to insurance against loss to farm dwellings, farm buildings and their appurtenant structures, farm personal property and other coverages written in connection with farm real or personal property; travel or camper trailers designed to be pulled by private passenger motor vehicles unless insured under policies covering nonfleet private passenger motor vehicles; residential real and personal property insured in multiple line insurance policies covering business activities as the primary insurable interest; and marine, general liability, burglary and theft, glass, and animal collision insurance except when such coverages are written as an integral part of a multiple line insurance policy for which there is an indivisible premium.

The provisions of this Article shall not apply to hospital service or medical service corporations, investment companies, mutual benefit associations, or fraternal beneficiary associations."

SECTION 8. G.S. 20-183.2 reads as rewritten:

"**§ 20-183.2. Description of vehicles subject to safety or emissions inspection; definitions.**

(a) Safety. – A motor ~~vehicle~~vehicle, including a moped as defined in G.S. 20-4.01, is subject to a safety inspection in accordance with this Part if it meets all of the following requirements:

(1) It is subject to registration with the Division under Article 3 of this Chapter.

(2) It is not subject to inspection under 49 C.F.R. Part 396, the federal Motor Carrier Safety Regulations.

(3) It is not a trailer whose gross weight is less than 4,000 pounds or a house trailer.

...

(b) Emissions. – A motor vehicle is subject to an emissions inspection in accordance with this Part if it meets all of the following requirements:

(1) It is subject to registration with the Division under Article 3 of this Chapter, except for motor vehicles operated on a federal installation as provided in sub-subdivision e. of subdivision (5) of this subsection.

(2) It is not a trailer whose gross weight is less than 4,000 pounds, a house trailer, ~~or~~ a ~~motorcycle.~~motorcycle, or a moped.

...."

SECTION 9. G.S. 20-286(10) reads as rewritten:

"(10) Motor vehicle. – Any motor propelled vehicle, trailer or semitrailer, required to be registered under the laws of this State. This term does not include mopeds, as that term is defined in G.S. 20-4.01.

a. "New motor vehicle" means a motor vehicle that has never been the subject of a completed, successful, or conditional sale that was subsequently approved other than between new motor vehicle dealers, or between manufacturer and dealer of the same franchise.

b. "Used motor vehicle" means a motor vehicle other than described in paragraph (10)a above."

SECTION 10. G.S. 20-53.4 reads as rewritten:

"**§ 20-53.4. Registration of ~~Mopeds.~~mopeds; certificate of title.**

(a) Registration. – Mopeds shall be registered with the Division. The owner of the moped shall pay the same base fee and be issued the same type of registration card and plate issued for a motorcycle. In order to be registered with the Division and operated upon a highway or public vehicular area, a moped must meet the following requirements:

(1) The moped has a manufacturer's certificate of origin.

(2) The moped was designed and manufactured for use on highways or public vehicular areas.

(b) Certificate of Title. – Notwithstanding G.S. 20-52 and G.S. 20-57, the owner of a moped is not required to apply for, and the Division is not required to issue, a certificate of title."

SECTION 11. Sections 9 and 10 of this act become effective July 1, 2015. The remainder of this act becomes effective July 1, 2016, and applies to offenses committed on or after that date.

HOUSE BILL 148:
Insurance and Safety Inspection/Mopeds

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Insurance	**Date:**	March 17, 2015
Introduced by:	Reps. Shepard, R. Brown, Waddell, Adams	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 148 would amend the law related to mopeds by:

- ***Requiring mopeds to be insured;***
- ***Providing mopeds are subject to safety inspection requirements;***
- ***Clarifying that sellers of mopeds are not required to be licensed as motor vehicle dealers; and***
- ***Clarifying that mopeds do not have to be titled.***

CURRENT LAW: A moped is defined as a vehicle that has two or three wheels, no external shifting device, and a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface (G.S. 105-164.3). Mopeds are not generally treated as motor vehicles under State laws (G.S. 20-4.01(23)). Mopeds are currently not required to be inspected (G.S. 20-183.2) or insured (G.S. 20-309).

Operators must be at least 16 years old to operate a moped on a highway or public vehicular area (G.S. 20-10.1) but are not required to be licensed (G.S. 20-8). Operators are subject to the same requirements as operators of motorcycles with regard to carrying passengers and wearing a helmet – the number of passengers may not exceed the number the vehicle was designed to carry, and the operator and passengers must wear helmets that comply with federal standards (G.S. 20-140.4).

While mopeds are not currently required to be registered, legislation was enacted last year (S.L. 2014-114) that will require registration of mopeds beginning on July 1, 2015. The registration fee is the same as for motorcycles ($18). In order to be registered with the Division and operated on the highways, a moped must have a manufacturer's certificate of origin and be designed and manufactured for highway use. An applicant who is unable to provide a manufacturer's certificate of origin must provide an affidavit stating why a certificate is not available and attesting that the applicant is entitled to register the vehicle.

BILL ANALYSIS: House Bill 148 would require that operators of mopeds have liability insurance, provide that mopeds are subject to safety inspection requirements, and make clarifying changes to other motor vehicle laws related to mopeds.

Insurance: Sections 2 through 7 of the bill would make it unlawful to operate a moped on a street or highway without having liability insurance coverage. Companies writing moped liability insurance or theft and physical damage insurance would be authorized to incorporate both types of insurance as an endorsement to liability and physical damage policies. Liability insurance on a moped would not be eligible for transfer to the North Carolina Motor Vehicle Reinsurance Facility, and a moped would not be considered a private passenger motor vehicle for purposes of the regulation of insurance rates.

Safety inspections: Section 8 of the bill would provide that mopeds are subject to safety inspection requirements and specifically exempt them from emissions inspection requirements. A safety inspection consists of an inspection of equipment on the vehicle to determine if it is in safe operating condition.

No dealer license required: Section 9 of the bill would clarify that mopeds are not included in the definition of motor vehicle for the purposes of the motor vehicle dealers and manufacturers licensing law. Under this law, a person must be licensed as a motor vehicle dealer to sell motor vehicles that are required to be registered. This would make clear that moped dealers do not have to be licensed after the new moped registration requirement goes into effect.

No certificate of title required: Section 10 of the bill would clarify that mopeds do not have to be titled. Generally, an owner of a vehicle subject to registration must also apply to the Division for a certificate of title. This section would provide that the owner of a moped subject to registration under the new law is not required to apply for, nor is the Division required to issue, a certificate of title.

EFFECTIVE DATE: Clarifying changes related to motor vehicle dealer licensing and titling would become effective July 1, 2015, to coincide with the effective date of the new moped registration requirement. The remainder of the act would become effective July 1, 2016, and would apply to offenses committed on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 148 DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) Blackwell
Sen.)

moves to amend the bill on page 3, line s 30-48

( ) WHICH CHANGES THE TITLE

by deleting Section 8 in its entirety;

and by renumbering the sections and rewriting the title accordingly.

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

HOUSE BILL 183*

Short Title:	Repeal Map Act.	(Public)
Sponsors:	Representatives R. Brown, Conrad, Lambeth, and Watford (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation, if favorable, Finance.	

March 11, 2015

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE TRANSPORTATION CORRIDOR OFFICIAL MAP ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2E of Chapter 136 of the General Statutes is repealed.

SECTION 2. G.S. 47-30(l) reads as rewritten:

"(l) This section does not apply to the registration of highway right-of-way plans provided for in G.S. 136-19.4 or ~~G.S. 136-89.184, nor to the registration of roadway corridor official maps provided for in Article 2E of Chapter 136 of the General Statutes.~~G.S. 136-89.184."

SECTION 3. G.S. 105-277.9 is repealed.

SECTION 4. G.S. 105-277.9A is repealed.

SECTION 5. Subsection (m) of G.S. 105-296 is repealed.

SECTION 6. G.S. 160A-458.4 is repealed.

SECTION 7. Subsection (c) of G.S. 161-14 is repealed.

SECTION 8. The Department of Transportation shall study the development of a process for acquiring land for future highway construction that is in accordance with the holding of the North Carolina Court of Appeals in *Kirby v. North Carolina Department of Transportation*, No. COA14-184 (N.C. Ct. App. 2015). The Department shall report its findings and recommendations, including any legislative proposals, to the Joint Legislative Transportation Oversight Committee no later than six months after this act becomes law.

SECTION 9. Sections 3 and 4 of this act are effective for taxes imposed for taxable years beginning on or after July 1, 2015. The remainder of this act is effective when it becomes law and applies to maps filed before, on, or after that date.

HOUSE BILL 183:
Repeal Map Act

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	March 17, 2015
Introduced by:	Reps. R. Brown, Conrad, Lambeth, Watford	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 183 would repeal the Transportation Corridor Official Map Act, which authorizes the Department of Transportation, local governments, and transportation authorities to adopt maps for future transportation projects and places restrictions on properties within mapped corridors. The bill also directs the Department of Transportation to study the development of a process for acquiring land for future projects in light of a recent Court of Appeals decision in which the Court held that the filing of a map under the Act amounted to a taking.

CURRENT LAW: The Transportation Corridor Official Map Act was enacted in 1987, and it authorizes the Department of Transportation and other governing bodies to adopt and file transportation corridor maps. As long as work on an environmental impact statement or preliminary engineering begins within one year of the establishment of the corridor, there is no time limit on the map. Once the map has been filed, no building permits or subdivision approvals may be granted for properties within the corridor for up to three years. After three years from the date a permit application is submitted, the permit must be granted, or the entity that adopted the map must initiate acquisition proceedings. If the entity does not act as required, then the applicant may treat the property as unencumbered. The Act also allows for property owners within the corridor to petition for a variance from restrictions (to be granted upon a showing that no reasonable return may be earned from the land, and the requirements result in practical difficulties or unnecessary hardships) or for advance acquisition due to an imposed hardship.

In February of 2015, the North Carolina Court of Appeals, in *Kirby v. North Carolina Department of Transportation,* No. COA14-184 (N.C. Ct. App. 2015), found that application of the Map Act restrictions with regard to property in the corridor for the Western and Eastern Loops of the Northern Beltway Project in Forsyth County amounted to a taking for which the plaintiffs were entitled to compensation. The court referenced the "perpetual applicability of the restrictions of the Map Act" and determined that, without a specified end to the restrictions on development or improvement, the Department exercised its power of eminent domain when it filed the transportation corridor maps.

BILL ANALYSIS: House Bill 183 would repeal the Transportation Corridor Official Map Act and related statutes. It would also direct the Department of Transportation to study the development of a process for acquiring land for future highway construction in light of the holding in *Kirby*. The Department would be required to report its findings to the Joint Legislative Transportation Oversight Committee no later than six months after the effective date of this act.

EFFECTIVE DATE: Portions of the act affecting tax rates for property inside mapped corridors would be effective for taxes imposed for tax years beginning on or after July 1, 2015. The remainder of the act would be effective when it becomes law and would apply to maps filed before, on, or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE AND RE-REFERRED

HB **183** Repeal Map Act.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	R. Brown

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **148** Insurance and Safety Inspection/Mopeds.

Draft Number:	H148-PCS30139-SU-4
Serial Referral:	**INSURANCE**
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Shepard

TOTAL REPORTED: 2

CMR73-V-1

VISITOR REGISTRATION SHEET

Transporatation — 3-24-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Andy Chase	KMA
Robert Sawyer	NCDOT
Allison Roach	NCDMV
Hope Mozingo	NCDOT - DMV
Kelly Thomas	DMV
[signature]	MWC
Susan	Duke Energy
[signature]	NMRS
[signature]	[illegible]
John Mueller	MFAS
[signature]	MFAS

VISITOR REGISTRATION SHEET

Transporatation — **Name of Committee**

3-24-2015 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
NICK TENNYSON	NCDOT
Reston Jones	NC DOT
Bob Mack	NCDOI
Ben Popkin	NCDOI
Robert PASCHAL	Young Moore
Tim Lucas	NC Rate Bureau
Phoebe Landon	Brooks Pierce
Keith Weatherly	NCDOT
Shelley Blake	NC DOT
Kevin Lacy	NCDOT
Calvin Leggett	NCDOT

VISITOR REGISTRATION SHEET

Transporatation — 3-24-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	RAMC
[signature]	NCSBA
Dana Fenton	City of Charlotte
Ken Melton	K. M. A.

VISITOR REGISTRATION SHEET

Transporatation — 3-24-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jerry Schill	NCFA
Jay Stem	NCAA
Susan Valaoras	Nationwide
Ted Baggett	Police Chiefs
Paul Sherman	NCFB
[illegible]	NCAMA
Ellie Scoggin	TS
Dave Horne	[illegible]
Andy Thomas	Focus Carolinas
Roger Younts	Staff
Betsy Bailey	CAGC

VISITOR REGISTRATION SHEET

Transporatation — **Name of Committee**

3-24-2015 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susan Hare	NCDTSEA
Penny Huff	school of Gov.
Rivian Menwald	WM
Thom Goolsby	Goolsby Government Relations
Starnes	Treasurer
Jodi Cook	NCCC
Rose Williams	NCLM
Tony McEwen	City of Wilmington
Mark Zimmerman	NCAR
Jedediah Vila	NCAR
Fred Bone	Com: 4550,

VISITOR REGISTRATION SHEET

Transporatation — **Name of Committee**

3-24-2015 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dave Swift	COG
KEVIN LECOUNT	SEANC
Lexi Morgan	NCRMA

House Committee on Transportation
Tuesday, March 31, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on March 31, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Blackwell, Boles, Brawley, Brockman, R. Brown, Bumgardner, Carney, Catlin, Cleveland, Dollar, Faircloth, Ford, Fraley, Goodman, C. Graham, Hardister, Holley, Iler, Jeter, McGrady, McNeill, Presnell, Robinson, Ross, Shepard, Speciale, Steinburg, Terry, Tine, Torbett, R. Turner, Waddell, and Yarborough attended.

Representative Phil Shepard, Chair, presided.

The following bills were considered:

HB 86 Utility Line Relocation/School Board. (Representatives McNeill, Hurley, Shepard)
After discussion and debate Rep. Jeter made a motion to give the bill a favorable report that was seconded by Rep. Cleveland. The motion carried.

HB 232 Study/Update Bicycle Safety Laws. (Representatives Whitmire, Shepard, Jeter)
Rep. Carney was recognized for a motion to replace the original bill with a PCS. The motion carried. After discussion and debate Representative Tine made a motion favorable to the PCS, unfavorable to the original bill seconded by Rep. Torbett. The motion carried.

The meeting adjourned at 12:40.

Representative Phil Shepard, Chair
Presiding

Carla Farmer, Committee Clerk

House Committee on Transportation
Tuesday, March 31, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 86	Utility Line Relocation/School Board.	Representative McNeill Representative Hurley Representative Shepard
HB 232	Study/Update Bicycle Safety Laws.	Representative Whitmire Representative Shepard Representative Jeter

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

HOUSE BILL 86

Short Title:	Utility Line Relocation/School Board.	(Public)
Sponsors:	Representatives McNeill, Hurley, and Shepard (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Public Utilities, if favorable, Transportation.	

February 16, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PAY THE NONBETTERMENT COST OF RELOCATING WATER AND SEWER LINES OWNED BY LOCAL BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-27.1 reads as rewritten:

"**§ 136-27.1. Relocation of water and sewer lines of ~~municipalities and~~municipalities, nonprofit water or sewer corporations or ~~associations.~~associations, and local boards of education.**

The Department of Transportation shall pay the nonbetterment cost for the relocation of water and sewer lines, located within the existing State transportation project right-of-way, that are necessary to be relocated for a State transportation improvement project and that are owned by: (i) a municipality with a population of 5,500 or less according to the latest decennial census; (ii) a nonprofit water or sewer association or corporation; (iii) any water or sewer system organized pursuant to Chapter 162A of the General Statutes; (iv) a rural water system operated by a County as an enterprise system; (v) any sanitary district organized pursuant to Part 2 of Article 2 of Chapter 130A of the General Statutes; ~~or~~ (vi) constructed by a water or sewer system organized pursuant to Chapter 162A of the General Statutes and then sold or transferred to a municipality with a population of greater than 5,500 according to the latest decennial ~~census.~~census; or (vii) a local board of education."

SECTION 2. This act becomes effective July 1, 2015, and applies to relocations of water and sewer lines on or after that date.

HOUSE BILL 86:
Utility Line Relocation/School Board

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	March 30, 2015
Introduced by:	Reps. McNeill, Hurley, Shepard	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 86 would require the Department of Transportation to pay the nonbetterment costs of moving water and sewer lines for a local board of education, when the lines are located in the right-of-way of a State transportation improvement project.***

CURRENT LAW: The NC Department of Transportation is authorized by G.S. 136-18(10) to allow entities that provide various utility services to locate their utility lines on DOT rights-of-way. The cost to move the lines because of a DOT project must be paid by the utility, unless State law provides otherwise.

G.S. 136-27.1[1] requires the Department of Transportation to pay the nonbetterment[2] cost of relocating the water and sewer lines owned by certain entities in the transportation right-of-way when the lines must be moved for a transportation improvement project.

The Department must pay the nonbetterment cost to move water and sewer lines belonging to the following:

- Municipalities with a population of 5,500 or less, including lines for systems that were initially organized under Chapter 162A.[3]
- Nonprofit water or sewer associations and corporations.
- A water or sewer system organized under Chapter 162A.
- A rural water system operated as a County enterprise system.
- Sanitary Districts.

BILL ANALYSIS: House Bill 86 would add water and sewer lines owned by local boards of education to the type of lines that the Department of Transportation must pay to relocate for transportation improvement projects.

EFFECTIVE DATE: This act becomes effective July 1, 2015, and applies to relocations on or after that date.

Heather Fennell, counsel to House Public Utilities, substantially contributed to this summary.

[1] G.S. 136-27.2 also requires DOT to pay the nonbetterment cost for the relocation of county owned natural gas lines, located in DOT right-of-way, that the DOT needs to relocate due to a State transportation improvement project.

[2] "Nonbetterment cost" refers to the cost to move, but not improve, the utility line.

[3] Systems authorized under Chapter 162A are Metropolitan Water Districts, Metropolitan Sewerage Districts, Metropolitan Water and Sewerage Districts, and County Water and Sewerage Districts.

O. Walker Reagan
Director

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

Legislative Fiscal Note

BILL NUMBER: House Bill 86 (First Edition)

SHORT TITLE: Utility Line Relocation/School Board.

SPONSOR(S): Representatives McNeill, Hurley, and Shepard

FISCAL IMPACT
($ in millions)

☑ Yes ☐ No ☐ No Estimate Available

	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
State Impact					
Highway Trust Fund Revenues:	$0.0	$0.0	$0.0	$0.0	$0.0
Highway Trust Fund Expenditures:	$0.1	$0.1	$0.1	$0.1	$0.1
State Positions:	0.0	0.0	0.0	0.0	0.0
NET STATE IMPACT	**($0.1)**	**($0.1)**	**($0.1)**	**($0.1)**	**($0.1)**

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Transportation

EFFECTIVE DATE: July 1, 2015

TECHNICAL CONSIDERATIONS:
None

BILL SUMMARY:

H86. UTILITY LINE RELOACTION/SCHOOL BOARD. (February 12, 2015)
AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PAY THE NONBETTERMENT COST OF RELOCATING WATER AND SEWER LINES OWNED BY LOCAL BOARDS OF EDUCATION.

This bill amends G.S. 136-27.1 to include the relocation of water and sewer lines of local boards of education. It requires the Department of Transportation to also pay the nonbetterment cost for the relocation of water and sewer lines located within existing state transportation project rights-of-way that must be relocated for a state transportation improvement project and that are owned by local boards of education.

ASSUMPTIONS AND METHODOLOGY:
S.L. 2013-183, Strategic Transportation Investment Act, required DOT to reformulate projects in its State Transportation Improvement Program (STIP) based on a new prioritization process. As a result, the Draft STIP includes numerous projects without well-developed designs, which are necessary to accurately estimate the water and sewer relocation impacts to local boards of education.

Projects affecting local boards of education planned or implemented between January 2014 and December 2016 are used to estimate future annual costs to DOT to pay the nonbetterment cost to

relocate water and sewer lines owned by local boards of education. Four STIP projects were identified totaling $70,310 in calendar year 2014, $35,000 in calendar year 2015, and $185,000 in calendar year 2016. The average cost of $97,000 per year is used to estimate the fiscal impact resulting from this bill.

SOURCES OF DATA: Department of Transportation

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Amna Cameron

APPROVED BY:

Mark Trogdon, Director
Fiscal Research Division

DATE: February 27, 2015



Signed Copy Located in the NCGA Principal Clerk's Offices

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 232
PROPOSED COMMITTEE SUBSTITUTE H232-CSSU-7 [v.1]

3/30/2015 4:35:29 PM

Short Title: Study/Update Bicycle Safety Laws. (Public)

Sponsors:

Referred to:

March 16, 2015

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY THE BICYCLE SAFETY LAWS IN THIS STATE AND MAKE RECOMMENDATIONS AS TO HOW THE LAWS MAY BE REVISED TO BETTER ENSURE THE SAFETY OF BICYCLISTS AND MOTORISTS ON THE ROADWAYS.

The General Assembly of North Carolina enacts:

SECTION 1. Study. – The Department of Transportation shall study the bicycle safety laws in this State. The study shall focus on what statutory revisions, if any, are needed to better ensure the safety of bicyclists and motorists. In doing so, the Department shall consider at least all of the following:

(1) How faster moving vehicles may safely overtake bicycles on roadways where sight distance may be inhibited.
(2) Whether bicyclists on a roadway should be required to ride single file or allowed to ride two or more abreast.
(3) Whether bicyclists should be required to carry a form of identification.
(4) Any other issues determined relevant by the Department.

SECTION 2. Working Group. – In conducting the study required by this act, the Department shall convene a working group of interested parties knowledgeable and interested in the bicycle safety laws of this State. The working group shall include all of the following:

(1) A law enforcement officer.
(2) A representative from the bicycling industry.
(3) A representative from the agricultural industry.
(4) A representative from the trucking industry.
(5) A representative from county government, who may be a county law enforcement officer.
(6) A representative from municipal government, who may be a municipal law enforcement officer.
(7) A representative from the University of North Carolina Highway Safety Research Center.
(8) A minimum of two staff representatives from the Department.
(9) Any other expert or stakeholder the Department or working group determines may assist the Department in completing the study required by this act.

The Department shall designate the members listed in subdivisions (1) through (8) of this section, and the working group shall subsequently select a chair and designate the remaining members of the working group authorized under subdivision (9) of this section. In

designating additional members, the working group shall ensure that membership composition includes representation of different operator and geographical perspectives.

SECTION 3. Maximum Number of Working Group Members. – The total number of members of the working group convened under Section 2 of this act shall not exceed 12 members.

SECTION 4. Report and Recommendations. – The Department shall report its findings and recommendations, including any legislative proposals, to the Joint Legislative Transportation Oversight Committee on or before December 31, 2015.

SECTION 5. Effective Date. – This act is effective when it becomes law.

HOUSE BILL 232:
Study/Update Bicycle Safety Laws

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	March 31, 2015
Introduced by:	Reps. Whitmire, Shepard, Jeter	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	PCS to First Edition H232-CSSU-7		

SUMMARY: The Proposed Committee Substitute for House Bill 232 would direct the Department of Transportation to convene a working group to study bicycle safety laws and recommend changes that would better ensure the safety of cyclists and motorists. The Department would be required to report its findings by December 31, 2015.

CURRENT LAW: The Department of Transportation's Division of Bicycle and Pedestrian Transportation is a comprehensive State program that seeks to integrate bicycle and pedestrian safety, mobility, and accessibility into the overall transportation program.

Under current law, a bicycle has the legal status of a vehicle and may be operated on State highways. Bicycles have the same rights and responsibilities as motor vehicles and must comply with the rules of the road.

BILL ANALYSIS: The PCS for House Bill 232 would direct the Department of Transportation to study issues related to bicycle safety laws in North Carolina. The Department would be required to convene a working group of parties who have knowledge and interest in bicycle safety to conduct the study. The Department would be required to report its findings and recommendations, including any legislative proposals, to the Joint Legislative Transportation Oversight Committee on or before December 31, 2015.

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

O. Walker Reagan
Director

* H 2 3 2 - S M S U - 1 1 C S S U - 7 - V 1 *

Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE

HB **86** Utility Line Relocation/School Board.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McNeill

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **232** Study/Update Bicycle Safety Laws.

Draft Number:	H232-PCS10186-SU-7
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Whitmire

TOTAL REPORTED: 2



VISITOR REGISTRATION SHEET

Transporatation — **Name of Committee**

3-31-2015 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amanda Honaker	TSS
Erin Wynia	NCLM
Sarah Collins	NCLM
[illegible]	NCSBA
[illegible]	NCSBA
[illegible]	JOG
Susan Harrison	NCDTSEA
[illegible]	MFS
Andy Walsh	SA
[illegible]	R. [illegible] & Assoc
[illegible]	Longview Group
[illegible]	UCB

VISITOR REGISTRATION SHEET

Transporatation — 3-31-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CAROL ORNITZ	NC Brain Injury Advisory Council
David Collins	SEAMC
Reston Jones	NCDOT
Kevin Lacy	NCDOT
Lauren Blackburn	NCDOT
Ellis Powell	[redacted] CAPA
M.T. Fahmy	NCDOT
Ryan Menard	WM
Steven Goodridge	BikeWalk NC
Lisa Riegel	BikeWalk NC
Ann Gminiger	Bikelaw

VISITOR REGISTRATION SHEET

Transporatation — **Name of Committee**

3-31-2015 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ed Harrison	Chapel Hill Town Council
Megan Kelly	LA
JEFF BARNHART	MWA

House Committee on Transportation
Tuesday, April 14 at 12:00pm
Room 643

MINUTES

The House Committee on Transportation met at 12:00pm on April 14, 2015 in Room 643. Representatives Adams, Alexander, Arp, Blackwell, Boles, Brawley, Brockman, Brown, Brown, Bumgardner, Carney, Catlin, Cleveland, Dollar, Faircloth, Ford, Fraley, Goodman, Graham, Hall, Hardister, Holley, Hunter, Iler, Jeter, McGrady, McNeill, Moore, Presnell, Queen, Robinson, Ross, Schaffer, Shepard, Speciale, Steinburg, Terry, Tine, Torbett, Turner, Waddell, Yarborough, and Zachary attended.

Representative Torbett presided.

HB 464 Regional Transportation Authority Revisions. The PCS was brought before the committee. After discussion the bill passed with a motion for a favorable report for the PCS, unfavorable to the original bill.

HB 256 Handicapped Parking/Veterans Plate. After discussion the bill passed with a motion for a favorable report with a serial referral to Finance.

HB 350 Restore Driving Privileges/Competency. After discussion the bill passed with a motion for a favorable report with a serial referral to Judiciary II.

HB 434 Handicap Placard/Med. Recertification. The PCS was brought before the committee. After discussion the bill passed with a motion for a favorable report for the PCS, unfavorable to the original bill.

HB 550 Clarify Dealer Plate Requirements. The PCS was brought before the committee. After discussion the bill passed with a motion for a favorable report for the PCS, unfavorable to the original bill with a serial referral to Finance.

HB 551 DOT Sales of Unused Property. After discussion the bill passed with a motion for a favorable report with a serial referral to Judiciary IV.

The meeting adjourned at 12:50p.m.

Representative John Torbett, Presiding

Viddia Torbett, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, April 14, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative John Torbett Will Be Chairting**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 464	Regional Transportation Authority Revisions.	Representative Faircloth
HB 256	Handicapped Parking/Veterans Plate.	Representative Floyd Representative C. Graham Representative L. Hall
HB 350	Restore Driving Privileges/Competency.	Representative Farmer-Butterfield Representative Richardson Representative Hurley Representative R. Turner
HB 434	Handicap Placard/Med. Recertification.	Representative S. Martin Representative Torbett Representative Lucas
HB 550	Clarify Dealer Plate Requirements.	Representative Tine Representative Watford Representative Waddell
HB 551	DOT Sales of Unused Property.	Representative Brawley Representative Iler Representative Adams Representative Bishop

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 7:15 PM on Monday, April 13, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Tuesday, April 14, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

BILL NO.	SHORT TITLE	SPONSOR
HB 464	Regional Transportation Authority Revisions.	Representative Faircloth
HB 256	Handicapped Parking/Veterans Plate.	Representative Floyd Representative C. Graham Representative L. Hall
HB 350	Restore Driving Privileges/Competency.	Representative Farmer-Butterfield Representative Richardson Representative Hurley Representative R. Turner
HB 434	Handicap Placard/Med. Recertification.	Representative S. Martin Representative Torbett Representative Lucas
HB 550	Clarify Dealer Plate Requirements.	Representative Tine Representative Watford Representative Waddell
HB 551	DOT Sales of Unused Property.	Representative Brawley Representative Iler Representative Adams Representative Bishop

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **434** Handicap Placard/Med. Recertification.

Draft Number:	H434-PCS10334-SU-13
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	S. Martin

HB **464** Regional Transportation Authority Revisions.

Draft Number:	H464-PCS20282-RW-9
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Faircloth

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **550** Clarify Dealer Plate Requirements.

Draft Number:	H550-PCS10333-RW-11
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Tine

TOTAL REPORTED: 3



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE AND RE-REFERRED

HB **256** Handicapped Parking/Veterans Plate.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Floyd

HB **350** Restore Driving Privileges/Competency.

Draft Number:	None
Serial Referral:	**JUDICIARY II**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Farmer-Butterfield

HB **551** DOT Sales of Unused Property.

Draft Number:	None
Serial Referral:	**JUDICIARY IV**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Brawley

TOTAL REPORTED: 3

HOUSE BILL 256:
Handicapped Parking/Veterans Plate

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	April 14, 2015
Introduced by:	Reps. Floyd, C. Graham, L. Hall	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 256 would allow a vehicle displaying a partially disabled veteran plate to park in designated handicapped parking spaces.***

CURRENT LAW: G.S. 20-37.6 authorizes vehicles to use spaces designated for handicapped persons if the vehicle displays a distinguishing handicapped license plate, a removable windshield placard, or a disabled veteran registration plate. The disabled veteran registration plate is issuable to a veteran of the Armed Forces who suffered a 100% service-connected disability.

A partially disabled veteran plate is also authorized under current law and is issuable to a veteran of the Armed Forces who suffered a service-connected disability of less than 100%.

BILL ANALYSIS: House Bill 256 would authorize a vehicle displaying a partially disabled veteran plate to park in spaces that are designated for handicapped persons.

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

O. Walker Reagan
Director

* H 2 5 6 - S M S U - 2 8 E 1 - V 2 *

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 256
Mar 17, 2015
HOUSE PRINCIPAL CLERK
D

H

HOUSE DRH20062-MLf-128 (03/09)

Short Title:	Handicapped Parking/Veterans Plate.	(Public)
Sponsors:	Representative Floyd.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO ALLOW PARTIALLY DISABLED VETERANS TO PARK IN A HANDICAPPED PARKING SPACE WHEN DISPLAYING THE PARTIALLY DISABLED VETERAN SPECIAL PLATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-37.6(e)(1) reads as rewritten:

"(1) To park or leave standing any vehicle in a space designated with a sign pursuant to subsection (d) of this section for handicapped persons when the vehicle does not display the distinguishing license plate, removable windshield placard, ~~or~~ temporary removable windshield placard as provided in this section, ~~or~~ a disabled veteran registration plate issued under ~~G.S. 20-79.4;~~G.S. 20-79.4, or a partially disabled veteran registration plate issued under G.S. 20-79.4;"

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



HOUSE BILL 350:
Restore Driving Privileges/Competency

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Judiciary II	**Date:**	April 14, 2015
Introduced by:	Reps. Farmer-Butterfield, Richardson, Hurley, R. Turner	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 350 would require the Division of Motor Vehicles to restore a person's driving privilege upon notification from the clerk of court that the person has been adjudicated to be restored to competency.

[As introduced, this bill was identical to S349, as introduced by Sen. Randleman, which is currently in Senate Judiciary I.]

CURRENT LAW: Article 1 of Chapter 35A of the General Statutes provides a procedure for adjudicating a person to be incompetent. The clerk of the court in which the adjudication is made is required to notify the Commissioner of Motor Vehicles of the adjudication. Upon receipt of notice that any person has been adjudicated incompetent, G.S. 20-17.1 authorizes the Division of Motor Vehicles to revoke that person's driving privilege unless the Commissioner is satisfied that the person is competent to operate a motor vehicle safely.

Article 3 of Chapter 35A provides for a proceeding before the clerk of court to restore a person's competency. When a person's competency is restored, the person is authorized to manage his or her affairs and exercise his or her rights as if he or she had never been adjudicated incompetent. There is no provision that specifically addresses restoration of the driving privilege in the event that the person's competency is later restored.

BILL ANALYSIS: House Bill 350 would add a provision to Chapter 35A requiring the clerk of court to send a certified copy of an order adjudicating a person to be restored to competency to the Division of Motor Vehicles. Upon receipt of the notice, the Division would be required to restore the person's drivers license, unless the license was otherwise revoked or the person does not otherwise meet requirements for restoration.

EFFECTIVE DATE: The act would become effective July 1, 2015.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 350
Mar 24, 2015
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH20108-MLf-122 (03/06)

Short Title:	Restore Driving Privileges/Competency.	(Public)
Sponsors:	Representatives Farmer-Butterfield, Richardson, Hurley, and R. Turner (Primary Sponsors).	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO RESTORE THE DRIVERS LICENSE OF A PERSON ADJUDICATED TO BE RESTORED TO COMPETENCY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-17.1A. Restoration of license for person adjudicated to be restored to competency.**

If otherwise eligible under G.S. 20-7 and any other applicable provision of law, the Division shall restore the drivers license of a person adjudicated to be restored to competency under G.S. 35A-1130 upon receiving notice from the clerk of court in which the adjudication is made. Nothing in this section shall be construed as requiring the Division to restore the drivers license of a person if (i) the person's drivers license was revoked because of a conviction or other act requiring revocation and (ii) the person has not met the requirements set forth in this Article for restoration of the person's drivers license."

SECTION 2. G.S. 35A-1130(d) reads as rewritten:

"(d) If the clerk or jury finds by a preponderance of the evidence that the ward is competent, the clerk shall enter an order adjudicating that the ward is restored to competency. Upon such adjudication, the ward is authorized to manage his or her affairs, make contracts, control and sell his or her property, both real and personal, and exercise all rights as if he or she had never been adjudicated incompetent. In addition, the clerk shall send a certified copy of the order adjudicating that the ward is restored to competency to the Division of Motor Vehicles."

SECTION 3. This act becomes effective July 1, 2015.

HOUSE BILL 551:
DOT Sales of Unused Property

2013-2014 General Assembly

Committee:	House Transportation, if favorable, Judiciary IV	**Date:**	April 12, 2015
Introduced by:	Reps. Brawley, Iler, Adams, Bishop	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 551 creates a process for the classification and sale of property acquired by DOT that is unused and no longer needed for current or future transportation purposes.

CURRENT LAW: Pursuant to G.S. 136-19, the NC Department of Transportation (DOT) is authorized to acquire property for the construction of highways and related infrastructure. Property may be acquired by purchase, donation, or condemnation. When acquired land is no longer needed for highway right-of-way or other transportation projects, DOT is required to give first consideration to any offer to purchase the property made by the former owner. However, DOT may refuse any offer that is less than the current market value of the property. If DOT acquired the land by condemnation, it may sell the property to the former owner at the price paid when the property was taken by the State.

Article 7 of Chapter 146 of the General Statutes requires that every sale, lease, rental, or gift of land owned by the State or by any State agency be made by the Department of Administration and approved by the Governor and Council of State. The sale of land with an appraised value of at least $25,000 requires consultation with the Joint Legislative Commission on Governmental Operations. Real property owned by the State or any State agency may not be sold, leased, or rented at less than fair market value to any private entity that operates, or is established to operate for profit.

BILL ANALYSIS: House Bill 551 directs DOT to continuously identify and promptly sell its unused property. Unused property is defined in the bill as real property owned by or allocated to DOT that is not needed for current or future transportation purposes. DOT would be required to classify each unused lot or tract as one of the following:

- **Class A.** — A property whose size and road access are sufficient to allow commercial or residential development of one or more stand-alone projects without requiring the acquisition of additional real property; and whose size and shape are sufficient to allow compliance with zoning and development standards for parking, setbacks, side and front yard requirements, and access. Property in this classification would be sold by public sale to the highest bidder following advertisement in a newspaper having general circulation in the county in which the property is situated. Specified information about the property being sold would be made available on DOT's website and by mail, and DOT would be required to solicit upset bids from the public for bids in excess of $10,000. DOT would be required to consider any upset bid received during the 10 business days following the conclusion of bidding on a particular property, and receipt of an upset bid would restart the 10-day period for upset bids.
- **Class B.** – A property that does not meet the definition of a Class A property and that would enhance the value of adjacent land by allowing larger or more extensive uses when joined to the adjacent land. Property in this classification would be offered for sale to the owner(s) of adjacent real property. If only one adjacent landowner makes an offer to purchase, the

property would be sold to that person so long as the offered price is at least 40% of the appraised value of the property. If more than one adjacent landowner offers to purchase the property, it would be sold to the landowner offering the highest purchase price. No upset bids would be considered if the highest price offered is 80% or more of the appraised value of the property; otherwise DOT would be required to consider any upset bid received during the 40 calendar days following receipt of the highest offer. If the highest bid exceeds $10,000, DOT would be required to provide public notice of the upset bid period by publication.

- **Class C.** – A property that does not meet the definition of a Class A or Class B property. Property in this classification would be offered for sale to the owner(s) of adjacent real property, and upset bids would not be considered.

Unused property of any classification that remains unsold after one year would be sold at public auction. The one year period would begin when the sale of the property is first advertised or when the property is first offered for sale to adjacent landowners, whichever applies. Properties that do not sell at auction would periodically be re-offered, first to adjacent landowners and then at public auction.

DOT would be required to notify the Governor and the Council of State of any proposed sale of land with an appraised value of at least $25,000. If the Governor and the Council of State may disapprove of a proposed sale with 30 days of receiving notification, and if disapproved the sale will not be completed.

The bill would require DOT to report to the Joint Legislative Commission on Governmental Operations on the classification and sale of properties pursuant to the provisions of the bill. The bill would eliminate the requirement that DOT give first consideration to any offer to purchase made by the former property owner, and eliminate the provision that allows DOT the right to refuse any offer that is less than the current market value of the property.

The bill would require DOT to treat the Rodney Orr Bypass surplus right-of-way property as unused property to be sold in accordance with the provisions in the bill. The Rodney Orr Bypass (NC 143 Business) is a one-mile three-lane road through Robbinsville, in Graham County.

EFFECTIVE DATE: The bill would become effective October 1, 2015.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 551
Apr 2, 2015
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH40292-MD-89 (03/24)

Short Title:	DOT Sales of Unused Property.	(Public)
Sponsors:	Representatives Brawley, Iler, Adams, and Bishop (Primary Sponsors).	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO FACILITATE THE TRANSFER OF UNUSED DEPARTMENT OF TRANSPORTATION LAND TO THE PRIVATE SECTOR BY STREAMLINING THE PROCESS OF SELLING THAT LAND.

The General Assembly of North Carolina enacts:

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

"Article 2F.

"Identification and Sale of Unused Property.

"**§ 136-44.70. Definitions.**

The following definitions apply in this Article:

(1) Contingent bid. – A bid for the purchase of a Class A property that is made contingent on the elapsing of a due diligence period or on particular action being taken with respect to a rezoning application. Subject to the provisions of G.S. 136-44.73(c), the bidder shall determine the duration of the contingency period.

(2) Department. – The Department of Transportation.

(3) Due diligence period. – A period of time during which the potential purchaser of a Class A property may conduct inspections, appraisals, and related activities whose purpose is to determine the desirability of purchasing the property at issue.

(4) Earnest money. – Funds required to accompany a contingent bid in accordance with G.S. 136-44.73(c).

(5) Unused property. – Real property owned by or allocated to the Department that is not needed for current or future transportation purposes, including residue properties, uneconomic remnant properties, and property identified pursuant to G.S. 136-44.77(1).

(6) Upset bid. – A bid to purchase unused property that is at least five percent (5%) higher than the highest bid for the property thus far received.

"**§ 136-44.71. Classification of unused property.**

The Department shall continuously identify unused property and shall classify each lot, block, or tract of unused property as one of the following types:

(1) Class A. – A property (i) whose size and road access are sufficient to allow commercial or residential development of one or more stand-alone projects without requiring the acquisition of additional real property and (ii) whose size and shape are sufficient to allow compliance with applicable or

proposed zoning and development standards for parking, setbacks, side and front yard requirements, and access.

(2) Class B. – A property (i) that does not meet the definition of a Class A property and (ii) that would enhance the value of adjacent land by allowing larger or more extensive uses when joined to the adjacent land.

(3) Class C. – A property that does not meet the definition of a Class A or Class B property.

"**§ 136-44.72. Prompt sale of unused property.**

The Department shall attempt to promptly sell all unused property in accordance with G.S. 136-44.73 through G.S. 136-44.75.

"**§ 136-44.73. Sale of Class A property.**

(a) Public Sale. – Class A property shall be sold by public sale to the highest bidder following advertisement.

(b) Advertisement. – The Department shall take all of the following steps to advertise the sale of a Class A property:

(1) Advertise the sale by publication in a newspaper having general circulation in the county in which the property is situated.

(2) Make the following information about the property being sold available to the public both on its Web site and by mail:

a. Current zoning information.

b. Adjacent uses.

c. Land-use plans of the local jurisdiction, if known.

d. Any other relevant information.

(3) Solicit upset bids from the public for any bid received that exceeds ten thousand dollars ($10,000).

(c) Contingent Bids. – A bidder may make a contingent bid to purchase Class A property. However, a contingent bid shall be accompanied by earnest money in an amount determined pursuant to the following requirements:

(1) For contingency periods that last 60 days or less, no earnest money is required.

(2) For contingency periods that will last beyond 60 days, one percent (1%) of the bid price is required for each calendar month that the contingency period will extend beyond the initial 60-day period. For purposes of this subdivision, any fraction of a calendar month shall be considered a full calendar month. Additional contingency periods may be granted on a monthly basis in exchange for additional earnest money of one percent (1%) per month requested.

(d) Upset Bids. – The Department shall consider any upset bid received during the 10 business days following the conclusion of bidding on a particular property. The receipt of an upset bid shall restart the 10-day period for consideration of upset bids.

(e) Disposition of Earnest Money. – Earnest money shall be applied to the purchase price of real property when sold to the bidder tendering the funds, but it shall be returned to the bidder in the event that the bidder's bid is superseded by an upset bid. Earnest money shall not be returned to a bidder in the event that the bidder elects not to purchase the property.

"**§ 136-44.74. Sale of Class B property.**

(a) Negotiated Sale to Adjacent Owner. – Class B property shall be offered for sale to the owner or owners of all real property that is adjacent to the property.

(b) Acceptable Price. – If only one adjacent landowner offers to purchase the property, the property shall be sold to that adjacent landowner so long as the offered price is at least forty percent (40%) of the appraised value of the property. If more than one adjacent owner offers to

purchase the property, then the property shall be sold to the owner offering the highest purchase price.

(c) Upset Bids. – If the highest purchase price offered for a particular property is eighty percent (80%) or more of the appraised value of the property, then upset bids shall not be considered. However, if the highest purchase price offered is less than eighty percent (80%) of the property's appraised value, then the Department shall consider any upset bid received during the 40 calendar days following receipt of the highest offer. Additionally, if the highest bid thus far received exceeds ten thousand dollars ($10,000), the Department shall by publication in a newspaper having general circulation in the county in which the property is situated notify the public that upset bids for purchase of the property will be considered during this period. Receipt of an upset bid shall restart the 40-day period for consideration of upset bids.

"**§ 136-44.75. Sale of Class C property.**

(a) Negotiated Sale to Adjacent Owner. – Class C property shall be offered for sale to the owner or owners of all real property that is adjacent to the property.

(b) Acceptable Price. – If only one adjacent owner offers to purchase the property, the property shall be sold to that adjacent landowner so long as the offered price is at least forty percent (40%) of the appraised value of the property. If more than one adjacent owner offers to purchase the property, then the property shall be sold to the landowner offering the highest purchase price. Upset bids shall not be considered.

"**§ 136-44.76. Auction of unsold unused property.**

(a) Unsold Property Shall Be Auctioned. – If any unused property remains unsold after one year, the property shall be sold at public auction. For purposes of this requirement, the one-year period begins when the sale of the property is first publicly advertised or when the property is first offered for sale to adjacent landowners, as appropriate.

(b) Reserve. – Unused property auctioned pursuant to this section shall be sold with reserve according to the following schedule:

(1) Class A Property – 40% of appraised value.

(2) Class B Property – 30% of appraised value.

(3) Class C Property – No reserve.

(c) Properties That Do Not Sell at Auction. – The Department shall periodically do all of the following with respect to any property that initially fails to sell at an auction undertaken pursuant to this section:

(1) Offer the property for sale to the owner or owners of all real property that is adjacent to the property. If only one adjacent landowner offers to purchase the property, the property shall be sold to that adjacent landowner at the negotiated price with no reserve. If more than one adjacent owner offers to purchase the property, then the property shall be sold to the landowner offering the highest purchase price. Upset bids shall not be considered.

(2) Make an additional attempt to auction the property in accordance with this section if an adjacent owner does not purchase the property pursuant to subdivision (1) of this subsection.

"**§ 136-44.77. Identification of unused property.**

Whenever the Department completes a project and there is associated real property that was not used for the project, the Department shall examine whether or not that property is any of the following:

(1) Unused property that can be sold. Any property identified as unused property pursuant to this subdivision shall be classified and sold in the manner prescribed by this Article.

(2) Property that cannot be sold either because (i) it does not constitute unused property; (ii) it is not owned in fee simple by the State; or (iii) it is

environmentally contaminated. The Department shall document the reason that a property cannot be sold pursuant to this subdivision and shall review this determination at least every 10 years.

(3) Property that cannot be sold because it is unknown whether or not the property is needed for future transportation purposes. The Department shall document when it determines that a property cannot be sold pursuant to this subdivision and shall review this determination at least every five years.

"**§ 136-44.78. Disapproval of certain sales by Governor and Council of State.**

(a) Notification Required. – The Department shall notify the Governor and Council of State of any proposed sale under this Article of land with an appraised value of at least twenty-five thousand dollars ($25,000).

(b) Approval Not Required. – Notwithstanding Article 7 of Chapter 146 of the General Statutes, the Governor and Council of State approval of a sale under this Article is not required.

(c) Disapproval of Certain Sales Authorized. – If the Governor and Council of State disapprove of a proposed sale of land with an appraised value of at least twenty-five thousand dollars ($25,000) within 30 days of being notified of it, then the sale shall not be completed.

"**§ 136-44.79. Sale of condemned property to its previous owner.**

Nothing in this Article shall preclude the sale of condemned property to its former owner pursuant to G.S. 136-19(b)."

SECTION 2. The Department of Transportation shall conduct the same review for projects completed prior to the effective date of this act that is required prospectively by G.S. 136-44.77, as enacted by Section 1 of this act. Properties shall be disposed of in the manner provided by G.S. 136-44.77.

SECTION 3. No later than January 1, 2016, the Department of Transportation shall report to the Joint Legislative Commission on Governmental Operations on the classification and sale of properties pursuant to Article 21 of Chapter 136 of the General Statutes, as enacted by this act. At a minimum, this report shall include information on the following:

(1) The number and type of properties classified.

(2) The number and type of properties sold, including information about the manner of sale, the type of purchaser, the per-sale average and total dollar sales figures, and the average ratio of sale price to appraised value of the properties sold.

SECTION 4. G.S. 136-19 reads as rewritten:

"**§ 136-19. Acquisition of land and deposits of materials; condemnation proceedings; federal parkways.**

(a) The Department of Transportation is vested with the power to acquire either in the nature of an appropriate easement or in fee simple such rights-of-way and title to such land, gravel, gravel beds or bars, sand, sand beds or bars, rock, stone, boulders, quarries, or quarry beds, lime or other earth or mineral deposits or formations, and such standing timber as it may deem necessary and suitable for transportation infrastructure construction, including road construction, maintenance, and repair, and the necessary approaches and ways through, and a sufficient amount of land surrounding and adjacent thereto, as it may determine to enable it to properly prosecute the work, by purchase, donation, or condemnation, in the manner hereinafter set out. ~~If the Department of Transportation acquires by purchase, donation, or condemnation part of a tract of land in fee simple for highway right-of-way as authorized by this section and the Department of Transportation later determines that the property acquired for transportation infrastructure, including highway right-of-way, or a part of that property, is no longer needed for infrastructure right-of-way, then the Department shall give first consideration to any offer to purchase the property made by the former owner. The Department may refuse any offer that is less than the current market value of the property, as determined by the Department. Unless the Department acquired an entire lot, block, or tract of land belonging to the former owner, the~~

~~former owner must own the remainder of the lot, block, or tract of land from which the property was acquired to receive first consideration by the Department of their offer to purchase the property.~~

(b) ~~Notwithstanding the provisions of subsection (a), if~~ If the Department acquires the property by condemnation and determines that the property or a part of that property is no longer needed for highway right-of-way or other transportation projects, the Department of Transportation may reconvey the property to the former owner upon payment by the former owner of the full price paid to the owner when the property was taken, the cost of any improvements, together with interest at the legal rate to the date when the decision was made to offer the return of the property. Unless the Department acquired an entire lot, block, or tract of land belonging to the former owner, the former owner must own the remainder of the lot, block, or tract of land from which the property was acquired to purchase the property pursuant to this subsection.

~~(c) The requirements of this section for reconveying property to the former owner, regardless of whether such property was acquired by purchase, donation, or condemnation, shall not apply to property acquired outside the right-of-way as an "uneconomic remnant" or "residue".~~

(d) The Department of Transportation is also vested with the power to acquire such additional land alongside of the rights-of-way for transportation projects, including roads as in its opinion may be necessary and proper for the protection of the transportation projects, including roads and roadways, and such additional area as may be necessary as by it determined for approaches to and from such material and other requisite area as may be desired by it for working purposes. The Department of Transportation may, in its discretion, with the consent of the landowner, acquire in fee simple an entire lot, block or tract of land, if by so doing, the interest of the public will be best served, even though said entire lot, block or tract is not immediately needed for right-of-way purposes.

(e) Notwithstanding any other provisions of law or eminent domain powers of utility companies, utility membership corporations, municipalities, counties, entities created by political subdivisions, or any combination thereof, and in order to prevent undue delay of highway projects because of utility conflicts, the Department of Transportation may condemn or acquire property in fee or appropriate easements necessary to provide transportation project rights-of-way for the relocation of utilities when required in the construction, reconstruction, or rehabilitation of a State transportation project. The Department of Transportation shall also have the authority, subject to the provisions of G.S. 136-19.5(a) and (b), to, in its discretion, acquire rights-of-way necessary for the present or future placement of utilities as described in G.S. 136-18(2).

(f) Whenever the Department of Transportation and the owner or owners of the lands, materials, and timber required by the Department of Transportation to carry on the work as herein provided for, are unable to agree as to the price thereof, the Department of Transportation is hereby vested with the power to condemn the lands, materials, and timber and in so doing the ways, means, methods, and procedure of Article 9 of this Chapter shall be used by it exclusively.

(g) The Department of Transportation shall have the same authority, under the same provisions of law provided for construction of State transportation projects, for acquirement of all rights-of-way and easements necessary to comply with the rules and regulations of the United States government for the construction of federal parkways and entrance roads to federal parks in the State of North Carolina. The acquirement of a total of 125 acres per mile of said parkways, including roadway and recreational, and scenic areas on either side thereof, shall be deemed a reasonable area for said purpose. The right-of-way acquired or appropriated may, at the option of the Department of Transportation, be a fee-simple title. The said Department of Transportation is hereby authorized to convey such title so acquired to the

United States government, or its appropriate agency, free and clear of all claims for compensation. All compensation contracted to be paid or legally assessed shall be a valid claim against the Department of Transportation, payable out of the State Highway Fund. Any conveyance to the United States Department of Interior of land acquired as provided by this section shall contain a provision whereby the State of North Carolina shall retain concurrent jurisdiction over the areas conveyed. The Governor is further authorized to grant concurrent jurisdiction to lands already conveyed to the United States Department of Interior for parkways and entrances to parkways.

(h) The action of the Department of Transportation heretofore taken in the acquirement of areas for the Blue Ridge Parkway in accordance with the rules and regulations of the United States government is hereby ratified and approved and declared to be a reasonable exercise of the discretion vested in the said Department of Transportation in furtherance of the public interest.

(i) When areas have been tentatively designated by the United States government to be included within a parkway, but the final survey necessary for the filing of maps as provided in this section has not yet been made, no person shall cut or remove any timber from said areas pending the filing of said maps after receiving notice from the Department of Transportation that such area is under investigation; and any property owner who suffers loss by reason of the restraint upon his right to use the said timber pending such investigation shall be entitled to recover compensation from the Department of Transportation for the temporary appropriation of his property, in the event the same is not finally included within the appropriated area, and the provisions of this section may be enforced under the same law now applicable for the adjustment of compensation in the acquirement of rights-of-way on other property by the Department of Transportation."

SECTION 5. The Department of Transportation shall treat the Rodney Orr Bypass surplus right-of-way property as unused property and shall sell it in accordance with Article 2F of Chapter 136 of the General Statutes, as enacted by Section 1 of this act.

SECTION 6. This act becomes effective October 1, 2015.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 434:
Handicap Placard/Med. Recertification

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 14, 2015
Introduced by:	Reps. S. Martin, Torbett, Lucas	**Prepared by:**	Wendy Graf Ray
Analysis of:	PCS to First Edition H434-CSSU-13		Committee Counsel

SUMMARY: House Bill 434 would eliminate the requirement that a person provide a medical recertification that the person is handicapped when renewing a handicapped placard if the person is certified as totally and permanently disabled.

[The PCS changes the effective date from July 1, 2015, to July 1, 2016.]

CURRENT LAW: G.S. 20-37.6 provides for parking privileges for handicapped drivers and passengers who have applied for and obtained from the Division of Motor Vehicles a handicapped windshield placard or registration plate. If the handicapped person is a registered owner of a vehicle, he or she may apply for a distinguishing plate. Any handicapped person may apply for a windshield placard. G.S. 20-37.6(c1) sets out the requirements for application and renewal. The initial application for both must include a certification of a licensed physician that the applicant is handicapped. Plates must be renewed annually but do not require recertification. Placards must be renewed every five years and require a medical recertification at that time.

BILL ANALYSIS: House Bill 434 would eliminate the requirement that a person renewing a handicapped placard must submit a medical recertification that the applicant is handicapped if the person was certified as totally and permanently disabled at the time of the initial application or at the time of a prior renewal. The bill also directs the Division of Motor Vehicles to develop forms and procedures to implement the act.

EFFECTIVE DATE: The provision of the act directing the Division to develop forms and procedures for implementation would be effective when it becomes law. The remainder of the act would be effective July 1, 2016.

O. Walker Reagan
Director

H434-SMSU-27 CSSU-13 -V3

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 434
Mar 31, 2015
HOUSE PRINCIPAL CLERK
D

H

HOUSE DRH30186-ML-216 (3/27)

Short Title:	Handicap Placard/Med. Recertification.	(Public)
Sponsors:	Representatives S. Martin, Torbett, and Lucas (Primary Sponsors).	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT MEDICAL RECERTIFICATION IS NOT REQUIRED FOR RENEWALS OF REMOVABLE WINDSHIELD HANDICAPPED PLACARDS IF THE PERSON IS CERTIFIED AS TOTALLY AND PERMANENTLY DISABLED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-37.6(c1) reads as rewritten:

"(c1) Application and Renewal; Physician's Certification. – The initial application for a distinguishing license plate, removable windshield placard, or temporary removable windshield placard shall be accompanied by a certification of a licensed physician, ophthalmologist, or optometrist or of the Division of Services for the Blind that the applicant is handicapped. The application for a temporary removable windshield placard shall contain additional certification to include the period of time the certifying authority determines the applicant will have the disability. Distinguishing license plates shall be renewed annually, but subsequent applications shall not require a medical certification that the applicant is handicapped. Removable windshield placards shall be renewed every five years, ~~and~~and, except for a person certified as totally and permanently disabled at the time of the initial application or a prior renewal under this subsection, the renewal shall require a medical recertification that the person is handicapped. Temporary removable windshield placards shall expire no later than six months after issuance."

SECTION 2. The Division of Motor Vehicles shall develop or update the appropriate forms and procedures necessary to implement this act.

SECTION 3. Section 2 of this act is effective when this act becomes law. The remainder of this act becomes effective July 1, 2015.

HOUSE BILL 464:
Regional Transportation Authority Revisions

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 13, 2015
Introduced by:	Rep. Faircloth	**Prepared by:**	Giles S. Perry
Analysis of:	PCS to First Edition H464-CSRW-9		Committee Counsel

SUMMARY: House Bill 464 (proposed committee substitute) makes changes to regional transportation authority statute governing PART, the Piedmont Authority for Regional Transportation.

The proposed committee substitute deletes language in Section 2 concerning tie votes, and corrects the section numbering.

CURRENT LAW: Current State law, Article 27 of Chapter 160A, enacted in 1997, authorized the establishment of a regional transportation authority in the Triad area, known as PART, the Piedmont Authority for Regional Transportation.

BILL ANALYSIS: House Bill 464 (proposed committee substitute) makes the following changes to the statutes governing PART:

Section 1 of the bill:

- Changes the Board membership to provide for two or three members of the Board of Transportation as voting members, from the PART area.

Section 2 of the bill:

- Provides that determination of a quorum of the Board of Trustees shall exclude vacant seats.
- Provides that a member of the Board who withdraws from a meeting without begin excused shall be counted as present.
- Provides that a Board member may only be excused from voting for conflict of financial interest, or other reason required by law.
- Requires an affirmative vote of a majority of all members of the Board not excused for: financial expenditure, or to make a contract.

Section 3 of the bill:

- Provides that the Board shall employ a chief administrative officer.
- Provides that the Board shall fix the compensation of the chief administrative officer, and any employees hired by the chief administrative officer.

Section 4 of bill:

- Specifies, in new G.S. 160A-639.1, the duties of the chief administrative officer, including: hiring, removal, and supervision of employees; attendance at Board meetings, submitting a budget and capital program; and designation of a Board Clerk.

EFFECTIVE DATE: This act becomes effective July 1, 2015, and applies to contracts entered into and other actions occurring on or after that date.

O. Walker Reagan
Director

* H 4 6 4 - S M R W - 2 3 C S R W - 9 - V 2 *

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 464
Apr 1, 2015
HOUSE PRINCIPAL CLERK

H D

HOUSE DRH10203-ML-176 (03/13)

Short Title:	Regional Transportation Authority Revisions.	(Public)
Sponsors:	Representative Faircloth.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE COMPOSITION OF THE BOARD OF TRUSTEES OF REGIONAL TRANSPORTATION AUTHORITIES, TO PROVIDE THAT ALL MEMBERS OF THE BOARD OF TRUSTEES SHALL BE VOTING MEMBERS, TO AUTHORIZE REGIONAL TRANSPORTATION AUTHORITIES TO HIRE A CHIEF ADMINISTRATIVE OFFICER, AND TO CLARIFY THE VOTING PROCESS BY MEMBERS OF THE BOARD OF TRUSTEES OF REGIONAL TRANSPORTATION AUTHORITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-635 reads as rewritten:

"**§ 160A-635. Membership; officers; compensation.**

(a) The governing body of an authority is the Board of Trustees. The Board of Trustees shall consist of:

...

(2) ~~Two~~At least two, but not more than three, members of the Board of Transportation appointed by the Secretary of ~~Transportation, to serve as ex officio nonvoting members.~~Transportation. Members appointed under this subdivision shall be (i) division members from a highway division or highway divisions located wholly or partially within the territorial jurisdiction of the Authority, (ii) at-large members who represent or have an expertise in mass transit and reside within the territorial jurisdiction of the Authority, or (iii) a combination of division members and at-large members meeting the requirements set forth in this subdivision.

...

(c) Service on the Board of Trustees may be in addition to any other office which a person is entitled to hold. Each ~~voting~~ member of the Board of Trustees may hold elective public office as defined by G.S. 128-1.1(d).

...

(e) The Board of Trustees shall annually elect from its membership a Chairperson, ~~and~~ a Vice-Chairperson, ~~and shall annually elect~~ a Secretary, and a Treasurer.

...."

SECTION 2. G.S. 160A-636 reads as rewritten:

"**§ 160A-636. ~~Voting.~~Voting; action by the Board of Trustees.**

(a) Quorum. – A majority of the ~~members~~membership of the Board of ~~Trustees~~Trustees, excluding vacant seats, shall constitute a ~~quorum for the transaction of business. Except as provided by G.S. 160A-635(a)(2), each member shall have one~~

~~vote.~~quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present. No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under any other provision of law.

(b) Action. – An affirmative vote equal to a majority of all the members of the Board of Trustees not excused from voting on the question in issue shall be required to authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the Authority.

(c) Tie Vote. – In the event of a tie vote of the members of the Board of Trustees, the chairperson shall cast the deciding vote."

SECTION 3. G.S. 160A-639 reads as rewritten:

"**§ 160A-639. General powers of the Authority.**

The general powers of the Authority shall include any or all of the following:

(1) To sue and be ~~sued;~~sued.

(2) To have a ~~seal;~~seal.

(3) To make rules and regulations, not inconsistent with this Chapter, for its organization and internal ~~management;~~management.

(4) To employ ~~persons deemed necessary~~a chief administrative officer to carry out the functions and duties ~~assigned to them by~~of the ~~Authority and to~~Authority. The Board of Trustees shall fix ~~their compensation,~~the compensation of the chief administrative officer and any employees hired by the chief administrative officer pursuant to G.S. 160A-639.1, within the limit of available ~~funds;~~funds.

(5) With the approval of the unit of local government's chief administrative official, to use officers, employees, agents, and facilities of the unit of local government for such purposes and upon such terms as may be mutually ~~agreeable;~~agreeable.

(6) To retain and employ counsel, auditors, engineers, and private consultants on an annual salary, contract basis, or otherwise for rendering professional or technical services and ~~advice;~~advice.

(7) To acquire, lease as lessee with or without option to purchase, hold, own, and use any franchise, property, real or personal, tangible or intangible, or any interest therein, and to sell, lease as lessor with or without option to purchase, transfer (or dispose thereof) whenever the same is no longer required for purposes of the Authority, or exchange same for other property or rights which are useful for the Authority's purposes, including but not necessarily limited to parking ~~facilities;~~facilities.

(8) To acquire by gift, purchase, lease as lessee with or without option to purchase or otherwise to construct, improve, maintain, repair, operate, or administer any component parts of a public transportation system or to contract for the maintenance, operation or administration thereof, or to lease as lessor the same for maintenance, operation, or administration by private parties, including, but not necessarily limited to, parking ~~facilities;~~facilities.

(9) To make or enter into contracts, agreements, deeds, leases with or without option to purchase, conveyances or other instruments, including contracts and agreements with the United States, the State of North Carolina, and units of local ~~government;~~government.

(9a) To purchase or finance real or personal property in the manner provided for cities and counties under ~~G.S. 160A-20;~~G.S. 160A-20.

(10) To surrender to the State of North Carolina any property no longer required by the ~~Authority;~~Authority.

(11) To develop and make data, plans, information, surveys and studies of public transportation facilities within the territorial jurisdiction of the Authority and to prepare and make recommendations in regard ~~thereto;~~thereto.

(12) To enter in a reasonable manner lands, waters, or premises for the purpose of making surveys, soundings, drillings, and examinations whereby such entry shall not be deemed a trespass except that the Authority shall be liable for any actual and consequential damages resulting from such ~~entries;~~entries.

(13) To develop and carry out demonstration ~~projects;~~projects.

(14) To make, enter into, and perform contracts with private parties, and public transportation companies with respect to the management and operation of public passenger ~~transportation;~~transportation.

(15) To make, enter into, and perform contracts with any public utility, railroad or transportation company for the joint use of property or rights, for the establishment of through routes, joint fares, or transfer of ~~passengers;~~passengers.

(16) To make, enter into, and perform agreements with governmental entities for payments to the Authority for the transportation of persons for whom the governmental entities desire ~~transportation;~~transportation.

(17) With the consent of the unit of local government which would otherwise have jurisdiction to exercise the powers enumerated in this subdivision: to issue certificates of public convenience and necessity; and to grant franchises and enter into franchise agreements, and in all respects to regulate the operation of buses, taxicabs, and other methods of public passenger transportation which originate and terminate within the territorial jurisdiction of the Authority as fully as the unit of local government is now or hereafter empowered to do within the territorial jurisdiction of the unit of local ~~government;~~government.

(18) To operate public transportation systems and to enter into and perform contracts to operate public transportation services and facilities, and to own or lease property, facilities and equipment necessary or convenient therefor, and to rent, lease or otherwise sell the right to do so to any person, public or private; further, to obtain grants, loans, and assistance from the United States, the State of North Carolina, any public body, or any private source whatsoever, but may not operate or contract for the operation of public transportation systems outside the territorial jurisdiction of the Authority except as provided by subdivision (20) of this ~~section;~~section.

(19) To enter into and perform contracts and agreements with other public transportation authorities, regional public transportation authorities, or units of local government pursuant to the provisions of G.S. 160A-460 through G.S. 160A-464 (Part 1 of Article 20 of Chapter 160A of the General Statutes); further to enter into contracts and agreements with private transportation companies, but this subdivision does not authorize the operation of, or contracting for the operation of, service of a public transportation system outside the service area of the ~~Authority;~~Authority.

(20) To operate public transportation systems extending service into any political subdivision of the State of North Carolina unless a particular unit of local government operating its own public transportation system or franchising the operation of a public transportation system by majority vote of its governing board, shall deny consent, but such service may not extend more than 10

miles outside of the territorial jurisdiction of the authority, except that vanpool and carpool service shall not be subject to that mileage ~~limitation;~~limitation.

(21) Except as restricted by covenants in bonds, notes, or equipment trust certificates, to set in its sole discretion rates, fees, and charges for use of its public transportation ~~system;~~system.

(22) To do all things necessary or convenient to carry out its purpose and to exercise the powers granted to the ~~Authority;~~Authority.

(23) To facilitate the coordination of transportation plans in the service area and the activities of the member Metropolitan Planning ~~Organizations;~~Organizations.

(24) To maintain databases for the projection of future travel demands in the ~~region;~~region.

(25) To provide and operate regional ridesharing and vanpool ~~operations;~~operations.

(26) To provide and operate regional transportation services for the elderly and ~~handicapped;~~handicapped.

(27) To provide other transportation related services, including air quality monitoring and analysis, as determined by the Board of ~~Trustees;~~Trustees.

(28) To issue bonds or other obligations of the Authority as provided by law and apply the proceeds thereof to the financing of any public transportation system or any part thereof and to refund, whether or not in advance of maturity or the earliest redemption date, any such bonds or other ~~obligations; and~~obligations.

(29) To contract for, or to provide and maintain, with respect to the facilities and property owned, leased with or without option to purchase, operated or under the control of the Authority, and within the territory thereof, a security force to protect persons and property, dispense unlawful or dangerous assemblages and assemblages which obstruct full and free passage, control pedestrian and vehicular traffic, and otherwise preserve and protect the public peace, health, and safety; for these purposes a member of such force shall be a peace officer and, as such, shall have authority equivalent to the authority of a police officer of the city or county in which said member of such force is discharging such duties."

SECTION 3. Article 27 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-639.1. Duties of the chief administrative officer; appointment of clerk.**

(a) Duties. – The chief administrative officer employed by the Authority in accordance with G.S. 160A-639 shall be responsible to the Board of Trustees for administering all matters placed in his or her charge by the Board of Trustees and shall have all of the following powers and duties:

(1) To hire, appoint, suspend, or remove any employee of the Authority, provided that nothing in this subdivision shall be construed as superseding or altering any other provision of law governing the suspension or removal of an employee of the Authority.

(2) To direct and supervise all employees of the Authority and the administration of all departments, offices, and agencies of the Authority, subject to the general direction and control of the Board of Trustees and except as otherwise provided by law.

(3) To attend all meetings of the Board of Trustees and recommend any measures he or she deems expedient.

(4) To see that all laws of the State are faithfully executed.
(5) To prepare and submit the annual budget and capital program to the Board of Trustees.
(6) To annually submit to the Board of Trustees and make available to the public a complete report on the finances and administrative activities of the Authority as of the end of the fiscal year.
(7) To make any other reports that the Board of Trustees may require concerning the operations of the Authority.
(8) To perform any other duties that may be required or authorized by the Board of Trustees.

(b) Clerk. – In addition to the duties set forth in subsection (a) of this section, the chief administrative officer shall designate an employee of the Authority as clerk, whose duties shall include all of the following:
(1) Provide notice of meetings of the Board of Trustees.
(2) Keep a journal of the proceedings of the Board of Trustees.
(3) Be the custodian of all Authority records.
(4) Perform any other duties that may be required by law or the Board of Trustees."

SECTION 4. This act becomes effective July 1, 2015, and applies to contracts entered into and other actions taken by Regional Transportation Authorities on or after that date.

HOUSE BILL 550:
Clarify Dealer Plate Requirements

2013-2014 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	April 12, 2015
Introduced by:	Reps. Tine, Watford, Waddell	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 550 authorizes an employee of a dealer that employs no less than 15 licensed sales representatives to drive a vehicle displaying a dealer license plate.***

CURRENT LAW: G.S. 20-79 provides for the issuance of automobile license plates to licensed motor vehicle dealers. A dealer may obtain the number of dealer plates allowed by the following table:

Vehicles Sold In Relevant 12-Month Period	Maximum Number of Plates
Fewer than 12	3
At least 12 but less than 25	6
At least 25 but less than 37	7
At least 37 but less than 49	8
49 or more	At least 8, but no more than 5 times the average number of qualifying sales representatives employed by the dealer during the relevant 12-month period.

A dealer license plate may only be used on a vehicle that is part of the inventory of the dealer. Dealer plates are subject to a number of specific restrictions on use, and with certain exceptions, may only be used on a vehicle driven by certain persons for business-related purposes. However, pursuant to G.S. 20-79(d)(5) f., a dealer license plate may be displayed on a vehicle driven for any purpose by an officer, sales representative, or other employee of a franchised motor vehicle dealer or by an immediate family member of a person in one of those categories.

When a motor vehicle displaying a dealer license is driven in violation of the restrictions on the use of the plate, the following sanctions apply:

- The individual driving the motor vehicle is responsible for an infraction and is subject to a penalty of $100.
- The dealer to whom the plate is issued is subject to a $250 civil penalty imposed by DMV, and DMV may rescind all dealer license plates issued to the dealer.

BILL ANALYSIS: House Bill 550 authorizes an employee of a dealer that employs no less than 15 licensed sales representatives to drive a vehicle displaying a dealer license plate.

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

O. Walker Reagan
Director

* H 5 5 0 - S M R W - 2 2 E 1 - V 3 *

Research Division
(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 550
PROPOSED COMMITTEE SUBSTITUTE H550-PCS10333-RW-11

Short Title: Clarify Dealer Plate Requirements. (Public)

Sponsors:

Referred to:

April 6, 2015

A BILL TO BE ENTITLED

AN ACT TO ALLOW A DEALER LICENSE PLATE TO BE DISPLAYED ON A MOTOR VEHICLE DRIVEN BY CERTAIN PERSONS EMPLOYED BY AN INDEPENDENT CAR DEALER OR RELATED TO A PERSON EMPLOYED BY AN INDEPENDENT CAR DEALER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79(d)(5)f. reads as rewritten:

"(d) Restrictions on Use. – A dealer license plate may be displayed only on a motor vehicle that meets all of the following requirements:

...

(5) Is driven on a highway by a person who meets one of the following descriptions:

...

f. Is an officer, sales representative, or other employee of ~~a~~an independent or franchised motor vehicle dealer or is an immediate family member of an officer, sales representative, or other employee of ~~a~~an independent or franchised motor vehicle dealer."

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

VISITOR REGISTRATION SHEET

House Transportation — 4-14-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susan Harrison	NCDTSEA
Wendy Kelly	[illegible]
[illegible]	NCBDA
Dan Collins	SEANC
[illegible]	[illegible]
John Brown	CIANA
Crystal Collins	NC Trucking Assn
Andy Chase	KMA
[illegible]	TS
Carr McLamb	TS
Gerry Conn	McGoon Mullins

VISITOR REGISTRATION SHEET

House Transportation — 4-14-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kevin Lacy	NCDOT
[illegible]	[illegible]
Annalise Dolph	DL
Joe McClees	McClees Consulting
[illegible]	NCMA - RANC - LPA
Cameron Hanby	MCM
Reston Jones	NCDOT
Kelly Thomas	DMV
Donna Boone	DMV/DOT
Vicki Pope	DMV
Maggie P. Thomas	NCDOT/IT

VISITOR REGISTRATION SHEET

House Transportation — 4-14-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Esco Tax	World Trade Auto Sports 211 Prospect Ave 27603
CADY Thomas	FOCUS Carolina
[illegible]	[illegible]

VISITOR REGISTRATION SHEET

House Transportation — 4-14-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill McBrayer	Lexington Home Brands
Thomas McBrayer	
Susan Phillips	staff - Jay Adams

House Committee on Transportation
Tuesday, April 21, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on April 21, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Blackwell, Boles, Brawley, Brockman, R. Brown, B. Brown, Bumgardner, Carney, Catlin, Cleveland, Dollar, Faircloth, Ford, Fraley, D. Hall, Hardister, Holley, Iler, Jeter, McGrady, McNeill, Presnell, Robinson, Ross, Speciale, Terry, Tine, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative Frank Iler, Chair, presided.

The following bills were considered:

HB 170 Handicapped Parking Windshield Placard. (Representative Watford)
This bill was removed from the agenda because it has a companion bill that has already passed the Senate and is currently in committee.

HB 233 Evidence Passed Vehicle is a School Bus. (Representatives Lambeth, Hanes)
After discussion and debate, Rep. Dollar made a motion to give the bill a favorable report with a re-referral to the committee on Appropriations. The motion carried.

HB 268 Amend Transportation Laws.-AB (Representatives Iler, Torbett, Shepard, Tine)
Rep. Brian Brown was recognized for a motion to bring the PCS before the committee. The motion carried. After discussion and debate, Rep. Arp was recognized for a motion to give the original bill an unfavorable report, favorable to the original bill. The motion carried.

HB 319 CDLs for Veterans Revisions. (Representatives Szoka, Jeter, Adams, Pendleton)
This bill was removed from the agenda because it has a companion bill that has already passed the Senate and is currently in committee.

HB 422 Amend Funeral Procession Law. (Representatives Alexander, Boles, Hunter)
After discussion and debate Rep. Cleveland was recognized for a motion to give this bill a favorable report. The motion carried.

HB 428 Permanent Plates/Charter Schools. (Representatives Riddell, Jones, Conrad, Hardister)
After discussion and debate Rep. Jeter was recognized for a motion to give this bill a favorable report with a re-referral to the committee on Finance. The motion carried.

HB 456 Clarify Weight Limits/Ag. Vehicles. (Representative R. Turner)
Rep. McNeil was recognized for a motion to bring a PCS before the committee. The motion carried. After discussion and debate, Rep. Cleveland was recognized for a motion, favorable to the committee substitute, unfavorable to the original bill.

HB 478 Brunswick Cty/Navigable Waters. (Representative Iler)
After discussion and debate Representative Waddell was recognized for a motion to give this bill a favorable report. The motion carried.

HB 618 Drivers License/Concealed Carry. (Representatives Hager, Elmore)
This bill was carried over to the next meeting.

The meeting adjourned at 12:52.

Representative Frank Iler, Chair

Carla Farmer, Committee Clerk

House Committee on Transportation
Tuesday, April 21, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 170	Handicapped Parking Windshield Placard. **PCS, re-refer to Finance**	Representative Watford
HB 233	Evidence Passed Vehicle is a School Bus. **Re-refer to Appropriations**	Representative Lambeth Representative Hanes
HB 268	Amend Transportation Laws.-AB **PCS**	Representative Iler Representative Torbett Representative Shepard Representative Tine
HB 319	CDLs for Veterans Revisions.	Representative Szoka Representative Jeter Representative Adams Representative Pendleton
HB 422	Amend Funeral Procession Law.	Representative Alexander Representative Boles Representative Hunter
HB 428	Permanent Plates/Charter Schools. **Re-refer to Finance**	Representative Riddell Representative Jones Representative Conrad Representative Hardister
HB 456	Clarify Weight Limits/Ag. Vehicles. **PCS**	Representative R. Turner
HB 478	Brunswick Cty/Navigable Waters.	Representative Iler
HB 618	Drivers License/Concealed Carry. **Re-refer to Judiciary II**	Representative Hager Representative Elmore

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE

HB **422** Amend Funeral Procession Law.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Alexander

HB **478** Brunswick Cty/Navigable Waters.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Iler

FAVORABLE AND RE-REFERRED

HB **233** Evidence Passed Vehicle is a School Bus.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lambeth

HB **428** Permanent Plates/Charter Schools.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Riddell

TOTAL REPORTED: 4

CMR193-V-1

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **268** Amend Transportation Laws.-AB

Draft Number:	H268-PCS20319-RW-14
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Iler

HB **456** Clarify Weight Limits/Ag. Vehicles.

Draft Number:	H456-PCS30336-RW-13
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	R. Turner

TOTAL REPORTED: 2

CMR202-V-1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 170*
PROPOSED COMMITTEE SUBSTITUTE H170-CSSU-14 [v.1]

4/20/2015 12:29:49 PM

Short Title: Handicapped Parking Windshield Placard. (Public)

Sponsors:

Referred to:

March 9, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A HANDICAPPED VEHICLE OWNER WHO QUALIFIES FOR A DISTINGUISHING LICENSE PLATE SHALL ALSO RECEIVE ONE REMOVABLE WINDSHIELD PLACARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-37.6(b) reads as rewritten:

"(b) Handicapped Car Owners; Distinguishing License Plates. – If the handicapped person is a registered owner of a vehicle, the owner may apply for and display a distinguishing license plate. This license plate shall be issued for the normal fee applicable to standard license plates. Any vehicle owner who qualifies for a distinguishing license plate ~~may also receive~~ shall be notified by the Division at the time the plate is issued that the applicant is also eligible to receive one removable windshield ~~placard.~~placard and, upon request, shall be issued a placard at that time."

SECTION 2. This act becomes effective July 1, 2015, and applies to applications for a distinguishing license plate received on or after that date.

HOUSE BILL 170:
Handicapped Parking Windshield Placard

2015-2016 General Assembly

Committee:	House Serial Referral To Finance Added	**Date:**	April 21, 2015
Introduced by:	Rep. Watford	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	PCS to First Edition H170-CSSU-14		

SUMMARY: ***The Proposed Committee Substitute for House Bill 170 would provide that when a qualifying vehicle owner is issued a handicapped license plate, the applicant shall be notified he or she is also eligible and may receive a windshield placard at that time.***

[As introduced, this bill was identical to S116, as introduced by Sen. Bingham, which is currently in House Transportation, if favorable, Finance.]

CURRENT LAW: G.S. 20-37.6 provides for parking privileges for handicapped drivers and passengers who have applied for and obtained from the Division of Motor Vehicles a handicapped windshield placard or registration plate. Any vehicle that is driven by or is transporting a person who is handicapped and that displays a handicapped placard or plate is authorized to park in spaces designated as handicapped spaces.

If the handicapped person is a registered owner of a vehicle, he or she may apply for a distinguishing plate. A qualifying vehicle owner who gets a plate may also receive one removable windshield placard. Any handicapped person may apply for a windshield placard. If he or she does not also have a distinguishing plate, then one additional placard may be issued to the applicant. A placard registration card is issued with each placard, which must be in the vehicle when the placard is being used, and the person to whom the placard was issued must be the operator or a passenger in the vehicle.

BILL ANALYSIS: The PCS for House Bill 170 would provide that when a distinguishing plate is issued to a qualifying handicapped vehicle owner, the person shall be notified by the Division of Motor Vehicles that he or she is also eligible to receive one removable windshield placard. If the applicant requests a placard, the Division would be required to issue it at that time.

EFFECTIVE DATE: The act would become effective July 1, 2015, and would apply to applications for plates received on or after that date.

HOUSE BILL 233

Short Title:	Evidence Passed Vehicle is a School Bus.	(Public)
Sponsors:	Representatives Lambeth and Hanes (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation, if favorable, Appropriations.	

March 16, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADDITIONAL METHODS FOR PROVING THAT A STOPPED VEHICLE PASSED BY ANOTHER MOTOR VEHICLE IS A "SCHOOL BUS" SUBJECT TO THE PROVISIONS OF G.S. 20-217, AND TO PROVIDE GRANTS FOR THE PURCHASE AND INSTALLATION OF AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS ON SCHOOL BUSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-217(b) reads as rewritten:

"(b) For the purpose of this section, ~~a school bus~~the term "school bus" includes a public school bus transporting children or school personnel, a public school bus transporting senior citizens under G.S. 115C-243, or a privately owned school bus transporting children. ~~This section applies only in the event the school bus bears upon the front and rear a plainly visible sign containing the words "school bus."~~The following shall be prima facie evidence that a vehicle was a school bus, as defined in this section and Chapter, at the time of a violation of subsection (a) of this section:

(1) A certified copy of a record from the Division showing the vehicle was registered as a school bus at the time of the violation of subsection (a) of this section. A certified copy of a record under this subdivision shall be admissible as evidence without further authentication.

(2) Testimony from the school bus driver, a passenger on the school bus, or the law enforcement officer investigating the violation of subsection (a) of this section."

SECTION 2.(a) Grant. – Notwithstanding G.S. 143C-5-2, there is appropriated from the General Fund to the Department of Public Instruction the sum of seven hundred thousand dollars ($700,000) in nonrecurring funds for the 2015-2016 fiscal year to allocate to local boards of education for the purpose of purchasing and installing automated camera and video recording systems on school buses. The Department of Public Instruction shall develop a policy to prioritize the allocation of funds under this section.

SECTION 2.(b) Match Required. – A grant provided pursuant to this section shall be matched on the basis of one dollar ($1.00) in grant funds for every two dollars ($2.00) in nongrant funds. Matching funds shall not include other State funds. The Department of Public Instruction shall not provide a grant under this section until the grantee provides evidence satisfactory to the Commission that the grantee has sufficient nongrant funds to match.

SECTION 2.(c) Guidelines. – The Department of Public Instruction shall develop guidelines and procedures for the administration and distribution of grants under this section.

SECTION 3. Section 2 of this act becomes effective July 1, 2015. The remainder of this act becomes effective October 1, 2015, and applies to offenses committed on or after that date.

HOUSE BILL 233:
Evidence Passed Vehicle is a School Bus

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Appropriations	**Date:**	April 17, 2015
Introduced by:	Reps. Lambeth, Hanes	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 233 sets out in State law two methods to prove that a vehicle is, in fact, a "school bus" in a criminal case alleging that a person has unlawfully passed a stopped a school bus.

CURRENT LAW: Current G.S. 20-217 requires a drivers of a motor vehicle to stop for a school bus[1] displaying its stop signal or flashing red lights.

BILL ANALYSIS: Section 1 of House Bill 233 amends current G.S. 20-217 to specify two ways to prove, *prima facie*, that a vehicle is, in fact, a "school bus" at the time of a violation of this statute:

- A certified copy of a record from the Division showing the vehicle was registered as a school bus at the time of the violation. A certified copy of a record under this subdivision shall be admissible as evidence without further authentication.
- Testimony from the school bus driver, a passenger on the school bus, or the law enforcement officer investigating the violation."

Section 2 of the bill:

- appropriates $700,000 from the General Fund to the Department of Public Instruction in nonrecurring funds for the 2015-2016 fiscal year for allocation to local boards of education for the purpose of purchasing and installing automated camera and video recording systems on school buses. The Department of Public Instruction is directed to develop a policy to prioritize the allocation of funds under this section.
- requires that a grant provided under the bill be matched on the basis of one dollar ($1.00) in grant funds for every two dollars ($2.00) in nongrant funds. Matching funds shall not include other State funds. The Department of Public Instruction is prohibited from providing a grant under this section until the grantee provides evidence satisfactory to the Commission that the grantee has sufficient nongrant funds to match.
- requires the Department of Public Instruction to develop guidelines and procedures for the administration and distribution of grants under the bill.

EFFECTIVE DATE: Section 2 of this act becomes effective July 1, 2015. The remainder of this act becomes effective October 1, 2015, and applies to offenses committed on or after that date.

---

[1] **G.S. 20-4.01(27) d4. School bus.** – A vehicle whose primary purpose is to transport school students over an established route to and from school for the regularly scheduled school day, that is equipped with alternately flashing red lights on the front and rear and a mechanical stop signal, that is painted primarily yellow below the roofline, and that bears the plainly visible words "School Bus" on the front and rear. The term includes a public, private, or parochial vehicle that meets this description.

O. Walker Reagan
Director

* H 2 3 3 - S M R W - 3 6 E 1 - V 5 *

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 268
PROPOSED COMMITTEE SUBSTITUTE H268-CSRW-14 [v.2]

4/20/2015 6:26:36 PM

Short Title: Amend Transportation Laws.-AB (Public)

Sponsors:

Referred to:

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND THE TOLLING PROCEDURES OF THE TURNPIKE AUTHORITY BY ALLOWING THE AUTHORITY TO SEND TOLL BILLS BY ELECTRONIC MAIL, AND BY EXTENDING THE TIME FOR PAYMENT OF TOLLS AND CIVIL PENALTIES FOR UNPAID TOLLS, TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO GENERATE CERTAIN RECEIPTS TO FUND RAIL PASSENGER SERVICE, TO PROVIDE AN EXEMPTION FROM THE UMSTEAD ACT FOR SUCH ACTIVITIES, AND TO AMEND AND CLARIFY THE STATUTES GOVERNING THE CLEARANCE OF WRECKED VEHICLES AND OTHER TRAFFIC OBSTACLES FROM PUBLIC HIGHWAYS, AS RECOMMENDED BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

TURNPIKE AUTHORITY ELECTRONIC BILLING

SECTION 1. G.S. 136-89.214(a) reads as rewritten:

"(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling system and a toll for traveling on the project is not paid prior to travel or at the time of travel, the Authority must send a bill by first-class mail to the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as established under G.S. 136-89.212(b) for the amount of the unpaid ~~toll.~~toll, provided, however, that with the written consent of the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as set forth above, the Authority may send the bill via electronic mail to a designated electronic mail account rather than by first-class mail. The Authority must send the bill within 90 days after the travel occurs, or within 90 days of receipt of a sworn affidavit submitted under G.S. 136-89.212(b) identifying the person who had care, custody, and control of the motor vehicle. If a bill is not sent within the required time, the Authority waives collection of the toll. The Authority must establish a billing period for unpaid open road tolls that is no shorter than 15 days. A bill for a billing period must include all unpaid tolls incurred by the same person during the billing period."

EXTEND TURNPIKE AUTHORITY CIVIL PENALTY PAYMENT DEADLINES

SECTION 2. G.S. 136-89.216 reads as rewritten:

"**§ 136-89.216. Civil penalty for failure to pay open road toll.**

(a) Penalty. – A person who receives two or more bills for unpaid open road tolls and who has not paid the amount due on those bills within ~~30~~ 45 days is subject to a civil penalty of twenty-five dollars ($25.00). Only one penalty may be assessed in a six-month period.

(b) Payment. – The Authority must send a notice by first-class mail to a person who is assessed a civil penalty under this section. A person who is assessed a civil penalty must pay

the unpaid toll for which the civil penalty was imposed, the amount of any processing fee due, and the civil penalty within ~~30~~ 45 days of the date of the notice.

...."

PASSENGER RAIL RECEIPT GENERATING ACTIVITIES

SECTION 3.1 G.S. 136-18 is amended by adding a new subdivision to read:

"(44a) Where the Department owns or leases the passenger rail facility, owns the rail equipment, or holds leasehold or license rights for the purpose of operating passenger stations, the Department may operate or contract for the following receipt-generating activities and use the proceeds to fund passenger rail operations:

a. Where the Department owns the passenger rail facility or owns or leases the rail equipment, operation of concessions on State-funded passenger trains and at passenger rail facilities to provide to passengers food, drink, and other refreshments, personal comfort items, Internet access, and souvenirs publicizing the passenger rail system.

b. Where the Department holds leasehold or license rights for the purpose of operating passenger stations, operation of concessions at rail passenger facilities to provide food, drink, and other refreshments, personal comfort items, Internet access, and souvenirs publicizing the passenger rail system, in accordance with the terms of the leasehold or license.

c. Advertising on or within the Department's passenger rail equipment or facility, including display advertising and advertising delivered to passengers through the use of video monitors, public address systems installed in passenger areas, and other electronic media.

d. The sale of naming rights to Department-owned passenger rail equipment or facilities."

SECTION 3.2 G.S. 66-58(c)(21) reads as rewritten:

"(21) Any activity conducted or contracted for by the Department of Transportation that is authorized by G.S. 136-18(44a) or G.S. 136-82(f)."

AMEND HIGHWAY OBSTRUCTION QUICK CLEARANCE REQUIREMENTS

SECTION 4. G.S. 20-161(f) reads as rewritten:

"(f) ~~Any~~ An investigating law enforcement officer, with the concurrence of the Department of Transportation, or the Department of Transportation, with the concurrence of the investigating law enforcement officer, may immediately remove or cause to be removed from the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic or which otherwise constitutes a hazard. In the event of a motor vehicle crash involving serious personal injury or death, no removal shall occur until the investigating law enforcement officer determines that adequate information has been obtained for preparation of a crash report. No state or local law enforcement officer, Department of Transportation employee, or person or firm contracting or assisting in the removal or disposition of any such vehicle, cargo, or other personal property shall be held criminally or civilly liable for any damage or economic injury related to carrying out or enforcing the provisions of this section."

EFFECTIVE DATE

SECTION 5. Section 2 of this act is effective July 1, 2015, and applies to tolls incurred for travel on a Turnpike project on or after that date. Section 4 of this act is effective when it becomes law and applies to any obstructions to traffic arising on or after 12:01 A.M. of the day following that date. The remainder of this act is effective when it becomes law.

HOUSE BILL 268:
Amend Transportation Laws.-AB

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 20, 2015
Introduced by:	Reps. Iler, Torbett, Shepard, Tine	**Prepared by:**	Giles S. Perry
Analysis of:	PCS to First Edition H268-CSRW-14		Committee Counsel

SUMMARY: ***House Bill 268 (proposed committee substitute) makes changes to the law governing Turnpike Authority billing methods; unpaid toll penalty timing; and authorized DOT passenger rail-realted receipt generating activities.***

The proposed committee substitute revises the DOT passenger rail-related receipt generating activities authorization.

CURRENT LAW and BILL ANALYSIS:

Section 1 of the bill authorizes the Turnpike Authority to send open road tolling bills by electronic mail, if the registered owner of the vehicle has provided written consent. Current law requires the bills be sent by mail.

Section 2 of the bill provides that civil penalties for unpaid open road tolls shall apply after 45 days, and that a person who receives notice of a civil penalty must pay the penalty within 45 days. Current law specifies 30 days for each.

Sections 3.1 and 3.2 of the bill grants a new authorization to DOT to contract for or operate specified passenger rail-related receipt generating activities, and use the proceeds to fund passenger rail operations:

This section also makes a conforming change to the Umstead Act, G.S. 66-58, concerning authorized government sale of goods and services.

Section 4 of the bill authorizes *DOT*, with the concurrence of law enforcement, to immediately remove or cause to be removed vehicles from the State Highway System. Current law authorizes *law enforcement officers*, with the concurrence of DOT to make such a removal.

EFFECTIVE DATE: Section 2 of the bill is effective July 1, 2015, and applies to tolls incurred for travel on a Turnpike project on or after that date. Section 4 of this act is effective when it becomes law and applies to any obstructions to traffic arising on or after 12:01 A.M. of the day following that date. The remainder of this act is effective when it becomes law.

O. Walker Reagan
Director

H268-SMRW-43 CSRW-14 -V3

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

H 1

HOUSE BILL 319*

Short Title:	CDLs for Veterans Revisions.	(Public)
Sponsors:	Representatives Szoka, Jeter, Adams, and Pendleton (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation.	

March 23, 2015

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION FROM 90 DAYS TO ONE YEAR IN WHICH A MILITARY VETERAN SEEKING A WAIVER OF THE COMMERCIAL SKILLS TEST MUST HAVE BEEN REGULARLY EMPLOYED AND TO PROVIDE A MILITARY VETERAN WITH AN ADDITIONAL METHOD FOR SATISFYING THE CERTIFICATION REQUIREMENT IN G.S. 20-37.13.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-37.13 reads as rewritten:

"**§ 20-37.13. Commercial drivers license qualification standards.**

...

(c1) The Division may waive the skills test for any qualified military applicant at the time the applicant applies for a commercial drivers license if the applicant is currently licensed at the time of application and meets all of the following:

...

(3) The applicant certifies, and provides satisfactory evidence on the date of application, that the applicant is a retired, discharged, or current member of an active or reserve component of the Armed Forces of the United States and is regularly employed or was regularly employed within the ~~90-day~~one-year period immediately preceding the date of application in a military position requiring the operation of a commercial motor vehicle, and the applicant meets either of the following requirements:

a. Repealed by Session Laws 2013-201, s. 1, effective June 26, 2013.

b. Has operated for the two-year period immediately preceding the date of application a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed, and has taken and successfully completed a skills test administered by the military.

c. For an applicant who is a retired or discharged member of an active or reserve component of the Armed Forces of the United States, the applicant (i) has operated for the two-year period immediately preceding the date of retirement or discharge a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed, and has taken and successfully completed a skills test administered by the military, (ii)

has retired or received either an honorable or general discharge, and (iii) has retired or been discharged from the Armed Forces within the ~~90-day~~one-year period immediately preceding the date of application.

(c2) The one-year period referenced in subdivision (3) of subsection (c1) of this section applies unless a different period is provided by federal law. An applicant may provide his or her Form DD 214, "Certificate of Release or Discharge from Active Duty," and his or her drivers license issued by the military, to satisfy the certification required by subdivision (3) of subsection (c1) of this section. An applicant who is retired or discharged must provide a drivers license issued by the military that was valid at the time of his or her retirement or discharge when using the process in this subsection to satisfy the certification required by subdivision (3) of subsection (c1) of this section.

...."

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

HOUSE BILL 319:
CDLs for Veterans Revisions

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 21, 2015
Introduced by:	Reps. Szoka, Jeter, Adams, Pendleton	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***House Bill 319 would amend the skills test waiver for CDL applicants with military experience by:***

- ***Expanding the time period allowed between a retired or discharged applicant being regularly employed in a qualified position and the date of application for the CDL from 90 days to one year; and***
- ***Providing an additional method of certification of eligibility for the waiver (besides certification by a commanding officer) by allowing the applicant to provide a Form DD 214 and a military-issued drivers license.***

[As introduced, this bill was identical to S43, as introduced by Sens. Brown, Meredith, which is currently in House Transportation.]

CURRENT LAW: G.S. 20-37.13 requires that an applicant pass both a knowledge and a skills test for driving a commercial motor vehicle prior to being issued a CDL. The tests are to be prescribed and conducted by the Division of Motor Vehicles and must comply with minimum federal standards.

In 2009, legislation was enacted (effective January 1, 2010) authorizing the Division to waive the skills test required under G.S. 20-37.13 for a qualified CDL applicant who is an active or reserve member of the armed forces, is regularly employed in a job requiring operation of a commercial vehicle, has completed a skills test administered by the military, and has operated a commercial vehicle for the two-year period immediately preceding the date of application.

In 2013, legislation was enacted to expand the provision, allowing the Division to also waive the skills test for retired or discharged members of the armed forces if the applicant operated a commercial vehicle for the two-year period immediately preceding the date of discharge and the date of discharge is no more than 90 days prior to the date of application.

The language in the provision has been crafted to comply with federal regulations, specifically 49 C.F.R. §383.77, which sets out requirements for waiver of a CDL skills test.

BILL ANALYSIS: House Bill 319 would amend the existing skills test waiver for qualified military CDL applicants in the following ways:

- For retired or discharged members of the armed forces, it would expand the time period allowed between being regularly employed in a relevant position and the date of application for the CDL from 90 days to one year. The Federal Motor Carrier Safety Administration has granted a time-limited exemption allowing states to extend the 90-day period to one year. The exemption will expire July 8, 2016. The bill specifies that the new one-year period would apply unless a different period is provided by federal law.

- It would provide an additional method for the applicant to certify that he or she is a retired, discharged, or current member of the military and has been employed in a qualifying position, by allowing the applicant to provide a Form DD 214, "Certificate of Release or Discharge from Active Duty", and a military-issued drivers license. The existing statute does not provide a method of certification, but commanding officers are currently providing certification for applicants. The bill would provide an alternative method.

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

HOUSE BILL 422

Short Title:	Amend Funeral Procession Law.	(Public)
Sponsors:	Representatives Alexander, Boles, and Hunter (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation.	

April 1, 2015

A BILL TO BE ENTITLED

AN ACT TO ALLOW FUNERAL PROCESSIONS TO HAVE THE RIGHT-OF-WAY AT INTERSECTIONS REGARDLESS OF TRAFFIC CONTROL SIGNS OR SIGNALS AND TO PROVIDE IMMUNITY TO THE FUNERAL DIRECTOR OR FUNERAL ESTABLISHMENT FOR ANY DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE CAUSED BY THE ACTION OR INACTION OF A PERSON OPERATING A VEHICLE IN A FUNERAL PROCESSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-157.1 reads as rewritten:

"**§ 20-157.1. Funeral processions.**

(a) ~~As used in this section, a~~The following definitions apply in this section:

(1) Funeral director. – Defined in G.S. 90-210.20(g).

(2) Funeral establishment. – Defined in G.S. 90-210.20(h). For purposes of this section, this term includes funeral homes.

(3) ~~"funeral procession"~~Funeral procession. – ~~means two~~Two or more vehicles accompanying the remains of a deceased person, or traveling to the church, chapel, or other location at which the funeral services are to be held, in which the lead vehicle is either a State or local law enforcement vehicle, other vehicle designated by a law enforcement officer or the funeral director, or the lead vehicle displays a flashing amber or purple light, sign, pennant, flag, or other insignia furnished by a funeral ~~home~~establishment indicating a funeral procession.

(b) Each vehicle in the funeral procession shall be operated with its headlights illuminated, if so equipped, and its hazard warning signal lamps illuminated, if so equipped.

(c) ~~The operator of the lead vehicle in a funeral procession shall comply with all traffic control signals, but when~~When the lead vehicle in a funeral procession has lawfully progressed across an ~~intersection in accordance with the traffic control sign or signal, or when directed to do so by a law enforcement officer or a designee of a law enforcement officer or the funeral director, or when the lead vehicle is a law enforcement vehicle which progresses across the intersection while giving appropriate warning by light or siren,~~intersection, all vehicles in the funeral procession may proceed through the intersection without ~~stopping, except that the operator of each vehicle shall exercise reasonable care towards any other vehicle or pedestrian on the highway.~~stopping. The operator of any vehicle in a funeral procession shall exercise reasonable care toward any other vehicle or pedestrian on the highway when participating in a funeral procession. An operator of a vehicle that is not part of the funeral procession shall not

join the funeral procession for the purpose of securing the right-of-way granted by this subsection.

(d) Operators of vehicles in a funeral procession shall drive on the right-hand side of the roadway and shall follow the vehicle ahead as closely as reasonable and prudent having due regard for speed and existing conditions.

(e) ~~Operators of vehicles in a funeral procession shall yield the right-of-way~~A funeral procession shall have the right-of-way at intersections regardless of traffic control signs or signals, except that the operator of any vehicle in a funeral procession shall (i) yield the right-of-way to law enforcement vehicles, fire protection vehicles, rescue vehicles, ambulances, and other emergency vehicles giving appropriate warning signals by light or siren and ~~shall~~(ii) yield the right-of-way when directed to do so by a law enforcement officer.

(f) Operators of vehicles in a funeral procession shall proceed at the posted minimum speed, except that the operator of such vehicle shall exercise reasonable care having due regard for speed and existing conditions.

(g) The operator of a vehicle proceeding in the opposite direction as a funeral procession may yield to the funeral procession. If the operator chooses to yield to the procession, the operator must do so by reducing speed, or by stopping completely off the roadway when meeting the procession or while the procession passes, so that operators of other vehicles proceeding in the opposite direction of the procession can continue to travel without leaving their lane of traffic.

(h) The operator of a vehicle proceeding in the same direction as a funeral procession shall not pass or attempt to pass the funeral procession, except that the operator of such a vehicle may pass a funeral procession when the highway has been marked for two or more lanes of moving traffic in the same direction of the funeral procession.

(i) An operator of a vehicle shall not knowingly drive between vehicles in a funeral procession by crossing their path unless directed to do so by a person authorized to direct traffic. When a funeral procession is proceeding through a steady or strobe-beam stoplight emitting a red light as permitted by ~~subsection (c),~~subsections (c) and (e) of this section, an operator of a vehicle that is not in the funeral procession shall not enter the intersection knowing a funeral procession is in progress, even if facing a steady or strobe-beam stoplight emitting a green light, unless the operator can do so safely without crossing the path of the funeral procession.

(j) Nothing in this section shall be construed to prevent State or local law enforcement officers from escorting funeral processions in law enforcement vehicles.

(k) A violation of this section shall not constitute negligence per se.

~~(l) To the extent that a local government unit's ordinance is in direct conflict with any part of this statute, the ordinance shall control and prevail over the conflicting part.~~

(m) A violation of this section shall not be considered a moving violation for purposes of G.S. 58-36-65 or G.S. 58-36-75.

(n) A funeral director, funeral establishment, or any of their employees or agents shall not be liable for any death, personal injury, or property damage resulting from, caused by, or arising from any action or inaction of an operator of a vehicle in a funeral procession if (i) the funeral procession was operating in accordance with the provisions of this section or (ii) the funeral procession would have been operating in accordance with the provisions of this section but for a negligent act or omission in the operation of one or more vehicles in the funeral procession; provided that, this limited grant of immunity shall not apply if the death, personal injury, or property damage arose from a negligent act or omission in the operation of a vehicle operated by the funeral director, funeral establishment, or any of their employees or agents. The operator of a vehicle in a funeral procession shall not be deemed to be an agent of the funeral director or funeral establishment unless such operator is either of the following:

(1) An employee of the funeral director or funeral establishment and acting in the course of his or her employment.

(2) An independent contractor retained by the funeral director or funeral establishment and performing services for the funeral director, funeral establishment, or funeral home."

SECTION 2. This act becomes effective December 1, 2015, and applies to offenses committed on or after that date and to death, personal injury, or property damage occurring on or after that date.

HOUSE BILL 422:
Amend Funeral Procession Law

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 21, 2015
Introduced by:	Reps. Alexander, Boles, Hunter	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 422 would amend the law pertaining to funeral processions by:

- ***Allowing vehicles in a funeral procession to have the right of way at intersections regardless of traffic control signs or signals.***
- ***Providing that funeral establishments and their agents are not liable for death, injury, or property damage caused by a vehicle in a funeral procession operating in accordance with the law, unless the death, injury, or damage arose from the negligent operation of a vehicle by the establishment or its agent.***
- ***Deleting a provision that give local ordinances precedence over state law related to funeral processions if the local ordinance is in direct conflict.***

CURRENT LAW: G.S. 20-157.1 provides that the lead vehicle in a funeral procession must comply with all traffic control signs and signals. However, when the lead vehicle crosses an intersection in accordance with the signal, when directed to do so by law enforcement or a designee of law enforcement or the funeral director, or when the lead vehicle is a law enforcement vehicle that crosses the intersection giving appropriate warning, then all of the vehicles in the procession may proceed through the intersection without stopping, except that they must exercise reasonable care towards other vehicles or pedestrians.

The lead vehicle in a funeral procession must be a law enforcement vehicle, other vehicle designated by a law enforcement officer or the funeral director, or it must display a flashing amber or purple light, sign, pennant, flag, or other insignia indicating a funeral procession.

BILL ANALYSIS: House Bill 422 would amend G.S. 20-157.1 to allow the lead vehicle in a funeral procession to have the right of way at an intersection regardless of traffic control signs or signals. Once the lead vehicle has lawfully progressed across the intersection, the remaining vehicles in the procession would be allowed to proceed through the intersection without stopping. All vehicles would be required to exercise reasonable care toward any other vehicle or pedestrian on the highway.

The bill would also provide immunity for funeral establishments for liability related to funeral processions. A funeral director or establishment and employees and agents would not be liable for death, personal injury, or property damage arising from any action or inaction of an operator of a vehicle in the procession, as long as the procession was operating in accordance with the law or would have been but for the negligent operation of one or more vehicles in the procession. The immunity would not apply if the death, personal injury, or property damage arose from negligent operation of a vehicle operated by the funeral director, funeral establishment, or their employees or agents.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

The bill would also delete a subsection in G.S. 20-157.1 providing that, to the extent a local ordinance is in direct conflict with the State law on funeral processions, the local ordinance shall prevail.

EFFECTIVE DATE: The act would become effective December 1, 2015, and would apply to offenses committed on or after that date and to death, injury, or property damage occurring on or after that date.

H 1

HOUSE BILL 428

Short Title:	Permanent Plates/Charter Schools.	(Public)
Sponsors:	Representatives Riddell, Jones, Conrad, and Hardister (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation, if favorable, Finance.	

April 1, 2015

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE SUNSET ON THE LAW AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE PERMANENT REGISTRATION PLATES TO CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 6.6 of S.L. 2014-101 is repealed.

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

HOUSE BILL 428:
Permanent Plates/Charter Schools

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	April 19, 2015
Introduced by:	Reps. Riddell, Jones, Conrad, Hardister	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 428 removes the July 1, 2015 on DMV's authorization to issue permanent plates for charter school vehicles.

[As introduced, this bill was identical to S438, as introduced by Sen. Tucker, which is currently in Rules and Operations of the Senate.]

CURRENT LAW: G.S. 20-84(a) authorizes the Division of Motor Vehicles (DMV) to issue a permanent registration plate to eligible entities. The fee for a permanent State license plate is $6.

In 2014, the General Assembly authorized DMV, until July 1, 2015, to issue a permanent plate for any charter school vehicle that met the following requirements:

- A motor vehicle that is owned and exclusively operated by a nonprofit corporation authorized under G.S. 115C-238.29D to operate a charter school and identified by a permanent decal or painted marking disclosing the name of the nonprofit corporation. The motor vehicle shall only be used for student transportation and official charter school related activities.

BILL ANALYSIS: House Bill 428 removes the July 1, 2015 sunset on DMV's authorization to issue permanent plates for charter school vehicles.

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

O. Walker Reagan
Director

H428-SMRW-41 E1 -V2

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 456
PROPOSED COMMITTEE SUBSTITUTE H456-CSRW-13 [v.1]

4/20/2015 5:26:25 PM

Short Title: Clarify Weight Limits/Ag. Vehicles. (Public)

Sponsors:

Referred to:

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE ROAD WEIGHT LIMITATION EXCEPTIONS FOR TRANSPORTATION OF AGRICULTURAL PRODUCTS AND SUPPLIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-118(c)(12) reads as rewritten:

"(12) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions set out below:

a. Is transporting any of the following items within 150 miles of the point of origination:

1. Agriculture dairy and crop products transported from a farm to a processing plant or market.

2. Water, fertilizer, pesticides, seeds, fuel, or animal waste transported to or from a ~~farm by a farm vehicle as defined in G.S. 20-37.16(e)(3).~~farm, or from a farm to a farm.

...

...."

SECTION 2. This act becomes effective July 1, 2015.

HOUSE BILL 456:
Clarify Weight Limits/Ag. Vehicles

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 20, 2015
Introduced by:	Rep. R. Turner	**Prepared by:**	Giles S. Perry
Analysis of:	PCS to First Edition H456-CSRW-13		Committee Counsel

SUMMARY: ***House Bill 456 (proposed committee substitute) authorizes a vehicle weight exception for certain movements of dairy products; and removes a farm vehicle restriction on an existing weight exception for water, fertilizer, pesticides, seeds, fuel, or animal waste.***

The proposed committee substitute extends the weight exception for transport of water, fertilizer, pesticides, seeds, fuel, or animal waste, to include travel farm to farm.

CURRENT LAW: Current law, G.S. 20-118 sets out the weight limits that apply to vehicles operating on the State's highways. State law specifies a standard weight limit for a single axle (20,000 lbs.), a tandem axle (38,000 lbs.), and for gross weight (up to 80,000 lbs., depending on the number of axles and distance between them).

State law also includes several exceptions to these general weight limits, authorizing higher weight limits in specified circumstances. One of those weight exceptions, in G.S. 20-118(c)(12)a.1. and 2., authorizes vehicles transporting the following products within 150 miles of their point of origin to operate with a single axle limit of 22,000 lbs., a tandem axle limit of 42,000 lbs., or a gross weight not to exceed 90,000 lbs:

- Agriculture crop products transported from a farm to a processing plant or market.
- Water, fertilizer, pesticides, seeds, fuel, or animal waste transported to or from a farm by a farm vehicle as defined in G.S. 20-37.16(e)(3).

The weight exception authorized does not apply to posted bridges, pursuant to G.S. 20-118(g), or to Interstate highways, pursuant to 23 C.F.R.§ 658.17.

BILL ANALYSIS: House Bill 456 amends the existing weight exception to:

- include dairy products in the agricultural crop products weight exception.
- removes the farm vehicle restriction for the weight exception for water, fertilizer, pesticides, seeds, fuel, or animal waste, and extends this exception for travel farm to farm.

EFFECTIVE DATE: This act becomes effective July 1, 2015.

O. Walker Reagan
Director

H456-SMRW-44 CSRW-13 -V1

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 478

Short Title:	Brunswick Cty/Navigable Waters.	(Local)
Sponsors:	Representative Iler (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Local Government, if favorable, Transportation.	

April 2, 2015

A BILL TO BE ENTITLED

AN ACT AUTHORIZING BRUNSWICK COUNTY TO REGULATE NAVIGABLE WATERS WITHIN ITS BOUNDARIES.

The General Assembly of North Carolina enacts:

SECTION 1. The Board of Commissioners of Brunswick County may adopt and enforce ordinances for the navigable waters within the County's jurisdictional boundaries which (i) relate to the operation of boats and vessels, including restrictions concerning the types of activities conducted on the navigable waters within the jurisdictional limits of the County; (ii) restrict the anchoring of boats and vessels as to location; and (iii) generally, regulate the anchoring of vessels within its navigable waters. The Board may make all reasonable rules and regulations as it deems necessary for the safe and proper use of the navigable waters within the jurisdictional limits of the County for the occupants of boats and vessels, swimmers, fishermen, and others using the navigable waters and may provide for enforcement of ordinances adopted by the County under this act in accordance with G.S. 153A-123.

SECTION 2. If any rules or regulations of the North Carolina Wildlife Commission, the U.S. Coast Guard, or the U.S. Army Corps of Engineers expressly conflict with ordinances adopted by the County under the authority granted by this act, then the State or federal rule or regulation shall prevail over the County ordinance to the extent of the conflict.

SECTION 3. Brunswick County may appropriate funds to carry out the power and authority granted by this act.

SECTION 4. If any part or parts of this act shall be held to be unconstitutional, the unconstitutionality shall not affect the validity of the remaining parts of this act.

SECTION 5. This act is effective when it becomes law.

HOUSE BILL 478:
Brunswick Cty/Navigable Waters

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 20, 2015
Introduced by:	Rep. Iler	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 478 authorizes Brunswick County to regulate by ordinance the operation of boats and vessels in navigable waters within the County's jurisdictional boundaries.

CURRENT LAW: Operation of boats and vessels in navigable waters in the State is generally subject to regulation by the North Carolina Wildlife Commission, the U.S. Coast Guard, or the U.S. Army Corps of Engineers, depending on the location.

BILL ANALYSIS: House Bill 478:

- authorizes Brunswick County to adopt and enforce ordinances for the navigable waters within the County's jurisdictional boundaries that relate to the operation of boats and vessels
- provides that if any rules or regulations of the North Carolina Wildlife Commission, the U.S. Coast Guard, or the U.S. Army Corps of Engineers expressly conflict with ordinances adopted by the County under the authority granted by this act, then the State or federal rule or regulation shall prevail over the County ordinance to the extent of the conflict.

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

BACKGROUND: Similar legislation was enacted for the Town of Beaufort (S.L. 1981-710).

O. Walker Reagan
Director

* H 4 7 8 - S M R W - 4 5 E 1 - V 1 *

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

H 1

HOUSE BILL 618

Short Title:	Drivers License/Concealed Carry.	(Public)
Sponsors:	Representatives Hager and Elmore (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation, if favorable, Judiciary II.	

April 13, 2015

A BILL TO BE ENTITLED

AN ACT DIRECTING THE DIVISION OF MOTOR VEHICLES TO DEVELOP A PROCESS TO ALLOW THE INCLUSION OF A CONCEALED CARRY HANDGUN ENDORSEMENT ON A PERSON'S DRIVERS LICENSE TO ALLOW A PERSON TO PRESENT HIS OR HER DRIVERS LICENSE FOR PURPOSES OF COMPLYING WITH THE CONCEALED CARRY PERMIT LAWS OF THIS STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Development of Process. – The Division of Motor Vehicles, in consultation with the North Carolina Sheriffs' Association and the Administrative Office of the Courts, shall develop a process whereby a concealed carry handgun endorsement may be included on a person's drivers license upon request to allow a person to present his or her drivers license for purposes of complying with G.S. 14-415.11.

SECTION 2. Report. – The Division of Motor Vehicles shall develop the process required by Section 1 of this act by no later than February 1, 2016. Upon developing the process required by Section 1 of this act, the Division of Motor Vehicles shall provide a report to the Joint Legislative Transportation Oversight Committee detailing the process developed, including any statutory changes necessary to implement the process.

SECTION 3. Effective Date. – This act is effective when it becomes law.

HOUSE BILL 618:
Drivers License/Concealed Carry

2015-2016 General Assembly

Committee:	House Serial Referral To Judiciary II Stricken	**Date:**	April 21, 2015
Introduced by:	Reps. Hager, Elmore	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 618 would direct the Division of Motor Vehicles to develop a process to include a concealed carry endorsement on a drivers license. The Division would be required to develop the process by February 1, 2016, and report it to the Joint Legislative Transportation Oversight Committee.

CURRENT LAW: Any person who qualifies may obtain a permit to carry a concealed handgun, which is valid throughout the State for a period of five years from the date of issuance. A person who has a permit is required to carry the permit and valid identification whenever the person is carrying a concealed handgun. The permittee must disclose that he or she holds a permit and is carrying a concealed handgun when approached or addressed by a law enforcement officer and must display both the permit and identification if requested by the officer.

BILL ANALYSIS: House Bill 618 would direct the Division of Motor Vehicles, in consultation with the Sheriff's Association and the Administrative Office of the Courts, to develop a process to include a concealed carry endorsement on a person's drivers license upon request. The endorsement would be intended to allow a person who holds a concealed carry permit to comply with the law requiring the permittee to carry the permit and identification whenever he or she is carrying a concealed handgun and to provide same to law enforcement when requested.

The Division would be required to develop the process by February 1, 2016, and to provide a report to Transportation Oversight detailing the process and any statutory changes necessary to implement it.

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

O. Walker Reagan
Director

* H 6 1 8 - S M S U - 3 7 E 1 - V 2 *

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

House Committee on Transportation
Wednesday, April 22, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on April 22, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Blackwell, Boles, Brawley, Brockman, R. Brown, B. Brown, Bumgardner, Carney, Catlin, Cleveland, Dollar, Faircloth, Ford, Fraley, Goodman, C. Graham, D. Hall, Hardister, Holley, Hunter, Iler, Jeter, McGrady, McNeill, R. Moore, Presnell, Queen, Robinson, Ross, Schaffer, Shepard, Speciale, Steinburg, Terry, Tine, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative Phil Shepard, Chair, presided.

The following bills were considered:

HB 91 Study Misuse of Handicapped Parking Placards. (Representative Speciale)
After discussion and debate, the motion was made as favorable as to committee substitute, unfavorable to original bill. The motion carried.

HB 93 Eliminate Tolling on Ferries. (Representatives Speciale, Torbett)
After discussion and debate, the motion was made as favorable with a serial referral to Appropriations. The motion carried.

HB 136 Speed Limit/Highway Work Zone. (Representative Stevens)
After discussion and debate, the motion was made as favorable with a serial referral to Judiciary III. The motion carried.

HB 523 Drivers License Designation/American Indian. (Representatives C. Graham, Steinburg, Waddell, Pierce)
After discussion and debate, the motion was made as favorable with a serial referral to Finance. The motion carried.

HB 771 DOT/Utility Relocation Costs. (Representatives Shepard, R. Turner, Hurley, Robinson)
After discussion and debate, the motion was made as favorable with a serial referral to Finance, and recommended referral to Appropriations. The motion carried.

The meeting adjourned at 1:50pm.

Representative Phil Shepard, Chair
Presiding

Viddia Torbett, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Wednesday, April 22, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Shepard will chair**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 618	Drivers License/Concealed Carry.	Representative Hager Representative Elmore
HB 91	Handicapped Parking Law Revisions.	Representative Speciale
HB 93	Eliminate Tolling on Ferries.	Representative Speciale Representative Torbett
HB 136	Speed Limit/Highway Work Zone.	Representative Stevens
HB 523	Drivers License Designation/American Indian.	Representative C. Graham Representative Steinburg Representative Waddell Representative Pierce
HB 771	DOT/Utility Relocation Costs.	Representative Shepard Representative R. Turner Representative Hurley Representative Robinson

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:08 PM on Tuesday, April 21, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Wednesday, April 22, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 618	Drivers License/Concealed Carry.	Representative Hager Representative Elmore
HB 91	Handicapped Parking Law Revisions.	Representative Speciale
HB 93	Eliminate Tolling on Ferries.	Representative Speciale Representative Torbett
HB 136	Speed Limit/Highway Work Zone.	Representative Stevens
HB 523	Drivers License Designation/American Indian.	Representative C. Graham Representative Steinburg Representative Waddell Representative Pierce
HB 771	DOT/Utility Relocation Costs.	Representative Shepard Representative R. Turner Representative Hurley Representative Robinson

Presentations

Other Business

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE AND RE-REFERRED

HB **93** Eliminate Tolling on Ferries.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Speciale

HB **136** Speed Limit/Highway Work Zone.

Draft Number:	None
Serial Referral:	**JUDICIARY III**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Stevens

HB **523** Drivers License Designation/American Indian.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	C. Graham

HB **771** DOT/Utility Relocation Costs.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	**APPROPRIATIONS**
Long Title Amended:	No
Floor Manager:	Shepard

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **91** Handicapped Parking Law Revisions.

Draft Number:	H91-PCS10355-SU-2
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Speciale

TOTAL REPORTED: 5



HOUSE BILL 93:
Eliminate Tolling on Ferries

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Appropriations	**Date:**	April 21, 2015
Introduced by:	Reps. Speciale, Torbett	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 93 repeals DOT's authority to charge ferry tolls.

CURRENT LAW: Current G.S. 136-82 authorizes the Board of Transportation to establish tolls on the State Ferry system. Currently, tolls are charged on the Swan Quarter/Ocracoke, Cedar Island/Ocracoke, and Southport/Fort Fisher routes.

BILL ANALYSIS: House Bill 93:

- Repeals the Department of Transportation's authorization to charge tolls on State ferries.
- Credits the following funds to a Ferry Capital Improvement Account in the Highway Fund for prioritized improvements to vessels and facilities of the State Ferry System: receipts from concessions, sponsorships, advertising, and other receipt generating activity of the Ferry Division; the unallotted and unencumbered balances on the last day of the fiscal year of funds appropriated from the Highway Fund to the Ferry Division; and any other funds available from appropriations by the General Assembly or from contributions and grants from public or private sources.
- Directs the Board of Transportation to stop collecting ferry tolls on the effective date of the act.
- Directs DOT to repeal its regulations implementing ferry tolls; refund prepaid tolls; and proportionately refund prepaid commuter passes.

EFFECTIVE DATE: This act becomes effective July 1, 2015.

O. Walker Reagan
Director

H93-SMRW-51 E1 -V2

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

HOUSE BILL 93

Short Title:	Eliminate Tolling on Ferries.	(Public)
Sponsors:	Representatives Speciale and Torbett (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation, if favorable, Appropriations.	

February 18, 2015

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE ESTABLISHMENT OF TOLLS ON FERRY ROUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-82 reads as rewritten:

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

(a) Powers of Department. – The Department of Transportation is vested with authority to provide for the establishment and maintenance of ferries connecting the parts of the State highway system, whenever in its discretion the public good may ~~require, and shall prescribe and collect tolls on the ferry routes as established by the Board of Transportation following the procedures set forth in this section.~~require.

~~(b) Establishment of Tolling. – The Board of Transportation may establish tolls on any untolled ferry route as set forth in this subsection. Prior to establishing tolls on an untolled ferry route, the Board of Transportation must receive a resolution approved by the Transportation Advisory Committee of each affected local transportation planning organization requesting tolls on that route. No later than March 1, 2014, the Department shall hold a separate public hearing in the geographic area of each untolled ferry route and invite each affected local transportation planning organization. At the public hearing, the Department shall present an explanation of the toll setting methodology, the impact of tolling on the availability of funding for other local transportation priorities, and the minimum and maximum toll rates. After the public hearing, an affected local transportation planning organization may consider and adopt a ferry tolling resolution. The Board of Transportation shall adopt the toll at its next regularly scheduled meeting after receipt of the ferry tolling resolutions required by this subsection. The Department shall collect the toll as soon as is feasible following its adoption, but in no case more than 180 days after adoption of the toll. The establishment of tolls by the Board of Transportation pursuant to the authority granted in this section shall be exempt from the provisions of Chapter 150B of the General Statutes. For purposes of this section, "affected local transportation planning organization" means any Metropolitan Planning Organization or Rural Transportation Planning Organization with geographic jurisdiction over any part of an untolled ferry route, and "untolled ferry route" means any ferry route for which no tolls were in effect as of June 30, 2013.~~

~~(c) Revisions of Tolls. – The Department of Transportation shall report to the Fiscal Research Division, the Joint Legislative Transportation Oversight Committee, and all affected local transportation planning organizations 30 days prior to any change in toll rates or change in the toll setting methodology by the Board of Transportation.~~

~~(d) Use of Toll Proceeds. – The Department of Transportation shall credit the proceeds from tolls collected on North Carolina Ferry System routes and receipts generated under subsection (f) of this section to reserve accounts within the Highway Fund for each of the Highway Divisions in which system terminals are located and fares are earned. For the purposes of this subsection, fares are earned based on the terminals from which a passenger trip originates and terminates. Commuter pass receipts shall be credited proportionately to each reserve account based on the distribution of trips originating and terminating in each Highway Division. The proceeds credited to each reserve account shall be used exclusively for prioritized North Carolina Ferry System ferry passenger vessel replacement projects in the Division in which the proceeds are earned. Proceeds may be used to fund ferry passenger vessel replacement projects or supplement funds allocated for ferry passenger vessel replacement projects approved in the Transportation Improvement Program.~~

(e) Powers of Department. – To accomplish the purpose of this section, the Department of Transportation is authorized to acquire, own, lease, charter or otherwise control all necessary vessels, boats, terminals or other facilities required for the proper operation of the ferries or to enter into contracts with persons, firms or corporations for the operation thereof and to pay the reasonable sums that in the opinion of the Department of Transportation represent the fair value of the public service rendered.

(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 in accordance with subsection (f1) of this section for ferry passenger vessel replacement ~~projects in the manner set forth in subsection (d) of this section:~~projects and other ferry system capital needs:

(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) 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 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.

(f1) Ferry Capital Improvement Account. – The following shall be credited to a reserve account in the Highway Fund which shall be designated as the Ferry Capital Improvement Account:

(1) Net receipts generated under subsection (f) of this section.

(2) The unallotted and unencumbered balances on the last day of the fiscal year of funds appropriated from the Highway Fund to the Ferry Division.

(3) Any other funds available from appropriations by the General Assembly or from contributions and grants from public or private sources.

Funds credited to the account shall be used for prioritized improvements to the vessels and facilities of the North Carolina Ferry System.

(g) Confidentiality of Personal Information. – Identifying information obtained by the Department related to operation of the ferry system is not a public record under Chapter 132 of the General Statutes and is subject to the disclosure limitations in 18 U.S.C. § 2721 of the federal Driver's Privacy Protection Act. The Department shall maintain the confidentiality of all information required to be kept confidential under 18 U.S.C. § 2721(a), as well as any financial information, transaction history, and information related to the collection of a ~~toll or~~ user fee

from a person, including, but not limited to, photographs or other recorded images or automatic vehicle identification or driver account information generated by radio-frequency identification or other electronic means. The Department may use identifying information only for purposes of collecting and enforcing ~~tolls.~~user fees. Nothing in this section is intended to limit the right of any person to examine that person's own account information, or the right of any party, by authority of a proper court order, to inspect and examine identifying information."

SECTION 2. The Board of Transportation shall cease collecting ferry tolls on the effective date of this act and shall take action as expeditiously as possible to repeal its regulations implementing ferry tolls. Prepaid tolls or commuter pass payments received by the Department of Transportation for ferry trips on or after the effective date of this act shall be refunded or, in the case of prepaid commuter passes, partially refunded based on the proportion of the time period covered by the commuter pass for which tolls were in effect.

SECTION 3. This act becomes effective July 1, 2015.

HOUSE BILL 136:
Speed Limit/Highway Work Zone

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Judiciary III	**Date:**	April 21, 2015
Introduced by:	Rep. Stevens	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 136 limits imposition of the additional $250 penalty for speeding in a posted highway work zone to violations that occur when workers are present and work is actively in progress.

CURRENT LAW: Under current law, a person who speeds in a posted highway work zone is subject to the regular penalty for speeding (an infraction, penalty up to $100 G.S. 20-176), plus an additional penalty of $250.

BILL ANALYSIS: House Bill 136 would limit imposition of the additional $250 penalty for speeding in a highway work zone to violations that occur when workers are present and work is actively in progress at the time of the violation.

EFFECTIVE DATE: This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

HOUSE BILL 136

Short Title:	Speed Limit/Highway Work Zone.	(Public)
Sponsors:	Representative Stevens (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation, if favorable, Judiciary III.	

March 4, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE ADDITIONAL PENALTY IMPOSED FOR SPEEDING IN A HIGHWAY WORK ZONE APPLIES ONLY IF WORKERS ARE PRESENT AND WORK IS ACTIVELY IN PROGRESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-141(j2) reads as rewritten:

"(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under this section shall be required to pay a penalty of two hundred fifty dollars ($250.00). This penalty shall be imposed in addition to those penalties established in this Chapter. A "highway work zone" is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs motorists of the end of the work zone. The additional penalty imposed by this subsection applies only if (i) signs are posted at the beginning and end of any segment of the highway work zone stating the penalty for speeding in that segment of the work ~~zone.~~zone and (ii) workers are present and work is actively in progress at the time of the violation. The Secretary shall ensure that work zones shall only be posted with penalty signs if the Secretary determines, after engineering review, that the posting is necessary to ensure the safety of the traveling public due to a hazardous condition.

A law enforcement officer issuing a citation for a violation of this section while in a highway work zone shall indicate the vehicle speed and speed limit posted in the segment of the work zone, and determine whether the individual committed a violation of G.S. 20-141(j1). Upon an individual's conviction of a violation of this section while in a highway work zone, the clerk of court shall report that the vehicle was in a work zone at the time of the violation, the vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles."

SECTION 2. This act becomes effective December 1, 2015, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

HOUSE BILL 523:
Drivers License Designation/American Indian

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 22, 2015
Introduced by:	Reps. C. Graham, Steinburg, Waddell, Pierce	**Prepared by:**	Wendy Graf Ray
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 523 would direct the Division of Motor Vehicles to use the specific designation "AI" for American Indian drivers license applicants who request to have race designated on their drivers licenses.***

CURRENT LAW: Designation of race is not required on North Carolina drivers licenses. The statutes do provide that, at the request of an applicant, the Division of Motor Vehicles must include the applicant's race in addition to other mandatory identifying information. Specific designations for race are not described.

BILL ANALYSIS: House Bill 523 would require the Division, upon request of an applicant who is an American Indian, to include the designation "AI" on the applicant's drivers license to indicate race.

EFFECTIVE DATE: The act would become effective January 1, 2016, and would apply to drivers licenses issued or renewed on or after that date.

BACKGROUND: It is the policy of the North Carolina Commission of Indian Affairs to use the term American Indian. The Commission has adopted this policy because anyone born in the United States is a Native American, but this does not make them an American Indian. The United States' Census Bureau defines "American Indian" as a person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Jennifer Bedford, counsel to House Judiciary I, substantially contributed to this summary.

O. Walker Reagan
Director

H523-SMSU-43 E1 -V1

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

HOUSE BILL 523

Short Title:	Drivers License Designation/American Indian.	(Public)
Sponsors:	Representatives C. Graham, Steinburg, Waddell, and Pierce (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Judiciary I, if favorable, Transportation, if favorable, Finance.	

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO USE A CERTAIN DESIGNATION ON DRIVERS LICENSES WHEN LISTING THE RACE OF AN APPLICANT WHO IS AMERICAN INDIAN.

The General Assembly of North Carolina enacts:

SECTION 1. 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:

...

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.~~race, which shall be designated with the letters "AI" for an applicant who is American Indian."

SECTION 2. This act becomes effective January 1, 2016, and applies to drivers licenses issued or renewed on or after that date.

HOUSE BILL 771:
DOT/Utility Relocation Costs

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	April 21, 2015
Introduced by:	Reps. Shepard, R. Turner, Hurley, Robinson	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 771 requires the Department of Transportation, when water and sewer lines are located in the right-of-way of a State transportation improvement project, to:

- ***pay the nonbetterment costs of moving water and sewer lines for a municipalities with a population of 10,000 or less, and***
- ***a portion of the nonbetterment cost of moving water and sewer lines for municipalities with a population greater than 10,000, but less than 50,000.***

CURRENT LAW: The NC Department of Transportation is authorized by G.S. 136-18(10) to allow entities that provide various utility services to locate their utility lines on DOT rights-of-way. The cost to move the lines because of a DOT project must be paid by the utility, unless State law provides otherwise.

G.S. 136-27.1[1] requires the Department of Transportation to pay the nonbetterment[2] cost of relocating the water and sewer lines owned by certain entities in the transportation right-of-way when the lines must be moved for a transportation improvement project.

The Department must pay the nonbetterment cost to move water and sewer lines belonging to the following: Municipalities with a population of 5,500 or less; nonprofit water or sewer associations and corporations; a water or sewer system organized under Chapter 162A; a rural water system operated as a County enterprise system; sanitary districts; and a municipality with a population greater than 5,500, if the line was originally constructed by a water and sewer system organized under Chapter 162A.

BILL ANALYSIS: House Bill 771 requires the Department of Transportation, when utility lines are located in the right-of-way of a State transportation improvement project, to:

- pay the nonbetterment costs of moving water and sewer lines for municipalities with a population of 10,000 or less, and
- pay a portion of the nonbetterment costs of moving water and sewer lines for municipalities with a population greater than 10,000, but less than 50,000:

  For a municipality with a population greater than 10,000, but less than 25,000, DOT shall pay 75%, and the municipality 25%. For a municipality with a population of 25,000 or greater, but less than 50,000, DOT shall pay 50%, and the municipality shall pay 50%.

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

---

[1] G.S. 136-27.2 also requires DOT to pay the nonbetterment cost for the relocation of county owned natural gas lines, located in DOT right-of-way, that the DOT needs to relocate due to a State transportation improvement project.

[2] "Nonbetterment cost" refers to the cost to move, but not improve, the utility line.

O. Walker Reagan
Director



Research Division
(919) 733-2578

HOUSE BILL 771

Short Title:	DOT/Utility Relocation Costs.	(Public)
Sponsors:	Representatives Shepard, R. Turner, Hurley, and Robinson (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation, if favorable, Finance.	

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE RELIEF FOR SMALL MUNICIPALITIES FROM THE COSTS OF MUNICIPAL UTILITY RELOCATION RELATED TO STATE TRANSPORTATION PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-27.1 reads as rewritten:

"**§ 136-27.1. Relocation of water and sewer lines of municipalities and nonprofit water or sewer corporations or associations.**

The Department of Transportation shall pay the nonbetterment cost for the relocation of water and sewer lines, located within the existing State transportation project right-of-way, that are necessary to be relocated for a State transportation improvement project and that are owned by: (i) a municipality with a population of ~~5,500~~10,000 or less according to the latest decennial census; (ii) a nonprofit water or sewer association or corporation; (iii) any water or sewer system organized pursuant to Chapter 162A of the General Statutes; (iv) a rural water system operated by a County as an enterprise system; (v) any sanitary district organized pursuant to Part 2 of Article 2 of Chapter 130A of the General Statutes; or (vi) constructed by a water or sewer system organized pursuant to Chapter 162A of the General Statutes and then sold or transferred to a municipality with a population of greater than ~~5,500~~10,000 according to the latest decennial census. A municipality with a population greater than 10,000 shall pay a percentage of the nonbetterment cost for relocation of water and sewer lines, owned by the municipality and located within the existing State transportation project right-of-way, that are necessary to be relocated for a State transportation improvement project. The percentage shall be based on the municipality's population, with the Department paying the remaining costs, as follows:

(1) A municipality with a population greater than 10,000, but less than 25,000, shall pay twenty-five percent (25%) of the cost.

(2) A municipality with a population of 25,000 or greater, but less than 50,000, shall pay fifty percent (50%) of the cost.

(3) A municipality with a population 50,000 or greater shall pay one hundred percent (100%) of the costs.

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

HOUSE BILL 91:
Handicapped Parking Law Revisions

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 22, 2015
Introduced by:	Rep. Speciale	**Prepared by:**	Wendy Graf Ray
Analysis of:	PCS to First Edition H91-CSSU-2		Committee Counsel

SUMMARY: The Proposed Committee Substitute for House Bill 91 would require the Division of Motor Vehicles to study ways to decrease the misuse of handicapped placards.

CURRENT LAW: G.S. 20-37.6 provides for parking privileges for handicapped drivers and passengers who have applied for and obtained from the Division of Motor Vehicles a handicapped windshield placard or registration plate. Any vehicle that is driven by or is transporting a person who is handicapped and that displays a handicapped placard or plate is authorized to park in spaces designated as handicapped spaces.

BILL ANALYSIS: The PCS for House Bill 91 would require the Division of Motor Vehicles to study ways to decrease the misuse of handicapped placards. Specifically, the Division would be directed to study the cost, feasibility, and advisability of:

- Inclusion of personally identifying information on placards.
- Linking the placard to the handicapped person's drivers license or identification card.
- Linking the placard to the registration plate issued to the vehicle in which the handicapped person will be transported.

The Division would be required to report its finding and recommendations to the Joint Legislative Transportation Oversight Committee on or before January 15, 2016.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 91
PROPOSED COMMITTEE SUBSTITUTE H91-CSSU-2 [v.3]

3/17/2015 1:39:02 PM

Short Title: Study Misuse of Handicapped Parking Placards. (Public)

Sponsors:

Referred to:

February 18, 2015

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO STUDY WAYS TO DECREASE THE MISUSE OF WINDSHIELD PLACARDS ISSUED TO HANDICAPPED PERSONS.

The General Assembly of North Carolina enacts:

SECTION 1. The Division of Motor Vehicles shall study ways to decrease the misuse of windshield placards issued to handicapped persons. Included within this study shall be the cost, feasibility, and advisability of (i) requiring the inclusion of more personally identifying information on the windshield placard, including a picture of the handicapped person who was issued the placard, (ii) linking the windshield placard to the handicapped person's drivers license or special identification card, and (iii) linking the windshield placard to the license plate issued to the handicapped person or the owner of the vehicle in which the handicapped person is or will be transported. The Division shall report its findings and recommendations, including any legislative proposals, to the Joint Legislative Transportation Oversight Committee on or before January 15, 2016.

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

VISITOR REGISTRATION SHEET

Transportation — 4-22-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Reston Jones	NCDOT
Ed Goodwin	NCDOT Ferry Division
Andy Walsh	SA
Fred Bone	Bone : Asso.
Crystal Collins	NC Trucking Assn
Sarah Collins	NCLM
Guy Smith	Self
David McGowan	NCPC
Erin Wynia	NCLM
Matthew Docklan	NC DENR
Carmen Hooks	NCA

VISITOR REGISTRATION SHEET

Transportation — 4-22-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Vicki Bayer	self
Ed Brantley	NBP
Carrie White	MVA
Kieran Lasky	SSG
Scott Lasky	SSG NC
Amanda Lyon	JDA

VISITOR REGISTRATION SHEET

Transportation — 4-22-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kelly Thomas	DMV
Hope Mozingo	NCDMV
Maggie P. Thomas	NCDOT JT
Alison Roach	NCDMV
Terry Fuller	NCDMV
Andy Chase	KMA
Cory Dunn	DRNC
Annaliese Dolph	DL

VISITOR REGISTRATION SHEET

Transportation — 4-22-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Berry Jenkins	Carolinas AGC
Jeremy Clark	UNC Dept. Gov.
Joe McClain	McClees Consult
Mark Brown	Rose
[illegible]	RANC, LPA, NCMA
Tony Moore	NCDS
Susan Harrison	NCDTSEA
Kevin Lacy	NCDOT
David Crawford	AIA NC
Betsy Bailey	CAGC

House Committee on Transportation
Tuesday, April 28, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on April 28, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Blackwell, Boles, Brawley, Brockman, R. Brown, B. Brown, Bumgardner, Carney, Catlin, Cleveland, Dollar, Faircloth, Ford, Fraley, Goodman, C. Graham, D. Hall, Hardister, Holley, Hunter, Iler, Jeter, McGrady, McNeill, R. Moore, Presnell, Queen, Robinson, Ross, Schaffer, Shepard, Speciale, Steinburg, Terry, Tine, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative John A. Torbett, Chair, presided.

The following bills were considered:

HB 74 Study MPO/RPO Oversight. (Representative Floyd)
After discussion and debate, the motion was made as favorable as to committee substitute, unfavorable to original bill with a serial referral to Rules, Calendar, and Operations of the House. The motion carried.

HB 564 Exempt Motorcoach Manufacturer & Distributor. (Representatives Faircloth, Hardister, Blust, Brockman)
After discussion and debate, the motion was made as favorable as to the original bill. The motion carried.

HB 567 NC Aircraft Repair Act. (Representatives Saine, Hager)
After discussion and debate, the motion was made as favorable to original bill. The motion carried.

HB 569 Rural County Dev. Funds for Road Const. (Representative Steinburg)
After discussion and debate, the motion was made as favorable to original bill. The motion carried.

HB 672 STI and Ferry Tolling Revisions. (Representatives Tine, Shepard, Millis, Torbett)

After discussion and debate, the motion was made as favorable as to committee substitute, unfavorable to original bill with a serial referral to Finance, and a recommended referral to Appropriations. The motion carried.

HB 735 Reinstatement of Driving Privileges. (Representatives C. Graham, Pierce)
After discussion and debate, the motion was made as favorable as to committee substitute, unfavorable to original bill with a serial referral to Judiciary II. The motion carried.

HB 829 Automatic License Plate Readers. (Representatives B. Turner, Speciale, Hardister, Glazier)
After discussion and debate, the motion was made as favorable as to committee substitute, unfavorable to original bill with a serial referral to Judiciary IV. The motion carried.

HB 915 Veterans Plates/Vehicle Weight Restriction. (Representatives Queen, G. Martin, Waddell, Speciale)
After discussion and debate, the motion was made as favorable to original bill with a serial referral to Finance. The motion carried.

The meeting adjourned at 1:00pm.

Representative John A. Torbett, Chair
Presiding

Viddia Torbett, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, April 28, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Torbett Will Chair**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 74	Study MPO/RPO Oversight.	Representative Floyd
HB 564	Exempt Motorcoach Manufacturer & Distributor.	Representative Faircloth Representative Hardister Representative Blust Representative Brockman
HB 567	NC Aircraft Repair Act.	Representative Saine Representative Hager
HB 569	Rural County Dev. Funds for Road Const.	Representative Steinburg
HB 672	STI and Ferry Tolling Revisions.	Representative Tine Representative Shepard Representative Millis Representative Torbett
HB 735	Reinstatement of Driving Privileges.	Representative C. Graham Representative Pierce
HB 829	Automatic License Plate Readers.	Representative B. Turner Representative Speciale Representative Hardister Representative Glazier
HB 915	Veterans Plates/Vehicle Weight Restriction.	Representative Queen Representative G. Martin Representative Waddell Representative Speciale

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:20 PM on Sunday, May 10, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Tuesday, April 28, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 74	Study MPO/RPO Oversight.	Representative Floyd
HB 564	Exempt Motorcoach Manufacturer & Distributor.	Representative Faircloth Representative Hardister Representative Blust Representative Brockman
HB 567	NC Aircraft Repair Act.	Representative Saine Representative Hager
HB 569	Rural County Dev. Funds for Road Const.	Representative Steinburg
HB 672	STI and Ferry Tolling Revisions.	Representative Tine Representative Shepard Representative Millis Representative Torbett
HB 735	Reinstatement of Driving Privileges.	Representative C. Graham Representative Pierce
HB 829	Automatic License Plate Readers.	Representative B. Turner Representative Speciale Representative Hardister Representative Glazier
HB 915	Veterans Plates/Vehicle Weight Restriction.	Representative Queen Representative G. Martin Representative Waddell Representative Speciale

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE

HB **564** Exempt Motorcoach Manufacturer & Distributor.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Faircloth

HB **567** NC Aircraft Repair Act.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Saine

HB **569** Rural County Dev. Funds for Road Const.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Steinburg

FAVORABLE AND RE-REFERRED

HB **915** Veterans Plates/Vehicle Weight Restriction.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Queen

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **74** Study MPO/RPO Oversight.

Draft Number:	H74-PCS10373-SU-20
Serial Referral:	**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Floyd



HB **672** STI and Ferry Tolling Revisions.

Draft Number:	H672-PCS40443-ML-11
Serial Referral:	**FINANCE**
Recommended Referral:	**APPROPRIATIONS**
Long Title Amended:	No
Floor Manager:	Tine

HB **735** Reinstatement of Driving Privileges.

Draft Number:	H735-PCS10372-SU-21
Serial Referral:	**JUDICIARY II**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	C. Graham

HB **829** Automatic License Plate Readers.

Draft Number:	H829-PCS40442-SU-19
Serial Referral:	**JUDICIARY IV**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	B. Turner

TOTAL REPORTED: 8

HOUSE BILL 74:
Study MPO/RPO Oversight

2015-2016 General Assembly

Committee:	Transportation, if favorable, Rules, Calendar, and Operations of the House	**Date:**	April 28, 2015
Introduced by:	Rep. Floyd	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	PCS to First Edition H74-CSSU-20		

SUMMARY: The Proposed Committee Substitute for House Bill 74 would establish a committee to study the organization, structure, and oversight of MPOs and RPOs, the role they play in transportation planning, and how they might be improved.

CURRENT LAW: Metropolitan Planning Organizations (MPOs) and Rural Transportation Planning Organizations (RPOs) work with the Department of Transportation in developing transportation plans.

Areas designated by the federal census as being urban in nature and having a population of 50,000 or more are required by federal law to have a continuing, cooperative, and comprehensive transportation planning process in order to qualify for federal funds. This process is carried out in North Carolina by MPOs.

Although organized and tasked in a manner similar to MPOs, RPOs are grounded in state law and are intended to address and improve rural area transportation planning processes. RPOs assist the Department by carrying out the following duties: cooperating with the Department to develop comprehensive transportation plans, providing a forum for public participation in the transportation planning process, developing and prioritizing suggestions for projects that the organization believes should be included in the State Transportation Improvement Program, and providing transportation-related information to local governments and other interested parties.

BILL ANALYSIS: The PCS for House Bill 74 would create the Study Committee on Metropolitan Planning Organizations and Rural Transportation Planning Organizations, to consist of five members of the House appointed by the speaker and five members of the Senate appointed by the President Pro Tem. The Committee would be directed to study the organization, structure, and oversight of MPOs and RPOs, the role they play in transportation planning, and how they might be improved while maintaining compliance with federal law.

The Committee would report to the 2016 session of the 2015 General Assembly and would terminate upon the filing of its report or the convening of the session, whichever occurs first.

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

O. Walker Reagan
Director

* H 7 4 - S M S U - 5 4 C S S U - 2 0 - V 2 *

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 74
PROPOSED COMMITTEE SUBSTITUTE H74-CSSU-20 [v.1]

4/26/2015 2:59:32 PM

Short Title: Study MPO/RPO Oversight. (Public)

Sponsors:

Referred to:

February 12, 2015

A BILL TO BE ENTITLED

AN ACT TO STUDY THE OVERSIGHT OF METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS AND THEIR ROLE IN TRANSPORTATION PLANNING.

The General Assembly of North Carolina enacts:

SECTION 1. The Study Committee on Metropolitan Planning Organizations and Rural Transportation Planning Organizations is created. The Committee shall consist of five members of the House of Representatives, appointed by the Speaker of the House of Representatives, and five members of the Senate, appointed by the President Pro Tempore of the Senate. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate one member as a cochair. Vacancies to the Committee shall be filled by the same appointing authority making the initial appointment. The Committee will meet upon the call of the cochairs. A quorum shall be a majority of the Committee members.

SECTION 2. The Committee shall study the organization, structure, and oversight of Metropolitan Planning Organizations and Rural Transportation Planning Organizations, the role they play in transportation planning, and the way the organization, structure, and oversight might be revised to better match their role in transportation planning while maintaining compliance with federal transportation requirements.

SECTION 3. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Committee may meet in the Legislative Building or the Legislative Office Building. Members of the Committee shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. The House of Representatives shall assign clerical staff to the Committee, and the expenses relating to the clerical employees shall be borne by the Committee. The Committee may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02.

SECTION 4. The Committee may make a report, including any proposed legislation, to the 2016 Session of the 2015 General Assembly. The Committee shall terminate upon filing its final report or upon the convening of the 2016 Session of the 2015 General Assembly, whichever is earlier.

SECTION 5. This act is effective when it becomes law.

HOUSE BILL 564: Exempt Motorcoach Manufacturer & Distributor

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 28, 2015
Introduced by:	Reps. Faircloth, Hardister, Blust, Brockman	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 564 would exempt manufacturers and distributors of motorcoaches from the prohibition on owning, operating, or controlling a motor vehicle dealership in this State.

CURRENT LAW: The unfair methods of competition statute in the Motor Vehicle Dealers and Manufacturers Licensing Law (G.S. 20-305.2) provides that it is unlawful for any motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, to directly or indirectly through any subsidiary or affiliated entity, own any ownership interest in, operate, or control any motor vehicle dealership in this State. Under current law, there is an exemption to this prohibition for manufacturers or distributors of trailers or semitrailers that are not recreational vehicles.

BILL ANALYSIS: House Bill 564 would exempt manufacturers and distributors of motorcoaches from the prohibition on owning, operating, or controlling any motor vehicle dealership in North Carolina.

The bill would define "motorcoach" as a commercial bus designed or used to transport passengers for compensation with (i) a gross vehicle weight rating of at least 26,000 pounds; (ii) a seating capacity of 16 or more designated positions, including the driver; and (iii) no less than two rows of passenger seats rearward of the driver's seating position that are forward facing or can be converted to forward facing without the use of tools.

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

Jennifer Mundt, staff to House Commerce and Job Development, substantially contributed to this summary.

O. Walker Reagan
Director

H564-SMSU-53 E1 -V2

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 564
Apr 2, 2015
HOUSE PRINCIPAL CLERK

H **D**

HOUSE DRH40274-ML-209 (03/26)

Short Title:	Exempt Motorcoach Manufacturer & Distributor.	(Public)
Sponsors:	Representatives Faircloth, Hardister, Blust, and Brockman (Primary Sponsors).	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO EXEMPT MANUFACTURERS AND DISTRIBUTORS OF MOTORCOACHES FROM THE PROHIBITION ON OWNING, OPERATING, OR CONTROLLING A MOTOR VEHICLE DEALERSHIP IN THIS STATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-286 is amended by adding a new subdivision:

"(9a) Motorcoach. – A commercial bus designed or used to transport passengers for compensation with (i) a gross vehicle weight rating of at least 26,000 pounds; (ii) a seating capacity of 16 or more designated positions, including the driver; and (iii) no less than two rows of passenger seats rearward of the driver's seating position that are forward-facing or can be converted to forward-facing without the use of tools."

SECTION 2. G.S. 20-305.2(b) reads as rewritten:

"(b) Subsection (a) of this section does not apply to manufacturers or distributors of (i) trailers or semitrailers that are not recreational vehicles as defined in ~~G.S. 20-4.01.~~G.S. 20-4.01 or (ii) motorcoaches."

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

HOUSE BILL 567:
NC Aircraft Repair Act

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 23, 2015
Introduced by:	Reps. Saine, Hager	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 567 amends the Aircraft Labor and Storage Liens law to create regulations regarding written estimates and disclosures of other charges for the repair of aircrafts. The bill also would prevent an aircraft repair shop that violates any of the regulations from perfecting a lien on the repaired aircraft.

CURRENT LAW: Under current law, a person who expends labor, skill, or materials on an aircraft or has furnished storage for an aircraft has a perfected lien on the aircraft. The amount of the lien is the contract price for the work or storage, and in the absence of a contract, the lien is for the reasonable worth of the service.

The law establishes the process for filing a notice of lien and gives the lien priority over other perfected and unperfected security interests in the aircraft. Upon payment, the lienor must release possession of the aircraft and file a notice of satisfaction of lien with the clerk of court. The law also provides a process for the enforcement of the lien by sale of the aircraft.

BILL ANALYSIS: House Bill 567 requires that an aircraft repair shop provide a written repair estimate to the customer before beginning any work on an aircraft if the work will cost in excess of $350. Calculation of the cost must include all charges for parts and labor, any necessary diagnostic work and disassembly, any taxes, and other supplies or overhead. The customer may waive the right to an estimate in writing.

If the repair shop charges a fee to prepare the estimate, it must disclose the amount of the fee to the customer and obtain written authorization to proceed. In the event the estimate was only for diagnostic work or the needed repairs exceed the written estimate by more than 10%, or there was an implied partial waiver for diagnostic work, the repair shop must notify the customer of the estimated cost of additional work, and the customer must orally or in writing, authorize, modify, or cancel the work order.

Upon completion of the repair work, the repair shop must provide the customer with a legible copy of an invoice that details information of the work performed and contains an itemized description and the cost of all labor, parts, and merchandise supplied.

The repair shop must conspicuously post a sign, at least 24 inches on each side, informing customers of their right to a written estimate and their right to the return or inspection of all parts replaced during the repair work.

The bill contains a list of prohibited acts and practices that constitute a violation of the Article if done by a repair shop, including:

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Requiring a customer to waive the rights under the Article as a precondition to the repair.
- Charging more than 10% over the amount authorized by the customer.
- Refusing to return the aircraft because the customer refused to pay more than 10% over the amount authorized.
- Charging for work that has not been authorized by the customer.
- Making certain misrepresentations about work or the need for work.
- Fraudulently altering documents or misusing a customer's credit card.
- Making untrue, deceptive, or misleading statements about the Article.
- Making fraudulent promises to induce a customer to authorize work.
- Substituting used parts for new replacement parts without notice to the owner.
- Causing or allowing a customer to sign an estimate that does not state the type of repair work requested by the customer.
- Refusing to give the customer a copy of any document requiring a signature upon completion or cancellation of the work.

A customer injured by a violation of the act may bring an action in court.

An aircraft repair shop that violates any provision of the act shall not have a perfected lien on the aircraft owned by the customer injured as a result of the violation.

EFFECTIVE DATE: The act becomes effective January 1, 2016, and applies to aircraft repairs requested and performed on or after that date.

Karen Cochrane-Brown, counsel to the House Commerce and Job Development Committee, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 567
Apr 2, 2015
HOUSE PRINCIPAL CLERK
D

H

HOUSE DRH30206-ML-223 (04/02)

Short Title: NC Aircraft Repair Act. (Public)

Sponsors: Representatives Saine and Hager (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REGULATE THE REPAIR OF AIRCRAFTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 44A of the General Statutes reads as rewritten:

"Article 5.

"Aircraft Labor and ~~Storage Liens.~~Storage.

"**§ 44A-50. Definitions.**

As used in this Article, the following terms mean:

(1) Aircraft. – As the term is defined in G.S. 63-1(3), or any engine, part, component, or accessory, whether affixed to or separate from the aircraft.

(2) Aircraft repair shop. – Any person who, for compensation, engages or attempts to engage in the maintenance, modification, or repair of aircrafts owned by other persons.

(3) Aircraft repair work. – All maintenance of, modifications to, and repairs to aircrafts and the diagnostic work incident to the maintenance, modifications, and repairs.

(4) Customer. – A person who requests an aircraft repair shop to perform aircraft repair work on an aircraft owned by that person or any other person designated by that person as having authority to authorize aircraft repair work.

(5) Employee. – Any person who is employed full time or part time by an aircraft repair shop and performs aircraft repair work.

~~(2)~~(6) Lienor. – A person entitled to a lien under this Article.

~~(3)~~(7) Owner. – As the term is defined in G.S. 44A-1(3) for an aircraft, or any person authorized by an owner, as defined in G.S. 44A-1(3), to perform, contract, or arrange for the provision of labor, skill, materials, or storage with respect to any aircraft.

~~(4)~~(8) Person. – Any individual, corporation, association, partnership, whether limited or general, limited liability company, or other entity.

(9) Total amount authorized. – The amount in a written repair estimate plus any amount in excess of the written repair estimate that the aircraft repair shop has been authorized to charge pursuant to subsections (a) or (b) of G.S. 44A-51.2.

(10) Written repair estimate. – A written form setting forth the estimated cost of aircraft repair work, including any diagnostic work.

"**§ 44A-51. Written repair estimate and disclosure statement required.**

(a) Requirement. – When any customer requests an aircraft repair shop to perform aircraft repair work that will cost in excess of three hundred fifty dollars ($350.00) to the customer, the shop shall prepare and provide to the customer a written repair estimate before commencing any aircraft repair work. In determining under this section whether the cost of the aircraft repair work exceeds three hundred fifty dollars ($350.00), the cost shall consist of the cost of parts and labor necessary for the aircraft repair work, any charges for necessary diagnostic work and disassembly, any taxes, any other supplies or overhead, and any other extra services that are incidental to the aircraft repair work. The written repair estimate shall also include a statement allowing the customer to indicate whether replaced parts should be saved for inspection or returned and a statement indicating the daily charge for storing the customer's aircraft after the customer has been notified that the aircraft repair work has been completed.

(b) Waiver. – An aircraft repair shop is not required to provide a written repair estimate if the customer waives in writing his or her right to receive a written repair estimate. A customer may waive his or her right to receive any written repair estimates from an aircraft repair shop for a period of time specified by the customer in the waiver.

(c) Construction. – Nothing in this section shall be construed to require an aircraft repair shop to give a written repair estimate if the aircraft repair shop does not agree to perform the requested aircraft repair work.

"**§ 44A-51.1. Charges for preparing written repair estimate; requirement of waiver of rights prohibited.**

Before proceeding with preparing a written repair estimate, an aircraft repair shop shall do the following:

(1) Disclose to the customer the amount, if any, of the charge for preparing the written repair estimate.

(2) Obtain a written authorization from the customer to prepare a written repair estimate if there is a charge for that written repair estimate.

"**§ 44A-51.2. Notification of charges in excess of written repair estimate; prohibited charges; refusal to return aircraft prohibited; inspection of parts.**

(a) Requirement. – In the event that any of the following applies, the customer shall be promptly notified by telephone, mail, or other means of the additional aircraft repair work and the estimated cost of the additional aircraft repair work, and the customer shall, orally or in writing, authorize, modify, or cancel the order for aircraft repair work:

(1) The written repair estimate contains only an estimate for diagnostic work necessary to estimate the cost of the aircraft repair work and such diagnostic work has been completed.

(2) A determination is made by an aircraft repair shop that the actual charges for the aircraft repair work will exceed the written repair estimate by more than ten percent (10%).

(3) An implied partial waiver exists for diagnostic work and the diagnostic work has been completed.

(b) Cancellation. – If a customer cancels the order for aircraft repair work or, after diagnostic work is performed, decides not to have the aircraft repair work performed, and if the customer authorizes the aircraft repair shop to reassemble the aircraft, the shop shall expeditiously reassemble the aircraft to a condition reasonably similar to the condition in which it was received by the aircraft repair shop.

After cancellation of the aircraft repair work or a decision by the customer not to have aircraft repair work performed after diagnostic work has been completed, the shop may charge for and the customer is obligated to pay the cost of aircraft repair work that was actually completed and that was authorized by the written repair estimate, as well as the cost of diagnostic work and teardown, the cost of parts and labor to replace items that were destroyed

by teardown, and the cost to reassemble the component or the aircraft. A customer shall not be obligated to pay these costs if the customer was not notified of these possible costs in the written repair estimate or at the time the customer authorized the aircraft repair shop to reassemble the aircraft.

(c) Aircraft Parts. – Upon request made at the time the aircraft repair work is authorized by the customer, the customer is entitled to inspect parts removed from the customer's aircraft or, if the shop has no warranty arrangement or exchange parts program with a manufacturer, supplier, or distributor, have them returned to the customer. An aircraft repair shop may discard parts removed from a customer's aircraft or sell them and retain the proceeds for the shop's own account if the customer fails to take possession of the parts at the aircraft repair shop within two business days after taking delivery of the repaired aircraft.

"**§ 44A-51.3. Invoice required of aircraft repair shop.**

The aircraft repair shop shall provide each customer, upon completion of any aircraft repair work, with a legible copy of an invoice for such repair. The invoice shall include the following information:

(1) A statement indicating what was done to correct the problem or a description of the service provided.

(2) An itemized description of all labor, parts, and merchandise supplied and the costs of all labor, parts, and merchandise supplied. No itemized description is required to be provided to the customer for labor, parts, and merchandise supplied when a third party has indicated to the aircraft repair shop that the repairs will be paid for under a service contract, under a mechanical breakdown contract, or under a manufacturer's warranty, without charge to the customer.

(3) A statement identifying any replacement part as being used, rebuilt, or reconditioned, as the case may be.

"**§ 44A-51.4. Required disclosure; signs; notice to customers.**

A sign, at least 24 inches on each side, shall be posted in a manner conspicuous to the public. The sign shall contain all of the following information:

(1) That the consumer has a right to receive a written repair estimate, or to waive receipt of that written repair estimate, if the cost of repairs will exceed three hundred fifty dollars ($350.00).

(2) That the consumer may request, at the time the aircraft repair work is requested, the return or inspection of all parts that have been replaced during the aircraft repair work.

"**§ 44A-51.5. Prohibited acts and practices.**

It shall be a violation of this Article for any aircraft repair shop or employee of an aircraft repair shop to do any of the following:

(1) Require a customer to waive the rights provided to the customer in this Article as a precondition to the repair of the customer's aircraft by the aircraft repair shop or to impose or threaten to impose any charge which is clearly excessive in relation to the work involved in preparing the written repair estimate for the purpose of inducing the customer to waive the rights provided to the customer in this Article.

(2) Charge more than ten percent (10%) over the total amount authorized by a customer for aircraft repair work.

(3) Refuse to return a customer's aircraft because the customer refused to pay more than ten percent (10%) over the total amount authorized by the customer for aircraft repair work.

(4) Charge for aircraft repair work that has not been expressly or impliedly authorized by the customer.

(5) Misrepresent that aircraft repair work has been made to an aircraft.
(6) Misrepresent that certain parts and aircraft repair work are necessary to repair an aircraft.
(7) Misrepresent that the aircraft being inspected or diagnosed is in a dangerous condition or that the customer's continued use of the aircraft may be harmful or cause great damage to the aircraft.
(8) Fraudulently alter any customer contract, written repair estimate, invoice, or other document.
(9) Fraudulently misuse any customer's credit card.
(10) Make or authorize in any manner or by any means whatever any written or oral statement which is untrue, deceptive, or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive, or misleading, related to this Article.
(11) Make fraudulent promises of a character likely to influence, persuade, or induce a customer to authorize aircraft repair work.
(12) Substitute used, rebuilt, salvaged, or straightened parts for new replacement parts without notice to the aircraft owner and to his or her insurer if the cost of repair is to be paid pursuant to an insurance policy and the identity of the insurer or its claims adjuster is disclosed to the aircraft repair shop.
(13) Cause or allow a customer to sign any written repair estimate that does not state the type of aircraft repair work requested by the customer.
(14) Refuse to give to a customer a copy of any document requiring the customer's signature upon completion or cancellation of the aircraft repair work.

"**§ 44A-51.6. Remedies.**

Any customer injured by a violation of this Article may bring an action in the appropriate court for relief. The prevailing party in that action may be entitled to damages plus court costs and reasonable attorneys' fees. The customer may also bring an action for injunctive relief in the appropriate court. A violation of this Article is not punishable as a crime; however, this Article does not limit the rights or remedies which are otherwise available to a consumer under any other law.

"**§ 44A-55. Persons entitled to a lien on an aircraft.**

(a) Any person who has expended labor, skill, or materials on an aircraft or has furnished storage for an aircraft at the request of its owner has a perfected lien on the aircraft beginning on the date the expenditure of labor, skill, or materials or the storage commenced, for the contract price for the expenditure of labor, skill, or materials or for the storage, or, in the absence of a contract price, for the reasonable worth of the expenditure of labor, skill, or materials, or of the storage. The lien under this section survives even if the possession of the aircraft is surrendered by the lienor.

(b) Any aircraft repair shop that violates any of the provisions of G.S. 44A-51 through G.S. 44A-51.5 shall not have a perfected lien on any aircraft owned by a customer injured as a result of the violation.

...."

SECTION 2. This act becomes effective January 1, 2016, and applies to aircraft repairs requested and performed on or after that date.

HOUSE BILL 569:
Rural County Dev. Funds for Road Const

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	April 26, 2015
Introduced by:	Rep. Steinburg	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 569 authorizes counties to use subdivision ordinance-required contributions for roads for the purpose of constructing those roads, in conjunction with DOT.

CURRENT LAW: Under current G.S. 153A-331, a county subdivision ordinance may require a developer to contribute funds in lieu of required road construction to serve the residents of the subdivision. Funds contributed in accordance with this section must be transferred to a municipality for the construction of the roads.

BILL ANALYSIS: House Bill 569 amends the current law concerning authorized developer contributions for subdivision roads:

- to provide that they continue to be transferred to a municipality, for counties where greater than 15% of the residents live within an incorporated municipality.
- to provide that they may be used by the county, where 15% or fewer of the residents live in an incorporated municipality. In those counties, the county is authorized to work with DOT to construct the subdivision roads.

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

O. Walker Reagan
Director

H569-SMRW-63 E1 -V1

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 569
Apr 2, 2015
HOUSE PRINCIPAL CLERK
D

H

HOUSE DRH10224-MQ-68A (03/18)

Short Title: Rural County Dev. Funds for Road Const. (Public)

Sponsors: Representative Steinburg.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW RURAL COUNTIES TO USE DEVELOPER FUNDS FOR THE CONSTRUCTION OF ROADS TO SERVE OCCUPANTS, RESIDENTS, OR INVITEES OF A SUBDIVISION OR DEVELOPMENT TO ENFORCE ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-331(c) reads as rewritten:

"(c) A subdivision control ordinance may provide that a developer may provide funds to the county whereby the county may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area.

The ordinance may provide that in lieu of required street construction, a developer may provide funds to be used for the development of roads to serve the occupants, residents, or invitees of the subdivision or development. ~~All~~ For counties where greater than fifteen percent (15%) of residents live within an incorporated municipality, according to data published by the Office of State Budget and Management, all funds received by the county under this section shall be transferred to the municipality to be used solely for the development of roads, including design, land acquisition, and construction. All other counties shall use the funds received solely for the development of roads, including design, land acquisition, and construction, and may undertake these activities in conjunction with the Department of Transportation pursuant to an agreement with the Department of Transportation. Any municipality receiving funds from a county under this section is authorized to expend such funds outside its corporate limits for the purposes specified in the agreement between the municipality and the county. Any formula adopted to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. The ordinance may require a combination of partial payment of funds and partial dedication of constructed streets when the governing body of the county determines that a combination is in the best interest of the citizens of the area to be served.

The ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with county plans, policies, and standards. To assure compliance with these and other ordinance requirements, the ordinance may provide for performance guarantees to assure successful completion of required improvements. If a performance guarantee is required, the county shall provide a range of options of types of performance guarantees, including, but not limited to, surety bonds or letters of credit, from which the developer may choose. For any specific development, the type of

performance guarantee from the range specified by the county shall be at the election of the developer.

The ordinance may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the board of commissioners or the planning board. For the authorization to reserve school sites to be effective, the board of commissioners or planning board, before approving a comprehensive land use plan, shall determine jointly with the board of education with jurisdiction over the area the specific location and size of each school site to be reserved, and this information shall appear in the plan. Whenever a subdivision that includes part or all of a school site to be reserved under the plan is submitted for approval, the board of commissioners or the planning board shall immediately notify the board of education. The board of education shall promptly decide whether it still wishes the site to be reserved and shall notify the board of commissioners or planning board of its decision. If the board of education does not wish the site to be reserved, no site may be reserved. If the board of education does wish the site to be reserved, the subdivision may not be approved without the reservation. The board of education must acquire the site within 18 months after the date the site is reserved, either by purchase or by exercise of the power of eminent domain. If the board of education has not purchased the site or begun proceedings to condemn the site within the 18 months, the subdivider may treat the land as freed of the reservation."

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

HOUSE BILL 672:
STI and Ferry Tolling Revisions

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	April 26, 2015
Introduced by:	Reps. Tine, Shepard, Millis, Torbett	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	PCS to First Edition H672-CSML-11		

SUMMARY: ***House Bill 672 (proposed committee substitute) amends the Strategic Transportation Investments Act (STI) to direct the STI prioritization formula workgroup to include specified criteria when revising the STI formula; redefines local input under STI, moves ferry replacement to the bridge program; and provides that ferry tolls shall be used for prioritized ferry vessel rehabilitation or replacement.***

CURRENT LAW: The Strategic Transportation Investments Act, S.L. 2013-183, (STI) enacted a new system for prioritizing State transportation construction projects. The Transportation Investment Strategy Formula, as part of the Act, directs DOT to rank transportation projects based on a criteria based formula. DOT is directed to continually improve the methodology and criteria used to score projects under the Act's prioritization system through a workgroup process.

G.S. 136-82 currently requires ferry toll receipts to be placed in a reserve account in the Highway Fund for use for ferry vessel replacement.

BILL ANALYSIS: House Bill 672 (proposed committee substitute) makes the following changes

Sections 1 through 3 of the bill make change to the Strategic Transportation Investments Act (STI):

- **Section 1** requires the Prioritization 4.0 Workgroup, to include peak average daily traffic data in the Congestion formula, (ii) expand consideration in Multimodal formula given to projects abutting a multimodal terminal to include projects within a certain proximity of a multimodal terminal, and (iii) include the improvement of hurricane evacuation routes and procedures in the Safety formula.
- **Section 2** amends the STI Regional, Division, and Non-highway Projects prioritization formula criteria to redefine local input as the rankings identified by MPOs and RPOs, with input from the Division Engineers.
- **Section 3** amends the definition of a Division project under STI to exclude ferry replacement; and amends the definition of a Regional project under STI to exclude ferry rehabilitation.

Section 4 of the bill provides that DOT shall rename the "system preservation program" (fund center 1500/157839) the "bridge program." Funds allocated to this program shall be used for (i) improvements to structurally deficient and functionally obsolete bridges, (ii) ferry passenger vessel replacement projects, and (iii) ferry passenger vessel rehabilitation projects. The section provides that ferry passenger vessel replacement and ferry passenger vessel rehabilitation do not have to be outsourced.

Section 5 of the bill provides that ferry tolls and receipts shall be credited to the DOT bridge program in the highway maintenance program, and used for ferry passenger vessel rehabilitation or replacement.

O. Walker Reagan
Director

H672-SMRW-64 CSML-11 -V2

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 6 of the bill provides that the reserve accounts within the Highway Fund in which the proceeds from tolls collected on North Carolina Ferry System routes are credited under G.S. 136-82 shall be closed and the remaining unencumbered fund balance shall be transferred to the bridge program (Fund Code 84210 7839).

EFFECTIVE DATE: This act becomes effective July 1, 2015.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 672
PROPOSED COMMITTEE SUBSTITUTE H672-CSML-11 [v.2]

4/23/2015 6:39:32 PM

Short Title: STI and Ferry Tolling Revisions. (Public)

Sponsors:

Referred to:

April 14, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE PRIORITIZATION WORKGROUP TO INCLUDE CERTAIN CRITERIA WHEN DEVELOPING FORMULAS TO USE IN RANKING HIGHWAY AND NONHIGHWAY PROJECTS, TO ADJUST THE DEFINITION OF THE LOCAL INPUT FOR PURPOSES OF THE TRANSPORTATION INVESTMENT STRATEGY FORMULA, TO MOVE THE REPLACEMENT OF STATE-MAINTAINED FERRY VESSELS TO THE BRIDGE PROGRAM, TO ADJUST THE DISTRIBUTION OF THE PROCEEDS FROM TOLLS COLLECTED ON NORTH CAROLINA FERRY SYSTEM ROUTES, AND TO MAKE OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. The Prioritization 4.0 Workgroup, established in accordance with G.S. 136-189.11(h), shall (i) include peak average daily traffic data in the Congestion formula, (ii) expand consideration in Multimodal formula given to projects abutting a multimodal terminal to include projects within a certain proximity of a multimodal terminal, and (iii) include the improvement of hurricane evacuation routes and procedures in the Safety formula.

SECTION 2. G.S. 136-189.11(d) reads as rewritten:

"(d) Transportation Investment Strategy Formula. – Funds subject to the Formula shall be distributed as follows:

...

(2) Regional Impact Projects. – Thirty percent (30%) of the funds subject to this section shall be used for Regional Impact Projects and allocated by population of Distribution Regions based on the most recent estimates certified by the Office of State Budget and Management:

a. Criteria. – A combination of transportation-related quantitative criteria, qualitative criteria, and local input shall be used to rank Regional Impact Projects involving highways that address cost-effective needs from a region-wide perspective and promote economic growth. Local input is defined as the rankings identified by the ~~Department's Transportation Division Engineers,~~ Metropolitan Planning ~~Organizations,~~Organizations and Rural Transportation Planning Organizations. The Metropolitan Planning Organizations and Rural Transportation Planning Organizations shall consult with the Department's Transportation Division ~~Engineer local~~Engineers, whose input ~~scoring~~ shall take into account public comments. The Department shall ensure that the public has a full opportunity to submit public comments, by widely available notice to the public, an

adequate time period for input, and public hearings. Board of Transportation input shall be in accordance with G.S. 136-189.11(g)(1) and G.S. 143B-350(g). The criteria utilized for selection of Regional Impact Projects shall be based thirty percent (30%) on local input and seventy percent (70%) on consideration of a numeric scale of 100 points based on the following quantitative criteria:

1. Benefit cost.
2. Congestion.
3. Safety.
4. Freight.
5. Multimodal.
6. Pavement condition.
7. Lane width.
8. Shoulder width.
9. Accessibility and connectivity to employment centers, tourist destinations, or military installations.

(3) Division Need Projects. – Thirty percent (30%) of the funds subject to this section shall be allocated in equal share to each of the Department divisions, as defined in G.S. 136-14.1, and used for Division Need Projects.

a. Criteria. – A combination of transportation-related quantitative criteria, qualitative criteria, and local input shall be used to rank Division Need Projects involving highways that address cost-effective needs from a Division-wide perspective, provide access, and address safety-related needs of local communities. Local input is defined as the rankings identified by the ~~Department's Transportation Division Engineers,~~ Metropolitan Planning ~~Organizations,~~Organizations and Rural Transportation Planning Organizations. The Metropolitan Planning Organizations and Rural Transportation Planning Organizations shall consult with the Department's Transportation Division ~~Engineer local~~Engineers, whose input ~~scoring~~ shall take into account public comments. The Department shall ensure that the public has a full opportunity to submit public comments, by widely available notice to the public, an adequate time period for input, and public hearings. Board of Transportation input shall be in accordance with G.S. 136-189.11(g)(1) and G.S. 143B-350(g). The criteria utilized for selection of Division Need Projects shall be based fifty percent (50%) on local input and fifty percent (50%) on consideration of a numeric scale of 100 points based on the following quantitative criteria, except as provided in sub-subdivision b. of this subdivision:

1. Benefit cost.
2. Congestion.
3. Safety.
4. Freight.
5. Multimodal.
6. Pavement condition.
7. Lane width.
8. Shoulder width.
9. Accessibility and connectivity to employment centers, tourist destinations, or military installations.

b. Alternate criteria. – Funding from the following programs shall be included in the computation of each of the Department division equal shares but shall be subject to alternate quantitative criteria:
1. Federal Surface Transportation Program-Direct Attributable funds expended on eligible projects in the Division Need Projects category.
2. Federal Transportation Alternatives funds appropriated to the State.
3. Federal Railway-Highway Crossings Program funds appropriated to the State.
4. Projects requested from the Department in support of a time-critical job creation opportunity, when the opportunity would be classified as transformational under the Job Development Investment Grant program established pursuant to G.S. 143B-437.52, provided that the total State investment in each fiscal year for all projects funded under this sub-subdivision shall not exceed ten million dollars ($10,000,000) in the aggregate and five million dollars ($5,000,000) per project.
5. Federal funds for municipal road projects.

c. Bicycle and pedestrian limitation. – The Department shall not provide financial support for independent bicycle and pedestrian improvement projects, except for federal funds administered by the Department for that purpose. This sub-subdivision shall not apply to funds allocated to a municipality pursuant to G.S. 136-41.1 that are committed by the municipality as matching funds for federal funds administered by the Department and used for bicycle and pedestrian improvement projects. This limitation shall not apply to funds authorized 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.

(4) Criteria for nonhighway projects. – Nonhighway projects subject to this subsection shall be evaluated through a separate prioritization process established by the Department that complies with all of the following:

a. The criteria used for selection of projects for a particular transportation mode shall be based on a minimum of four quantitative criteria.

b. Local input shall include rankings of projects identified by the ~~Department's Transportation Division Engineers,~~ Metropolitan Planning ~~Organizations,~~Organizations and Rural Transportation Planning Organizations. The Metropolitan Planning Organizations and Rural Transportation Planning Organizations shall consult with the Department's Transportation Division ~~Engineer local~~Engineers input ~~scoring~~ shall take into account public comments. The Department shall ensure that the public has a full opportunity to submit public comments, by widely available notice to the public, an adequate time period for input, and public hearings. Board of Transportation input shall be in accordance with G.S. 136-189.11(g)(1) and G.S. 143B-350(g).

c. The criteria shall be based on a scale not to exceed 100 points that includes no bonus points or other alterations favoring any particular mode of transportation."

SECTION 3. G.S. 136-189.10 reads as rewritten:

"**§ 136-189.10. Definitions.**

The following definitions apply in this Article:

...

(2) Division needs projects. – Includes only the following:

a. Projects listed in subdivision (3) or (4) of this section, subject to the limitations noted in those subsections.

b. State highway routes not included in subdivision (3) or (4) of this section.

c. Airports included in the NPIAS that are not included in subdivision (3) or (4) of this section, provided that the State's total annual financial participation under this sub-subdivision shall not exceed eighteen million five hundred thousand dollars ($18,500,000).

d. Rail lines not included in subdivision (3) or (4) of this section. This sub-subdivision does not include short-line railroads.

e. Public transportation service not included in subdivision (3) or (4) of this section. This sub-subdivision includes commuter rail, intercity rail, and light rail.

f. Multimodal terminals and stations serving passenger transit systems.

g. Federally funded independent bicycle and pedestrian improvements.

~~h. Replacement of State-maintained ferry vessels.~~

i. Federally funded municipal road projects.

(3) Regional impact projects. – Includes only the following:

a. Projects listed in subdivision (4) of this section, subject to the limitations noted in that subdivision.

b. U.S. highway routes not included in subdivision (4) of this section.

c. N.C. highway routes not included in subdivision (4) of this section.

d. Commercial service airports included in the NPIAS that are not included in subdivision (4) of this section, provided that the State's annual financial participation in any single airport project included in this subdivision may not exceed three hundred thousand dollars ($300,000).

e. The State-maintained ferry system, excluding passenger vessel rehabilitation and replacement.

f. Rail lines that span two or more counties not included in subdivision (4) of this section. This sub-subdivision does not include short-line railroads.

g. Public transportation service that spans two or more counties and that serves more than one municipality. Programmed funds pursuant to this sub-subdivision shall not exceed ten percent (10%) of any distribution region allocation. This sub-subdivision includes commuter rail, intercity rail, and light rail.

...."

SECTION 4. Section 34.18(a) of S.L. 2014-100 reads as rewritten:

"**SECTION 34.18.(a)** The Department of Transportation shall rename the "system preservation program" (fund center 1500/157839) the "bridge program." Funds allocated to this program shall be used for (i) improvements to structurally deficient and functionally obsolete ~~bridges.~~bridges, (ii) ferry passenger vessel replacement projects, and (iii) ferry passenger vessel

rehabilitation projects. All projects funded under this program, with the exception of inspection, pre-engineering, contract preparation, contract administration and oversight, ~~and~~ planning ~~activities,~~activities, ferry passenger vessel replacement, and ferry passenger vessel rehabilitation, shall be outsourced to private contractors."

SECTION 5. G.S. 136-82(d) reads as rewritten:

"(d) Use of Toll Proceeds. – The Department of Transportation shall credit the proceeds from tolls collected on North Carolina Ferry System routes and receipts generated under subsection (f) of this section to ~~reserve accounts within the Highway Fund for each of the Highway Divisions in which system terminals are located and fares are earned. For the purposes of this subsection, fares are earned based on the terminals from which a passenger trip originates and terminates. Commuter pass receipts shall be credited proportionately to each reserve account based on the distribution of trips originating and terminating in each Highway Division. The proceeds credited to each reserve account~~the bridge program under the Department of Transportation in the highway maintenance program, and the proceeds shall be used ~~exclusively~~ for prioritized North Carolina Ferry System ferry passenger vessel rehabilitation or replacement ~~projects in the Division in which the proceeds are earned.~~projects. Proceeds may be used to fund ferry passenger vessel rehabilitation or replacement projects or supplement funds allocated for ferry passenger vessel rehabilitation or replacement projects approved in the Transportation Improvement Program."

SECTION 6. The reserve accounts within the Highway Fund in which the proceeds from tolls collected on North Carolina Ferry System routes are credited under G.S. 136-82 shall be closed and the remaining unencumbered fund balance shall be transferred to the bridge program (Fund Code 84210-7839).

SECTION 7. This act becomes effective July 1, 2015.

HOUSE BILL 735:
Reinstatement of Driving Privileges

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Judiciary II	**Date:**	April 28, 2015
Introduced by:	Reps. C. Graham, Pierce	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	PCS to First Edition H735-CSSU-21		

SUMMARY: ***The Proposed Committee Substitute for House Bill 735 would direct the Division of Adult Corrections to develop a process to allow an inmate whose driving privilege has been suspended for conviction of an impaired driving offense to complete requirements necessary for reinstatement of the inmate's driving privilege prior to release. The Division would be required to report on development of the process by October 1, 2015, and would be required to implement the process by January 1, 2016.***

CURRENT LAW: When a person's driving privilege is suspended or revoked for an impaired driving offense, the person may not have the driving privilege reinstated until he or she has completed certain requirements, including receiving a substance abuse assessment by an authorized provider and completing an education or treatment program. Once the assessment and program are completed, the provider sends a form to the Division of Motor Vehicles documenting that the program has been completed. The revocation period is extended until the Division receives the certificate of completion.

BILL ANALYSIS: The PCS for House Bill 735 would direct the Division of Adult Corrections, in collaboration with the Sheriffs' Association, Statewide Misdemeanant Confinement Program, the Administrative Office of the Courts, the Division of Motor Vehicles, and the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, to develop a process for an inmate with a suspended driving privilege due to an impaired driving conviction to complete requirements necessary to have his or her driving privilege reinstated before the inmate's release. The inmate would be able to complete the required substance abuse assessment and recommended education or treatment and have program completion documents sent to the Division of Motor Vehicles prior to his or her release.

The Division of Adult Corrections would be required to report on the development of the process to the Joint Legislative Oversight Committee on Justice and Public Safety by October 1, 2015. The process would have to be implemented by January 1, 2016.

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

O. Walker Reagan
Director

* H 7 3 5 - S M S U - 5 7 C S S U - 2 1 - V 1 *

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 735
PROPOSED COMMITTEE SUBSTITUTE H735-CSSU-21 [v.1]

4/27/2015 2:26:08 PM

Short Title: Reinstatement of Driving Privileges. (Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DIVISION OF ADULT CORRECTIONS OF THE DEPARTMENT OF PUBLIC SAFETY TO DEVELOP A PROCESS WHEREBY AN INMATE WHOSE DRIVING PRIVILEGES HAVE BEEN SUSPENDED OR REVOKED FOR A CONVICTION OF DRIVING WHILE IMPAIRED OR DRIVING UNDER THE INFLUENCE MAY COMPLETE THE REQUIREMENTS NECESSARY FOR REINSTATEMENT OF THE INMATE'S DRIVING PRIVILEGES PRIOR TO THE INMATE'S RELEASE.

The General Assembly of North Carolina enacts:

SECTION 1. Development of Process. – The Division of Adult Corrections of the Department of Public Safety, in collaboration with the North Carolina Sheriffs' Association, Statewide Misdemeanant Confinement Program, the Administrative Office of the Courts, the Division of Motor Vehicles, and the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, shall develop a process whereby an inmate whose driving privileges have been suspended or revoked for a conviction of driving while impaired or driving under the influence may complete the requirements necessary for reinstatement of the inmate's driving privileges prior to the inmate's release, including any substance abuse assessments and substance abuse education and treatment. Nothing in this section shall be construed as requiring the Division of Motor Vehicles to reinstate an inmate's driving privileges prior to or upon the inmate's release.

SECTION 2. Report and Deadline. – On or before October 1, 2015, the Division of Adult Corrections shall submit a report to the Joint Legislative Oversight Committee on Justice and Public Safety on the status of the development of the process required by this act. The Division of Adult Corrections shall implement the process required by this act by no later than January 1, 2016.

SECTION 3. Effective Date. – This act is effective when it becomes law.

HOUSE BILL 829:
Automatic License Plate Readers

2013-2014 General Assembly

Committee:	Transportation, if favorable, Judiciary IV, if favorable, Rules, Calendar, and Operations of the House	**Date:**	April 28, 2015
Introduced by:	Reps. B. Turner, Speciale, Hardister, Glazier	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	PCS to First Edition H829-CSSU-19		

SUMMARY: The Proposed Committee Substitute for House Bill 829 would:

- ***Create a new article in the General Statutes regulating the use of automatic license plate reader systems by governmental entities.***
- ***Authorize the Department of Transportation to enter into agreements with local governments and other governmental entities for encroachment to right of way, and to approve requests by local governments and public entities for encroachments to Department-granted utility easements, for the purpose of installing public safety technology.***

BILL ANALYSIS:

Automatic License Plate Readers. North Carolina does not currently regulate the use of automatic license plate reader systems. Section 1 of the PCS for House Bill 829 would regulate the use of automatic license plate reader systems by governmental entities and the use of captured plate data. Automatic license plate reader systems use cameras to capture images of license plates and convert them into computer-readable data.

Use of system unlawful except for specified purposes. The PCS would make it unlawful for a governmental entity to use an automatic license plate reader system except for the following purposes:

- Law enforcement agencies using captured data for comparison with databases in order to identify outstanding parking or traffic violations, violation of vehicle registration requirements, violation of inspection requirements, stolen vehicles and plates, vehicles registered to persons with outstanding warrants or arrest orders for felonies, and vehicles associated with missing persons.
- Enforcing parking laws and ordinances.
- Controlling access to secured areas.
- Electronic toll collection.

Preservation and disclosure of data. The PCS would prohibit preservation of the captured data for more than 60 days, except pursuant to a preservation request, disclosure order, or search warrant.

Upon written request of an investigative or law enforcement officer, a private person or governmental entity using a reader system would be required to take all necessary steps to preserve captured data

pending issuance of a disclosure order. The request would have to specify that the officer is applying for a court order compelling disclosure.

A court would be required to issue a disclosure order for the data if the requesting officer offers specific and articulable facts showing that there are reasonable grounds to believe that the data is relevant and material to an ongoing criminal or missing person investigation. If the disclosure order is denied or the officer does not apply for a disclosure order within 60 days of making a preservation request, the captured data would be destroyed according to the person's or entity's data retention policy.

Captured data would be confidential and not a public record. Except as provided, the data could only be disclosed to or with prior written consent of the person to whom the vehicle is registered.

Notice of policies. The PCS would require any governmental entity using an automatic license plate reader system to adopt policies governing privacy and use of the system and post those policies conspicuously on the entity's Web site.

Reporting. The PCS would require any governmental entity using an automatic license plate reader system to report on its usage to the Attorney General on July 1 every year beginning in 2016, including information on the number of plates scanned, the databases used to compare data, number of matches, number of matches resulting in criminal charges, number of preservation requests, number of disclosure orders, and any changes in policy that affect privacy concerns. On October 1 of every year beginning in 2016, the Attorney General would be required to compile the information and report it to the General Assembly.

Violation and penalties. A person violating the act would be subject to a civil action by the aggrieved party, and the court could award damages up to $1000, attorneys' fees and costs, and injunctive relief. A person who willfully and knowingly violates restrictions on use of a plate reader system would be guilty of a Class 1 misdemeanor.

Any data captured in violation of the act would not be admissible as evidence in any criminal, civil, or administrative proceeding.

Public safety technology in State right of way. Under current law, the Department of Transportation is authorized to enter into agreements for the use of State right of way for utilities. Section 2 of the PCS would amend the powers of the Department to authorize it 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.
- Approve requests by municipalities, counties, and other public entities for the use and encroachment upon utility easements previously granted by the Department to the utility for purposes of installing public safety technology.

The agreements authorized must not interfere with use of the right of way by a utility.

EFFECTIVE DATE: The act would become effective December 1, 2015, and would apply to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 829
PROPOSED COMMITTEE SUBSTITUTE H829-CSSU-19 [v.2]

4/26/2015 2:09:59 PM

Short Title: Automatic License Plate Readers. (Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER SYSTEMS BY STATE GOVERNMENTAL ENTITIES.

The General Assembly of North Carolina enacts:

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

"Article 3D.

"Automatic License Plate Reader Systems.

"**§ 20-183.22. Definitions.**

The following definitions apply in this Article:

(1) Automatic license plate reader system. – A system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data. This term shall not include a traffic control photographic system, as that term is defined in G.S. 160A-300.1(a).

(2) Captured plate data. – The global positioning system (GPS) coordinates, date and time, photograph, license plate number, and any other data captured by or derived from any automatic license plate reader system.

(3) Governmental entity. – Any State department, institution, agency, or any political subdivision of the State or any person that is an employee or agent of a State department, institution, agency, or political subdivision of the State.

(4) Investigative or law enforcement officer. – Any officer of the State, or any political subdivision thereof, who is empowered by the laws of this State to conduct investigations or to make arrests and any attorney authorized by the laws of this State to prosecute or participate in the prosecution of those persons arrested, including the Attorney General of North Carolina.

(5) Secured area. – An area enclosed by clear boundaries to which access is limited and not open to the public and entry is only obtainable through specific access-control points.

"**§ 20-183.23. Restrictions on use.**

(a) Except as provided for in subsection (b) of this section, it shall be unlawful for a governmental entity to use an automatic license plate reader system.

(b) An automatic license plate reader system may be used for each of the following:

(1) A municipal, county, or State law enforcement agency for the comparison of captured plate data with data held by the Division, the State Criminal Justice

Information Network, the National Crime Information Center, the FBI's Kidnappings and Missing Persons list, and the North Carolina Center for Missing Persons for the purpose of identifying any of the following:

a. Outstanding parking or traffic violations.
b. A violation of vehicle registration requirements.
c. A violation of the inspection requirements in Article 3A of Chapter 20 of the General Statutes.
d. A stolen vehicle or stolen license plate.
e. A vehicle registered to an individual for whom there is an outstanding warrant for arrest or order of arrest for a felony violation in this State or another jurisdiction.
f. A vehicle associated with a missing person.

(2) For the purpose of enforcing parking laws and ordinances.
(3) For the purpose of controlling access to secured areas.
(4) For the purpose of electronic toll collection.

"**§ 20-183.24. Preservation and disclosure of records.**

(a) Captured plate data obtained pursuant to G.S. 20-183.23(b) shall not be used or shared for any other purpose and, except pursuant to any of the following, shall not be preserved for more than 60 days after the date the data is captured:

(1) A preservation request under subsection (b) of this section.
(2) A disclosure order under subsection (c) of this section.
(3) A search warrant issued pursuant to Article 11 of Chapter 15A of the General Statutes.
(4) A federal search warrant issued in compliance with the Federal Rules of Criminal Procedure.

(b) Upon the request of an investigative or law enforcement officer, a private person or governmental entity using an automatic license plate reader system shall take all necessary steps to immediately preserve captured plate data in its possession pending the issuance of a disclosure order pursuant to subsection (c) of this section. A requesting officer must specify in a written, sworn statement (i) the particular camera or cameras for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved, (ii) the date or dates and time frames for which captured plate data must be preserved, and (iii) that the requesting officer is applying for a court order compelling disclosure under subsection (c) of this section.

(c) An investigative or law enforcement officer may apply to a court of competent jurisdiction for a court order compelling disclosure of captured plate data. A court shall issue the order if the requesting officer offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing persons investigation. If an application for a disclosure order under this subsection is denied, or if the investigative or law enforcement officer who made the initial preservation request under subsection (b) of this section fails to apply to a court of competent jurisdiction for a disclosure order under this subsection within 60 days of the date of the initial preservation request, the private person or governmental entity using the automatic license plate reader system shall destroy the captured plate data according to the private person's or governmental entity's own record or data retention policy, unless the private person or governmental entity receives within that period another preservation request under subsection (b) of this section, in which case the retention period established under this subsection shall reset.

(d) A governmental entity may obtain, receive, or use privately held captured plate data for the purposes described in G.S. 20-183.23(b) only pursuant to the orders and warrants listed in subdivision (2), (3), or (4) of subsection (a) of this section, and only if the private automatic

license plate reader system retains captured plate data for 60 days or fewer. Nothing in this subsection shall be construed as exempting captured plate data obtained, received, or used under this subsection from the limitations and restrictions set forth in subsection (f) of this section.

(e) A governmental entity that uses an automatic license plate reader system pursuant to G.S. 20-183.23(b) shall update the system from the databases specified therein every 24 hours if such updates are available or as soon as practicable after such updates become available.

(f) Captured plate data obtained for the purposes described in G.S. 20-183.23(b) is confidential and not a public record as that term is defined in G.S. 132-1. Except as otherwise provided in this Article, captured plate data obtained for the purposes described in G.S. 20-183.23(b) may only be disclosed to or with the prior written consent of the person to whom the vehicle is registered and shall not be sold, traded, or exchanged for any purpose. Nothing in this subsection shall be construed as requiring the disclosure of captured plate data if an investigative or law enforcement officer determines that disclosure will compromise an ongoing investigation.

"**§ 20-183.25. Reporting requirement.**

(a) A governmental entity that uses an automatic license plate reader system pursuant to G.S. 20-183.23(b) shall do the following:

(1) Adopt a policy governing use of the automatic license plate reader system and conspicuously post the policy on the governmental entity's Web site.

(2) Adopt a privacy policy to ensure that captured plate data is not shared in violation of this Article or any other applicable law and conspicuously post the privacy policy on the governmental entity's Web site.

(3) Beginning July 1, 2016, and continuing every year thereafter, report to the Attorney General on its automatic license plate reader practices and usage and conspicuously post the report on the governmental entity's Web site. The report shall include each of the following:

a. The number of license plates scanned.

b. The (i) names of the databases containing the data against which the captured plate data was compared, (ii) the number of confirmed matches, and (iii) the number of confirmed matches resulting in criminal charges.

c. The number of preservation requests under G.S. 20-183.24(a).

d. The number of disclosure orders under G.S. 20-183.24(b), including the number of applications for disclosure orders that were denied.

e. Any changes in policy that affect privacy concerns.

(b) Beginning October 1, 2016, and continuing every year thereafter, the Attorney General shall compile the information received pursuant to subdivision (3) of subsection (a) of this section and submit a report in writing to the General Assembly.

"**§ 20-183.26. Penalties; suppression.**

(a) An aggrieved party may bring a civil action against any person who violates the provisions of G.S. 20-183.23 or G.S. 20-183.24. In any civil action alleging a violation of G.S. 20-183.23 or G.S. 20-183.24, the court may award the following to a prevailing plaintiff:

(1) The greater of (i) actual damages or (ii) liquidated damages in the amount of one thousand dollars ($1,000).

(2) Reasonable attorneys' fees and other costs of litigation.

(3) Injunctive relief against any person who commits or proposes to commit a violation of this Article.

(b) Any person who willfully and knowingly violates G.S. 20-183.23 is guilty of a Class 1 misdemeanor.

(c) Any data or information captured in violation of G.S. 20-183.23 or G.S. 20-183.24 shall not be admissible as evidence in any criminal, civil, or administrative proceeding."

SECTION 2. G.S. 136-18 is amended by adding a new subdivision to read:

"(46) For purposes of this subdivision, the term "public utility" means any of the following: a public utility, as defined in G.S. 62-3(23); an electric membership corporation; telephone membership corporation; a joint municipal power agency; a city or county engaged in producing, generating, transmitting, delivering, or furnishing electricity for private or public use. The Department shall have the following powers related to public safety technology:

a. 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 aboveground law enforcement, fire suppression service, emergency medical response service, and related public safety technology; provided that (i) such agreements do not unreasonably interfere with the use of such right-of-way by a public utility with facilities already located within said right-of-way, (ii) such use shall immediately be terminated and any public safety technology and related equipment removed upon request by any affected public utility, and (iii) any entity installing such public safety technology complies with the provisions of Article 8A of Chapter 87 of the General Statutes.

b. To approve requests by municipalities, counties, and other governmental entities to use land or right-of-way owned by the Department of Transportation that is encumbered by utility easements, or otherwise being lawfully occupied by a public utility, for the installation and use of aboveground law enforcement, fire suppression service, emergency medical response service, and related public safety technology, provided that (i) such use of the land or right-of-way is temporary in nature, (ii) all public safety technology permitted hereunder shall be completely aboveground, easily moveable, and contain no combustible fuel, (iii) such use shall not unreasonably interfere with the operation and maintenance of said utility facilities or cause said utility facilities to fail to comply with all applicable laws, codes, and regulatory requirements, (iv) such use shall immediately be terminated and any public safety technology and related equipment removed upon request by any affected public utility, and (v) such use shall comply with provisions of the Article 8A of Chapter 87 of the General Statutes. The affected public utility shall have the right to move the public safety technology in the event that said public utility needs immediate access to its utility facilities and, in such event, shall only be liable for damages to said public safety technology caused solely by its gross negligence or willful misconduct.

c. Nothing in the subdivision shall relieve any entity, public or private, of its obligation to comply with the provisions of the Article 8A of Chapter 87 of the General Statutes."

SECTION 3. This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

HOUSE BILL 915:
Veterans Plates/Vehicle Weight Restriction

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	April 24, 2015
Introduced by:	Reps. Queen, G. Martin, Waddell, Speciale	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 915 directs DMV to issue a single free special registration plate for a vehicle up to 17,000 lbs., to a person in any of five specified military special registration plate categories.

CURRENT LAW: Under current law, special registration plates are issuable for any motor vehicle up with a regular, weighted, or commercial plate (if it is not registered under the International Registration Plan), and in a few cases, for motorcycles. G.S. 20-63, G.S. 20-79.4, G.S. 20-81.12

A single free registration plates (meaning no regular fee, and no additional special plate fee) is issuable for a motor vehicle up to 6,000 lbs., for the following:

(1) A Legion of Valor registration plate to a recipient of the Legion of Valor award.
(2) A 100% Disabled Veteran registration plate to a 100% disabled veteran.
(3) An Ex-Prisoner of War registration plate to an ex-prisoner of war.
(4) A Bronze Star Valor registration plate to a recipient of the Bronze Star Medal for valor in combat award.
(5) A Silver Star registration plate to a recipient of the Silver Star award.

The regular registration fee for a private passenger vehicle is $28.

The fee for property hauling vehicles over 6,000 lbs. varies by weight, pursuant to G.S. 20-88.

BILL ANALYSIS: House Bill 915 directs DMV to issue a single free special registration plate for a vehicle up to 17,000 lbs., registered by a person in any of the five categories listed above.

EFFECTIVE DATE: This act becomes effective July 1, 2015, and applies to special registration plates issued or renewed on or after that date.

O. Walker Reagan
Director

H915-SMRW-62 E1 -V3

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 915
Apr 16, 2015
HOUSE PRINCIPAL CLERK

H D

HOUSE DRH10344-MLf-126 (03/09)

Short Title:	Veterans Plates/Vehicle Weight Restriction.	(Public)
Sponsors:	Representatives Queen, G. Martin, Waddell, and Speciale (Primary Sponsors).	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES MAY ISSUE CERTAIN MILITARY SPECIAL REGISTRATION PLATES FREE OF CHARGE TO MOTOR VEHICLES WITH A REGISTERED WEIGHT THAT DOES NOT EXCEED SEVENTEEN THOUSAND POUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.7(a) reads as rewritten:

"(a) Free of Charge. – Upon request, the Division shall annually provide and issue free of charge a single special registration plate listed in this subsection to a person qualified to receive the plate in accordance with G.S. 20-79.4(a2). This subsection does not apply to a special registration plate issued for a vehicle that has a registered weight greater than ~~6,000~~17,000 pounds. The regular motor vehicle registration fees in G.S. 20-88 apply if the registered weight of the vehicle is greater than ~~6,000~~17,000 pounds:

(1) A Legion of Valor registration plate to a recipient of the Legion of Valor award.

(2) A 100% Disabled Veteran registration plate to a 100% disabled veteran.

(3) An Ex-Prisoner of War registration plate to an ex-prisoner of war.

(4) A Bronze Star Valor registration plate to a recipient of the Bronze Star Medal for valor in combat award.

(5) A Silver Star registration plate to a recipient of the Silver Star award."

SECTION 2. This act becomes effective July 1, 2015, and applies to special registration plates issued or renewed on or after that date.

VISITOR REGISTRATION SHEET

Transportation — 4-28-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steve Epstein	Poyner Spruill, LLP 301 Fayetteville St. Raleigh, NC 27601
MJillian D Totman	MWC LLC
Kem Bunce	MWC
Natalie English	Charlotte Chamber
NICK TENNYSON	NCDOT
Jeff Munn	NCDOT
DON VOELKER	NCDOT
Berry Jenkins	Carolinas AGC
Sherry Lee	NCDMV/DOT
Kelly Thomas	DMV
Hope Mayo	NCDMV

VISITOR REGISTRATION SHEET

Transportation — 4-28-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
MATTHEW DAY	NC ASSOCIATION OF RPOs
Barb Rainey Pearson	SEIC
Ryan Combs	DPS
JEFF BARNHART	MWC
Erin Gray	GOV's OFFICE
[illegible]	[illegible]
[illegible]	NCMA
Justin Harrison	NCDTSEA
Reston Jones	NCDOT
Kasey Gingerich	Governor's office
Dana Fenton	City of Charlotte

VISITOR REGISTRATION SHEET

Transportation — 4-28-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kevin Lacy	NCDOT
Matt Marbois	NCDOA SCO
Andy Braden	DPS

VISITOR REGISTRATION SHEET

Transportation — 4-28-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jen Willis	UNC-CH
Hayden Bauguess	FSP
Eileen Tuck	Duke Energy
Fred Baggett	Police Chiefs Assn
John Rotticci	NCDOT
Amanda Flynn	JDA
Guy Smith	Self
John Herrera	Self-Help.
Sarah Collins	NCLM
	SAS
	MWC
	Bus Assn

VISITOR REGISTRATION SHEET

Transportation — 4-28-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amanda Honaker	TSS
Phoebe Landon	Brooks Pierce
Andy Walsh	SA
Thomas Clark	NWC Dept Govt
Cady Thomas	Focus Carolina
Sarah Wolfe	mwc
Doug Lassiter	NCSTA
John Cooper	C C S
Johanna Reese	NCACC
Henry Jones	Jordan Price et al
Drew Carlton	Law Offices of BHC
Dana Home	Smith Anderson

VISITOR REGISTRATION SHEET

House Committee On Transportation

4-28-2015

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Preston	ACLU - NC

House Committee on Transportation
Tuesday, May 5, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on May 5, 2015 in Room 643 of the Legislative Office Building. Representatives Alexander, Arp, Blackwell, Boles, Brawley, Brockman, R. Brown, B. Brown, Bumgardner, Carney, Catlin, Dollar, Faircloth, Ford, Fraley, Goodman, D. Hall, Hardister, Hunter, Iler, Jeter, McGrady, McNeill, R. Moore, Presnell, Queen, Robinson, Shepard, Speciale, Tine, Torbett, R. Turner, Yarborough, and Zachary attended.

Representative Frank Iler, Chair, presided.

The following bills were considered:

HB 927 Reestablish NC as the "Good Roads State". (Representatives Torbett, Iler, Shepard, Tine)

This bill was for discussion only.

The meeting adjourned at 1:05.

Representative Frank Iler, Chair
Presiding

Carla Farmer, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, May 5, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Iler will be chairing.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 927	Reestablish NC as the "Good Roads State".	Representative Torbett Representative Iler Representative Shepard Representative Tine

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:00 PM on Thursday, April 30, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Carla Farmer (Committee Assistant)

House Committee on Transportation
Tuesday, May 5, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 927	Reestablish NC as the "Good Roads State". FOR DISCUSSION ONLY	Representative Torbett Representative Iler Representative Shepard Representative Tine

Adjournment

HOUSE BILL 927:
Reestablish NC as the "Good Roads State"

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance, if favorable, Appropriations	**Date:**	May 5, 2015
Introduced by:	Reps. Torbett, Iler, Shepard, Tine	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 927 makes changes to the motor fuel excise tax rate; eliminates motor fuel excise tax discounts for timely payment by licensed distributors; increases the highway use tax rate; provides conditional funding for maintenance dredging; eliminates transfers from the Highway Fund; increases specified DMV fees; transfers specified funds from the Highway Trust Fund to the Highway Fund; establishes a supplemental tax on gross premiums from motor vehicle insurance contracts; establishes a DOT Report program; and appropriates funds for specified purposes.

BILL ANALYSIS:

PART I. MOTOR FUELS TAX RATE/DISCOUNT FOR TIMELY PAYMENT

Section 1 of the bill changes the motor fuels excise tax rate:

- Beginning July 1, 2015, to 30¢ per gallon; and
- Beginning January 1, 2017, the motor fuels excise tax rate would be 30¢ per gallon multiplied by a percentage.

  The percentage would be 100% plus or minus the sum of the following: (1) The percentage change in population multiplied by 75% and (2) The percentage change in the Consumer Price Index for all Urban Consumers multiplied by 25%; and
- This section provides for an *additional adjustment* to the motor fuels tax rate beginning January 1, 2016: one cent (1¢) increase if there is a decrease of one hundred million dollars ($100,000,000) in the actual expenditures of federal funds to DOT for the reimbursement of Highway Trust Fund projects, as measured by comparing the difference in the prior two federal fiscal years' expenditures and excluding all federal funds received through competitive awards or discretionary grants.

Section 2 makes the following changes related to motor fuels excise tax discounts:

- Section 2(a) repeals G.S. 105-449.93, the 1% tax percentage discount for licensed distributors and some licensed importers.
- Section 2(b) repeals G.S. 105-449.97(a) and (b), concerning specified discounts allowed a supplier when filing a return, to conform to the changes made in Section 2(a).
- Section 2(c) repeals G.S. 105-449.96(6), to delete a requirement for the tax return of a supplier, to conform with the change made by Section 2(a)
- Section 2(d) rewrites G.S. 105-449.99, concerning the tax returns and discounts of importers, to conform with the change made by Section 2 (a).

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Section 2(e) makes a change to G.S. 105-449.105, concerning refunds for tax on exempt, list, or accidentally mixed fuel, to conform to the change made in Section 2(a).

Section 2(f) makes a change to 105-449.105A(a), concerning refunds for kerosene, to conform to the changes made in Section 2(a).

Section 2(g) repeals G.S. 105-449.105B, monthly hold harmless refunds for licensed distributors and some licensed importers, to conform to the changes made in Section 2(a).

Section 2(h) repeals G.S. 105-449.120(a)(12), one of the criminal penalties related to the motor fuels excise tax, to conform to the changes made in Section 2(a).

Section 2(i) amends G.S. 119-18(a1), concerning kerosene distributor inspection tax, to conform to the changes made in Section 2(a).

Section 3 provides that Section 1 of this act becomes effective July 1, 2015. Section 2 becomes effective for taxable years beginning on or after January 1, 2016.

PART II. HIGHWAY USE TAX

Section 4 amends G.S. 105-187.3 to change the highway use tax to 4%, maximum $2,000, with an additional adjustment beginning on or after January 1, 2016 of one half of one percent (0.5%) if there is a decrease of two hundred million dollars ($200,000,000) in the actual expenditures of federal funds to DOT for the reimbursement of Highway Trust Fund projects, as measured by comparing the difference in the prior two federal fiscal years' expenditures and excluding all federal funds received through competitive awards or discretionary grants.

Section 5 amends G.S. 105-187.5 to increase the gross receipts tax on short-term lease or rental of a motor vehicle to 9%, and long-term to 4%.

Section 6 amends G.S. 105-187.6 to change the maximum highway use tax on out-of-state vehicles to $200.

Section 7(a) provides that for the 2015-2016 fiscal year, twelve and two tenths percent (12.2%) of the revenues generated from the tax levied under G.S. 105-187.3(a1), the tax levied on gross receipts from the long term lease or rental of a motor vehicle under G.S. 105-187.5(b), and the tax levied under G.S. 105-187.6(c), after the adjustments enacted in this Part, shall be transferred from the Highway Trust Fund to the Highway Fund.

Section 7(b) provides that for the 2016-2017, 2017-2018, and 2018-2019 fiscal years, twenty five percent (25%) of the revenues generated from the tax levied under G.S. 105-187.3(a1), the tax levied on gross receipts from the long term lease or rental of a motor vehicle under G.S. 105-187.5(b), and the tax levied under G.S. 105-187.6(c), after the adjustments enacted in this Part, shall be transferred from the Highway Trust Fund to the Highway Fund.

Section 8 provides that Subsection (a) of Section 7 of this act becomes effective July 1, 2015. Subsection (b) of Section 7 of this act becomes effective July 1, 2016.

PART III. FUNDING FOR DREDGING

Section 9 provides, effective July 1, 2015:

- if actual expenditures of federal funds by the US Army Corps of Engineers for the maintenance dredging of shallow draft inlets and deep draft navigation channels located within the State decline by an average rate of 5%, as measured by averaging the percentage difference in actual expenditures from each preceding fiscal year for the prior five federal fiscal years, the Department of Transportation shall, by the first of January of the current fiscal year, allocate

from the unencumbered cash balance of the Highway Fund to the Department of Environment and Natural Resources an amount equivalent to 20% of the actual federal expenditures for maintenance dredging during the prior federal fiscal year.

- Funds transferred in accordance with this section shall be allocated by the Department of Environment and Natural Resources for emergency or prioritized maintenance dredging of shallow draft inlets and deep draft navigation channels.

PART IV. ELIMINATION OF CERTAIN TRANSFERS

Section 10 changes the amounts transferred from the Highway Fund to the General Fund as follows:

(1) For the 2017-2018 fiscal year, the total amount of funds transferred shall be reduced by forty-nine million one hundred forty-five thousand seven hundred forty-five dollars and twenty-five cents ($49,145,745.25) in recurring funds.

(2) For the 2018-2019 fiscal year, the total amount of funds transferred shall be reduced by an additional forty-nine million one hundred forty-five thousand seven hundred forty-five dollars and twenty-five cents ($49,145,745.25) in recurring funds.

(3) For the 2019-2020 fiscal year, the total amount of funds transferred shall be reduced by an additional forty-nine million one hundred forty-five thousand seven hundred forty-five dollars and twenty-five cents ($49,145,745.25) in recurring funds.

(4) For the 2020-2021 fiscal year, the total amount of funds transferred shall be reduced by an additional forty-nine million one hundred forty-five thousand seven hundred forty-five dollars and twenty-five cents ($49,145,745.25) in recurring funds and, except for transfers required by statute, any transfer of funds from the Highway Fund to the General Fund shall be eliminated.

PART V. DMV FEES

Section 11 amends G.S. 20-7 to increase fees for drivers licenses, motorcycle endorsements, restoration fees, and learners permits.

Section 12 amends G.S. 20-11 to increase the fee for a limited learner permit.

Section 13 amends G.S. 20-14 to increase the fee for a duplicate license.

Section 14 amends G.S. 20-16 to increase the fee for the driver improvement clinic.

Section 15 amends G.S. 20-26 to increase the fees for copies of license records

Section 16 amends G.S. 20-37.15 to increase the application fee for a CDL.

Section 17 amends G.S. 20-37.16 to increase the fee for a CDL and CDL endorsements.

Section 18 amends G.S. 20-42 to increase the fee for certified copies of DMV documents.

Section 19 amends G.S. 20-50 to increase the fee for a temporary license plate.

Section 20 amends G.S. 20-73 to increase the civil penalty for failing to apply for a motor vehicle title within the required time.

Section 21 amends G.S. 20-85 to increase fees related to titling and registering of motor vehicles.

Section 22 amends G.S. 20-85.1 to increase the fee for one-day title service.

Section 23 amends G.S. 20-87 to increase registration fees for passenger motor vehicles.

Section 24 creates a new G.S. 20-88.03, which provides for late fees for registering a motor vehicle after the registration expires.

Section 25 amends G.S. 20-88 to increase registration fees for property-hauling vehicles.

Section 26 amends G.S. 20-289 to increase licensing fees under the motor vehicle dealers and manufacturers licensing law.

Section 27 amends G.S. 20-385 to increase fees applicable to motor carriers.

Section 28 amends G.S. 44A-4 to increase the fee a lienor must pay to DMV when proposing sale of a motor vehicle to enforce a lien.

Section 29 provides that, for the 2015-2016 fiscal year, 20% of the increased title and registration fees shall be transferred from the Highway Trust Fund to the Highway Fund.

Section 30 provides that, for the 2016-2017, 2017-2018, and 2018-2019 fiscal years, 35% of the increased title and registration fees shall be transferred from the Highway Trust Fund to the Highway Fund.

PART VI. SUPPLEMENTAL TAX ON GROSS PREMIUMS FROM MOTOR VEHICLE INSURANCE CONTRACTS

Section 31 amends G.S. 105-228.5 (taxes measured by gross premiums) to provide an additional tax of 6.5% on motor vehicle insurance contracts to be credited to the Highway Fund.

PART VII. ESTABLISH "DOT REPORT" PROGRAM

Section 32 establishes the DOT Report Program to improve North Carolina roads. The program will consist of the following components:

- Responsiveness – Will allow citizens to report problems to be addressed by DOT within 10 business days (2 business days for potholes).
- Efficiency – DOT shall adopt procedures to streamline project delivery and collapse construction project stages. By October 1, 2015, DOT shall establish a baseline unit pricing structure for transportation goods.
- Performance – Beginning October 1, 2015, DOT shall conduct annual job satisfaction surveys of DOT personnel and road condition satisfaction surveys of North Carolina citizens.
- Oversight – By May 1, 2016, DOT shall reclassify the funding source for all full-time positions that are receipt-supported on the basis of charging to projects.
- Restructure – The Joint Legislative Transportation Oversight Committee, through Fiscal Research, and in consultation with DOT, shall review the Division of Highways and ways to improve its efficiency and effectiveness. The review shall be completed by March 31, 2016, and finding must be reported to the 2016 General Assembly.
- Transparency – DOT must adjust and expand its performance dashboard to include weekly progress of specified projects and to include Highway Division- and county-specific data.

PART VIII. APPROPRIATIONS

Section 33 would appropriate funds as follows:

- $300 million, nonrecurring funds for the 2015-2016 fiscal year from the Highway Fund to DOT for:

- 60% for contract resurfacing
- 20% for modernization of seaports and maintenance and dredging of inlets and navigation channels
- 10% for resurfacing of streets in municipalities
- 10% for bridge repair, rehabilitation, and replacement

- $530 million, nonrecurring funds for the 2016-2017 fiscal year from the Highway Fund to DOT for:
  - 65% for contract resurfacing
  - 20% for modernization of seaports and maintenance and dredging of inlets and navigation channels
  - 10% for resurfacing of streets in municipalities
  - 5% for bridge repair, rehabilitation, and replacement
- $530 million, nonrecurring funds for the 2017-2018 and 2018-2019 fiscal years from the Highway Fund to DOT for:
  - 45% for contract resurfacing
  - 40% for modernization of seaports and maintenance and dredging of inlets and navigation channels
  - 10% for resurfacing of streets in municipalities
  - 5% for bridge repair, rehabilitation, and replacement

EFFECTIVE DATE: Except as otherwise provided, the act is effective when it becomes law.

HOUSE BILL 927

Short Title:	Reestablish NC as the "Good Roads State".	(Public)
Sponsors:	Representatives Torbett, Iler, Shepard, and Tine (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Transportation, if favorable, Finance, if favorable, Appropriations.	

April 20, 2015

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE COMPUTATION OF THE MOTOR FUEL EXCISE TAX RATE; TO ELIMINATE THE DISCOUNT FOR TIMELY PAYMENT OF MOTOR FUELS TAXES BY LICENSED DISTRIBUTORS, IMPORTERS, AND SUPPLIERS; TO MODIFY THE HIGHWAY USE TAX RATE; TO PHASE OUT THE TRANSFER OF FUNDS FROM THE HIGHWAY FUND TO THE GENERAL FUND; TO MODIFY THE AMOUNT OF FEES CHARGED BY THE DIVISION OF MOTOR VEHICLES; TO ESTABLISH A SUPPLEMENTAL TAX ON THE GROSS PREMIUMS FROM MOTOR VEHICLE INSURANCE CONTRACTS; TO TRANSFER CERTAIN FUNDS FROM THE HIGHWAY TRUST FUND TO THE HIGHWAY FUND; TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH THE "DOT REPORT" PROGRAM; TO APPROPRIATE FUNDS FOR CERTAIN PURPOSES; AND TO MAKE VARIOUS CONFORMING CHANGES.

Whereas, roads, bridges, ports, and rails are critical to facilitating the safe movement of goods and people and spurring economic growth in this State; and

Whereas, the volatility and inconsistency in the primary transportation funding source creates uncertainty as to whether there will be a sufficient amount of funding to maintain the roads, bridges, ports, and rails in this State; and

Whereas, the General Assembly intends to develop a stable and consistent funding source to use solely for the maintenance and improvement of the roads, bridges, ports, and rails in this State; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. MOTOR FUELS TAX RATE/DISCOUNT FOR TIMELY PAYMENT

SECTION 1. G.S. 105-449.80 reads as rewritten:

"**§ 105-449.80. Tax rate.**

(a) Rate. – ~~For the period that begins~~Beginning on ~~January~~July 1, ~~2016, and ends on June 30, 2016,~~2015, the motor fuel excise tax rate is a flat rate of ~~thirty-five cents (35¢)~~thirty cents (30¢) per gallon. ~~For the period that begins on July 1, 2016, and ends on December 31, 2016, the motor fuel excise tax rate is a flat rate of thirty-four cents (34¢) per gallon. For the calendar years beginning on January 1, 2017, the motor fuel excise tax rate is a flat rate of thirty-four cents (34¢) per gallon, multiplied by a percentage.~~ For calendar years beginning on or after January 1, ~~2018,~~2017, the motor fuel excise tax rate is the amount for the preceding calendar year, multiplied by a percentage. The percentage is one hundred percent (100%) plus or minus the sum of the following:

(1) The percentage change in population for the applicable calendar year, as estimated under G.S. 143C-2-2, multiplied by seventy-five percent (75%).

(2) The annual percentage change in the Consumer Price Index for All Urban Consumers, multiplied by twenty-five percent (25%). For purposes of this subdivision, "Consumer Price Index for All Urban Consumers" means the United States city average for energy index contained in the detailed report released in the October prior to the applicable calendar year by the Bureau of Labor Statistics of the United States Department of Labor.

...

(b1) Additional Adjustment. – For calendar years beginning on or after January 1, 2016, the Department of Revenue shall increase the motor fuel excise tax rate set in subsection (a) of this section by one cent (1¢) if there is a decrease of one hundred million dollars ($100,000,000) in the actual expenditures of federal funds to the Department of Transportation for the reimbursement of Highway Trust Fund projects, as measured by comparing the difference in the prior two federal fiscal years' expenditures and excluding all federal funds received through competitive awards or discretionary grants. The Department of Transportation shall provide written notice to the Department of Revenue and the Joint Legislative Transportation Oversight Committee no later than November 1 of each year detailing the amount of federal expenditures, as calculated in this subsection, received during the prior two federal fiscal years. If the motor fuel excise tax rate is increased under this subsection, and federal funding increases to an amount that negates the loss that triggered the increase under this subsection, the Department of Transportation shall include this information in the notice provided under this subsection and the Department of Revenue shall reduce the motor fuel excise tax rate accordingly on January 1.

...."

SECTION 2.(a) G.S. 105-449.93 is repealed.

SECTION 2.(b) Subsections (b) and (c) of G.S. 105-449.97 are repealed.

SECTION 2.(c) Subdivision (6) of G.S. 105-449.96 is repealed.

SECTION 2.(d) G.S. 105-449.99(b) reads as rewritten:

"(b) Discounts. – An importer may not deduct an administrative discount from the amount remitted with a return. ~~An importer that imports motor fuel received from an elective supplier or a permissive supplier may deduct the percentage discount allowed by G.S. 105-449.93(b) when remitting tax to the supplier, as trustee, for payment to the State. An importer that imports motor fuel received from a supplier that is not an elective supplier or a permissive supplier may not deduct the percentage discount allowed by G.S. 105-449.93(b) when filing a return for the tax due.~~"

SECTION 2.(e) G.S. 105-449.105(e) reads as rewritten:

"(e) Refund Amount. – The amount of a refund allowed under this section is the amount of excise tax ~~paid, less the amount of any discount allowed on the fuel under G.S. 105-449.93~~paid."

SECTION 2.(f) G.S. 105-449.105A(a) reads as rewritten:

"(a) Refund for Undyed Kerosene Sold to an End User for Non-Highway Use. – A distributor who sells kerosene to an end user for one of the purposes listed in this subsection may obtain a monthly refund for the excise tax the distributor paid on the ~~kerosene, less the amount of any discount allowed on the kerosene under G.S. 105-449.93,~~kerosene if the distributor dispenses the kerosene into a storage facility of the end user that contains fuel used only for one of those purposes and the storage facility is installed in a manner that makes use of the fuel for any other purpose improbable.

(1) Heating.

(2) Drying crops.

(3) A manufacturing process."

SECTION 2.(g) G.S. 105-449.105B is repealed.

SECTION 2.(h) Subdivision (12) of subsection (a) of G.S. 105-449.120 is repealed.

SECTION 2.(i) G.S. 119-18(a1) reads as rewritten:

"**§ 119-18. Inspection tax and distribution of the tax proceeds.**

...

(a1) Deferred Payment. – A licensed kerosene distributor that buys kerosene from a supplier licensed under Part 2 of Article 36C of Chapter 105 of the General Statutes has the right to defer payment of the inspection tax until the supplier is required to remit the tax to this State or another state. ~~A licensed kerosene distributor that pays the tax due a supplier licensed under that Part by the date the supplier must pay the tax to the State may deduct from the amount due a discount in the amount set in G.S. 105-449.93.~~"

SECTION 3. Section 1 of this act becomes effective July 1, 2015. The remainder of this Part becomes effective for taxable years beginning on or after January 1, 2016.

PART II. HIGHWAY USE TAX

SECTION 4. G.S. 105-187.3 reads as rewritten:

"**§ 105-187.3. Rate of tax.**

...

(a1) Tax Rate. – ~~The~~Except as provided in subsection (a2) of this section, the tax rate is ~~three percent (3%).~~four percent (4%). The maximum tax is ~~one thousand dollars ($1,000)~~two thousand dollars ($2,000) for each certificate of title issued for a Class A or Class B motor vehicle that is a (i) commercial motor vehicle, as defined in ~~G.S. 20-4.01. The maximum tax is one thousand five hundred dollars ($1,500) for each certificate of title issued for a recreational vehicle that is not subject to the one thousand dollar ($1,000) maximum tax.~~G.S. 20-4.01, or (ii) recreational vehicle. The tax is payable as provided in G.S. 105-187.4.

(a2) Additional Adjustment. – For calendar years beginning on or after January 1, 2016, the Department of Revenue shall increase the tax rate set in subsection (a1) of this section by one-half of one percent (0.5%) if there is a decrease of two hundred million dollars ($200,000,000) in the actual expenditures of federal funds to the Department of Transportation for the reimbursement of Highway Trust Fund projects, as measured by comparing the difference in the prior two federal fiscal years' expenditures and excluding all federal funds received through competitive awards or discretionary grants. The Department of Transportation shall provide written notice to the Department of Revenue and the Joint Legislative Transportation Oversight Committee no later than November 1 of each year detailing the amount of federal expenditures, as calculated in this subsection, received during the prior two federal fiscal years. If the tax rate set in subsection (a1) of this section is increased under this subsection, and federal funding increases to an amount that negates the loss that triggered the increase under this subsection, the Department of Transportation shall include this information in the notice provided under this subsection and the Department of Revenue shall reduce the tax rate accordingly on January 1.

...."

SECTION 5. G.S. 105-187.5(b) reads as rewritten:

"(b) Rate. – The tax rate on the gross receipts from the short-term lease or rental of a motor vehicle is ~~eight percent (8%)~~nine percent (9%) and the tax rate on the gross receipts from the long-term lease or rental of a motor vehicle is ~~three percent (3%).~~four percent (4%). Gross receipts does not include the amount of any allowance given for a motor vehicle taken in trade as a partial payment on the lease or rental price. The maximum tax in G.S. 105-187.3(a) on certain motor vehicles applies to a continuous lease or rental of such a motor vehicle to the same person."

SECTION 6. G.S. 105-187.6(c) reads as rewritten:

"(c) Out-of-state Vehicles. – A maximum tax of ~~one hundred fifty dollars ($150.00)~~two hundred dollars ($200.00) applies when a certificate of title is issued for a motor vehicle that, at the time of applying for a certificate of title, is and has been titled in another state for at least 90 days."

SECTION 7.(a) For the 2015-2016 fiscal year, twelve and two-tenths percent (12.2%) of the revenues generated from the tax levied under G.S. 105-187.3(a1), the tax levied on gross receipts from the long-term lease or rental of a motor vehicle under G.S. 105-187.5(b), and the tax levied under G.S. 105-187.6(c), after the adjustments enacted in this Part, shall be transferred from the Highway Trust Fund to the Highway Fund.

SECTION 7.(b) For the 2016-2017, 2017-2018, and 2018-2019 fiscal years, twenty-five percent (25%) of the revenues generated from the tax levied under G.S. 105-187.3(a1), the tax levied on gross receipts from the long-term lease or rental of a motor vehicle under G.S. 105-187.5(b), and the tax levied under G.S. 105-187.6(c), after the adjustments enacted in this Part, shall be transferred from the Highway Trust Fund to the Highway Fund.

SECTION 8. Subsection (a) of Section 7 of this act becomes effective July 1, 2015. Subsection (b) of Section 7 of this act becomes effective July 1, 2016. The remainder of this Part becomes effective January 1, 2016.

PART III. FUNDING FOR DREDGING

SECTION 9.(a) Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-215.73G. Conditional funding for maintenance dredging.**

If actual expenditures of federal funds by the Wilmington District of the United States Army Corps of Engineers for the maintenance dredging of shallow draft inlets and deep draft navigation channels located within the State decline by an average rate of five percent (5%), as measured by averaging the percentage difference in actual expenditures from each preceding fiscal year for the prior five federal fiscal years, the Department of Transportation shall, by the first of January of the current fiscal year, allocate from the unencumbered cash balance of the Highway Fund to the Department of Environment and Natural Resources an amount equivalent to twenty percent (20%) of the actual federal expenditures for maintenance dredging during the prior federal fiscal year. Funds transferred in accordance with this section shall be allocated by the Department of Environment and Natural Resources for emergency or prioritized maintenance dredging of shallow draft inlets and deep draft navigation channels performed in accordance with a memorandum of agreement entered into with the United States Army Corps of Engineers. The Departments of Transportation and Environment and Natural Resources shall jointly report the transfer of funds and project selection to the Joint Legislative Commission on Governmental Operations no later than 30 days after the transfer of funds. To the extent any of the funds transferred under this subsection are deemed unappropriated, these funds are hereby appropriated for the purposes set forth in this section."

SECTION 9.(b) This Part becomes effective July 1, 2015.

PART IV. ELIMINATION OF CERTAIN TRANSFERS

SECTION 10.(a) The total amount of funds transferred each fiscal year from the Highway Fund to the General Fund shall be reduced according to the following schedule:

(1) For the 2017-2018 fiscal year, the total amount of funds transferred shall be reduced by forty-nine million one hundred forty-five thousand seven hundred forty-five dollars and twenty-five cents ($49,145,745.25) in recurring funds.

(2) For the 2018-2019 fiscal year, the total amount of funds transferred shall be reduced by an additional forty-nine million one hundred forty-five thousand

seven hundred forty-five dollars and twenty-five cents ($49,145,745.25) in recurring funds.

(3) For the 2019-2020 fiscal year, the total amount of funds transferred shall be reduced by an additional forty-nine million one hundred forty-five thousand seven hundred forty-five dollars and twenty-five cents ($49,145,745.25) in recurring funds.

(4) For the 2020-2021 fiscal year, the total amount of funds transferred shall be reduced by an additional forty-nine million one hundred forty-five thousand seven hundred forty-five dollars and twenty-five cents ($49,145,745.25) in recurring funds and, except for transfers required by statute, any transfer of funds from the Highway Fund to the General Fund shall be eliminated.

SECTION 10.(b) G.S. 105-449.125 reads as rewritten:

"**§ 105-449.125. Distribution of tax revenue among various funds and accounts.**

The Secretary shall allocate the amount of revenue collected under this Article from an excise tax of one-half cent (1/2¢) a gallon to the following funds and accounts in the fraction indicated:

Fund or Account	Amount
Commercial Leaking Petroleum	
Underground Storage Tank Cleanup Fund	Nineteen thirty-seconds
Noncommercial Leaking Petroleum	
Underground Storage Tank Cleanup Fund	Three thirty-seconds
~~Water and Air Quality Account~~	~~Five sixteenths.~~

The Secretary shall allocate seventy-five percent (75%) of the remaining excise tax revenue collected under this Article to the Highway Fund and shall allocate twenty-five percent (25%) to the Highway Trust Fund.

The Secretary shall charge a proportionate share of a refund allowed under this Article to each fund or account to which revenue collected under this Article is credited. The Secretary shall credit revenue or charge refunds to the appropriate funds or accounts on a monthly basis."

SECTION 10.(c) Subsection (b) of this section becomes effective January 1, 2016. The remainder of this section is effective when the act becomes law.

PART V. DMV FEES

SECTION 11. G.S. 20-7 reads as rewritten:

"**§ 20-7. Issuance and renewal of drivers licenses.**

...

(i) Fees. – The fee for a regular drivers license is the amount set in the following table multiplied by the number of years in the period for which the license is issued:

Class of Regular License	Fee for Each Year
Class A	~~$4.00~~$6.00
Class B	~~$4.00~~$6.00
Class C	~~$4.00~~$6.00

The fee for a motorcycle endorsement is ~~one dollar and seventy-five cents ($1.75)~~two dollars and sixty cents ($2.60) for each year of the period for which the endorsement is issued. The appropriate fee shall be paid before a person receives a regular drivers license or an endorsement.

(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to the provisions of this Chapter, other than G.S. 20-17(a)(2) shall pay a restoration fee of ~~fifty dollars ($50.00).~~seventy-five dollars ($75.00). A person whose drivers license has been revoked under G.S. 20-17(a)(2) shall pay a restoration fee of ~~one hundred dollars ($100.00).~~one hundred fifty dollars ($150.00). The fee shall be paid to the Division prior to the issuance to such person of a new drivers license or the restoration of the drivers license. The restoration fee

shall be paid to the Division in addition to any and all fees which may be provided by law. This restoration fee shall not be required from any licensee whose license was revoked or voluntarily surrendered for medical or health reasons whether or not a medical evaluation was conducted pursuant to this Chapter. The ~~fifty-dollar ($50.00) fee,~~seventy-five-dollar ($75.00) fee, and the first ~~fifty dollars ($50.00)~~one hundred dollars ($100.00) of the ~~one-hundred-dollar ($100.00)~~one hundred fifty-dollar ($150.00) fee, shall be deposited in the Highway Fund. Twenty-five dollars ($25.00) of the ~~one-hundred-dollar ($100.00)~~one hundred fifty-dollar ($150.00) fee shall be used to fund a statewide chemical alcohol testing program administered by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the Department of Health and Human Services. The remainder of the ~~one-hundred-dollar ($100.00)~~one hundred fifty-dollar ($150.00) fee shall be deposited in the General Fund. The Office of State Budget and Management shall annually report to the General Assembly the amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the Department of Health and Human Services under this subsection.

Effective with the 2011-2012 fiscal year, from the funds deposited in the General Fund under this subsection the sum of five hundred thirty-seven thousand four hundred fifty-five dollars ($537,455) shall be transferred annually to the Board of Governors of The University of North Carolina to be used for the operating expenses of the Bowles Center for Alcohol Studies at The University of North Carolina at Chapel Hill.

...

(l) Learner's Permit. – A person who is at least 18 years old may obtain a learner's permit. A learner's permit authorizes the permit holder to drive a specified type or class of motor vehicle while in possession of the permit. A learner's permit is valid for a period of 18 months after it is issued. The fee for a learner's permit is ~~fifteen dollars ($15.00).~~twenty-two dollars and fifty cents ($22.50). A learner's permit may be renewed, or a second learner's permit may be issued, for an additional period of 18 months. The permit holder must, while operating a motor vehicle over the highways, be accompanied by a person who is licensed to operate the motor vehicle being driven and is seated beside the permit holder.

...."

SECTION 12. G.S. 20-11(j) reads as rewritten:

"(j) Duration and Fee. — A limited learner's permit expires on the eighteenth birthday of the permit holder. A limited provisional license expires on the eighteenth birthday of the license holder. A limited learner's permit or limited provisional license issued under this section that expires on a weekend or State holiday shall remain valid through the fifth regular State business day following the date of expiration. A full provisional license expires on the date set under G.S. 20-7(f). The fee for a limited learner's permit or a limited provisional license is ~~fifteen dollars ($15.00).~~twenty-two dollars and fifty cents ($22.50). The fee for a full provisional license is the amount set under G.S. 20-7(i)."

SECTION 13. G.S. 20-14 reads as rewritten:

"**§ 20-14. Duplicate licenses.**

A person may obtain a duplicate of a license issued by the Division by paying a fee of ~~ten dollars ($10.00)~~fifteen dollars ($15.00) and giving the Division satisfactory proof that any of the following has occurred:

(1) The person's license has been lost or destroyed.
(2) It is necessary to change the name or address on the license.
(3) Because of age, the person is entitled to a license with a different color photographic background or a different color border.
(4) The Division revoked the person's license, the revocation period has expired, and the period for which the license was issued has not expired."

SECTION 14. G.S. 20-16(e) reads as rewritten:

"(e) The Division may conduct driver improvement clinics for the benefit of those who have been convicted of one or more violations of this Chapter. Each driver attending a driver improvement clinic shall pay a fee of ~~fifty dollars ($50.00).~~seventy-five dollars ($75.00)."

SECTION 15. G.S. 20-26(c) reads as rewritten:

"(c) The Division shall furnish copies of license records required to be kept by subsection (a) of this section in accordance with G.S. 20-43.1 to other persons for uses other than official upon prepayment of the following fees:

(1) Limited extract copy of license record, for period up to three years ..... ~~$8.00~~$12.00
(2) Complete extract copy of license record ..... ~~8.00~~12.00
(3) Certified true copy of complete license record ..... ~~11.00.~~16.50.

All fees received by the Division under this subsection shall be credited to the Highway Fund."

SECTION 16. G.S. 20-37.15(a1) reads as rewritten:

"(a1) The application must be accompanied by a nonrefundable application fee of ~~thirty dollars ($30.00).~~forty-five dollars ($45.00). This fee does not apply in any of the following circumstances:

(1) When an individual surrenders a commercial driver learner's permit issued by the Division when submitting the application.
(2) When the application is to renew a commercial drivers license issued by the Division.

This fee shall entitle the applicant to three attempts to pass the written knowledge test without payment of a new fee. No application fee shall be charged to an applicant eligible for a waiver under G.S. 20-37.13(c)."

SECTION 17. G.S. 20-37.16(d) reads as rewritten:

"(d) The fee for a Class A, B, or C commercial drivers license is ~~fifteen dollars ($15.00)~~twenty-two dollars and fifty cents ($22.50) for each year of the period for which the license is issued. The fee for each endorsement is ~~three dollars ($3.00)~~four dollars and fifty cents ($4.50) for each year of the period for which the endorsement is issued. The fees required under this section do not apply to employees of the Driver License Section of the Division who are designated by the Commissioner."

SECTION 18. G.S. 20-42(b) reads as rewritten:

"(b) The Commissioner and officers of the Division designated by the Commissioner may prepare under the seal of the Division and deliver upon request a certified copy of any document of the Division for a fee. The fee for a document, other than an accident report under G.S. 20-166.1, is ~~ten dollars ($10.00).~~fifteen dollars ($15.00). The fee for an accident report is five dollars ($5.00). A certified copy shall be admissible in any proceeding in any court in like manner as the original thereof, without further certification. The certification fee does not apply to a document furnished for official use to a judicial official or to an official of the federal government, a state government, or a local government."

SECTION 19. G.S. 20-50(b) reads as rewritten:

"(b) The Division may issue a temporary license plate for a vehicle. A temporary license plate is valid for the period set by the Division. The period may not be less than 10 days nor more than 60 days.

A person may obtain a temporary license plate for a vehicle by filing an application with the Division and paying the required fee. An application must be filed on a form provided by the Division.

The fee for a temporary license plate that is valid for 10 days is ~~five dollars ($5.00).~~seven dollars and fifty cents ($7.50). The fee for a temporary license plate that is valid for more than 10 days is the amount that would be required with an application for a license plate for the vehicle. If a person obtains for a vehicle a temporary license plate that is valid for more than 10 days and files an application for a license plate for that vehicle before the temporary license

plate expires, the person is not required to pay the fee that would otherwise be required for the license plate.

A temporary license plate is subject to the following limitations and conditions:

(1) It may be issued only upon proper proof that the applicant has met the applicable financial responsibility requirements.

(2) It expires on midnight of the day set for expiration.

(3) It may be used only on the vehicle for which issued and may not be transferred, loaned, or assigned to another.

(4) If it is lost or stolen, the person who applied for it must notify the Division.

(5) It may not be issued by a dealer.

(6) The provisions of G.S. 20-63, 20-71, 20-110 and 20-111 that apply to license plates apply to temporary license plates insofar as possible."

SECTION 20. G.S. 20-73(c) reads as rewritten:

"(c) Penalties. – A person to whom a vehicle is transferred who fails to apply for a certificate of title within the required time is subject to a civil penalty of ~~fifteen dollars ($15.00)~~twenty-two dollars and fifty cents ($22.50) and is guilty of a Class 2 misdemeanor. A person who undertakes to apply for a certificate of title on behalf of another person and who fails to apply for a title within the required time is subject to a civil penalty of ~~fifteen dollars ($15.00).~~twenty-two dollars and fifty cents ($22.50). When a person to whom a vehicle is transferred fails to obtain a title within the required time because a person who undertook to apply for the certificate of title did not do so within the required time, the Division may impose a civil penalty only on the person who undertook to apply for the title. Civil penalties collected under this subsection shall be credited to the Highway Fund."

SECTION 21. G.S. 20-85(a) reads as rewritten:

"(a) The following fees are imposed concerning a certificate of title, a registration card, or a registration plate for a motor vehicle. These fees are payable to the Division and are in addition to the tax imposed by Article 5A of Chapter 105 of the General Statutes.

(1) Each application for certificate of title ..... ~~$40.00~~$60.00

(2) Each application for duplicate or corrected certificate of title ..... ~~15.00~~22.50

(3) Each application of repossessor for certificate of title ..... ~~15.00~~22.50

(4) Each transfer of registration ..... ~~15.00~~22.50

(5) Each set of replacement registration plates ..... ~~15.00~~22.50

(6) Each application for duplicate registration card ..... ~~15.00~~22.50

(7) Each application for recording supplementary lien ..... ~~15.00~~22.50

(8) Each application for removing a lien from a certificate of title .... ~~15.00~~22.50

(9) Each application for certificate of title for a motor vehicle transferred to a manufacturer, as defined in G.S. 20-286, or a motor vehicle retailer for the purpose of resale ..... ~~15.00~~22.50

(10) Each application for a salvage certificate of title made by an insurer or by a used motor vehicle dealer pursuant to subdivision (b)(2) or subsection (e1) of G.S. 20-109.1 ..... ~~15.00~~22.50

(11) Each set of replacement Stock Car Racing Theme plates issued under G.S. 20-79.4 ..... 25.00."

SECTION 22. G.S. 20-85.1(b) reads as rewritten:

"(b) The Commissioner and the employees of the Division designated by the Commissioner may prepare and deliver upon request a certificate of title, charging a fee of ~~seventy-five dollars ($75.00)~~one hundred twelve dollars and fifty cents ($112.50) for one-day title service, in lieu of the title fee required by G.S. 20-85(a). The fee for one-day title service must be paid by cash or by certified check. This fee shall be credited to the Highway Trust Fund."

SECTION 23. G.S. 20-87 reads as rewritten:

"**§ 20-87. Passenger vehicle registration fees.**

These fees shall be paid to the Division annually for the registration and licensing of passenger vehicles, according to the following classifications and schedules:

(1) For-Hire Passenger Vehicles. – The fee for a passenger vehicle that is operated for compensation and has a capacity of 15 passengers or less is ~~seventy-eight dollars ($78.00).~~one hundred seventeen dollars ($117.00). The fee for a passenger vehicle that is operated for compensation and has a capacity of more than 15 passengers is ~~one dollar and forty cents ($1.40)~~two dollars and ten cents ($2.10) per hundred pounds of empty weight of the vehicle.

(2) U-Drive-It Vehicles. – U-drive-it vehicles shall pay the following tax:

Motorcycles:	1-passenger capacity	~~$18.00~~$27.00
	2-passenger capacity	~~22.00~~33.00
	3-passenger capacity	~~26.00~~39.00
Automobiles:	15 or fewer passengers	~~$51.00~~$76.50
Buses:	16 or more passengers	~~$2.00~~$3.00 per hundred pounds of empty weight
Trucks under 7,000 pounds that do not haul products for hire:	4,000 pounds	~~$41.50~~$62.25
	5,000 pounds	~~$51.00~~$76.50
	6,000 pounds	~~$61.00.~~$91.50

...

(5) Private Passenger Vehicles. – There shall be paid to the Division annually, as of the first day of January, for the registration and licensing of private passenger vehicles, fees according to the following classifications and schedules:

Private passenger vehicles of not more than fifteen passengers ~~$28.00~~$42.00

Private passenger vehicles over fifteen passengers ..... ~~31.00~~46.50

Provided, that a fee of only ~~one dollar ($1.00)~~one dollar and fifty cents ($1.50) shall be charged for any vehicle given by the federal government to any veteran on account of any disability suffered during war so long as such vehicle is owned by the original donee or other veteran entitled to receive such gift under Title 38, section 252, United States Code Annotated.

(6) Private Motorcycles. – The base fee on private passenger motorcycles shall be ~~fifteen dollars ($15.00);~~twenty-two dollars and fifty cents ($22.50); except that when a motorcycle is equipped with an additional form of device designed to transport persons or property, the base fee shall be ~~twenty-two dollars ($22.00).~~thirty-three dollars ($33.00). An additional fee of ~~three dollars ($3.00)~~four dollars and fifty cents ($4.50) is imposed on each private motorcycle registered under this subdivision in addition to the base fee. The revenue from the additional fee, in addition to any other funds appropriated for this purpose, shall be used to fund the Motorcycle Safety Instruction Program created in G.S. 115D-72.

...

(9) House Trailers. – In lieu of other registration and license fees levied on house trailers under this section or G.S. 20-88, the registration and license fee on house trailers shall be ~~eleven dollars ($11.00)~~sixteen dollars and fifty cents ($16.50) for the license year or any portion thereof.

...

(11) Any vehicle fee determined under this section according to the weight of the vehicle shall be increased by the sum of ~~three dollars ($3.00)~~four dollars and fifty cents ($4.50) to arrive at the total fee.

...

(13) Additional fee for certain electric vehicles. – At the time of an initial registration or registration renewal, the owner of a plug-in electric vehicle that is not a low-speed vehicle and that does not rely on a nonelectric source of power shall pay a fee in the amount of ~~one hundred dollars ($100.00)~~one hundred fifty dollars ($150.00) in addition to any other required registration fees."

SECTION 24.(a) Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-88.03. Late fee; motor vehicle registration.**

(a) Late Fee. – In addition to the applicable fees required under this Article for the registration of a motor vehicle and any interest assessed under G.S. 105-330.4, the Division shall charge a late fee according to the following schedule to a person who pays the applicable registration fee required under this Article after the registration expires:

(1) If the registration has been expired for less than one month, a late fee of fifteen dollars ($15.00).

(2) If the registration has been expired for one month or greater, but less than two months, a late fee of twenty dollars ($20.00).

(3) If the registration has been expired for two months or greater, a late fee of twenty-five dollars ($25.00).

(b) Proceeds. – The clear proceeds of any late fee charged under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(c) Construction. – For purposes of this section, payment by mail of a registration fee required under this Article is considered to be made on the date shown on the postmark stamped by the United States Postal Service. If payment by mail is not postmarked or does not show the date of mailing, the payment is considered to be made on the date the Division receives the payment."

SECTION 24.(b) G.S. 105-330.10 reads as rewritten:

"**§ 105-330.10. Disposition of interest.**

The interest collected on unpaid registration fees pursuant to G.S. 105-330.4 shall be transferred on a monthly basis to the North Carolina Highway ~~Fund for technology improvements within the Division of Motor Vehicles.~~Fund."

SECTION 25. G.S. 20-88 reads as rewritten:

"**§ 20-88. Property-hauling vehicles.**

...

(b) The following fees are imposed on the annual registration of self-propelled property-hauling vehicles; the fees are based on the type of vehicle and its weight:

SCHEDULE OF WEIGHTS AND RATES
Rates Per Hundred Pound Gross Weight

	Farmer Rate
Not over 4,000 pounds	~~$0.29~~$0.44
4,001 to 9,000 pounds inclusive	~~.40~~.60
9,001 to 13,000 pounds inclusive	~~.50~~.75

13,001 to 17,000 pounds inclusive	~~.68~~1.02
Over 17,000 pounds	~~.77~~1.16

Rates Per Hundred Pound Gross Weight

	General Rate
Not over 4,000 pounds	~~$0.59~~$0.89
4,001 to 9,000 pounds inclusive	~~.81~~1.22
9,001 to 13,000 pounds inclusive	~~1.00~~1.50
13,001 to 17,000 pounds inclusive	~~1.36~~2.04
Over 17,000 pounds	~~1.54~~2.31

(1) The minimum fee for a vehicle licensed under this subsection is ~~twenty-four dollars ($24.00)~~thirty-six dollars ($36.00) at the farmer rate and ~~twenty-eight dollars ($28.00)~~forty-two dollars ($42.00) at the general rate.

...

(6) There shall be paid to the Division annually the following fees for "wreckers" as defined under G.S. 20-4.01(50): a wrecker fully equipped weighing 7,000 pounds or less, ~~seventy-five dollars ($75.00);~~one hundred twelve dollars and fifty cents ($112.50); wreckers weighing in excess of 7,000 pounds shall pay ~~one hundred forty-eight dollars ($148.00).~~two hundred twenty-two dollars ($222.00). Fees to be prorated monthly. Provided, further, that nothing herein shall prohibit a licensed dealer from using a dealer's license plate to tow a vehicle for a customer.

(c) The fee for a semitrailer or trailer is ~~nineteen dollars ($19.00)~~twenty-eight dollars and fifty cents ($28.50) for each year or part of a year. The fee is payable each year. Upon the application of the owner of a semitrailer or trailer, the Division may issue a multiyear plate and registration card for the semitrailer or trailer for a fee of ~~seventy-five dollars ($75.00).~~one hundred twelve dollars and fifty cents ($112.50). A multiyear plate and registration card for a semitrailer or trailer are valid until the owner transfers the semitrailer or trailer to another person or surrenders the plate and registration card to the Division. A multiyear plate may not be transferred to another vehicle.

The Division shall issue a multiyear semitrailer or trailer plate in a different color than an annual semitrailer or trailer plate and shall include the word "multiyear" on the plate. The Division may not issue a multiyear plate for a house trailer.

...

(i) Any vehicle fee determined under this section according to the weight of the vehicle shall be increased by the sum of ~~three dollars ($3.00)~~four dollars and fifty cents ($4.50) to arrive at the total fee.

...."

SECTION 26. G.S. 20-289(a) reads as rewritten:

"(a) The license fee for each fiscal year, or part thereof, shall be as follows:

(1) For motor vehicle dealers, distributors, distributor branches, and wholesalers, ~~seventy dollars ($70.00)~~one hundred five dollars ($105.00) for each place of business.

(2) For manufacturers, ~~one hundred fifty dollars ($150.00)~~two hundred twenty-five dollars ($225.00) and for each factory branch in this State, ~~one hundred dollars ($100.00).~~one hundred fifty dollars ($150.00).

(3) For motor vehicle sales representatives, ~~fifteen dollars ($15.00).~~twenty-two dollars and fifty cents ($22.50).

(4) For factory representatives, or distributor representatives, ~~fifteen dollars ($15.00).~~twenty-two dollars and fifty cents ($22.50).

(5) Repealed by Session Laws 1991, c. 662, s. 4."

SECTION 27. G.S. 20-385(a) reads as rewritten:

"(a) The fees listed in this section apply to a motor carrier. These fees are in addition to any fees required under the Unified Carrier Registration Agreement.

(1) Repealed by Session Laws 2007-492, s. 5, effective August 30, 2007.

(2) Application by an intrastate motor carrier for a certificate of exemption ~~45.00~~67.50

(3) Certification by an interstate motor carrier that it is not regulated by the United States Department of Transportation ~~45.00~~67.50

(4) Application by an interstate motor carrier for an emergency trip permit ~~18.00.~~27.00."

SECTION 28. G.S. 44A-4(b)(1) reads as rewritten:

"(b) Notice and Hearings. –

(1) If the property upon which the lien is claimed is a motor vehicle that is required to be registered, the lienor following the expiration of the relevant time period provided by subsection (a) shall give notice to the Division of Motor Vehicles that a lien is asserted and sale is proposed and shall remit to the Division a fee of ~~ten dollars ($10.00).~~fifteen dollars ($15.00). The Division of Motor Vehicles shall issue notice by certified mail, return receipt requested, to the person having legal title to the property, if reasonably ascertainable, to the person with whom the lienor dealt if different, and to each secured party and other person claiming an interest in the property who is actually known to the Division or who can be reasonably ascertained. The notice shall state that a lien has been asserted against specific property and shall identify the lienor, the date that the lien arose, the general nature of the services performed and materials used or sold for which the lien is asserted, the amount of the lien, and that the lienor intends to sell the property in satisfaction of the lien. The notice shall inform the recipient that the recipient has the right to a judicial hearing at which time a determination will be made as to the validity of the lien prior to a sale taking place. The notice shall further state that the recipient has a period of 10 days from the date of receipt in which to notify the Division by certified mail, return receipt requested, that a hearing is desired and that if the recipient wishes to contest the sale of his property pursuant to such lien, the recipient should notify the Division that a hearing is desired. The notice shall state the required information in simplified terms and shall contain a form whereby the recipient may notify the Division that a hearing is desired by the return of such form to the Division. The Division shall notify the lienor whether such notice is timely received by the Division. In lieu of the notice by the lienor to the Division and the notices issued by the Division described above, the lienor may issue notice on a form approved by the Division pursuant to the notice requirements above. If notice is issued by the lienor, the recipient shall return the form requesting a hearing to the lienor, and not the Division, within 10 days from the date the recipient receives the notice if a judicial hearing is requested. If the certified mail notice has been returned as undeliverable and the notice of a right to a judicial hearing has been given to the owner of the motor vehicle in accordance with G.S. 20-28.4, no further notice is required. Failure of the recipient to notify the Division or lienor, as specified in the notice, within 10 days of the receipt of such notice that a hearing is desired shall be deemed a waiver of the right to a hearing prior to the sale of the property against which the lien is asserted, and the lienor may proceed to enforce the lien by public or private sale as provided

in this section and the Division shall transfer title to the property pursuant to such sale. If the Division or lienor, as specified in the notice, is notified within the 10-day period provided above that a hearing is desired prior to sale, the lien may be enforced by sale as provided in this section and the Division will transfer title only pursuant to the order of a court of competent jurisdiction.

If the certified mail notice has been returned as undeliverable, or if the name of the person having legal title to the vehicle cannot reasonably be ascertained and the fair market value of the vehicle is less than eight hundred dollars ($800.00), the lienor may institute a special proceeding in the county where the vehicle is being held, for authorization to sell that vehicle. Market value shall be determined by the schedule of values adopted by the Commissioner under G.S. 105-187.3.

In such a proceeding a lienor may include more than one vehicle, but the proceeds of the sale of each shall be subject only to valid claims against that vehicle, and any excess proceeds of the sale shall be paid immediately to the Treasurer for disposition pursuant to Chapter 116B of the General Statutes.

The application to the clerk in such a special proceeding shall contain the notice of sale information set out in subsection (f) hereof. If the application is in proper form the clerk shall enter an order authorizing the sale on a date not less than 14 days therefrom, and the lienor shall cause the application and order to be sent immediately by first-class mail pursuant to G.S. 1A-1, Rule 5, to each person to whom notice was mailed pursuant to this subsection. Following the authorized sale the lienor shall file with the clerk a report in the form of an affidavit, stating that the lienor has complied with the public or private sale provisions of G.S. 44A-4, the name, address, and bid of the high bidder or person buying at a private sale, and a statement of the disposition of the sale proceeds. The clerk then shall enter an order directing the Division to transfer title accordingly.

If prior to the sale the owner or legal possessor contests the sale or lien in a writing filed with the clerk, the proceeding shall be handled in accordance with G.S. 1-301.2."

SECTION 29.(a) For the 2015-2016 fiscal year, twenty percent (20%) of the revenues generated from the fees set forth in subdivisions (1) through (9) of subsection (a) of G.S. 20-85, after the adjustments enacted in this Part, shall be transferred from the Highway Trust Fund to the Highway Fund.

SECTION 29.(b) For the 2016-2017, 2017-2018, and 2018-2019 fiscal years, thirty-five percent (35%) of the revenues generated from the fees set forth in subdivisions (1) through (9) of subsection (a) of G.S. 20-85, after the adjustments enacted in this Part, shall be transferred from the Highway Trust Fund to the Highway Fund.

SECTION 30. Subsection (a) of Section 29 of this act becomes effective July 1, 2015. Subsection (b) of Section 29 of this act becomes effective July 1, 2016. Section 24 of this act becomes effective July 1, 2016, and applies to renewals of registration and licensing of passenger vehicles on or after that date. The remainder of this Part becomes effective January 1, 2016, and applies to issuances, renewals, restorations, and requests on or after that date.

PART VI. SUPPLEMENTAL TAX ON GROSS PREMIUMS FROM MOTOR VEHICLE INSURANCE CONTRACTS

SECTION 31.(a) G.S. 105-228.5(d) is amended by adding a new subdivision to read:

"(3a) Additional Rate on Motor Vehicle Insurance Contracts. – An additional tax at the rate of six and one-half percent (6.5%) applies to gross premiums on insurance contracts for motor vehicles. The net proceeds of this additional tax must be credited to the Highway Fund."

SECTION 31.(b) This section becomes effective January 1, 2016, and applies to motor vehicle insurance contracts entered into or renewed on or after that date.

PART VII. ESTABLISH "DOT REPORT" PROGRAM

SECTION 32.(a) It is the intent of the General Assembly that North Carolina's reputation as the "Good Roads State" is restored, which requires a partnership between the Governor, the Department of Transportation, the General Assembly, and all North Carolina citizens. Further, the General Assembly finds that improving the condition of North Carolina's roads requires increased oversight, accountability, innovation, and efficiency. It is the belief of the General Assembly that, through increased transparency and responsiveness to the public, the condition of the roads in this State will be the best in the nation within 10 years.

SECTION 32.(b) To achieve the intent set forth in subsection (a) of this section, the Department of Transportation shall establish and implement the "DOT REPORT" Program (Program). The Program shall include the following components:

(1) Responsiveness. – The Department of Transportation shall expand the Program to gather citizen input and shall commit to quickly addressing structural problems and other road hazards on State-maintained roads. Citizens may report potholes, drainage issues, culvert blockages, guardrail repairs, damaged or missing signs, malfunctioning traffic lights, highway debris, or shoulder damage to the Department of Transportation by calling 1-877-DOT-4YOU or submitting an online work request through the Web site link http://www.ncdot.gov/reportDOT/fixmyroad. Beginning January 1, 2016, upon receiving a citizen report in accordance with this subdivision, the Department of Transportation shall either address the reported problem or identify a solution to the reported problem. Excluding potholes, which shall be repaired within two business days of the date the report is received, the Department of Transportation shall properly address citizen reports no later than 10 business days after the date the citizen report is received. The Department of Transportation shall transmit information received about potholes or other problems on roads not maintained by the State to the appropriate locality within two business days of receiving the citizen report.

(2) Efficiency. – The Department of Transportation shall adopt procedures in all stages of the construction process to streamline project delivery, including consolidating environmental review processes, expediting multi-agency reviews, accelerating right-of-way acquisitions, and pursuing design-build and other processes to collapse project stages.

By October 1, 2015, the Department of Transportation shall establish a baseline unit pricing structure for transportation goods used in highway maintenance and construction projects and set annual targets for three years based on its unit pricing. In forming the baseline unit prices and future targets, the Department of Transportation shall collect data from each Highway Division on its expenditures on transportation goods during the 2015-2016 fiscal year. Beginning January 1, 2016, no Highway Division shall exceed a ten-percent (10%) variance over a baseline unit price set for that year in accordance with this subdivision. The Department of Transportation shall institute quarterly tracking to monitor pricing variances. The ten-percent (10%) maximum variance set under this subdivision is

intended to account for regional differences requiring varying product mixes. The Department of Transportation shall report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division on October 1, 2015, on information required by this subdivision. If a Highway Division exceeds the unit pricing threshold, the Department of Transportation shall report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division no later than the fifteenth day following the end of the quarter on why the variance occurred and what steps are being taken to bring the Highway Division back into compliance. In order to drive savings, unit pricing may be reduced annually as efficiencies are achieved.

(3) Performance. – Beginning October 1, 2015, the Secretary of the Department of Transportation shall conduct an annual job satisfaction survey of all Department of Transportation personnel that shall address relationships among all levels of leadership, work environment, issues impacting job performance, and leadership performance in creating the dynamic work environment necessary to meet new performance outcomes. In addition, the Department of Transportation shall conduct an annual survey of North Carolina citizens to measure the level of citizen satisfaction with the condition of the roads and highways of this State. Within 30 days of compiling the information received from surveys conducted in accordance with this subdivision, the results of these surveys shall be reported to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division.

(4) Oversight. – No later than May 1, 2016, and to increase budget transparency and allow for greater legislative and citizen oversight, the Department of Transportation, in consultation with the Fiscal Research Division and the Office of State Budget and Management, shall reclassify the funding source for all full-time positions that are budgeted as receipt-supported on the basis of charging to projects to appropriation and shall adjust budgeted funds accordingly. Employees in the Division of Highways shall be attributed to the respective Highway Division fund codes within the Highway Fund. Notwithstanding any other provision of law, the Department of Transportation is authorized to reallocate sufficient funds from the Primary Maintenance, Secondary Maintenance, and General Maintenance Reserve fund codes to each Highway Division to pay for salary and related costs associated with the reclassified positions. Receipt-supported positions in other organizational units within the Department of Transportation shall be funded through existing fund codes and funding sources for their assigned organizational units.

(5) Restructure. – An unbiased review of the organization, staffing, and operations of the Division of Highways within the Department of Transportation is needed to improve the efficiency and effectiveness of the Division of Highways' operations and to align operations and staffing with the strategic goals set for the Division of Highways. To that end, the Joint Legislative Transportation Oversight Committee, through the Fiscal Research Division and in consultation with the Department of Transportation, shall study and review the Division of Highways. The Joint Legislative Transportation Oversight Committee may use a Request for Information process or a Request for Proposals process to contract with a

qualified consulting firm to perform this review and study. The study and review, at a minimum, shall include all of the following:

a. A review of current Division of Highways' operations, staffing levels, and employee performance management efforts.
b. An evaluation of current laws and policies related to Division of Highways' operations and staffing.
c. Recommendations on how best to align staffing with strategic goals and workload.
d. Recommendations on performance- or incentive-based systems to improve the effectiveness of the Division of Highways.
e. Recommendations on whether current laws and policies should be continued or modified based upon study results and human resource best practices.

Upon request, the Division of Highways shall provide any information, data, or documents within their possession, available from the Department of Transportation or other State agency records, as well as any other relevant information, data, or documents to complete this study and review. Information, data, and documents shall be provided in a timely manner to both the Fiscal Research Division and the consultant, if any. Upon request of the Fiscal Research Division or the consultant, if any, the Division of Highways shall dedicate and identify staff to aid in the reviews required in completing this report. The study and review shall be completed by March 31, 2016. The Joint Legislative Transportation Oversight Committee shall report its findings to the 2015 Regular Session of the General Assembly upon its convening in 2016.

(6) Transparency. – In order for the public to access up-to-date information on highway and bridge projects and hold the Department of Transportation accountable for completing projects on time, the Department of Transportation shall adjust its performance dashboard available on the Department of Transportation's home page to track the weekly progress of all of the following:

a. Maintenance projects costing over one million dollars ($1,000,000).
b. Bridge replacement projects.
c. Bridge repair and bridge renovation projects requiring road closures in excess of 24 hours.
d. All construction projects included in the five-year State Transportation Improvement Program.

The Department of Transportation's performance dashboard shall also be expanded to include Highway Division- and county-specific data with more detailed financial reporting and project delivery tracking. Dashboard enhancements required under this subdivision shall be completed by March 1, 2016.

SECTION 32.(c) This section is effective when this act becomes law.

PART VIII. APPROPRIATIONS

SECTION 33.(a) Notwithstanding G.S. 143C-5-2, there is appropriated from the Highway Fund to the Department of Transportation the sum of three hundred million dollars ($300,000,000) in nonrecurring funds for the 2015-2016 fiscal year to be used for the following purposes:

(1) Sixty percent (60%) of the appropriated funds for contract resurfacing. Funds under this subdivision shall be distributed evenly to each county in the

State. To the extent practicable, counties shall collaborate if contract resurfacing projects paid for with funds received under this subdivision will involve the resurfacing of roads located in multiple counties. If funds received under this subdivision are not needed for resurfacing, counties may use the funds to repaint road markings. By July 15, 2016, the Department of Transportation shall report to the Joint Legislative Transportation Oversight Committee on the amount of lane miles treated by county, the amount expended per lane mile by county, explain significant discrepancies in the cost per lane mile between counties, and, if applicable, the amount expended on road markings by county. All funds distributed under this subdivision shall be expended by June 30, 2016.

(2) Twenty percent (20%) of the appropriated funds for (i) the modernization of the seaports located in Wilmington and Morehead City, including roadway and railroad construction projects that provide direct access to the seaports and (ii) maintenance and dredging of inlets and navigation channels for maritime commerce pursuant to a memorandum of agreement entered into with the United States Army Corps of Engineers or other necessary means.

(3) Ten percent (10%) of the appropriated funds to municipalities for the resurfacing of streets within the municipalities. The Department of Transportation shall provide funding under this subdivision in accordance with the formula set forth in G.S. 136-41.1. Funds under this subdivision shall be distributed to the recipient municipality in two equal shares on September 1, 2015, and February 1, 2016. By August 15, 2015, each municipality shall (i) post on its Web site a schedule and list of resurfacing projects for which the funding will be used and (ii) send a copy of this list to the Department of Transportation along with an accounting of the amount of contract resurfacing funds expended from funds received under G.S. 136-41.1 during the 2014-2015 fiscal year. A municipality shall return or forfeit funding received under this subdivision if, by August 15, 2016, the municipality does not provide to the Department of Transportation documentation detailing how funds received under this subdivision were expended and the amount of lane miles treated on resurfacing projects funded under this subdivision during the 2015-2016 fiscal year. If funds for the purpose set forth in this subdivision are remaining at the end of the 2015-2016 fiscal year, these funds shall not revert but shall remain available for this purpose or to provide to municipalities for repainting road markings.

(4) Ten percent (10%) of the appropriated funds for repair, rehabilitation, and replacement of structurally deficient bridges.

SECTION 33.(b) Notwithstanding G.S. 143C-5-2, there is appropriated from the Highway Fund to the Department of Transportation the sum of five hundred thirty million dollars ($530,000,000) in nonrecurring funds for the 2016-2017 fiscal year to be used for the following purposes:

(1) Sixty-five percent (65%) of the appropriated funds for contract resurfacing. Funds under this subdivision shall be distributed evenly to each county in the State. To the extent practicable, counties shall collaborate if contract resurfacing projects paid for with funds received under this subdivision will involve the resurfacing of roads located in multiple counties. If funds received under this subdivision are not needed for resurfacing, counties may use the funds to repaint road markings. By July 15, 2017, the Department of Transportation shall report to the Joint Legislative Transportation Oversight Committee on the amount of lane miles treated by county, the amount

expended per lane mile by county, explain significant discrepancies in the cost per lane mile between counties, and, if applicable, the amount expended on road markings by county. All funds distributed under this subdivision shall be expended by June 30, 2017.

(2) Twenty percent (20%) of the appropriated funds for (i) the modernization of the seaports located in Wilmington and Morehead City, including roadway and railroad construction projects that provide direct access to the seaports and (ii) maintenance and dredging of inlets and navigation channels for maritime commerce pursuant to a memorandum of agreement entered into with the United States Army Corps of Engineers or other necessary means.

(3) Ten percent (10%) of the appropriated funds to municipalities for the resurfacing of streets within the municipalities. The Department of Transportation shall provide funding under this subdivision in accordance with the formula set forth in G.S. 136-41.1. Funds under this subdivision shall be distributed to the recipient municipality in two equal shares on September 1, 2016, and February 1, 2017. By August 15, 2016, each municipality shall (i) post on its Web site a schedule and list of resurfacing projects for which the funding will be used and (ii) send a copy of this list to the Department of Transportation along with an accounting of contract resurfacing funds expended and the number of lane miles treated from funds received from the October 1 and January 1 allocations under G.S. 136-41.1 during the 2015-2016 fiscal year. A municipality shall be ineligible to receive funds under this subdivision if the amount of funds expended on resurfacing during the 2015-2016 fiscal year from the October 1 and January 1 allocations is less than the amount spent by the municipality on resurfacing during the 2014-2015 fiscal year. A municipality shall return or forfeit funding received under this subdivision if, by August 15, 2017, the municipality does not provide to the Department of Transportation documentation detailing how funds received under this subdivision were expended and the amount of lane miles treated on resurfacing projects funded under this subdivision during the 2016-2017 fiscal year. If funds for the purpose set forth in this subdivision are remaining at the end of the 2016-2017 fiscal year, these funds shall not revert but shall remain available for this purpose or to provide to municipalities for repainting road markings.

(4) Five percent (5%) of the appropriated funds for repair, rehabilitation, and replacement of structurally deficient bridges.

SECTION 33.(c) Notwithstanding G.S. 143C-5-2, there is appropriated from the Highway Fund to the Department of Transportation the sum of five hundred thirty million dollars ($530,000,000) in nonrecurring funds for the 2017-2018 fiscal year to be used for the following purposes:

(1) Forty-five percent (45%) of the appropriated funds for contract resurfacing. Funds under this subdivision shall be distributed evenly to each county in the State. To the extent practicable, counties shall collaborate if contract resurfacing projects paid for with funds received under this subdivision will involve the resurfacing of roads located in multiple counties. If funds received under this subdivision are not needed for resurfacing, counties may use the funds to repaint road markings. By July 15, 2018, the Department of Transportation shall report to the Joint Legislative Transportation Oversight Committee on the amount of lane miles treated by county, the amount expended per lane mile by county, explain significant discrepancies in the cost per lane mile between counties, and, if applicable, the amount expended

on road markings by county. All funds distributed under this subdivision shall be expended by June 30, 2018.

(2) Forty percent (40%) of the appropriated funds for (i) the modernization of the seaports located in Wilmington and Morehead City, including roadway and railroad construction projects that provide direct access to the seaports and (ii) maintenance and dredging of inlets and navigation channels for maritime commerce pursuant to a memorandum of agreement entered into with the United States Army Corps of Engineers or other necessary means. The Secretary of Transportation may transfer all or part of the funds appropriated under this subdivision to the Highway Trust Fund for use in accordance with G.S. 136-189.11 if the Secretary determines that all or part of the funds are not needed for the purposes set forth in this subdivision.

(3) Ten percent (10%) of the appropriated funds to reimburse municipalities for the resurfacing of streets within the municipalities. The Department of Transportation shall provide funding under this subdivision in accordance with the formula set forth in G.S. 136-41.1. Funds under this subdivision shall be distributed to the recipient municipality in two equal shares on September 1, 2017, and February 1, 2018. By August 15, 2017, each municipality shall (i) post on its Web site a schedule and list of resurfacing projects for which the funding will be used and (ii) send a copy of this list to the Department of Transportation along with an accounting of contract resurfacing funds expended and the number of lane miles treated from funds received from the October 1 and January 1 allocations under G.S. 136-41.1 during the 2016-2017 fiscal year. A municipality shall be ineligible to receive funds under this subdivision if the amount of funds expended on resurfacing during the 2016-2017 fiscal year from the October 1 and January 1 allocations is less than the amount spent by the municipality on resurfacing during the 2015-2016 fiscal year. A municipality shall return or forfeit funding received under this subdivision if, by August 15, 2018, the municipality does not provide to the Department of Transportation documentation detailing how funds received under this subdivision were expended and the amount of lane miles treated on resurfacing projects funded under this subdivision during the 2017-2018 fiscal year. If funds for the purpose set forth in this subdivision are remaining at the end of the 2017-2018 fiscal year, these funds shall not revert but shall remain available for this purpose or to provide to municipalities for repainting road markings.

(4) Five percent (5%) of the appropriated funds for repair, rehabilitation, and replacement of structurally deficient bridges.

SECTION 33.(d) Notwithstanding G.S. 143C-5-2, there is appropriated from the Highway Fund to the Department of Transportation the sum of five hundred thirty million dollars ($530,000,000) in nonrecurring funds for the 2018-2019 fiscal year to be used for the following purposes:

(1) Forty-five percent (45%) of the appropriated funds for contract resurfacing. Funds under this subdivision shall be distributed evenly to each county in the State. To the extent practicable, counties shall collaborate if contract resurfacing projects paid for with funds received under this subdivision will involve the resurfacing of roads located in multiple counties. If funds received under this subdivision are not needed for resurfacing, counties may use the funds to repaint road markings. By July 15, 2019, the Department of Transportation shall report to the Joint Legislative Transportation Oversight Committee on the amount of lane miles treated by county, the amount

expended per lane mile by county, explain significant discrepancies in the cost per lane mile between counties, and, if applicable, the amount expended on road markings by county. All funds distributed under this subdivision shall be expended by June 30, 2019.

(2) Forty percent (40%) of the appropriated funds for (i) the modernization of the seaports located in Wilmington and Morehead City, including roadway and railroad construction projects that provide direct access to the seaports and (ii) maintenance and dredging of inlets and navigation channels for maritime commerce pursuant to a memorandum of agreement entered into with the United States Army Corps of Engineers or other necessary means. The Secretary of Transportation may transfer all or part of the funds appropriated under this subdivision to the Highway Trust Fund for use in accordance with G.S. 136-189.11 if the Secretary determines that all or part of the funds are not needed for the purposes set forth in this subdivision.

(3) Ten percent (10%) of the appropriated funds to reimburse municipalities for the resurfacing of streets within the municipalities. The Department of Transportation shall provide funding under this subdivision in accordance with the formula set forth in G.S. 136-41.1. Funds under this subdivision shall be distributed to the recipient municipality in two equal shares on September 1, 2018, and February 1, 2019. By August 15, 2018, each municipality shall (i) post on its Web site a schedule and list of resurfacing projects for which the funding will be used and (ii) send a copy of this list to the Department of Transportation along with an accounting of contract resurfacing funds expended and the number of lane miles treated from funds received from the October 1 and January 1 allocations under G.S. 136-41.1 during the 2017-2018 fiscal year. A municipality shall be ineligible to receive funds under this subdivision if the amount of funds expended on resurfacing during the 2017-2018 fiscal year from the October 1 and January 1 allocations is less than the amount spent by the municipality on resurfacing during the 2016-2017 fiscal year. A municipality shall return or forfeit funding received under this subdivision if, by August 15, 2019, the municipality does not provide to the Department of Transportation documentation detailing how funds received under this subdivision were expended and the amount of lane miles treated on resurfacing projects funded under this subdivision during the 2018-2019 fiscal year. If funds for the purpose set forth in this subdivision are remaining at the end of the 2018-2019 fiscal year, these funds shall not revert but shall remain available for this purpose or to provide to municipalities for repainting road markings.

(4) Five percent (5%) of the appropriated funds for repair, rehabilitation, and replacement of structurally deficient bridges.

SECTION 33.(e) Subsection (a) of this section becomes effective July 1, 2015. Subsection (b) of this section becomes effective July 1, 2016. Subsection (c) of this section becomes effective July 1, 2017. Subsection (d) of this section becomes effective July 1, 2018. The remainder of this section is effective when this act becomes law.

PART IX. HEADINGS/EFFECTIVE DATE

SECTION 34. The headings of the Parts of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

SECTION 35. Except as otherwise provided in this act, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

Legislative Fiscal Note

BILL NUMBER: House Bill 927 (First Edition)

SHORT TITLE: Reestablish NC as the "Good Roads State".

SPONSOR(S): Representatives Torbett, Iler, Shepard, and Tine

FISCAL IMPACT
($ in millions)

☑ Yes ☐ No ☐ No Estimate Available

State Impact	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
General Fund Revenues:	$3.5	$8.4	($45.6)	($89.9)	($139.0)
General Fund Expenditures:					
Highway Fund Revenues:	$93.6	$536.5	$648.5	$714.2	$487.6
Highway Fund Expenditures:	Expenditures Not Fully Known. See Assumptions and Methodology.				
Highway Trust Fund Revenues:	($78.4)	($59.2)	($45.0)	($45.0)	$244.2
Highway Trust Fund Expenditures:					
State Positions:					
NET STATE IMPACT	**$18.7**	**$485.7**	**$557.9**	**$579.3**	**$592.8**

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED Department of Transportation

EFFECTIVE DATE: Varies

TECHNICAL CONSIDERATIONS:
None

BILL SUMMARY:

Parts I and II of this bill reduces the motor fuel excise tax rate to 30 cents per gallon effective July 1, 2015, increases the highway use tax rates by one percent, and increases the tax caps for commercial and recreational vehicles effective on January 1, 2016. The bill repeals refunds for timely payment and/or filing for motor fuel distributors, importers, and bulk-end users. The bill establishes a trigger if federal transfers decline more than $100 million then the motor fuel tax rate increases one cent per gallon on the next January 1, and if federal transfers decline more than $200 million then the highway use tax will increase by 0.5 percent on the next January 1. If the federal transfer rebounds, the tax increases are eliminated on the next January 1. Increased highway use tax revenues normally deposited in the Highway Trust Fund are transferred to the Highway Fund for the first four fiscal years.

Part III provides for a mid-year outlay from the Highway Fund cash balance for maintenance dredging of shallow draft inlets and deep draft navigation channels, should historical federal funding decline by an average rate of five percent.

Part IV eliminates a $196,582,981 transfer from the Highway Fund to the General Fund in four equal installments over four years, beginning in FY 2017-18. Effective January 1, 2016, Section

10(b) eliminates the statutory earmark of motor fuel excise tax revenues to the Water and Air Quality Account.

Part V provides for across-the-board increases to certain existing fees collected by the Division of Motor Vehicles and creates a new tiered late penalty for overdue registration renewals.

Part VI creates a new tax on gross premiums attributable to auto insurance policies.

Part VII contains various provisions to "Restore North Carolina's reputation as the "Good Roads State."

Part VIII appropriates $300 million in FY 2015-16 and $530 million in FY 2016-17 through FY 2018-19 to specific programs, as listed in Table 5.

ASSUMPTIONS AND METHODOLOGY:

Fiscal Impact to Highway Fund and Highway Trust Fund
The fiscal impact, as shown in Table 1, reduces the motor fuel excise tax rate and eliminates a motor fuel excise tax refund in Part I, it increases the Highway Use Tax in Part II and DMV fees in Part V, it eliminates the Water & Air Quality transfer in Part 4, Section 10(b), it phases-out the General Fund transfer used to support the State Highway Patrol in Part 4, Section 10(a), and it adds a new supplemental tax on gross premiums from motor vehicle insurance contracts in Part VI.

Table One: HB 927 Fiscal Impact To Highway Fund and Highway Trust Fund (Estimates in Millions)

		FY 2015-16		FY 2016-17		FY 2017-18		FY 2018-19		FY 2019-20	
Tax Type	Description	Highway Fund	Highway Trust Fund	Highway Fund	Highway Trust Fund	Highway Fund	Highway Trust Fund	Highway Fund	Highway Trust Fund	Highway Fund	Highway Trust Fund
Motor Fuels Tax	30 cpg until 7/1/17; then formula	$ (225.5)	$ (75.2)	$ (164.5)	$ (54.8)	$ (124.1)	$ (41.4)	$ (123.8)	$ (41.3)	$ (128.1)	$ (42.7)
	Repeal Discounts for Timely Payment	$ 6.0	$ 2.0	$ 12.0	$ 4.0	$ 12.9	$ 4.3	$ 13.2	$ 4.4	$ 13.4	$ 4.5
	Eliminate transfer to Water and Air	$ 8.4		$ 8.4		$ 8.3		$ 8.3		$ 8.3	
Highway Use Tax	Increase HUT rate from 3% to 4%	$ 89.7		$ 214.7		$ 219.4		$ 218.4			$ 219.0
	Increase long-term lease rate from 3% to	$ 3.5		$ 9.6		$ 9.6		$ 9.6			$ 9.6
	Raise cap on commercial vehicles from $1,000 to $2,000	$ 2.8		$ 6.0		$ 6.0		$ 6.0			$ 6.0
	Raise cap on recreational vehicles from $1,500 to $2,000	$ 0.2		$ 0.5		$ 0.5		$ 0.5			$ 0.5
	Raise cap on out-of-state vehicles from $150 to $200	$ 0.9		$ 1.9		$ 1.9		$ 1.9			$ 1.9
Gen. Fund Transfer	Phase out transfer beginning in FY 2017-18	$ -	$ -	$ -	$ -	$ 49.1	$ -	$ 98.3	$ -	$ 147.4	$ -
DMV Fees*	Increase existing fees 50%	$ 132.2	$ (5.2)	$ 289.8	$ (8.3)	$ 298.8	$ (7.9)	$ 307.5	$ (8.2)	$ 263.4	$ 45.4
Gross Premium	New 6.5% gross premium tax on all auto insurance policies	$ 75.3	$ -	$ 158.1	$ -	$ 166.0	$ -	$ 174.3	$ -	$ 183.1	$ -
NET FISCAL IMPACT		**$ 93.6**	**$ (78.4)**	**$ 536.5**	**$ (59.2)**	**$ 648.5**	**$ (45.0)**	**$ 714.2**	**$ (45.0)**	**$ 487.6**	**$ 244.2**

* Of the DMV fees that would otherwise be credited to the Highway Trust Fund, 20% in FY 2016 and 35% thereafter until FY 2020 are transferred to the Highway Fund under temporary disbursement changes.

Fiscal Impact to General Fund
As shown in Table 2, two sections of the bill impact the General Fund. Part II, Section 5 increases the short-term lease or rental of a motor vehicle from 8% to 9%. Part IV, Section 10(a) eliminates a $196,582,981 transfer from the Highway Fund to the General Fund in four equal installments over four years, beginning in FY 2017-18.

Table Two: HB 927 Fiscal Impact To General Fund (Estimates in Millions)						
Tax Type	Description	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Highway Use Tax	Increase short-term lease rate from 8% to 9%	$ 3.5	$ 8.4	$ 3.5	$ 8.4	$ 8.4
Highway Fund Transfer	Phase out SHP transfer beginning in FY 2017-18	$ -	$ -	$ (49.1)	$ (98.3)	$ (147.4)
NET FISCAL IMPACT		$ 3.5	$ 8.4	$ (45.6)	$ (89.9)	$ (139.0)

Fiscal Impact to the Civil Penalty and Forfeiture Fund

Part V, Section 24 creates a new late penalty for delinquent registration renewals, tiered according to the length of delinquency – less than one month ($15); between one and two months ($20); and longer than 2 months ($25). The projections ($M) provided below are based on average late renewals observed from FY 2008-09 to 2012-13. Existing interest conditions would continue to apply.

Tier	Late Renewals	Penalty	Yield
< 1mo.	1,668,696	$ 15.00	$ 25.03
1mo. - 2 mo.	306,111	$ 20.00	$ 6.12
> 2mo.	247,263	$ 25.00	$ 6.18
			$ 37.33

While indicative of potential revenue, payer response to the imposition of this new penalty is indeterminate. However, the penalty is expected to incentivize a higher rate of on-time renewal, leading to diminished collections over time. For illustration, this analysis assumes an effective collection rate of 80% and annual decline in assessments of 5%. No leveling is shown within the first four years of implementation, as payer behavior and timing are indeterminate.

The clear proceeds of these civil penalties are distributed to local education agencies (LEAs) via the State Public School Fund (SPSF) and the State School Technology Fund (SSTF).

Table Three: HB 927 Fiscal Impact To Civil Penalty and Forfeiture Fund (Estimates in Millions)						
Tax Type	Description	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Registration Late Fee	New tiered late penalties for registration renewal	$ -	$ 29.9	$ 28.4	$ 27.0	$ 25.6
NET FISCAL IMPACT		$ -	$ 29.9	$ 28.4	$ 27.0	$ 25.6

Part I. Motor Fuels Tax Rate/ Discount for Timely Payment

Section 1 reduces the motor fuel excise tax rate to 30 cents per gallon on July 1, 2015. The rate remains in effect until January 1, 2017 when the CPI-U: Energy/Population formula is applied. Section 1 also adds an adjustment to the motor fuel excise tax rate if federal funds, excluding non-competitive and discretionary funds, decline $100 million from the prior year. If this loss occurs, the motor fuel tax rate will increase by one cent over the calculated rate in G.S. 105-449.80 at the start of the next calendar year. A one cent increase is approximately $50 million. If federal funding rebound, the increase will be eliminated on the following January 1.

Section 2 repeals a discount for timely payment to licensed distributors and importers and a discount for timely filing and payment to unlicensed distributors, bulk-end users, and certain importers. This section makes several conforming changes.

Table 1 includes the fiscal analysis for Sections 1 and 2. No federal revenue decline in excess of $100 million is expected during the 5-year analysis.

Section 3 sets the effective dates of July 1, 2015 for Section 1 and January 1, 2016 for Section 2.

Distribution of Motor Fuels Tax:
Seventy-five percent (75%) of motor fuels tax revenue is deposited in the Highway Fund and the remaining twenty-five percent (25%) is deposited in the Highway Trust Fund. Three formulaic allocations of revenues from the Highway Fund are impacted by this bill, as shown in Table 4. Powell Bill aid to municipalities is derived from ten and four tenths percent (10.4%) of motor fuel tax revenues and both the Wildlife Resources Fund and the Shallow Draft Navigational Channel and Lake Dredging Fund receive one sixth of one percent (0.167%) of Highway Fund motor fuel excise tax revenues. Powell Bill funds are distributed in October and January based on actual revenue collections from the prior fiscal year. The motor fuels tax revenues collected in FY 2015-16 will determine the amount of funds municipalities receive in October 2016 and January 2017.

Table Four: Statutory Adjustments - FY 2015-16 to FY 2019-20					
	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Powell Bill	$ (23,452,000)	$ (17,108,000)	$ (12,906,400)	$ (12,875,200)	$ (13,322,400)
Wildlife Resources	$ (375,833)	$ (274,167)	$ (206,833)	$ (206,333)	$ (213,500)
Dredging	$ (375,833)	$ (274,167)	$ (206,833)	$ (206,333)	$ (213,500)

Part II. Highway Use Tax

Section 4 increases the highway use tax rate from 3% to 4% and it raises the cap on commercial (currently $1,000) and recreational vehicles (currently $1,500) to $2,000. Similar to Section 1, it adds an adjustment to the highway use tax rate if federal funds, excluding non-competitive and discretionary funds, decline $200 million from the prior year. If this loss occurs, the highway use tax rate will increase by 0.5% at the start of the next calendar year. A 0.5% increase is approximately $105 million. If federal funding rebound, the increase will be eliminated on the following January 1.

Section 5 raises the highway use tax rate on short-term leases (deposited in the General Fund) from 8% to 9% and the rate on long-term leases from 3% to 4%.

Section 6 raises the highway use tax cap on out-of-state vehicles from $150 to $200.

Section 7 transfers the increased revenues from the Highway Trust Fund to the Highway Fund for four fiscal years. Increased revenues from short-term leases remain in the General Fund.

Changes to the tax rates or caps become effective on January 1, 2016.

Part III. Funding for Dredging

Section 9 provides for a mid-year outlay of funds from the Highway Fund cash balance for maintenance dredging of shallow draft inlets and deep draft navigation channels, provided federal

Gerry Cohen - Lobbyist for Enterprise Holdings

ENTERPRISEHOLDINGS

Alamo
enterprise
National

Enterprise Rent-A-Car
8335 IBM Drive, Suite 100
Charlotte, NC 28262
704.971.5399 p
enterprise.com

Car Rental – Truck Rental – Long Term Leasing – Retail Car Sales
Enterprise Holdings Incorporated

Understanding the History of Enterprise Holdings Incorporated

- Enterprise was founded in 1957 by Jack Taylor in the basement of Lindbergh Cadillac, St. Louis, Mo.
- The beginning of Enterprise was a simple response to an unfulfilled need for transportation away from the Airports
- The Home City Market was almost non-existent in 1957, today the **$26B Rent A Car industry** is dominated by the Home City Market, made up of customers needing a car away from the Airports and primarily when their individual's car is being repaired or maintained inside a local body shop or dealership.
- In North Carolina, **73% of our Rental Days come from our Home City Market**, 27% come through the Airports
- In North Carolina, **54% of our Airport Market is commercial**, paid for by Businesses in and out of NC.
- **An increased Tax on Rent A Cars is an increased tax on local citizens and local businesses**

The Divisions of EHI in North Carolina

- Operating Home City Daily Car Rental Stores in **170 locations** throughout NC.
- Operating Airport Car Rental Stores at 9 Airports throughout the state.
- Enterprise Holdings Operates Enterprise Rent A Car, National Car Rental and Alamo Rent A Car
- Operating Daily Truck Rental (Medium Duty and Light Duty) at 10 different locations in NC.
- Operating Retail Car Sales in 4 different locations throughout the state.
- Operating Commercial Fleet Leasing from 2 different locations throughout the state
- Operating Car Sharing, Ride Sharing and Van Pooling throughout NC
- **We currently have 2,540 Employees in the State of North Carolina**

Understanding the many divisions of our company is paramount in understanding how HB 927 impacts every part of our business.

ying Our Fair Share – the tax burden today in several location in NC is tremendous

- Highway Use Tax is currently 8% for all locations in NC.
- County Gross Receipts taxes at 1.5% for all locations in NC.
- City Gross Receipts taxes are 1.5% for nearly every locations in NC.
- For our Customers in Raleigh, Charlotte and the Greensboro Metropolitan Areas, a 5% additional Transit tax.
- The State of NC allows for Rent A Car Companies to pass through Government imposed taxes, Airport Concession Fees and Vehicle Licensing Fees. The taxes are listed above, currently:
  - Airport Concession Fees (NOT Taxes) are an additional 11% at each Airport
  - Vehicle Licensing Fees are a per day charge (Gov't imposed costs to plate, title, inspect our vehicles), equating to just over 1%.

There are customers today paying the equivalent of a 28% rate in North Carolina to rent a vehicle.

HB927 proposes an increase to:

- **12.5% Increase** in Highway Use Tax from 8% to 9% impacting both our Daily Car and Daily Truck Rental Business
- **33.3% Increase** in Highway Use Tax from 3% to 4% impacting both our Retail Car Sales and Fleet Leasing Division
- **100% Increase** in Highway Use Tax Cap from $1,000 to $2,000 impacting both Retail Car Sales and Fleet Leasing
- **50% Increase** in the Fee for a temporary license plate from $5 to $7.50 impacting our Retail Car Sales Division
- **50% Increase** in Certificate of Title from $40 to $60 impacting all of our businesses
- **50% Increase** in Transfer Registrations from $15 to $22.50 impacting our all of our businesses
- **50% Increase** in U-Drive-It Registrations from $51 to $76.50 impacting all Rental Businesses
- **50% Increase** in weighted Registrations effecting Truck Rental Business
- **New Tax** on sale of Motor Vehicle Insurance Contracts – currently non-taxable affecting Daily Rental Business

Conservative estimate is an impact on our business of close to $7M annually and pushing our effective rate into the low 30% range at some locations

ditionally

- 8% HUT is already High, well above current state Sales Tax amounts and one of the highest base tax rates in the Nation
- U-Drive-It (Rental Car Designation) is already paying a premium at $51, private passengers register the exact same car for $28

VISITOR REGISTRATION SHEET

Transporatation — 5-5-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gary Harris	NC Petroleum & Convenience Marketers
Doug Howey	"
Preston Howard	NCMA
Mac Boxley	NCAA
Jack Henri McClees	McClees Consulting
Molly Diggin	
Mark Edwards	NC DOI
Wayne Goodwin	NC Insurance Commissioner
Ben Popkin	NCDOI
Kerry Hall	NCDOI
Bob Mack	NCDOI

VISITOR REGISTRATION SHEET

Transporatation — 5-5-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Reston Jones	NCDOT
Michael Horner	T+IC G
Butch Gunnells	NC Beef
Bechi Gray	JLF
John M. M. Man	MF&S
Michelle Frazier	MF+S
	RANC
	NCMA · RANC - LPAs
	nuc
	nuc
	Nelson

VISITOR REGISTRATION SHEET

Transporatation — 5-5-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Seth Pitner	NCAR
LISA Riegel	BikeWalk NC
Dashi Chavanel-Bangura	Sierra Club
Nelson Freeman	NC DOT
ANT LYON	NATIONAL GENERAL
Edith Davis	NC Reinsurance Facility
Tim Lucas	NC Rate Bureau
Phoebe Landon	Brooks Pierce
[illegible]	MWC
Pearl Burris	NCUC
Ryan Merwald	WM

VISITOR REGISTRATION SHEET

House Comm On Transportation 5-05-2015

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Charlotte Massagli	NCDMV
Jennifer Keel	NCDMV
H. Tasaico	NCDOT
John Panza	NCDOR
AL MILAK	NCDOP
Joel Maynard	gpla = assoc
Kevin Lacy	NCDOT
Crystal Collins	NC Trucking Assn.
Anca GROZAV	OSBM
Robert Sawyer	NCDMV

VISITOR REGISTRATION SHEET

Transporatation — **Name of Committee**

5-5-2015 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
NICK TENNYSON	NCDOT
BOBBY LEWIS	NCDOT
ANDY WALSH	SA
Austin Pruitt	Parkinson Law
Robert Paschal	Young Moore
Mary Maller Ashley	SELC
Brooks Pearcy Pearm	SELC
Richard Pate	NCDN
Maggie P. Thomas	DOT IT
Hope Mazingo	NCDMV
Kelly Thomas	DMV

VISITOR REGISTRATION SHEET

House Comm On Transportation 5-05-2015

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Edgar Starnes	Treasurer
Caroline Womble	Treasurer
Solari	DST
Amanda Horaker	TSS
Valerie Procopio	LOLLC
Laurie Ovorik	LOLLC
Andy Chase	KMA
Cavacan Hine	MVA
Steven Wells	NCDOT
Paul Shorma	NCFB
Henry Jones	Jordan Price, et al
Flint Benson	SEANC

VISITOR REGISTRATION SHEET

Transporatation — **Name of Committee**

5-5-2015 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joe Milazzo	R.T.A.
Julie White	NCMMC
Emily Atkinson	GRCC
Erin Wynia	NCLM
Johanna Reese	NCACC
Beery Jenkins	CAROLINAS AGC
Betsy Bailey	CAGC
Ellis Powell	CAPA
Cady Thomas	Tows
Isabel Villa-Garcia	NCAR
Brad Young	DST
David McGowan	NCPC

VISITOR REGISTRATION SHEET

House Comm On Transportation 5-05-2015

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Fred Bone	Bone & Assoc.
Frank Tracy	NCMBA
Jake Cash	NCCC
John Goodman	NCCA
JAYSON JUDY	GREENSBORO COLLEGE 815 W. MARKET ST GREENSBORO, NC 27401
Elizabeth Biser	Brooks Pierce
Thomas Moore	FLWM
John Patterson	NCDOT
Amy McConkey	NC Beverage
Jeff Barnhart	MWC
Lauren Payne	NC State Grange
BERRY COHEN	Nelson Mullins/Enterprise
Chris Valauri	Highway 17 Assoc of NC

VISITOR REGISTRATION SHEET

House Comm On Transportation 5-05-2015

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Collins	SEANC
KEVIN LECOUNT	SEANC
Will Morgan	TWC
[signature]	T.C F

House Committee on Transportation
Tuesday, May 12, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on May 12, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Blackwell, Boles, Brockman, B. Brown, Bumgardner, Carney, Faircloth, Ford, Fraley, Goodman, C. Graham, Hardister, Holley, Hunter, Iler, McNeill, R. Moore, Presnell, Queen, Robinson, Shepard, Speciale, Steinburg, Tine, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative Phil Shepard, Chair, presided.

The following bills were considered:

SB 90 Required Number of Operating Brake Lights. (Senator Cook)
Senator Cook explained the bill and Rep. Steinburg offered an amendment to the bill that changed the effective date. The amendment passed. Representative Brown made a motion to roll the amendment into a PCS with a favorable report, unfavorable to the original bill. The motion carried.

SB 116 Handicapped Parking Windshield Placard. (Senator Bingham)
Senator Bingham explained the bill. After discussion and debate Rep. Speciale was recognized for a motion to give the bill a favorable report with a re-referral to the committee on Finance. The motion carried.

SB 195 Motor Vehicle Service Agreement Amendments. (Senator Meredith)
Senator Meredith explained his bill. After discussion and debate Representative Hardister was recognized for a motion to give the bill a favorable report with a re-referral to the committee on Commerce and Job Development. The motion carried.

SB 301 DOT/Purchase of Contaminated Land.-AB (Senator Meredith)
Senator Meredith explained his bill. After discussion and debate Representative Hardister was recognized for a motion to give the bill a favorable report with a re-referral to the committee on Commerce and Job Development. The motion carried.

The meeting adjourned at 12:27 pm.

Representative Phil Shepard, Chair
Presiding

Carla Farmer, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, May 12, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Shepard will be chairing.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 90	Required Number of Operating Brake Lights.	Senator Cook
SB 116	Handicapped Parking Windshield Placard.	Senator Bingham
SB 195	Motor Vehicle Service Agreement Amendments.	Senator Meredith
SB 301	DOT/Purchase of Contaminated Land.-AB	Senator Meredith

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:55 PM on Thursday, May 07, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Carla Farmer (Committee Assistant)

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE AND RE-REFERRED

SB **116** **(CS#1)** Handicapped Parking Windshield Placard.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Watford

SB **195** **(CS#1)** Motor Vehicle Service Agreement Amendments.

Draft Number:	None
Serial Referral:	**COMMERCE AND JOB DEVELOPMENT**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Szoka

SB **301** DOT/Purchase of Contaminated Land.-AB

Draft Number:	None
Serial Referral:	**JUDICIARY I**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Szoka

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **90** Required Number of Operating Brake Lights.

Draft Number:	S90-PCS25263-RW-27
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Steinburg

TOTAL REPORTED: 4



SENATE BILL 90

Short Title:	Required Number of Operating Brake Lights.	(Public)
Sponsors:	Senator Cook (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate.	

February 19, 2015

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT MOTOR VEHICLES MUST HAVE AT LEAST ONE WORKING STOP LAMP ON EACH SIDE OF THE REAR OF THE VEHICLE AND TO MAKE OTHER CLARIFYING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-129(g) reads as rewritten:

"(g) No person shall sell or operate on the highways of the State any motor vehicle, ~~motorcycle or motor-driven cycle,~~ manufactured after December 31, ~~1955,~~1970, unless it shall be equipped with ~~a stop lamp on the rear of the vehicle.~~stop lamps, one on each side of the rear of the vehicle. No person shall sell or operate on the highways of the State any motorcycle or motor-driven cycle, manufactured after December 31, 1970, unless it shall be equipped with a stop lamp on the rear of the motorcycle or motor-driven cycle. The stop ~~lamp~~lamps shall ~~display~~emit, reflect, or display a red or amber light visible from a distance of not less than 100 feet to the rear in normal sunlight, and shall be actuated upon application of the service (foot) brake. The stop ~~lamp~~lamps may be incorporated into a unit with one or more other rear lamps."

SECTION 2. G.S. 20-129.1 reads as rewritten:

"**§ 20-129.1. Additional lighting equipment required on certain vehicles.**

In addition to other equipment required by this Chapter, the following vehicles shall be equipped as follows:

(1) On every bus or truck, whatever its size, there shall be the following:
On the rear, two reflectors, one at each side, and ~~one stoplight.~~two stop lamps, one at each side.

(2) On every bus or truck 80 inches or more in overall width, in addition to the requirements in subdivision (1):
On the front, two clearance lamps, one at each side.
On the rear, two clearance lamps, one at each side.
On each side, two side marker lamps, one at or near the front and one at or near the rear.
On each side, two reflectors, one at or near the front and one at or near the rear.

(3) On every truck tractor:
On the front, two clearance lamps, one at each side.
On the rear, ~~one stoplight.~~two stop lamps, one at each side.

(4) On every trailer or semitrailer having a gross weight of 4,000 pounds or more:
On the front, two clearance lamps, one at each side.

On each side, two side marker lamps, one at or near the front and one at or near the rear.

On each side, two reflectors, one at or near the front and one at or near the rear.

On the rear, two clearance lamps, one at each side, also two reflectors, one at each side, and ~~one stoplight.~~two stop lamps, one at each side.

(5) On every pole trailer having a gross weight of 4,000 pounds or more:

On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side and rear.

On the rear of the pole trailer or load, two reflectors, one at each side.

(6) On every trailer, semitrailer or pole trailer having a gross weight of less than 4,000 pounds:

On the rear, two reflectors, one on each side. If any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stoplight on the towing vehicle, then such vehicle shall also be equipped with ~~one stoplight.~~two stop lamps, one at each side.

(7) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(8) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(9) ~~Brake lights~~Stop lamps (and/or brake reflectors) on the rear of a motor vehicle shall ~~have red lenses~~be constructed so that the light ~~displayed~~emitted, reflected, or displayed is ~~red.~~red, except that a motor vehicle originally manufactured with amber stop lamps may emit, reflect, or display an amber light. The light illuminating the license plate shall be white. All other lights shall be white, amber, yellow, clear or red.

(10) On every trailer and semitrailer which is 30 feet or more in length and has a gross weight of 4,000 pounds or more, one combination marker lamp showing amber and mounted on the bottom side rail at or near the center of each side of the trailer."

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

SENATE BILL 90:
Required Number of Operating Brake Lights

2013-2014 General Assembly

Committee:	House Transportation	**Date:**	May 12, 2015
Introduced by:	Sen. Cook	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 90 clarifies State law to require motor vehicles to have two operable stop lamps.

CURRENT LAW: Current G.S. 20-129(g) prohibits operation of a motor vehicle unless it is equipped with "*a stop lamp*" on the rear of the vehicle displaying a red or amber light. G.S. 20-129(g) also provides that the "stop lamp may be incorporated into a unit with one or more *other rear lamps*. G.S. 20-129(d) requires "*all* originally equipped *rear lamps* or the equivalent (to be) in good working order."

Current G.S. 20-139.1 requires one operable red stop lamp on the rear of buses, trucks, tractor trailers, and other specified trailers.

BILL ANALYSIS: Senate Bill 90 amends State law to require two operable stop lamps, one on each side of the rear of motor vehicles, buses, trucks, tractor trailers, and other specified trailers; and clarifies that amber stop lamps are authorized on any motor vehicle, if they were original equipment.

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

BACKGROUND: The issue of whether one or two stop lamps are required by North Carolina law was the subject of a recent United States Supreme Court case, *State v. Heien,* 135 S. Ct. 530 (2014). In that case, the defendant was stopped in a motor vehicle with only one operating stop lamp, gave consent to a search of his vehicle, and was charged with drug trafficking. The defendant challenged the validity of the traffic stop and search by arguing North Carolina law only required one operable stop lamp. The United States Supreme Court, in an 8-1 decision, upheld the search as lawful, finding that even though North Carolina law only requires one operable stop lamp, the mistake of law by the officer was reasonable, because G.S. 20-129(d) and (g), when read together, could have been reasonably construed by an officer to require *both* stop lamps to be operable.

O. Walker Reagan
Director

★S90-SMRW-75 E1 -V1★

Research Division
(919) 733-2578

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 90

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

S90-ARW-15 [v.1]

Amends Title [NO]
First Edition

Date _____,2015

Representative Steinburg

moves to amend the bill on page 2, line 32, by rewriting that line to read:

"**SECTION 3.** This act becomes effective October 1, 2015, and applies to offenses committed on or after that date.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 116:
Handicapped Parking Windshield Placard

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	May 12, 2015
Introduced by:	Sen. Bingham	**Prepared by:**	Wendy Graf Ray
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***Senate Bill 116 would provide that when a qualifying vehicle owner is issued a handicapped license plate, the applicant shall be notified that he or she is also eligible for and may receive a windshield placard at that time.***

[As introduced, this bill was identical to H170, as introduced by Rep. Watford, which is currently in House Transportation.]

CURRENT LAW: G.S. 20-37.6 provides for parking privileges for handicapped drivers and passengers who have applied for and obtained from the Division of Motor Vehicles a handicapped windshield placard or registration plate. Any vehicle that is driven by or is transporting a person who is handicapped and that displays a handicapped placard or plate is authorized to park in spaces designated as handicapped spaces.

If the handicapped person is a registered owner of a vehicle, he or she may apply for a distinguishing plate. A qualifying vehicle owner who gets a plate may also receive one removable windshield placard.

BILL ANALYSIS: Senate Bill 116 would provide that when a distinguishing plate is issued to a qualifying handicapped vehicle owner, the person shall be notified by the Division of Motor Vehicles that he or she is also eligible to receive one removable windshield placard. If the applicant requests a placard, the Division would be required to issue it at that time.

EFFECTIVE DATE: The act would become effective July 1, 2015, and would apply to applications for plates received on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 2

SENATE BILL 116
Transportation Committee Substitute Adopted 4/1/15

Short Title: Handicapped Parking Windshield Placard. (Public)

Sponsors:

Referred to:

February 27, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A HANDICAPPED VEHICLE OWNER WHO QUALIFIES FOR A DISTINGUISHING LICENSE PLATE SHALL ALSO RECEIVE ONE REMOVABLE WINDSHIELD PLACARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-37.6(b) reads as rewritten:

"(b) Handicapped Car Owners; Distinguishing License Plates. – If the handicapped person is a registered owner of a vehicle, the owner may apply for and display a distinguishing license plate. This license plate shall be issued for the normal fee applicable to standard license plates. Any vehicle owner who qualifies for a distinguishing license plate ~~may also receive~~ shall be notified by the Division at the time the plate is issued that the applicant is also eligible to receive one removable windshield ~~placard.~~placard and, upon request, shall be issued a placard at that time."

SECTION 2. This act becomes effective July 1, 2015, and applies to applications for a distinguishing license plate received on or after that date.

SENATE BILL 195
Transportation Committee Substitute Adopted 4/15/15

Short Title: Motor Vehicle Service Agreement Amendments. (Public)

Sponsors:

Referred to:

March 9, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A LEGAL FRAMEWORK FOR THE SALE AND REGULATION OF MOTOR VEHICLE ANCILLARY PRODUCT CONTRACTS IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 66-370 reads as rewritten:

"**§ 66-370. Motor vehicle service agreement companies.**

(a) This section applies to all motor vehicle service agreement companies soliciting business in this State, but it does not apply to maintenance agreements, performance guarantees, warranties, or motor vehicle service agreements made by

(1) A manufacturer,

(2) A distributor, or

(3) A subsidiary or affiliate of a manufacturer or a distributor, where fifty-one percent (51%) or more of the subsidiary or affiliate is owned directly or indirectly by

a. The manufacturer,

b. The distributor, or

c. The common owner of fifty-one percent (51%) or more of the manufacturer or distributor

in connection with the sale of motor vehicles. This section does not apply to any motor vehicle dealer licensed to do business in this State (i) whose primary business is the retail sale and service of motor vehicles; (ii) who makes and administers its own service agreements with or without association with a third-party administrator or who makes its own service agreements in association with a manufacturer, distributor, or their subsidiaries or affiliates; and (iii) whose service agreements cover only vehicles sold by the dealer to its retail customer; provided that the dealer complies with G.S. 66-372 and G.S. 66-373. A motor vehicle dealer who sells a motor vehicle service agreement to a consumer, as defined in 15 U.S.C. § 2301(3), is not deemed to have made a written warranty to the consumer with respect to the motor vehicle sold or to have entered into a service contract with the consumer that applies to the motor vehicle, as provided in 15 U.S.C. § 2308(a), if: (i) the motor vehicle dealer acts as a mere agent of a third party in selling the motor vehicle service agreement; and (ii) the motor vehicle dealer would, after the sale of the motor vehicle service agreement, have no further obligation under the motor vehicle

service agreement to the consumer to service or repair the vehicle sold to the consumer at or within 90 days before the dealer sold the motor vehicle service agreement to the consumer.

(b) The following definitions apply in this section and in G.S. 66-371, 66-372, and 66-373:

(1) Ancillary protection product. – A protective chemical, substance, device, or system that (i) is installed on or applied to a motor vehicle, (ii) is designed to prevent loss or damage to a motor vehicle from a specific cause, and (iii) includes an ancillary protection product warranty. For purposes of this section, the term "ancillary protection product" shall include, but not be limited to, protective chemicals, alarm systems, body part marking products, steering locks, window etch products, pedal and ignition locks, fuel and ignition kill switches, and electronic, radio, and satellite tracking devices. "Ancillary protection product" does not include fuel additives, oil additives, or other chemical products applied to the engine, transmission, or fuel system of a motor vehicle.

(1a) Ancillary protection product warranty. – A written agreement by a warrantor that provides if the ancillary protection product fails to prevent loss or damage to a motor vehicle from a specific cause, that the warrantor will pay to or on behalf of the warranty holder specified incidental costs, which may include without limitation insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees, and mechanical inspection fees. Incidental costs may be reimbursed in either a fixed amount specified in the ancillary protection product warranty or by use of a formula itemizing specific incidental costs incurred by the warranty holder.

~~(1)~~(1b) Authorized insurer. – An insurance company authorized to write liability insurance under Articles 7, 16, 21, or 22 of Chapter 58 of the General Statutes.

(2) Distributor. – Defined in G.S. 20-286(3).

(3) Licensed insurer. – An insurance company licensed to write liability insurance under Article 7 or 16 of Chapter 58 of the General Statutes.

(4) Motor vehicle. – Defined in G.S. 20-4.01(23), but also including mopeds as defined in G.S. 20-4.01(27)d1.

(4a) Motor vehicle failure. – The failure of a mechanical or other component part of the motor vehicle arising out of the ownership, operation, or use of the vehicle.

(5) Motor vehicle service agreement. –

a. Any contract or agreement (i) indemnifying the motor vehicle service agreement holder against loss caused by ~~failure, arising out of the ownership, operation, or use of a motor vehicle, of a mechanical or other component part of the motor vehicle~~a motor vehicle failure that is listed in the ~~agreement.~~agreement or (ii) providing for the repair of a motor vehicle failure that is listed in the agreement.

b. A motor vehicle service agreement includes a contract or agreement to perform or to indemnify the holder of the motor vehicle service agreement for performance of any of the following services:

1. The repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards.

2. The removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint or finish and without replacing vehicle body panels, sanding, bonding, or painting.
3. The repair of chips or cracks in or the replacement of motor vehicle windshields as a result of damage caused by road hazards.
4. The replacement of a motor vehicle key or key-fob in the event that the key or key-fob becomes inoperable or is lost or stolen.
5. Other services which may be approved by the Commissioner of Insurance, if not inconsistent with other provisions of this Article.

c. ~~The term~~A motor vehicle service agreement does not ~~mean~~ include (i) a contract or agreement guaranteeing the performance of parts or lubricants manufactured or distributed by the guarantor and sold for use in connection with a motor vehicle where no additional consideration is paid or given to the guarantor for the contract or agreement beyond the price of the parts or ~~lubricants.~~lubricants; (ii) ancillary protection product warranties; or (iii) coverage for the repair or replacement of damage to the interior surfaces of a vehicle, or for repair or replacement of damage to the exterior paint or finish of a vehicle; provided, however, that such coverage may be offered in connection with the sale of an ancillary protection product as defined in this section.

(6) Motor vehicle service agreement company. – Any person that issues motor vehicle service agreements and that is not a licensed insurer.

...."

SECTION 2. G.S. 58-1-15 reads as rewritten:

"**§ 58-1-15. Warranties by manufacturers, distributors, or sellers of goods or services.**

...

(b) Any ~~warranty~~ warranty, including an ancillary protection product warranty as defined by G.S. 66-370(b)(1a), made solely by a manufacturer, distributor, or seller of goods or services without charge, or an extended warranty offered as an option and made solely by a manufacturer, distributor, or seller of goods or services for charge, that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or any other remedial measure, including replacement of goods or repetition of services, shall not be a contract of insurance under Articles 1 through 64 of this Chapter; however, service agreements on motor vehicles are governed by G.S. 66-370, 66-372, and 66-373. Service agreements on home appliances are governed by G.S. 66-371, 66-372, and 66-373.

(b1) Service agreements on home appliances or on motor vehicles offered in compliance with Article 43 of Chapter 66 of the General Statutes shall not be contracts of insurance and shall be exempt from all provisions of this Chapter unless otherwise expressly provided.

...."

SECTION 3. G.S. 66-372(e)(2) reads as rewritten:

"(2) With respect to a motor vehicle service agreement as defined in ~~G.S. 66-370(b)(1),~~G.S. 66-370, provide for a right of assignability by the consumer to a subsequent purchaser before expiration of coverage if the subsequent purchaser meets the same criteria for motor vehicle service agreement acceptability as the original purchaser; and"

SECTION 4. This act becomes effective July 1, 2015.

SENATE BILL 195:
Motor Vehicle Service Agreement Amendments

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Commerce and Job Development	**Date:**	May 12, 2015
Introduced by:	Sen. Meredith	**Prepared by:**	Wendy Graf Ray
Analysis of:	Second Edition		Committee Counsel

SUMMARY: Senate Bill 195 would:

- ***Define ancillary protection product and ancillary protection product warranty.***
- ***Clarify what is included in motor vehicle service agreements.***
- ***Exclude ancillary protection products and warranties from regulation as motor vehicle service agreements.***
- ***Make conforming changes to related statutes.***

CURRENT LAW: Motor vehicle service agreement companies are regulated under Article 43 of Chapter 66 of the General Statutes. These companies offer service agreements to indemnify against loss caused by motor vehicle failure. The Article sets out requirements for the agreements as well as record-keeping requirements for the companies. The Article does not apply to performance guarantees, warranties, or motor vehicle service agreements made by manufacturers, distributors, or their subsidiaries.

BILL ANALYSIS: Senate Bill 195 would more clearly define a motor vehicle service agreement, which indemnifies the agreement holder against loss caused by a motor vehicle failure. Motor vehicle service agreements would specifically include repair of tires, repair of dents, repair of cracks in windshields, replacement of key fobs, and other services approved by the Commissioner of Insurance.

Motor vehicle service agreements would not include ancillary protection product warranties; therefore the warranties would not be regulated under Article 43. Ancillary protection product would be defined as a protective chemical, substance, device, or system that is installed on or applied to a motor vehicle to prevent loss or damage. An ancillary protection product warranty would be an agreement that the warrantor would pay incidental costs, such as insurance policy deductibles, if the product fails to prevent loss or damage.

The bill would also make clear that ancillary protection product warranties and service agreements are not contracts of insurance.

EFFECTIVE DATE: The act would become effective July 1, 2015.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 301

Short Title:	DOT/Purchase of Contaminated Land.-AB	(Public)
Sponsors:	Senator Meredith (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate.	

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO EXEMPT THE DEPARTMENT OF TRANSPORTATION FROM THE PROHIBITION ON PURCHASE OF CONTAMINATED PROPERTY BY PUBLIC ENTITIES, AS RECOMMENDED BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 133-40(a) is rewritten to read:

"(a) For purposes of this Article, the term "public entity" means the State and the Community College ~~System.~~System, provided, however, that the term does not include the Department of Transportation in the exercise of the powers conferred by G.S. 136-19."

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

SENATE BILL 301:
DOT/Purchase of Contaminated Land.-AB

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Judiciary I	**Date:**	May 12, 2015
Introduced by:	Sen. Meredith	**Prepared by:**	Giles S. Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 301 exempts DOT from the State law requirement for approval by the Governor and Council of State prior to purchase of contaminated property.***

CURRENT LAW: Under current G.S. 133-40, the State and the Community College System are prohibited from purchasing any real property with known contamination[1], unless they obtain the approval of the Governor and the Council of State.

BILL ANALYSIS: Senate Bill 301 exempts DOT from the State law requirement for approval by the Governor and Council of State prior to purchase of contaminated property.

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

BACKGROUND: According to Mike Holder, Chief Engineer, Division of Highways, DOT is buying contaminated properties only when necessary for DOT construction projects.

---

[1] "Contamination" is defined in G.S. 130A -310.65

"§ 130A-310.65. Definitions.

As used in this Part:

...

(3) "Contaminant" means any substance regulated under any program listed in G.S. 130A-310.67(a).

...

(5) "Contamination" means a contaminant released into an environmental medium that has resulted in or has the potential to result in an increase in the concentration of the contaminant in the environmental medium in excess of unrestricted use standards.

..."

O. Walker Reagan
Director

★S301-SMRW-76 E1 -V2★

Research Division
(919) 733-2578

VISITOR REGISTRATION SHEET

Transportation — 5-12-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	BRNC
Annaliese Dolph	BL
[signature]	self
[signature]	RAMC - LPAs - NCMA
[signature]	
[signature]	NCDOT
Reston Jones	NC DOT
Robert Woodard	NCDOT
Tom CHILDREY	NC DOT
Sarah Wolfe	MMC
Kelly Thomas	DMV

VISITOR REGISTRATION SHEET

Transportation — 5-12-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hope Mwangi	NCDMV
Maggie Thomas	NCDOT IT
Robert Sawyer	NCDMV
Alison Roach	NCDMV
Dana Fenton	City of Charlotte
David Collins	SEANC

VISITOR REGISTRATION SHEET

Transportation — 5-12-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jay Stem	NCAA
[illegible]	[illegible]
Andy Chase	KMA
ANDY WALSH	SMITH ANDERSON
Sam Blanton	Rep. McGrady - RH
John Poland	NCAA

VISITOR REGISTRATION SHEET

Transportation — 5-12-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steven Webb	NCABA
Ken Melton	K.M.A.
Sam Myers	Gov. Leg Affairs
[illegible] Robinson	NCRMA
Lexi Morgan	NCRMA
Bill Scoggin	DJ
[illegible]	[illegible]
John Bode	B&H
Ben Popkin	DOI
Penny [illegible]	[illegible]
Carr McLamb	TSS

House Committee on Transportation
Tuesday, June 16, 2015 at 12:00 PM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on June 16, 2015 in Room 544 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Blackwell, Boles, Brawley, Brockman, Bumgardner, Carney, Catlin, Cleveland, Faircloth, Ford, Fraley, Goodman, Hardister, Holley, Hunter, Iler, Jeter, McNeill, R. Moore, Presnell, Robinson, Ross, Shepard, Speciale, Terry, Tine, Torbett, R. Turner, Waddell, and Yarborough attended.

Representative John A. Torbett, Chair, presided.

The following bills were considered:

SB 43 CDLs for Veterans Revisions. (Senators Brown, Meredith)
After discussion and debate, the motion was made as favorable to the original bill. The motion carried.

SB 284 Infrastructure Assessments/Extend Sunset. (Senator Hartsell)
After discussion and debate, the motion was made as favorable to the original bill, with a serial referral to Finance. The motion carried.

SB 621 Registration Renewal Notice/E-Mail.-AB (Senators Meredith, Rabon, Lowe)
After discussion and debate, the motion was made as favorable to the original bill. The motion carried.

The meeting adjourned at 12:40p.m.

Representative John A. Torbett, Chair
Presiding

Viddia Torbett, Committee Clerk

Corrected #1: PLEASE NOTE LOCATION CHANGE TO 544 LOB

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, June 16, 2015
TIME: **12:00 PM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 43	CDLs for Veterans Revisions.	Senator Brown Senator Meredith
SB 284	Infrastructure Assessments/Extend Sunset.	Senator Hartsell
SB 621	Registration Renewal Notice/E-Mail.-AB	Senator Meredith Senator Rabon Senator Lowe

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:39 PM on Monday, June 15, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Tuesday, June 16, 2015, 12:00 PM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

BILL NO.	SHORT TITLE	SPONSOR
SB 43	CDLs for Veterans Revisions.	Senator Brown Senator Meredith
SB 284	Infrastructure Assessments/Extend Sunset.	Senator Hartsell
SB 621	Registration Renewal Notice/E-Mail.-AB	Senator Meredith Senator Rabon Senator Lowe

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE

SB **43** CDLs for Veterans Revisions.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Shepard

SB **621** Registration Renewal Notice/E-Mail.-AB

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Szoka

FAVORABLE AND RE-REFERRED

SB **284** **(CS#1)** Infrastructure Assessments/Extend Sunset.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Stam

TOTAL REPORTED: 3



SENATE BILL 43:
CDLs for Veterans Revisions

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	June 16, 2015
Introduced by:	Sens. Brown, Meredith	**Prepared by:**	Wendy Graf Ray
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 43 would amend the skills test waiver for CDL applicants with military experience by:***

- ***Expanding the time period allowed between a retired or discharged applicant being regularly employed in a qualified position and the date of application for the CDL from 90 days to one year; and***
- ***Providing an additional method of certification of eligibility for the waiver (besides certification by a commanding officer) by allowing the applicant to provide a Form DD 214 and a military-issued drivers license.***

[As introduced, this bill was identical to H319, as introduced by Reps. Szoka, Jeter, Adams, Pendleton, which is currently in House Transportation.]

CURRENT LAW: G.S. 20-37.13 requires that an applicant pass both a knowledge and a skills test for driving a commercial motor vehicle prior to being issued a CDL. The tests are to be prescribed and conducted by the Division of Motor Vehicles and must comply with minimum federal standards.

In 2009, legislation was enacted (effective January 1, 2010) authorizing the Division to waive the skills test required under G.S. 20-37.13 for a qualified CDL applicant who is an active or reserve member of the armed forces, is regularly employed in a job requiring operation of a commercial vehicle, has completed a skills test administered by the military, and has operated a commercial vehicle for the two-year period immediately preceding the date of application.

In 2013, legislation was enacted to expand the provision, allowing the Division to also waive the skills test for retired or discharged members of the armed forces if the applicant operated a commercial vehicle for the two-year period immediately preceding the date of discharge and the date of discharge is no more than 90 days prior to the date of application.

The language in the provision has been crafted to comply with federal regulations, specifically 49 C.F.R. §383.77, which sets out requirements for waiver of a CDL skills test.

BILL ANALYSIS: Senate Bill 43 would amend the existing skills test waiver for qualified military CDL applicants in the following ways:

- For retired or discharged members of the armed forces, it would expand the time period allowed between being regularly employed in a relevant position and the date of application for the CDL from 90 days to one year. The Federal Motor Carrier Safety Administration has granted a time-limited exemption allowing states to extend the 90-day period to one year. The exemption will expire July 8, 2016. The bill specifies that the new one-year period would apply unless a different period is provided by federal law.

- It would provide an additional method for the applicant to certify that he or she is a retired, discharged, or current member of the military and has been employed in a qualifying position, by allowing the applicant to provide a Form DD 214, "Certificate of Release or Discharge from Active Duty", and a military-issued drivers license. The existing statute does not provide a method of certification, but commanding officers are currently providing certification for applicants. The bill would provide an alternative method.

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

SENATE BILL 43

Short Title:	CDLs for Veterans Revisions.	(Public)
Sponsors:	Senators Brown, Meredith (Primary Sponsors); Brock, Clark, D. Davis, Ford, Hise, B. Jackson, Lowe, Rabin, and Tarte.	
Referred to:	Rules and Operations of the Senate.	

February 9, 2015

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION FROM 90 DAYS TO ONE YEAR IN WHICH A MILITARY VETERAN SEEKING A WAIVER OF THE COMMERCIAL SKILLS TEST MUST HAVE BEEN REGULARLY EMPLOYED AND TO PROVIDE A MILITARY VETERAN WITH AN ADDITIONAL METHOD FOR SATISFYING THE CERTIFICATION REQUIREMENT IN G.S. 20-37.13.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-37.13 reads as rewritten:

"**§ 20-37.13. Commercial drivers license qualification standards.**

...

(c1) The Division may waive the skills test for any qualified military applicant at the time the applicant applies for a commercial drivers license if the applicant is currently licensed at the time of application and meets all of the following:

...

(3) The applicant certifies, and provides satisfactory evidence on the date of application, that the applicant is a retired, discharged, or current member of an active or reserve component of the Armed Forces of the United States and is regularly employed or was regularly employed within the ~~90-day~~one-year period immediately preceding the date of application in a military position requiring the operation of a commercial motor vehicle, and the applicant meets either of the following requirements:

a. Repealed by Session Laws 2013-201, s. 1, effective June 26, 2013.

b. Has operated for the two-year period immediately preceding the date of application a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed, and has taken and successfully completed a skills test administered by the military.

c. For an applicant who is a retired or discharged member of an active or reserve component of the Armed Forces of the United States, the applicant (i) has operated for the two-year period immediately preceding the date of retirement or discharge a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed, and has taken and successfully completed a skills test administered by the military, (ii)

has retired or received either an honorable or general discharge, and (iii) has retired or been discharged from the Armed Forces within the ~~90-day~~one-year period immediately preceding the date of application.

(c2) The one-year period referenced in subdivision (3) of subsection (c1) of this section applies unless a different period is provided by federal law. An applicant may provide his or her Form DD 214, "Certificate of Release or Discharge from Active Duty," and his or her drivers license issued by the military, to satisfy the certification required by subdivision (3) of subsection (c1) of this section. An applicant who is retired or discharged must provide a drivers license issued by the military that was valid at the time of his or her retirement or discharge when using the process in this subsection to satisfy the certification required by subdivision (3) of subsection (c1) of this section.

...."

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

SENATE BILL 284:
Infrastructure Assessments/Extend Sunset

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	June 16, 2015
Introduced by:	Sen. Hartsell	**Prepared by:**	Giles S. Perry
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***Senate Bill 284 extends the sunset provision on the authority granted to counties and cities to use special assessments to address critical infrastructure needs for five years, from July 1, 2015, until July 1, 2020.***

CURRENT LAW: Counties and cities have the ability to impose assessments against benefitted property to pay for certain public infrastructure improvements, such as sidewalks. As a general rule, the assessment must be paid in full at the time it is assessed, but in no event may the assessment period exceed 10 years. In 2008, the General Assembly created a new financing tool that allowed counties and cities to impose special assessments to help finance long-term public infrastructure projects. Under this assessment-based financing tool, the assessments are paid in annual installments over a period not to exceed 30 years.

The assessment-based financing may be used for any purpose for which project development financing may be used. Those purposes include water and sewer systems, public transportation facilities, school facilities, gas systems, electric systems, industrial parks, parks and recreation facilities, and streets and sidewalks. Special assessments may be pledged as additional security for project development financing debt instruments as well as revenue bond financing debt instruments. If the assessment is pledged to secure financing, the city or county must covenant to enforce the payment of assessments.[1]

A county or city may only use special assessment-based financing if it receives a petition for the project to be financed through assessments that meets a two-prong test:

- The petition must be signed by a majority of the owners of the property assessed. For purposes of determining a majority, each parcel of property is given one vote. The sole owner of a parcel is given one vote. Multiple owners of a parcel are given a percentage vote equal to one vote multiplied by a fraction, the numerator of which is one and the denominator of which is the total number of owners of the parcel.
- And those owners must represent ownership of at least 66% of the assessed value of the property to be assessed.[2] For purposes of determining whether the assessed value represented by those signing the petition constitute at least 66% of the assessed value of all real property to be assessed, 100% of the assessed value of property owned by one person is included in

[1] Unpaid assessments bear interest at a rate fixed in the assessment resolution. A county or city may foreclose assessment liens under procedures provided by law for the foreclosure of property tax liens.

[2] For example, if there are 21 owners involved and 10 hold 67% of the assessed value of the property to be assessed, at least one of the other 11 owners would have to sign the petition for the county or city to be able to impose the special assessments. Likewise, if 21 owners are involved and one owner owns 67% of the assessed value of the property, that one owner would have to be one of the signatures on the petition for the county or city to impose the special assessments.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

the calculation. For property owned by more than one person, that person's proportionate share of the assessed value of that property is included in the calculation.

The county board of commissioners or city must adopt a preliminary assessment resolution that describes the project, the proposed basis for making the assessment, and information concerning the cost of the work and the terms of payment of the assessment. The proposed basis for making the assessment method must assess property according to the benefits conferred upon it by the project for which the assessment is made. In making that determination, it is permissible to measure benefits by how the property is used. If the use of the property changes, the assessment on that property may be adjusted over time so long as the total amount of all the assessments is sufficient to pay the cost of the project after the adjustment is made. The county or city must hold a public hearing on the matter, prepare a preliminary assessment roll, and publish a confirmation of the assessment roll once it is adopted. An owner of property against which an assessment is made may file a notice of appeal to the General Court of Justice if the owner is dissatisfied with the amount of the assessment.

BILL ANALYSIS: Senate Bill 284 extends the sunset on special assessment financing for five years, from July 1, 2015, to July 1, 2020. The General Assembly extended the sunset on this financing tool from July 1, 2013, to July 1, 2015, in S.L. 2013-371.

BACKGROUND: One city has used the special assessment to fund the debt service of a bond issuance, and one city has received approval from the Local Government Commission to do so. The cities have used the financing authority to fund infrastructure associated with development. In these two instances, the debt service for the bonds is paid by the special assessment imposed on the developer or any future property owner in the special assessment district. The special assessment has been the only financing tool used for the projects funded; it has not been used in conjunction with project development financing debt instruments or revenue bond financing debt instruments.

- The Town of Hillsborough issued special assessment revenue bonds in 2013 in the amount of $4.63 million for streets, utilities, sidewalks, and park improvements.
- The Town of Mooresville received approval for special assessment revenue bonds at the April 7, 2015, meeting of the Local Government Commission in the amount of $9.8 million for streets, water and sewer system, electric and phone lines, and park improvements.

In 2014, the General Assembly allowed a county to use special assessment-based financing to repair the dam of a lake.[3] The authority applies only to a privately-owned dam formerly used for textile mill purposes forming a lake between 225 and 325 acres in area and the special assessments could only be levied against property that is contiguous to the lake and benefits from access to the lake. This authority expires July 1, 2019; Senate Bill 284 does not extend that authority. The 2014 legislation addressed a situation in Richmond County. The county has not pursued financing under this authority to date.

EFFECTIVE DATE: This act is effective June 30, 2015.

Cindy Avrette, counsel to Senate Finance, substantially contributed to this summary.

[3] S.L. 2014-89.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 2

SENATE BILL 284
Finance Committee Substitute Adopted 4/21/15

Short Title: Infrastructure Assessments/Extend Sunset. (Public)

Sponsors:

Referred to:

March 16, 2015

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE SUNSET PROVISION ON THE AUTHORITY GRANTED TO COUNTIES AND CITIES TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-210.1 reads as rewritten:

"**§ 153A-210.1. Purpose; sunset.**

(a) Purpose. – This Article enables counties that face increased demands for infrastructure improvements as a result of rapid growth and development to issue revenue bonds payable from special assessments imposed under this Article on benefited property. This Article supplements the authority counties have in Article 9 of this Chapter. The provisions of Article 9 of this Chapter apply to this Article, to the extent they do not conflict with this Article.

(a1) Purpose of Dam Repair. – The General Assembly finds that dam repair is a public purpose promoting flood control and public safety.

(b) Sunset. – This Article expires ~~July 1, 2015.~~ July 1, 2020. For projects authorized in G.S. 153A-210.2(a1), this Article expires July 1, 2019. The expiration does not affect the validity of assessments imposed or bonds issued or authorized under the provisions of this Article prior to the effective date of the expiration."

SECTION 2. G.S. 160A-239.1 reads as rewritten:

"**§ 160A-239.1. Purpose; sunset.**

(a) Purpose. – This Article enables cities that face increased demands for infrastructure improvements as a result of rapid growth and development to issue revenue bonds payable from special assessments imposed under this Article on benefited property. This Article supplements the authority cities have in Article 10 of this Chapter. The provisions of Article 10 of this Chapter apply to this Article, to the extent they do not conflict with this Article.

(b) Sunset. – This Article expires ~~July 1, 2015.~~ July 1, 2020. The expiration does not affect the validity of assessments imposed or bonds issued or authorized under the provisions of this Article prior to the effective date of the expiration."

SECTION 3. This act becomes effective June 30, 2015.

SENATE BILL 621:
Registration Renewal Notice/E-Mail.-AB

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	June 16, 2015
Introduced by:	Sens. Meredith, Rabon, Lowe	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: Senate Bill 621 authorizes the DMV to send the required combined vehicle property tax and State registration notice by e-mail, subject to the written consent of the owner of a vehicle.

CURRENT LAW: Under current law, the Division of Motor Vehicles must send a copy of the combined property tax and vehicle registration notice by mail.

BILL ANALYSIS: Senate Bill 621 authorizes the Property Tax Division of the Department of Revenue, or its contractor (DMV), to send the required combined vehicle property tax and State registration notice by *e-mail,* subject to the *written consent* of the owner of a vehicle.

EFFECTIVE DATE: This act becomes effective January 1, 2016.

O. Walker Reagan
Director

S621-SMRW-91 E1 -V1

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 621

Short Title:	Registration Renewal Notice/E-Mail.-AB	(Public)
Sponsors:	Senators Meredith, Rabon, Lowe (Primary Sponsors); and B. Jackson.	
Referred to:	Rules and Operations of the Senate.	

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO SEND MOTOR VEHICLE REGISTRATION RENEWAL NOTIFICATION BY ELECTRONIC MEANS UPON RECEIVING WRITTEN CONSENT FROM THE OWNER OF THE MOTOR VEHICLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-330.5(b) reads as rewritten:

"(b) Distribution and Collection Fees. – The Property Tax Division of the Department of Revenue or a third-party contractor selected by the Property Tax Division must send a copy of the combined tax and registration notice for a registered classified motor vehicle to the motor vehicle owner, as defined in G.S. 20-4.01. Upon receiving written consent from the motor vehicle owner, the notice required under this subsection may be sent electronically to an e-mail address provided by the motor vehicle owner. The Department must establish a fee equal to the actual cost of preparing, printing, and sending the notice. The Department may receive a fee for each notice generated for a vehicle registered in a county or municipal corporation from the taxes and fees remitted to the county or municipal corporation in which the vehicle is registered. The collecting authority is responsible for collecting county and municipal taxes and fees assessed under this Article and may receive a fee for collecting these taxes and fees. The amount of this fee for an agent contracting with the Division of Motor Vehicles must equal at least the applicable amount set under G.S. 20-63(h). The amount of this fee for the Division of Motor Vehicles is the amount set by the memorandum of understanding entered into under G.S. 105-330.11 but shall not exceed the amount set under G.S. 20-63. The Property Tax Division must establish procedures to ensure that tax payments and fees received pursuant to this Article and Chapter 20 of the General Statutes are properly accounted for and taxes and fees due other taxing units and the Division of Motor Vehicles are remitted at least once each month."

SECTION 2. G.S. 20-66(a) reads as rewritten:

"(a) Annual Renewal. – The registration of a vehicle must be renewed annually. In accordance with G.S. 105-330.5(b), upon receiving written consent from the owner of the vehicle, the Division may send any required notice of renewal electronically to an e-mail address provided by the owner of the vehicle. To renew the registration of a vehicle, the owner of the vehicle must file an application with the Division and pay the required registration fee. The Division may receive and grant an application for renewal of registration at any time before the registration expires."

SECTION 3. This act becomes effective January 1, 2016.

VISITOR REGISTRATION SHEET

House Comm. on Transportation — Name of Committee

6-16-2015 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Alison Roach	NCDMV
~~Hope~~ Mozingo	NCDMV
Kelly Thomas	DMV
Tom BEAN	NCWF
Tonya Hoam	TSS
Phoebe Landon	Brooks Pierce
Mia Guglielmi	NCMMC
Michael Faizmen	NC DOT - IT
Reston Jones	NCDOT
Maggie Thomas	NCDOT - JT
Joe McClees	McClees Consulting

VISITOR REGISTRATION SHEET

House Comm. on Transportation — Name of Committee

6-16-2015 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robert Quinn	NCDMV
[illegible]	School of Gov
Phil Carter	Waste Industries
James S. Walker	Attorney, POB 240057, Charlotte, NC 28224
Erin Wynia	NCLM
Dana Fenton	City of Charlotte
Bruce Mulding	NCSA
John Patterson	NCAOA
Jack Cecil	NCC
ANDY WALSH	SMITH ANDERSON
J GOODMAN	NC CHAMBER

House Committee on Transportation
Tuesday, June 23, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on June 23, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Blackwell, Boles, Brawley, Brockman, R. Brown, B. Brown, Bumgardner, Carney, Catlin, Cleveland, Faircloth, Ford, Fraley, Goodman, C. Graham, Hardister, Holley, Hunter, Iler, Jeter, McGrady, McNeill, R. Moore, Presnell, Queen, Robinson, Speciale, Steinburg, Terry, R. Turner, Yarborough, and Zachary attended.

Representative Iler, presided.

The following bills were considered:

SB 174 Rail Corridor Lease/City of Wilmington. (Senator Lee)
Senator Lee was recognized to explain the bill. After discussion and debate Representative Boles was recognized for a motion to give the bill a favorable report. The motion carried.

SB 299 Port Usage Contracts/Public Records. (Senators Lee, Sanderson)
Senator Lee was recognized to explain the bill. After discussion and debate Representative Caitlin was recognized for a motion to vie the bill a favorable report. The motion carried.

SB 654 Map Act/Clarifications. (Senator Lee)
Senator Lee and Representative Millis explained the bill. After many questions, this bill was carried over to our next meeting.

SB 600 Study/Autonomous Vehicles.-AB (Senators Meredith, Rabon, Lowe)
Senator Meredith was recognized to explain the bill. After discussion and debate Representative Jeter was recognized for a motion to give the bill a favorable report. The motion carried.

The meeting adjourned at 12:57.

Select or Type Name of Presiding Chair
Presiding

Carla Farmer, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, June 23, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Iler will be chairing**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 174	Rail Corridor Lease/City of Wilmington.	Senator Lee
SB 299	Port Usage Contracts/Public Records.	Senator Lee Senator Sanderson
SB 654	Map Act/Clarifications.	Senator Lee
SB 600	Study/Autonomous Vehicles.-AB	Senator Meredith Senator Rabon Senator Lowe

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:38 AM on Thursday, June 18, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Carla Farmer (Committee Assistant)

House Committee on Transportation
Tuesday, June 23, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 174	Rail Corridor Lease/City of Wilmington.	Senator Lee
SB 299	Port Usage Contracts/Public Records.	Senator Lee Senator Sanderson
SB 654	Map Act/Clarifications.	Senator Lee
SB 600	Study/Autonomous Vehicles.-AB	Senator Meredith Senator Rabon Senator Lowe

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE

SB **174** Rail Corridor Lease/City of Wilmington.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Catlin

SB **299** Port Usage Contracts/Public Records.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Catlin

SB **600** **(CS#1)** Study/Autonomous Vehicles.-AB

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Szoka

TOTAL REPORTED: 3

CMR467-V-1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 174

Short Title:	Rail Corridor Lease/City of Wilmington.	(Public)
Sponsors:	Senator Lee (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate.	

March 5, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE CITY OF WILMINGTON MAY LEASE FROM THE DEPARTMENT OF TRANSPORTATION THE DEPARTMENT'S INTEREST IN A PORTION OF THE FORMER CSX TRANSPORTATION RAIL CORRIDOR WITHIN THE LIMITS OF THAT CITY.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Wilmington and the North Carolina Department of Transportation are authorized to enter into a lease agreement for interim public recreation use of that portion of the Department's interest in the portion of the right-of-way of the former CSX Transportation corridor known as the Wilmington Downtown Lead from its intersection with 3rd Street to its intersection with McRae Street, provided that all of the following conditions are met:

(1) The City of Wilmington will examine title to the real property comprising the above described portion of rail corridor and identify all persons owning an interest in the real property comprising the rail corridor portion to be leased.

(2) All persons owning an interest in the real property comprising the rail corridor portion to be leased will be parties to the lease.

(3) The City of Wilmington has requested use of the portion of the rail corridor described in this act for interim public recreational trail use and agrees in writing to assume all development costs as well as management, security, and liability responsibilities as defined by the Department of Environment and Natural Resources and the Department of Transportation.

(4) The Department of Transportation determines that there will not likely be a need to resume active rail service in the leased portion of the rail corridor for at least 10 years.

(5) The lease agreement allowing trail use includes terms for resumption of active rail use which will assure unbroken continuation of the corridor's perpetual use for railroad purposes and interim compatible uses.

(6) Use of the rail corridor or portions thereof as a recreational trail does not interfere with the ultimate transportation purposes of the corridor as determined by the Department of Transportation.

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

SENATE BILL 174:
Rail Corridor Lease/City of Wilmington

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	June 23, 2015
Introduced by:	Sen. Lee	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	First Edition		

SUMMARY: Senate Bill 174 would authorize the Department of Transportation to lease a portion of the former CSX rail corridor to the City of Wilmington for public recreation use.

BILL ANALYSIS: Senate bill 174 would authorize the Department of Transportation to lease its interest in a portion of the right-of-way of the former CSX transportation rail corridor to the City of Wilmington for interim public recreation use under the following conditions:

- The City identifies all persons owning an interest in the property to be leased.
- All persons owning an interest in the property will be parties to the lease.
- The City agrees to assume all development costs and management, security, and liability responsibility.
- The Department determines there will not be a need to resume rail service on the corridor for at least 10 years.
- The lease agreement includes terms for resumption of active rail use.
- Use of the corridor as recreational trail does not interfere with its ultimate transportation purpose.

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

O. Walker Reagan
Director

S174-SMSU-80 E1 -V1

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 299

Short Title:	Port Usage Contracts/Public Records.	(Public)
Sponsors:	Senators Lee and Sanderson (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate.	

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A USAGE CONTRACT ENTERED INTO BETWEEN THE STATE PORTS AUTHORITY AND A CARRIER IS NOT A PUBLIC RECORD.

The General Assembly of North Carolina enacts:

SECTION 1. Article 20 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-276. Usage contracts.**

A usage contract entered into between the Authority and a carrier is not a public record within the meaning of G.S. 132-1. For purposes of this section, the term "usage contract" means a contract or agreement that contains terms and conditions involving terminal services related to maritime activities, including dockage, wharfage, cargo handling, storage, ro-ro service, transportation drayage, and other miscellaneous port services."

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

SENATE BILL 299:
Port Usage Contracts/Public Records

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	June 23, 2015
Introduced by:	Sens. Lee, Sanderson	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 299 provides that a State Ports Authority usage contracts are not public records.***

CURRENT LAW: Chapter 132 of the General Statutes, the Public Records Act, defines and requires access to public records, unless State law specifically provides otherwise.

BILL ANALYSIS: Senate Bill 299 provides that a usage contract between the State Ports Authority and a carrier is not a public record.

The bill defines a usage contract as "a contract or agreement that contains terms and conditions involving terminal services related to maritime activities, including dockage, wharfage, cargo handling, storage, ro-ro service[1], transportation drayage[2], and other miscellaneous port services."

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

[1] Roll on-roll off: relating to shipping by means of a ship designed and equipped to allow vehicles to be driven on or off.

[2] The transport of containerized cargo between a port and shipping facility.

O. Walker Reagan
Director

S299-SMRW-93 E1 -V4

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 2

SENATE BILL 600
Transportation Committee Substitute Adopted 4/29/15

Short Title: Study/Autonomous Vehicles.-AB (Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO STUDY HOW TO IMPLEMENT AUTONOMOUS VEHICLE TECHNOLOGY ON THE ROADS AND HIGHWAYS OF THIS STATE, AS RECOMMENDED BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. Definition. – The term "autonomous vehicle" means a vehicle capable of operating in a full automation mode where full automation is defined by the Society of Automotive Engineers standard, J3016, section 5.6, issued January 2014, as the unconditional, full-time performance by an automated driving system of all aspects of the dynamic driving task under, at minimum, all roadway and environmental conditions that can be managed by a human driver, including the ability to automatically bring the vehicle into a minimal risk condition in the event of a critical vehicle or system failure or other emergency event.

SECTION 2. Study. – The Division of Motor Vehicles, in collaboration with other interested stakeholders identified by the Division, shall study how to implement autonomous vehicle technology on the roads and highways of this State. In conducting the study under this act, the Division shall consider all of the following:

(1) The measures necessary to successfully implement autonomous vehicle technology, including any legislative changes.

(2) Complications or liabilities that could arise by allowing autonomous vehicle technology.

(3) How autonomous vehicle technology can promote research and development in this State.

(4) Any other matters the Division deems relevant.

SECTION 3. Report. – The Department shall report its findings and recommendations, including any legislative proposals, to the Joint Legislative Transportation Oversight Committee no later than February 1, 2016.

SECTION 4. Effective Date. – This act is effective when it becomes law.

SENATE BILL 600:
Study/Autonomous Vehicles.-AB

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	June 23, 2015
Introduced by:	Sens. Meredith, Rabon, Lowe	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	Second Edition		

SUMMARY: Senate Bill 600 directs DMV to study autonomous vehicles.

BILL ANALYSIS: Senate Bill 600 directs DMV, in collaboration with other interested stakeholders, to study how to implement autonomous vehicle technology on State roads. In conducting the study under this act, DMV is directed to consider all of the following:

- The measures necessary to successfully implement autonomous vehicle technology, including any legislative changes.
- Complications or liabilities that could arise by allowing autonomous vehicle technology.
- How autonomous vehicle technology can promote research and development in this State.
- Any other matters the Division deems relevant.

The bill directs DMV to report its findings and recommendations, including any legislative proposals, to the Joint Legislative Transportation Oversight Committee no later than February 1, 2016.

The bill defines the term "autonomous vehicle" to mean "*a vehicle capable of operating in a full automation mode where full automation is defined by the Society of Automotive Engineers standard, J3016, section 5.6 issued January 2014 as the unconditional, full-time performance by an automated driving system of all aspects of the dynamic driving task under, at minimum, all roadway and environmental conditions that can be managed by a human driver, including the ability to automatically bring the vehicle into a minimal risk condition in the event of a critical vehicle or system failure, or other emergency event.*"

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

O. Walker Reagan
Director

* S 6 0 0 - S M R W - 9 4 E 2 - V 2 *

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 654
Transportation Committee Substitute Adopted 4/29/15
PROPOSED HOUSE COMMITTEE SUBSTITUTE S654-CSRW-30 [v.5]

6/22/2015 2:37:02 PM

Short Title: Map Act/Clarifications. (Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION FOR CLAIMS ARISING OUT OF ACTIONS TAKEN BY THE ORGANIZATION PURSUANT TO THE TRANSPORTATION CORRIDOR OFFICIAL MAP ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-44.50 is amended by adding a new subsection to read:

"(g) The Department of Transportation shall defend, indemnify, and hold harmless the Wilmington Urban Area Metropolitan Planning Organization and its members against any claims, civil actions, and proceedings related to or arising out of the Wilmington Urban Area Metropolitan Planning Organization's adoption, filing, or amendment of a transportation corridor official map pursuant to this Article."

SECTION 2. Subsection (g) of G.S. 136-44.50, as enacted by Section 1 of this act, is effective when this act becomes law and applies to maps filed, adopted, or amended before that date. The remainder of this act is effective when it becomes law.

SENATE BILL 654:
Map Act/Clarifications

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	June 22, 2015
Introduced by:	Sen. Lee	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	PCS to Second Edition S654-CSRW-30		

SUMMARY: ***Senate Bill 654 (proposed committee substitute) requires the Department of Transportation to defend, indemnify, and hold harmless the Wilmington Urban Area Metropolitan Planning Organization and its members for any claims arising out of its adoption, filing, or amendment of a corridor map.***

CURRENT LAW: The Transportation Corridor Official Map Act was enacted in 1987, and it authorizes the Department of Transportation and other governing bodies to adopt and file transportation corridor maps, which place restrictions on property located within a corridor.

In 2006, the Wilmington Urban Area Metropolitan Planning Organization was added to the list of entities authorized to adopt and amend transportation corridor maps under the Map Act, for two specified projects, U-4751[1] and R-3300. The Wilmington MPO filed a map under the Map Act for one project, R-3300, the US 17 bypass of Hampstead.

BILL ANALYSIS: Senate Bill 654 (PCS) directs NC DOT to "defend, indemnify, and hold harmless the Wilmington Urban Area Metropolitan Planning Organization and its members against any claims, civil actions, and proceedings related to or arising out of the Wilmington Urban Area Metropolitan Planning Organization's adoption, filing, or amendment of a transportation corridor official map".

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

[1] Project U-4751 is an extension of Military Cutoff Road on new location from Market Street (US 17 Business) to the US 17 Wilmington Bypass (John Jay Burney Jr. Freeway).

O. Walker Reagan
Director

* S 6 5 4 - S M R W - 9 5 C S R W - 3 0 - V 2 *

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

VISITOR REGISTRATION SHEET

House Committee on Transportation — 6-23-2015

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jennifer Keel	DMV
Dana Cloyce	Sierra Club
Sarah Walker	UNC Law
Molly Harris	UNC Law
Hope Mozingo	NC DMV
Kelly Thomas	NC DMV
Robert Andrews	Senate Ch
Maria Sarasta Kennedy	UNC Law
Mia Guglielmi	NCMMC
Phoebe Landon	Brooks Pierce
	MWC

VISITOR REGISTRATION SHEET

House Committee on Transportation — 6-23-2015

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Calvin Leggett	DOT
Reston Jones	NCDOT
[illegible]	[illegible]
Joe McClees	McClees Consulting
[illegible]	RANC
Stevens	Treasurer
Shelley Blake	NCDOT
Bobby Lewis	NCDOT
Mary Jernigan	NCDOT
Kinnari Bhojani	Intern NCDOJ

VISITOR REGISTRATION SHEET

House Committee on Transportation
Name of Committee

6-23-2015
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
TYLER NEWMAN	BASF
[illegible]	[illegible]
Butch Gumbh	NC Bee
JEFF BARGHOUT	NEXUS EMC
Ruigan Merwald	UDM
John Harris	MFS
[illegible]	Gaddy Government Relations
Laura Blair	NCSPA
Jaleesa [illegible]	Legislative Intern
Andy [illegible]	SA
Andy Chase	KMA

VISITOR REGISTRATION SHEET

House Committee on Transportation — Name of Committee

6-23-2015 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tony McEwen	City of Wilm
Mike Kozlosky	Wilmington MPO
Stacy Kelly	UNC Law
Miranda Wodarski	UNC Law
Dana Fenton	City of Charlotte
Nina Barrett	Intern
Andrew Johnstone	UNC Law
Erin Wynia	NCLM

House Committee on Transportation
Tuesday, June 30, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on June 30, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Blackwell, R. Brown, Bumgardner, Carney, Catlin, Cleveland, Faircloth, Fraley, Goodman, Hardister, Iler, Jeter, McNeill, R. Moore, Presnell, Queen, Robinson, Shepard, Speciale, Steinburg, Tine, R. Turner, Yarborough, and Zachary attended.

Representative Phil Shepard, Chair, presided.

The following bills were considered:

SB 182 Automatic License Plate Readers. (Senators McKissick, Barefoot, Daniel)
Representative Jeter was recognized for a motion to bring a PCS before the committee. The motion carried. Senator McKissick was recognized to explain his bill. After discussion and debate Representative Turner was recognized for a motion favorable to the PCS, unfavorable to the original bill with a re-referral to the committee on Finance. The motion carried.

SB 448 Equalize Tax on Propane Used as a Motor Fuel. (Senator B. Jackson)
Senator Jackson was recognized to explain the bill. After discussion and debate, Representative Jeter was recognized for a motion for a favorable report with a re-refer to the committee on Finance. The motion carried.

SB 654 Map Act/Clarifications. (Senator Lee)
Representative Jeter was recognized for a motion to bring a PCS before the committee. The motion carried. Senator Lee continued to answer questions from this bill that was held over from last week. After discussion and debate, Representative Turner was recognized for a motion to give the bill a favorable report. The motion carried.

The meeting adjourned at 12:45.

Representative Phil Shepard, Chair
Presiding

Carla Farmer, Committee Clerk

House Committee on Transportation
Tuesday, June 30, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Representative Shepard, Chair

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 182	Automatic License Plate Readers. **(PCS, re-referral to Judiciary IV)**	Senator McKissick Senator Barefoot Senator Daniel
SB 448	Equalize Tax on Propane Used as a Motor Fuel. **(Re-referral to Finance)**	Senator B. Jackson
SB 654	Map Act/Clarifications **(PCS)** **For Discussion Only**	Senator Lee

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE AND RE-REFERRED

SB **448** **(CS#1)** Equalize Tax on Propane Used as a Motor Fuel.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Collins

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **654** **(CS#1)** Map Act/Clarifications.

Draft Number:	S654-PCS35295-RW-32
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Millis

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED

SB **182** **(CS#1)** Automatic License Plate Readers.

Draft Number:	S182-PCS45381-SU-28
Serial Referral:	**JUDICIARY IV**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Faircloth

TOTAL REPORTED: 3



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 182
Judiciary II Committee Substitute Adopted 4/23/15
PROPOSED HOUSE COMMITTEE SUBSTITUTE S182-CSSU-28 [v.3]
6/29/2015 8:17:54 PM

Short Title: Automatic License Plate Readers. (Public)

Sponsors:

Referred to:

March 5, 2015

A BILL TO BE ENTITLED

AN ACT TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER SYSTEMS.

The General Assembly of North Carolina enacts:

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

"Article 3D.

"Automatic License Plate Reader Systems.

"**§ 20-183.22. Definitions.**

The following definitions apply in this Article:

(1) Automatic license plate reader system. – A system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data. This term shall not include a traffic control photographic system, as that term is defined in G.S. 160A-300.1(a), or an open road tolling system, as that term is defined in G.S. 136-89.210(3).

(2) Law enforcement agency. – Any agency or officer of the State of North Carolina or any political subdivision thereof who is empowered by the laws of this State to conduct investigations or to make arrests, and any attorney, including the Attorney General of North Carolina, authorized by the laws of this State to prosecute or participate in the prosecution of those persons arrested or persons who may be subject to civil actions related to or concerning an arrest.

"**§ 20-183.23. Regulation of use.**

Any State or local law enforcement agency using an automatic license plate reader system must adopt a written policy governing its use before the automatic license plate reader system is operational. The policy shall address all of the following:

(1) Databases used to compare data obtained by the automatic license plate reader system.

(2) Data retention.

(3) Sharing of data with other law enforcement agencies.

(4) Training of automatic license plate reader system operators.

(5) Supervisory oversight of automatic license plate reader system use.

(6) Internal data security and access.

(7) Annual or more frequent auditing and reporting of automatic license plate reader system use and effectiveness to the head of the agency responsible for operating the system.

(8) Accessing data obtained by automatic license plate reader systems not operated by the law enforcement agency.

(9) Any other subjects related to automatic license plate reader system use by the agency.

"**§ 20-183.24. Preservation and disclosure of records.**

(a) Data obtained by an automatic license plate reader system operated by a law enforcement agency shall not be preserved for more than 90 days unless there is a written, articulable, and recorded basis that the data has intelligence or investigatory value, is or may become evidence in a specific criminal action, or is needed to prove a violation of a motor carrier safety regulation. In that event, the specific case and parties involved shall be identified.

(b) Data obtained by an automatic license plate reader system not operated by a law enforcement agency that is preserved for more than 90 days shall not be accessed by a law enforcement agency unless there is a written, articulable, and recorded basis that the data has intelligence or investigatory value, is or may become evidence in a specific criminal action, or is needed to prove a violation of a motor carrier safety regulation. In that event, the specific case and parties involved shall be identified.

(c) Data obtained by an automatic license plate reader system is confidential and not a public record as that term is defined in G.S. 132-1. Data shall not be disclosed except to a federal, State, or local law enforcement agency for a legitimate law enforcement or public safety purpose pursuant to a written request from the requesting agency. Written requests may be in electronic format."

SECTION 2. This act becomes effective December 1, 2015.

SENATE BILL 182:
Automatic License Plate Readers

2015-2016 General Assembly

Committee:	Transportation, if favorable, Judiciary IV, if favorable, Rules, Calendar, and Operations of the House	**Date:**	June 30, 2015
Introduced by:	Sens. McKissick, Barefoot, Daniel	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	PCS to Second Edition S182-CSSU-28		

SUMMARY: The proposed committee substitute (PCS) for Senate Bill 182 would regulate the use of automatic license plate reader systems by law enforcement agencies by requiring agencies to have written policies on their use and by limiting the retention and disclosure of data from the systems.

The PCS addresses law enforcement access to data captured by systems not operated by law enforcement agencies.

CURRENT LAW: North Carolina does not currently regulate the use of automatic license plate reader systems.

BILL ANALYSIS: The PCS for Senate Bill 182 would add a new Article 3D to Chapter 20 of the General Statutes governing law enforcement agency use of automatic license plate reader systems. "Automatic license plate reader system" is defined in the bill as a system of one or more mobile or fixed automated high speed cameras used in combination with computer algorithms to convert images of license plates into computer readable data. The term does not include a traffic control photographic system or an open road tolling system.

The bill would require a State or local law enforcement agency to adopt a written policy governing the use of the system before it is operational. The policy would have to address the following subjects:

- Databases used to compare data obtained by the system
- Data retention and sharing of data with other law enforcement agencies
- System operator training
- Supervision of system use
- Data security and access
- Audits and reports of system use and effectiveness
- Access to data obtained by systems not operated by the agency
- Any other subjects related to the agency's use of the system

The agency would not be permitted to preserve data obtained by the system for more than 90 days, or access data obtained by a system not operated by a law enforcement agency and preserved for more than 90 days, unless the data has intelligence or investigatory value, is or may become evidence in a criminal action, or is needed to prove a violation of a motor carrier safety regulation. In those cases, the agency would be required document the permitted basis upon which the data was preserved or accessed, identifying the specific case and parties involved.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Data obtained by the system would be confidential and not a public record. The agency would not be authorized to disclose data except in response to a written request from a federal, State, or local law enforcement agency for a legitimate law enforcement or public safety purpose.

EFFECTIVE DATE: The act would become effective December 1, 2015.

Bill Patterson, counsel to Senate Judiciary II, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 2

SENATE BILL 448
Finance Committee Substitute Adopted 6/9/15

Short Title: Equalize Tax on Propane Used as a Motor Fuel. (Public)

Sponsors:

Referred to:

March 26, 2015

A BILL TO BE ENTITLED

AN ACT TO EQUALIZE THE TAXATION OF LIQUEFIED PROPANE GAS WHEN USED AS A MOTOR FUEL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-449.130 is amended by adding a new subdivision to read:

"(1h) Gas gallon equivalent of liquefied propane gas. – The energy equivalent of 5.75 pounds of liquefied propane gas."

SECTION 2. G.S. 105-449.136(a) reads as rewritten:

"(a) Rate. – A tax at the motor fuel rate is imposed on liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores fuel only for the purpose of supplying fuel to operate the vehicle. The tax on liquefied natural gas is imposed on each diesel gallon equivalent of liquefied natural gas. The tax on liquefied propane gas is imposed on each gas gallon equivalent of liquefied propane gas. A tax at the equivalent of the motor fuel rate is imposed on all other alternative fuel used to operate a highway vehicle. The tax on compressed natural gas is imposed on each gas gallon equivalent of compressed natural gas. The Secretary must determine the equivalent rate for all other non-liquid alternative fuels."

SECTION 3. This act becomes effective January 1, 2016.

SENATE BILL 448:
Equalize Tax on Propane Used as a Motor Fuel

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	June 30, 2015
Introduced by:	Sen. B. Jackson	**Prepared by:**	Giles S. Perry
Analysis of:	Second Edition		Committee Counsel

SUMMARY: Senate Bill 448 amends the motor fuels tax rate applicable to liquefied propane gas, when used as a motor fuel, by specifying that the gas gallon equivalent of liquefied propane gas is 5.75 pounds of liquefied propane gas.

[As introduced, this bill was identical to H494, as introduced by Reps. Collins, Hager, Lewis, R. Moore, which is currently in House Finance.]

CURRENT LAW: Current law establishes motor fuel tax rates for alternative fuels used to operate a motor vehicles. Under current law:

- The motor fuels tax on liquefied natural gas, when used as a motor fuel, is imposed on each diesel gallon equivalent of liquefied natural gas. The diesel gallon equivalent of liquefied natural gas is established by State law to be 6.06 pounds of liquefied natural gas.[1]
- The motor fuels tax on compressed natural gas, when used as a motor fuel, is imposed on each gas gallon equivalent of compressed natural gas. The gas gallon equivalent of compressed natural gas is established by State law to be 5.66 pounds of compressed natural gas.[2]
- The motor fuels tax on liquefied propane gas, when used as a motor fuel, is currently imposed on a gallon, by volume, of liquefied propane gas. A gallon of liquefied propane, at 70°F, weighs 4.2 lbs. A gallon of liquefied propane gas has 73% of the energy of a gallon of gasoline.[3]

BILL ANALYSIS: Senate Bill 448 amends the motor fuels tax rate applicable to liquefied propane gas, when used as a motor fuel, by specifying that the gas gallon equivalent of liquefied propane gas is 5.75 pounds of liquefied propane gas.

EFFECTIVE DATE: This act becomes effective January 1, 2016.

Heather Fennell, counsel to Senate Finance, substantially contributed to this summary.

[1] G.S. 105-449.130(1f), G.S. 105-449.136(a). Rate enacted by S.L. 2014-4
[2] G.S. 105-449.130(1g), G.S. 105-449.136(a). Rate enacted by S.L. 2014-4
[3] Data is from the Alternative Fuels Data Center, US Department of Energy. www.afdc.energy.gov

O. Walker Reagan
Director

* S 4 4 8 - S M R W - 9 8 E 2 - V 2 *

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

Legislative Fiscal Note

BILL NUMBER: Senate Bill 448 (First Edition)

SHORT TITLE: Equalize Tax on Propane Used as a Motor Fuel.

SPONSOR(S): Senator B. Jackson

FISCAL IMPACT

($ in millions)

☑ Yes ☐ No ☐ No Estimate Available

	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
State Impact					
Highway Fund Revenues:	($0.1)	($0.1)	($0.1)	($0.1)	($0.1)
Highway Fund Expenditures:					
Trust Fund Revenues:	$0.0	$0.0	$0.0	$0.0	$0.0
Highway Trust Fund Expenditures:					
State Positions:					
NET STATE IMPACT	**($0.1)**	**($0.1)**	**($0.1)**	**($0.1)**	**($0.1)**

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Transportation

EFFECTIVE DATE: July 1, 2015

TECHNICAL CONSIDERATIONS:

None

BILL SUMMARY:

This bill amends G.S. 105-449.130, definitions for alternative fuel, providing a new term - gas gallon equivalent of liquefied propane gas. It is defined as the energy equivalent of 5.75 pounds of liquefied propane gas. The bill amends G.S. 105-449.136(a), tax rates for alternative fuel, providing that the tax on liquefied propane gas is imposed on each gas gallon equivalent of liquefied propane gas.

ASSUMPTIONS AND METHODOLOGY:

The North Carolina Department of Revenue's (DOR) "Uniformity Guide" states that the current equivalent weight for liquefied natural gas is 4.22 lbs. per gallon. This bill increases the weight to 5.75 lbs. per gallon. Therefore, less revenue will be collected since a gallon equivalent will contain 36.5% more weight than currently taxed.

DOR estimates that it collects $275,000 to $300,000 annually from the taxation of liquefied natural gas that is used as a motor fuel. This bill will reduce transportation revenues by $100,000 to $110,000 annually. The Highway Fund revenue loss is forecast to be $75,000 to $82,500 annually and Highway Trust Fund revenue loss is forecast to be $25,000 to $27,500 annually.

SOURCES OF DATA: North Carolina Department of Revenue

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Amna Cameron

APPROVED BY:

Mark Trogdon, Director
Fiscal Research Division

DATE: May 14, 2015



Signed Copy Located in the NCGA Principal Clerk's Offices

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 654
Transportation Committee Substitute Adopted 4/29/15
PROPOSED HOUSE COMMITTEE SUBSTITUTE S654-CSRW-32 [v.1]

6/23/2015 9:43:39 AM

Short Title: Map Act/Clarifications. (Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION FOR CLAIMS ARISING OUT OF ACTIONS TAKEN BY THE ORGANIZATION PURSUANT TO THE TRANSPORTATION CORRIDOR OFFICIAL MAP ACT AND TO CLARIFY CERTAIN PROVISIONS OF THE TRANSPORTATION CORRIDOR OFFICIAL MAP ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-44.50 reads as rewritten:

"**§ 136-44.50. Transportation corridor official map act.**

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

(1) The governing board of any local government for any thoroughfare included as part of a comprehensive plan for streets and highways adopted pursuant to G.S. 136-66.2 or for any proposed public transportation corridor included in the adopted long-range transportation plan.

(2) The Board of Transportation, or the governing board of any county, for any portion of the existing or proposed State highway system or for any public transportation corridor, to include rail, that is in the Transportation Improvement Program.

(3) Regional public transportation authorities created pursuant to Article 26 of Chapter 160A of the General Statutes or regional transportation authorities created pursuant to Article 27 of Chapter 160A of the General Statutes for any portion of the existing or proposed State highway system, or for any proposed public transportation corridor, or adjacent station or parking lot, included in the adopted long-range transportation plan.

(4) The North Carolina Turnpike Authority for any project being studied pursuant to G.S. 136-89.183.

(5) The Wilmington Urban Area Metropolitan Planning Organization for Department projects R-3300 and U-4751.

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



(a1) No property may be regulated under this Article until:

(1) The governing board of the city, the county, the regional transportation authority, the North Carolina Turnpike Authority, ~~or~~ the Department of ~~Transportation~~Transportation, or any other entity listed in subsection (a) of this section has held a public hearing in each county affected by the map on the proposed map or amendment. Notice of the hearing shall be provided:

...

(1a) The transportation corridor official map has been adopted or amended by the governing board of the city, the county, the regional transportation authority, the North Carolina Turnpike Authority, ~~or~~ the ~~Department.~~Department, or any other entity listed in subsection (a) of this section.

...

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

(1) Failure of the Department of Transportation, the North Carolina Turnpike Authority, a city, a county, ~~or~~ a regional transportation ~~authority~~authority, or any other entity listed in subsection (a) of this section to begin work on an environmental impact statement or preliminary engineering as required by this section; or

...

(g) The Department of Transportation shall defend, indemnify, and hold harmless the Wilmington Urban Area Metropolitan Planning Organization and its members against any claims, civil actions, and proceedings related to or arising out of the Wilmington Urban Area Metropolitan Planning Organization's adoption, filing, or amendment of a transportation corridor official map pursuant to this Article."

SECTION 2. G.S. 136-44.51(a) reads as rewritten:

"(a) After a transportation corridor official map is filed with the register of deeds, no building permit shall be issued for any building or structure or part thereof located within the transportation corridor, nor shall approval of a subdivision, as defined in G.S. 153A-335 and G.S. 160A-376, be granted with respect to property within the transportation corridor. The Secretary of Transportation or his designee, the director of the Wilmington Urban Area Metropolitan Planning Organization, the director of a regional public transportation authority, or the director of a regional transportation authority, as appropriate, shall be notified within 10 days of all submittals for corridor map determination, as provided in subsections (b) and (c) of this section."

SECTION 3. G.S. 136-44.52(a) reads as rewritten:

"(a) The Department of Transportation, the regional public transportation authority, the regional transportation authority, ~~or~~ the local ~~government which~~government, or other entity listed in subsection (a) of G.S. 136-44.50 that initiated the transportation corridor official map shall establish procedures for considering petitions for variance from the requirements of G.S. 136-44.51."

SECTION 4. G.S. 136-44.53(a) reads as rewritten:

"(a) After a transportation corridor official map is filed with the register of deeds, a property owner has the right of petition to the filer of the map for acquisition of the property due to an imposed hardship. The Department of Transportation, the regional public transportation authority, the regional transportation authority, the Wilmington Urban Area Metropolitan Planning Organization, or the local government that initiated the transportation corridor official map may make advanced acquisition of specific parcels of property when that acquisition is determined by the respective governing board to be in the best public interest to protect the transportation corridor from development or when the transportation corridor official map creates an undue hardship on the affected property owner. The procedure

established by a regional public transportation ~~authority or~~authority, a regional transportation ~~authority~~authority, or the Wilmington Urban Area Metropolitan Planning Organization pursuant to subsection (b) of this section shall provide for a hearing de novo by the Department of Transportation for any request for advance acquisition due to hardship that is denied by an authority. All hearings held by the Department under this subsection shall be conducted in accordance with procedures established by the Department pursuant to subsection (b) of this section. Any decision of the Department pursuant to this subsection shall be final and binding. Any property determined eligible for hardship acquisition shall be acquired within three years of the finding or the restrictions of the map shall be removed from the property."

SECTION 5. Subsection (g) of G.S. 136-44.50, as enacted by Section 1 of this act, is effective when this act becomes law and applies to maps filed, adopted, or amended before that date. The remainder of this act is effective when it becomes law and applies to maps filed, adopted, or amended before, on, or after that date.

SENATE BILL 654:
Map Act/Clarifications

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	June 30, 2015
Introduced by:	Sen. Lee	**Prepared by:**	Giles S. Perry
Analysis of:	PCS to Second Edition S654-CSRW		Committee Counsel

SUMMARY: ***Senate Bill 654 (proposed committee substitute) requires the Department of Transportation to defend, indemnify, and hold harmless the Wilmington Urban Area Metropolitan Planning Organization and its members for any claims arising out of its adoption, filing, or amendment of a corridor map; and makes conforming changes.***

The PCS removes a provision concerning the Wilmington Urban Area Metropolitan Planning Organization's authority to delete a corridor map.

CURRENT LAW: The Transportation Corridor Official Map Act was enacted in 1987, and it authorizes the Department of Transportation and other governing bodies to adopt and file transportation corridor maps, which place restrictions on property located within a corridor.

In 2006, the Wilmington Urban Area Metropolitan Planning Organization was added to the list of entities authorized to adopt and amend transportation corridor maps under the Map Act, for two specified projects, U-4751[1] and R-3300. The Wilmington MPO filed a map under the Map Act for one project, R-3300, the US 17 bypass of Hampstead.

BILL ANALYSIS: Senate Bill 654 (PCS):

- directs NC DOT to "defend, indemnify, and hold harmless the Wilmington Urban Area Metropolitan Planning Organization and its members against any claims, civil actions, and proceedings related to or arising out of the Wilmington Urban Area Metropolitan Planning Organization's adoption, filing, or amendment of a transportation corridor official map".
- makes conforming changes throughout provisions in the Map Act that were not made when the Wilmington Urban Area Metropolitan Planning Organization was authorized to adopt and amend the two specified corridor maps under the Act in 2006.

EFFECTIVE DATE: The change to (g) of G.S. 136-44.50 is effective when the act becomes law, and applies to maps filed, adopted, or amended before that date. The remainder of the act is effective when it becomes law and would apply to filings, adoptions, or amendments before, on, or after that date.

[1] Project U-4751 is an extension of Military Cutoff Road on new location from Market Street (US 17 Business) to the US 17 Wilmington Bypass (John Jay Burney Jr. Freeway).

O. Walker Reagan
Director

* S 6 5 4 - S M R W - 9 7 C S R W - 3 2 - V 3 *

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

VISITOR REGISTRATION SHEET

Transportation — 6-30-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Butler	NCRMA
Erwin T Fleming	F Wm
Fred Bone	Bone & Assoc
Eric	Frank Ilar
Reston Jones	NCDOT
Maydun Baugess	FSP
Susan Vick	Duke Energy
Penny Huff	Schools for
Heather Norman	BASE
Hope Mayo	NCDMV
David Farrell	VB

VISITOR REGISTRATION SHEET

Transportation — 6-30-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jon Carr	NC Propane Gas Assoc
John Jessup	NC Propane Gas Assoc
Phoebe Landon	Brock & Pierce
[illegible]	MWC
Tony McEver	City of Wilm
Mike Kozlosky	Wilmington MPO
Mia Miguelucci	NCMMC
Amanda Hanaker	TSS
Andy Chase	KMA
Laura Lansford	NCDOR
Sarah Preston	ACLU-NC

VISITOR REGISTRATION SHEET

Transportation — 6-30-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doug Miskew	PTG
Calvin Leggett	NCDOT
HA IASAICO	N C DOT
ANDY WELSH	SA
Lisa Riegel	BikeWalk NC
Jay Sten	NCAA
Wendy Kelly	Focus Carolina
Cady Thomas	"
	NCDISEA

VISITOR REGISTRATION SHEET

Transportation — **Name of Committee**

6-30-2015 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Annaliese Dolph	DL
Todd Barlow	NCAJ
W. Ramos	RMR
J Jarvis	CPAs, NCMA, RAMC
JR McCleas	McCleas Consulting
Jared Bryant	NC Police Chiefs

House Committee on Transportation
Tuesday, July 21, 2015 at 15 Minutes After Session
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 15 Minutes After Session on July 21, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Blackwell, Boles, Brawley, R. Brown, B. Brown, Catlin, Cleveland, Faircloth, Ford, Fraley, Goodman, Hunter, Iler, Jeter, McNeill, Presnell, Robinson, Ross, Shepard, Speciale, Tine, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative John A. Torbett, Chair, presided.

The following bills were considered:

SB 313 Special Registration Plates. (Senator Bingham) After discussion and debate, the motion was made as favorable as to committee substitute, unfavorable to original bill with a serial referral to Rules, Calendar, and Operations of the House, if favorable House Finance. The motion carried.

SB 370 E-Signatures/Vehicle Title and Registration. (Senator Barefoot) After discussion and debate, the motion was made as favorable to original bill with a serial referral to House Judiciary II. The motion carried.

The meeting adjourned at 4:00p.m..

Representative John A. Torbett, Chair
Presiding

Viddia Torbett, Committee Clerk

Corrected #1: PLEASE NOTE TIME CHANGE TO 15 MINUTES AFTER SESSION

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, July 21, 2015
TIME: **15 Minutes After Session**
LOCATION: **643 LOB**
COMMENTS: **Representative Torbett Will Be Chairing**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 313	License Plate/Retired Register of Deeds.	Senator Bingham
SB 370	E-Signatures/Vehicle Title and Registration.	Senator Barefoot

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 7:03 PM on Monday, July 20, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Tuesday, July 21, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 313	License Plate/Retired Register of Deeds.	Senator Bingham
SB 370	E-Signatures/Vehicle Title and Registration.	Senator Barefoot

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 313
PROPOSED HOUSE COMMITTEE SUBSTITUTE S313-CSSUf-31 [v.4]

7/20/2015 10:46:23 AM

Short Title: Special Registration Plates. (Public)

Sponsors:

Referred to:

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES THAT HAVE MET STATUTORY REQUIREMENTS AND TO MAKE CHANGES TO VARIOUS SPECIAL REGISTRATION PLATES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-63(b1) reads as rewritten:

"(b1) The following special registration plates do not have to be a "First in Flight" plate or "First in Freedom" plate as provided in subsection (b) of this section. The design of the plates that are not "First in Flight" plates or "First in Freedom" plates must be developed in accordance with G.S. 20-79.4(a3). For special plates authorized in G.S. 20-79.7 on or after July 1, 2013, the Division may not issue the plate on a background under this subsection unless it receives at least 200 applications for the plate in addition to the applications required under G.S. 20-79.4 or G.S. 20-81.12.

...

(48) Alpha Phi Alpha.

(49) Carolina Panthers.

(50) NC Surveyors.

(51) North Carolina Sheriffs' Association.

(52) Save the Honey Bee (SB)."

SECTION 2. G.S. 20-79.4(b) reads as rewritten:

"(b) Types. – The Division shall issue the following types of special registration plates:

...

() Carolina Panthers. – Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall bear the phrase "Keep Pounding", the logo of the Carolina Panthers, and the letters "CP". The Division shall not develop a plate under this subdivision without a license to use copyrighted or registered words, symbols, trademarks, or designs associated with the plate. The Division shall not pay a royalty for the license to use the copyrighted or registered words, symbols, trademarks, or designs associated with the plate. The plate authorized by this subdivision is not subject to the provisions of G.S. 20-79.3A or G.S. 20-79.8.

...

() NC Surveyors. – Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall bear the phrase "Following In Their Footsteps", a picture representing a surveyor, and the letters "PS" on the right side of the plate.

...

() North Carolina Sheriffs' Association. – Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate may bear a phrase and logo selected by the North Carolina Sheriffs' Association, Inc.

...

(190) Register of Deeds. – Issuable to a register of ~~deeds.~~deeds of a county of this State. The plate shall bear the words "Register of Deeds" and the letter "R" followed by a number representing the county of the register of deeds. The number of a county shall be the order of the county in an alphabetical list of counties that assigns number one to the first county in the list. A plate issued to a retired register of deeds shall bear the phrase "Register of Deeds, Retired," followed by a number that indicates the county where the register of deeds served and a designation indicating the retired status of the register of deeds. For purposes of this subdivision, a "retired register of deeds" is a person (i) with at least 10 years of service as a register of deeds of a county of this State and (ii) who no longer holds that office for any reason other than removal under G.S. 161-27.

...

() Save the Honey Bee (HB). – Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall bear the phrase "Save the Honey Bee," a picture representing a honey bee, and the letters "HB" on the right side of the plate.

...

() Save the Honey Bee (SB). – Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall bear the phrase "Save the Honey Bee," a picture representing a honey bee on a blue flower inside of a hexagon, a honeycomb background, and the letters "SB" on the right side of the plate.

...."

SECTION 3. G.S. 20-79.7 reads as rewritten:

"**§ 20-79.7. Fees for special registration plates and distribution of the fees.**

...

(a1) Fees. – All other special registration plates are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

Special Plate	Additional Fee Amount
...	
Brenner Children's Hospital	$30.00
Carolina Panthers	$30.00
Carolina Raptor Center	$30.00
...	
North Carolina Paddle Festival	$30.00
North Carolina Sheriffs' Association	$30.00
Operation Coming Home	$30.00
...	
NC Children's Promise	$25.00
NC Surveyors	$25.00
Nurses	$25.00
...	
NC Beekeepers	$15.00
Save the Honey Bee (HB)	$15.00

Save the Honey Bee (SB)	$15.00
Shag Dancing	$15.00

...

(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) of this section among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the Clean Water Management Trust Fund (CWMTF), which is established under G.S. 113A-253, and the Parks and Recreation Trust Fund, which is established under G.S. 113-44.15, as follows:

Special Plate	SRPA	CCAPA	CWMTF	PRTF
...				
Buffalo Soldiers	$10	$15	0	0
Carolina Panthers	$10	$20	0	0
Carolina Raptor Center	$10	$20	0	0
...				
NCSC	$10	$20	0	0
NC Surveyors	$10	$15	0	0
NC Tennis Foundation	$10	$10	0	0
...				
North Carolina Paddle Festival	$10	$20	0	0
North Carolina Sheriffs' Association	$10	$20	0	0
Nurses	$10	$15	0	0
...				
Ronald McDonald House	$10	$20	0	0
Save the Honey Bee (HB)	$10	$5	0	0
Save the Honey Bee (SB)	$10	$5	0	0
Save the Sea Turtles	$10	$10	0	0
....				

...."

SECTION 4. G.S. 20-81.12 reads as rewritten:

"**§ 20-81.12. Collegiate insignia plates and certain other special plates.**

...

(b148) North Carolina Paddle Festival. – The Division must receive 300 or more applications for a North Carolina Paddle Festival plate before the plate may be developed. The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of North Carolina Paddle Festival plates to the Friends of the Hammocks and Bear Island, Inc.

(b149) Carolina Panthers. – The Division shall transfer quarterly one-half of the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of Carolina Panthers plates to the Keep Pounding Fund of the Carolinas Healthcare Foundation, Inc., to be used to support cancer research at the Carolinas Medical Center, and shall transfer quarterly one-half of the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of the Carolina Panthers plates to the Carolina Panthers Charities Fund of the Foundation for the Carolinas to be used to create new athletic opportunities for children, support their educational needs, and promote healthy lifestyles for families.

(b150) NC Surveyors. – The applicable requirements of G.S. 20-79.3A shall be met before the NC Surveyors plate may be developed. The Division shall transfer quarterly the money in the Collegiate and Cultural Atraction Plate Account derived from the sale of NC Surveyors plates to the North Carolina Society of Surveyors Education Foundation, Inc. to be used to

grant financial assistance to those persons genuinely interested in pursuing or continuing to pursue a formal education in the field of surveying.

(b151) North Carolina Sheriffs' Association. – The applicable requirements of G.S. 20-79.3A shall be met before the North Carolina Sheriffs' Association plate may be developed. The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of North Carolina Sheriffs' Association plates to the North Carolina Sheriffs' Association, Inc. to support the operating expenses of the North Carolina Sheriffs' Association.

(b152) Save the Honey Bee (HB). – The applicable requirements of G.S. 20-79.3A shall be met before the Save the Honey Bee plate may be developed. The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of Save the Honey Bee plates to the North Carolina State University Apiculture Program.

(b153) Save the Honey Bee (SB). – The applicable requirements of G.S. 20-79.3A shall be met before the Save the Honey Bee plate may be developed. The Division shall transfer quarterly one-half of the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of Save the Honey Bee plates to the Grandfather Mountain Stewardship Foundation to be used to support the Honey Bee Haven and honey bee educational programs, and shall transfer one-half of the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of Save the Honey Bee plates to the North Carolina State University Apiculture Program to be used to support work on honey bee biology and apicultural science.

…."

SECTION 5. The Division of Motor Vehicles shall not issue, and shall not produce, any more special registration plates developed for the Carolina Panthers under the authority in G.S. 20-79.4(b)(185).

SECTION 6.(a) G.S. 20-79.4(b)(122), as it existed on September 30, 2014, is reenacted.

SECTION 6.(b) G.S. 20-79.4(b)(122), as reenacted by Section 1 of this act, reads as rewritten:

"(b) Types. – The Division shall issue the following types of special registration plates:

…

(122) Military Veteran. – Issuable to an individual who served honorably in the Armed Forces of the United States. The plate shall bear the words "U.S. Military Veteran" and the name and insignia of the branch of service in which the individual served. ~~The Division may not issue the plate authorized by this subdivision unless it receives at least 300 applications for the plate.~~The plate authorized by this subdivision is not subject to the provisions of G.S. 20-79.3A or G.S. 20-79.8."

SECTION 6.(c) The fee amount set for "Military Veteran" special registration plates in G.S. 20-79.7(a1) is reenacted.

SECTION 6.(d) This section becomes effective 90 days after it becomes law.

SECTION 7. The Revisor of Statutes is authorized to alphabetize, number, and renumber the special registration plates listed in G.S. 20-79.4(b) to ensure that all the special registration plates are listed in alphabetical order and numbered accordingly.

SECTION 8. Except as otherwise provided, this act is effective when it becomes law.

SENATE BILL 313:
Special Registration Plates

2015-2016 General Assembly

Committee:	Transportation, if favorable, Rules, Calendar, and Operations of the House	**Date:**	July 21, 2015
Introduced by:	Sen. Bingham	**Prepared by:**	Wendy Graf Ray Committee Counsel
Analysis of:	PCS to First Edition S313-CSSU		

SUMMARY: The Proposed Committee Substitute (PCS) for Senate Bill 313 would make the following changes regarding special registration plates:

- ***Authorize four new special registration plates that have met new plate development requirements, as reported by the Division of Motor Vehicles.***
- ***Provide a specific authorization for a Carolina Panthers plate (currently being produced under the broad authorization for Professional Sports Fan plates) with an additional fee and a full-color background.***
- ***Reauthorize the Military Veteran special registration plate without a requirement for a minimum number of applications.***
- ***Clarify who is eligible for a Retired Register of Deeds special registration plate.***

CURRENT LAW: North Carolina offers a number of special registration plates. Upon application and payment of the required registration fees, a person may obtain from the Division of Motor Vehicles a special registration plate for a motor vehicle registered in that person's name if the person qualifies for the plate. The issuance of most plates is contingent upon the receipt by DMV of at least 300 applications for the particular plate if it is on a standard "First in Flight" background or at least 500 applications if it is on a full-color background.

As a general rule, the fee for a special registration plate is the regular vehicle registration fee, which is $28 plus a $10 special registration plate fee. The $10 special registration plate fee is credited to the Special Registration Plate Account. After deducting the cost of the plates from this account, $1.3 million is appropriated to provide operating assistance for Visitor Centers. The remaining revenue in the account is transferred quarterly to the Department of Commerce for advertising (33%), the Department of Transportation for highway beautification (50%), and the Department of Human Resources to promote travel accessibility for disabled persons (17%). The cost of some special plates includes a fee in addition to the $10 special registration plate fee. In those instances, the first $10 goes to the special registration plate fund and the remainder is transferred quarterly to designated beneficiaries of the additional fee amount.

Prior to 2014, the process for developing a special registration plate was not codified or published. Generally, legislation authorizing a plate was passed, and then the organization would collect applications and design the plate. Over the years, there were many more authorizations for plates than actual plates developed, either due to an inability to meet the minimum number of applications or lack of knowledge about the process. Last year, the General Assembly enacted legislation creating a new development process for special registration plates, which requires the organization desiring the plate to

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

submit the required number of paid applications to the Division of Motor Vehicles before legislation is introduced to authorize the plate. The Division is required to submit a report to the General Assembly each year identifying applicants who have met the plate development requirements and are eligible for legislative consideration.

BILL ANALYSIS:

Authorization of new plates. The PCS authorizes four new special registration plates. The following four organizations/plates were identified in the report from the Division of Motor Vehicles as having met the new plate development requirements:

- NC Surveyors – Full-color plate, bearing the phrase "Following In Their Footsteps" with a picture representing a surveyor and the letters "PS" on the right side of the plate. Plate fee would be $25, with $15 to be used to grant assistance to persons genuinely interested in formal education in the field of surveying.
- North Carolina Sheriffs' Association – Full-color plate, bearing a phrase and logo selected by the Association. Plate fee would be $30, with $20 to be used to support operating expenses of the Association.
- Save the Honey Bee (SB) – Full-color plate, bearing the phrase "Save the Honey Bee" with a picture of a honey bee on a blue flower inside of a hexagon with a honeycomb background and the letters "SB" on the right side of the plate. Plate fee would be $15, with $5 to be divided between the Grandfather Mountain Stewardship Foundation, to be used to support the Honey Bee Haven and honey bee educational programs, and the NC State Apiculture Program.
- Save the Honey Bee (HB) – First in Flight plate, bearing the phrase "Save the Honey Bee" with a picture of a honey bee and the letters "HB" on the right side of the plate. Plate fee would be $15, with $5 to be used to support the NC State Apiculture Program.

Carolina Panthers plate. A Carolina Panthers special registration plate is currently being produced by the Division of Motor Vehicles under the authorization for Professional Sports Fan plates. A Professional Sports Fan plate must receive a minimum of 300 applications and bears the logo of a professional sports team located in North Carolina. The fee for the plate is the basic $10 special plate fee.

The PCS would direct the Division to stop issuing Carolina Panthers plates under the Professional Sports Fan authorization and create a new specific authorization for a Carolina Panthers plate that is not subject to the new plate development process or plate expiration provisions. The new plate would be a full-color plate, bearing the phrase "Keep Pounding" with the logo of the Carolina Panthers and the letters "CP". The plate would have a fee of $30, with $20 to be divided between the Keep Pounding Fund of the Carolinas Healthcare Foundation, Inc. for cancer research and the Carolina Panthers Charities Fund of the Foundation to create new athletic opportunities for children, support their educational needs, and promote healthy lifestyles for families.

Military Veteran plate. In 2011, the General Assembly passed legislation enacting G.S. 20-79.8, which provides for the expiration of special plate authorizations if they do not receive the required number of applications. The Military Veteran plate has been authorized twice previously (originally by S.L. 2001-498 and reauthorized by S.L. 2013-376). However, the plate did not receive the required 300 minimum applications and has expired.

The PCS would reauthorize the Military Veteran special registration plate without a required minimum number of applications. The PCS would also specify that the plate would not be subject to the new plate development process or plate expiration provisions.

Retired Register of Deeds plate. The statutes currently authorize a special registration plate bearing the phrase "Register of Deeds, Retired," which is issuable to a retired register of deeds. The PCS would clarify that, for purposes of being eligible for a Retired Register of Deeds special registration plate, a retired register of deeds is a person:

- With at least 10 years of service as a register of deeds in a county in NC; and
- Who no longer holds that office for reasons other than being removed from office for failing to discharge his or her duties.

EFFECTIVE DATE: The act would be effective when it becomes law, except that the Military Veteran plate reauthorization would become effective 90 days after it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 313

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

S313-ASU-36 [v.1]

Amends Title [NO]
PCS S313-CSSUf-31

Date 7-21 ,2015

Representative Brawley

moves to amend the bill on page 4, lines 40-41, by inserting the following between the lines:

"**SECTION 7.(a)** G.S. 20-79.4(b)(171), as it existed on June 30, 2015, is reenacted. The corresponding provisions for fees under G.S. 20-79.7(a1) and (b) and any other corresponding requirements for the plates under G.S. 20-81.12 are also reenacted.

SECTION 7.(b) G.S. 20-81.12(b140), as reenacted by Section 7(a) of this act reads as rewritten:

"(b140) Order of the Long Leaf Pine. – ~~The Division must receive 300 or more applications for the Order of the Long Leaf Pine plate before the plate may be developed.~~The Order of the Long Leaf Pine plate is not subject to the provisions of G.S. 20-79.3A or G.S. 20-79.8. The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of Order of the Long Leaf Pine plates to the General Fund.""; and

by renumbering the remaining sections accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 2

SENATE BILL 370
Transportation Committee Substitute Adopted 4/22/15

Short Title: E-Signatures/Vehicle Title and Registration. (Public)

Sponsors:

Referred to:

March 24, 2015

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE USE OF ELECTRONIC MEANS TO SIGN AND NOTATE CERTAIN DOCUMENTS REQUIRED BY THE DIVISION OF MOTOR VEHICLES AND TO PROVIDE THAT A SECURED PARTY SHALL PROVIDE ELECTRONIC NOTICE OF THE SATISFACTION OR OTHER DISCHARGE OF A SECURITY INTEREST IN A MOTOR VEHICLE FOR WHICH THE CERTIFICATE OF TITLE IS NOTATED BY A LIEN THROUGH ELECTRONIC MEANS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-52 is amended by adding a new subsection to read:

"(c) Unless otherwise prohibited by federal law, an application for a certificate of title, a registration plate, a registration card, and any other document required by the Division to be submitted with the application and requiring a signature may be submitted to the Division with an electronic signature in accordance with Article 40 of Chapter 66 of the General Statutes. The required notarization of any electronic signature on any application or document submitted to the Division pursuant to this subsection may be performed electronically in accordance with Article 2 of Chapter 10B of the General Statutes."

SECTION 2. G.S. 20-58.4 is amended by adding a new subsection to read:

"(a1) Upon the satisfaction or other discharge of a security interest in a vehicle for which the certificate of title data is notated by a lien through electronic means pursuant to G.S. 20-58.4A, the secured party shall, within seven business days from the date of satisfaction, send electronic notice of the release of the security interest to the Division through the electronic lien release system established pursuant to G.S. 20-58.4A. The electronic notice of the release of the security interest sent to the Division by the secured party shall direct that a physical certificate of title be mailed or delivered to the address noted by the secured party providing notice of the satisfaction or other discharge of the security interest. Upon receipt by the Division of an electronic notice of the release of the security interest, the Division shall mail or deliver a certificate of title to the address noted by the secured party within three business days."

SECTION 3. Section 1 of this act becomes effective August 1, 2016. The remainder of the act becomes effective December 1, 2015.

SENATE BILL 370:
E-Signatures/Vehicle Title and Registration

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Judiciary II	**Date:**	July 21, 2015
Introduced by:	Sen. Barefoot	**Prepared by:**	Giles S. Perry Committee Counsel
Analysis of:	Second Edition		

SUMMARY: Senate Bill 370:

- ***Allows use of electronic signatures on DMV applications for titles and registration.***
- ***Provides for electronic notice to DMV of satisfaction of a security interest through the new electronic lien system.***

BILL ANALYSIS: Senate Bill 370 would provide for electronic signatures on applications and electronic notifications to the Division of Motor Vehicles, as follows:

Electronic signature on applications for title and registration. Section 1 would authorize the submission of applications for title and registration and related documents with electronic signatures. The signature would have to comply with the Uniform Electronic Transactions Act, and a signature that is notarized electronically would have to comply with the Electronic Notary Act.

Electronic notice of release of security interest. Section 2 would require electronic notice of release of a security interest in a vehicle when a lien is notated through the State's new electronic lien system. The secured party would be required to send notice of the release within seven business days of the date of satisfaction, and upon receipt of the notice, the Division would be required to mail a certificate of title within three business days.

EFFECTIVE DATE: Section 1 of the act (electronic signature on title and registration applications) would become effective August 1, 2016. Section 2 of the act (electronic notice of release of security interest) would become effective December 1, 2015.

Wendy Graf Ray, counsel to Senate Transportation, substantially contributed to this summary.

O. Walker Reagan
Director

S370-SMRW-104 E2 -V2

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

VISITOR REGISTRATION SHEET

Transportation — 7-21-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	NCAOR
Reston Jones	NCDOT
Kelly Thomas	DMV
Sherry Lee	NCDMV
Donna Boone	NCDMV
Ryan J. Minto	Gov's Office
Nathan Batts	NCBA
Ron M Killian	nelson mullins
	LPA's
Butch Gwaltney	NC Bev
Kent Yelverton	NCDA&CS

VISITOR REGISTRATION SHEET

Transportation — 7-21-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Christy Davis	NC Society of Surveyors
Morgan Creager	NC Society of Surveyors
Kerri Burke	MWC
Jake Cashion	NCC
David Ferris	UB
Tonya Horton	TSS
Natalie Beard	NCC
Andy Walsh	SA
Eddie Caldwell	NC Sheriffs' Assn.

VISITOR REGISTRATION SHEET

Transportation — 7-21-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joy Hicks	WSDA

House Committee on Transportation
Tuesday, July 28, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on July 28, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Boles, Brockman, R. Brown, B. Brown, Bumgardner, Catlin, Cleveland, Dollar, Faircloth, Ford, Fraley, Hunter, Iler, Jeter, McNeill, Presnell, Queen, Robinson, Shepard, Speciale, Steinburg, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative Frank Iler, Chair, presided.

The following bills were considered:

SB 446 Dealer Loaners/Unmanned Aircraft/Brunswick Co. (Senator B. Jackson)
Representative Torbett made a motion to bring the PCS for SB 446 before the committee. The motion carried. After discussion and debate Representative Bumgardner was recognized for a motion favorable to the PCS, unfavorable to the original bill with a re-referral to the committee on Finance. The motion carried.

SB 581 Study Subdiv. Streets/Traffic Calming Devices. (Senator Pate)
Senator Pate was recognized to explain the bill. Representative Dollar was recognized to send forth an amendment. The amendment carried and a copy is attached to the minutes. Representative Waddell was recognized for a motion to give the bill a favorable report. The motion carried.

The meeting adjourned at12:45.

Representative Frank Iler, Chair
Presiding

Carla Farmer, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, July 28, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Iler will be chairing.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 446	Dealership Loaner Vehicles.	Senator B. Jackson
SB 581	Study/Subdivision Street Maintenance.	Senator Pate

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:23 PM on Thursday, July 23, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Carla Farmer (Committee Assistant)

House Committee on Transportation
Tuesday, July 28, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO	SHORT TITLE	SPONSOR
SB 446	Dealership Loaner Vehicles.	Senator B. Jackson
SB 581	Study/Subdivision Street Maintenance.	Senator Pate

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **581** Study/Subdivision Street Maintenance.

Draft Number:	S581-PCS35302-SU-33
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Waddell

TOTAL REPORTED: 1



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **446** Dealership Loaner Vehicles.

Draft Number:	S446-PCS45394-RWf-43
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Torbett

TOTAL REPORTED: 1



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 446
PROPOSED HOUSE COMMITTEE SUBSTITUTE S446-CSRWf-43 [v.6]

7/27/2015 6:30:05 PM

Short Title: Dealer Loaners/Unmanned Aircraft/Brunswick Co. (Public)

Sponsors:

Referred to:

March 26, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE UNIFORM TREATMENT OF FRANCHISED DEALER LOANER VEHICLES; TO CLARIFY THAT AGENTS OR AGENCIES OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE SHALL HAVE AUTHORITY TO PROCURE AND OPERATE UNMANNED AIRCRAFT SYSTEMS UPON APPROVAL OF THE STATE CHIEF INFORMATION OFFICER AND TO MODIFY THE REGULATION OF UNMANNED AIRCRAFT SYSTEMS TO CONFORM TO FAA GUIDELINES; AND AUTHORIZING BRUNSWICK COUNTY TO REGULATE NAVIGABLE WATERS WITHIN ITS BOUNDARIES.

The General Assembly of North Carolina enacts:

UNIFORM TREATMENT OF FRANCHISED DEALER LOANER VEHICLES

SECTION 1. G.S. 20-4.01(48a) reads as rewritten

"(48a) U-drive-it vehicles. – The following vehicles that are <u>either:</u> rented to a person, to be operated by that ~~person:~~ person; <u>or loaned by a franchised motor vehicle dealer, with or without charge, to customers of that dealer who are having a vehicle serviced or repaired by the dealer:</u>

a. A private passenger vehicle other than the following:
   1. A private passenger vehicle of nine-passenger capacity or less that is rented for a term of one year or more.
   2. A private passenger vehicle that is rented to public school authorities for driver-training instruction.

b. A property-hauling vehicle under 7,000 pounds that does not haul products for hire and that is rented for a term of less than one year.

c. Motorcycles."

SECTION 2. G.S. 20-286(10) reads as rewritten:

"(10) Motor vehicle. – Any motor propelled vehicle, trailer or semitrailer, required to be registered under the laws of this State.

a. "New motor vehicle" means a motor vehicle that has never been the subject of a completed, successful, or conditional sale that was subsequently approved other than between new motor vehicle dealers, or between <u>a</u> manufacturer and <u>a new motor vehicle</u> dealer of the same franchise. <u>For purposes of this subdivision, the fact that a new motor vehicle dealer may use a new motor vehicle as a service loaner or use a new motor vehicle for demonstration purposes does not render a new motor vehicle a used motor vehicle,</u>

notwithstanding the commencement of the manufacturer's original warranty as a result of the franchised dealer's use of the vehicle for demonstration or loaner purposes or the dealer's receipt of incentive or warranty compensation or other reimbursement or consideration from a manufacturer, factory branch, distributor, distributor branch, or third-party warranty, maintenance or service contract company relating to the use of a vehicle as a demonstrator or service loaner.

b. "Used motor vehicle" means a motor vehicle other than described in paragraph (10)a above."

SECTION 3. Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-79.02. Loaner/Dealer "LD" License Plate for Franchised Dealer Loaner Vehicles.**

(a) Application. – A franchised motor vehicle dealer, as defined in G.S.20-286(8b) and licensed in accordance with Article 12 of this Chapter, who agrees, either with or without charge, to loan one or more new motor vehicles owned by the dealer to customers of the dealer who are having their vehicles serviced by the dealer, may obtain a Loaner/Dealer ("LD") license plate for those vehicles by filing an application with the Division and paying the required fee. Receipt by a franchised motor vehicle dealer of compensation, or other consideration from a manufacturer, distributor, manufacturer branch, distributor branch, third party warranty, maintenance or service contract company, or other third party source related to a vehicle, including but not limited to incentive compensation or reimbursement for maintenance, repairs, or other work performed on the vehicle, shall not prevent the franchised motor vehicle dealer from receiving an LD license plate for the vehicle as provided by this subdivision. An application must be filed on a form provided by the Division and contain the information required by the Division. The annual fee for an LD license plate is two hundred dollars ($200.00) per 12 calendar months.

(b) Number of Plates.– There shall be no limit on the number of LD license plates a franchised motor vehicle dealer may be issued, provided that the applicable annual fee for each plate is paid.

(c) Form and Duration. – An LD license plate is subject to G.S. 20-63, except for the requirement that the plate display the registration number of a motor vehicle and the requirement that the plate be a "First in Flight" or "First in Freedom" plate. An LD license plate must have a distinguishing symbol identifying the plate as an LD license plate. Subject to the limitations contained in this section, an LD license plate may continue in existence perpetually and may be transferred to other vehicles in the loaner fleet of the dealer when the vehicle on which the LD license plate is displayed has been sold or leased to a third party or otherwise removed from the loaner fleet of the dealer.

(d) Restrictions on Use. – An LD license plate may be displayed only on a motor vehicle that meets all of the following requirements:

(1) Is part of the inventory of a franchised motor vehicle dealer.

(2) Is not consigned to the franchised motor vehicle dealer or affiliate.

(3) Is covered by liability insurance that meets the requirements of Article 9A of this Chapter; provided however, that nothing contained herein shall prevent or prohibit a franchised motor vehicle dealer from contractually shifting the risk of loss and insurance requirements contained in Article 9A of this Chapter to the individuals or entities to which the vehicles are loaned.

(4) Is not used by the franchised motor vehicle dealer in another business in which the dealer is engaged.

(5) Is driven on a highway by a customer of the franchised motor vehicle dealer who is having a vehicle serviced or repaired by the dealer.

(6) A copy of the registration card for the LD license plate issued to the franchised motor vehicle dealer is carried by the person operating the motor vehicle or, if the person is operating the motor vehicle in this State, the registration card is maintained on file at the franchised motor vehicle dealer's address listed on the registration card, and the registration card must be able to be produced within 24 hours upon request of any law enforcement officer. A copy of the assignment by the franchised motor vehicle dealer shall be carried by the person operating the motor vehicle.

(7) A vehicle displaying an LD license plate may be driven by anyone who is licensed to drive the type of motor vehicle for which the plate is issued.

(8) An LD license plate may be displayed only on the motor vehicle for which it has been assigned by the franchised motor vehicle dealer.

(9) The franchised motor vehicle dealer to whom LD license plates have been issued shall be responsible for completing and maintaining documentation prescribed by the Division relating to the assignment of each motor vehicle on which an LD license place is displayed to customers of the franchised dealer.

(e) Sanctions. – The following sanctions apply when a motor vehicle displaying an LD license plate is driven in violation of the restrictions on the use of the plate:

(1) The individual driving the motor vehicle is responsible for an infraction and is subject to a penalty of one hundred dollars ($100.00).

(2) The franchised motor vehicle dealer to whom the plate is issued is subject to an infraction and is subject to a penalty of two hundred fifty dollars ($250.00).

(3) The Division may rescind all LD license plates issued to the franchised motor vehicle dealer for knowing repeated violations of this Section.

(f) Transfer of Dealer Registration. – No change in the name of a firm, partnership or corporation shall be considered a new business and the franchised motor vehicle dealer's LD plates may continue to be used.

(g) Penalties. – The clear proceeds of all civil penalties, civil forfeitures, and civil fines that are collected pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(h) Applicability.– Prior to January 1, 2019, a new motor vehicle dealer's use of LD license plates on loaner vehicles shall be voluntary. Any new motor vehicle that a new motor vehicle dealer places into service as a loaner vehicle on or after January 1, 2019 shall display LD license plates as provided in this subdivision during the period of time the vehicle is in use as a service loaner vehicle, in the event either:

(1) The new motor vehicle dealer is receiving incentive or warranty compensation from a manufacturer, factory branch, distributor, or distributor branch for the use of the vehicle as a service loaner; or

(2) The new motor vehicle dealer is receiving a fee or other compensation from the dealer's customers for the use of the vehicle as a service loaner."

SECTION 4. G.S. 20-79(d) reads as rewritten:

"(d) Restrictions on Use. – A dealer license plate may be displayed only on a motor vehicle that meets all of the following requirements:

(1) Is part of the inventory of the dealer.

(2) Is not consigned to the dealer.

(3) Is covered by liability insurance that meets the requirements of Article 9A of this Chapter.

(4) Is not used by the dealer in another business in which the dealer is engaged.

(5) Is driven on a highway by a person who meets one of the following descriptions:
a. Has a demonstration permit to test-drive the motor vehicle and carries the demonstration permit while driving the motor vehicle.
b. Is an officer or sales representative of the dealer and is driving the vehicle for a business purpose of the dealer.
c. Is an employee of the dealer and is driving the vehicle in the course of employment.
d. Is an employee of the dealer or of a contractor of the dealer and is driving the vehicle within a 20-mile radius of a place where the vehicle is being repaired or otherwise prepared for sale.
e. Is an employee of the dealer or of a contractor of the dealer and is transporting the vehicle to or from a vehicle auction or to the dealer's established salesroom.
f. Is an officer, sales representative, or other employee of a franchised motor vehicle dealer or is an immediate family member of an officer, sales representative, or other employee of a franchised motor vehicle dealer.

(6) A copy of the registration card for the dealer plate issued to the dealer is carried by the person operating the motor vehicle or, if the person is operating the motor vehicle in this State, the registration card is maintained on file at the dealer's address listed on the registration card, and the registration card must be able to be produced within 24 hours upon request of any law enforcement officer.

A dealer may issue a demonstration permit for a motor vehicle to a person licensed to drive that type of motor vehicle. A demonstration permit authorizes each person named in the permit to drive the motor vehicle described in the permit for up to 96 hours after the time the permit is issued. A dealer may, for good cause, renew a demonstration permit for one additional 96-hour period. A demonstration permit may be issued in accordance with this subsection by a franchised motor vehicle dealer who loans a vehicle without any additional charge, to customers of the dealer who are having a vehicle serviced or repaired by the dealer. A franchised motor vehicle dealer shall not be prohibited from using a demonstration permit pursuant to this subdivision by reason of the dealer's receipt of incentive or warranty compensation or other reimbursement or consideration from a manufacturer, factory branch, distributor, distributor branch, or third party warranty, maintenance or service contract company relating to the use of the vehicle as a demonstrator or service loaner.

A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the disposal of a person except as authorized by this subsection."

UNMANNED AIRCRAFT SYSTEMS

SECTION 5. Section 7.16(e) of S.L. 2013-360, as amended by Section 7.11(a) of S.L. 2014-100, reads as rewritten:

"**SECTION 7.16.(e)** Until December 31, 2015, ~~no State or local governmental entity or officer may procure or operate an unmanned aircraft system or disclose personal information about any person acquired through the operation of an unmanned aircraft system unless the State CIO approves an exception specifically granting disclosure, use, or purchase. Any exceptions to the prohibition in this subsection shall be reported immediately~~ the State CIO shall have the authority to approve or disapprove (i) the procurement or operation of an unmanned aircraft system by agents or agencies of the State or a political subdivision of the State and (ii) the disclosure of personal information about any person acquired through the operation of an unmanned aircraft system by agents or agencies of the State or a political

subdivision of the State. When making a decision under this subsection, the State CIO may consult with the Division of Aviation of the Department of Transportation. The State CIO shall immediately report to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research ~~Division.~~ Division on all decisions made under this subsection. Notwithstanding G.S. 63-95(c), agents or agencies of the State or a political subdivision of the State that receive State CIO approval under this subsection may procure or operate an unmanned aircraft system prior to the implementation of the knowledge test required by G.S. 63-95. In addition to receiving approval from the State CIO under this subsection, agents or agencies of the State or a political subdivision of the State who submit a request on or after the date of implementation of the knowledge test required by G.S. 63-95 shall also be subject to the provisions of that section. The following definitions apply in this section:

(1) "Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft.

(2) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system."

SECTION 6. Section 34.30(j) of S.L. 2014-100 reads as rewritten:

"**SECTION 34.30.(j)** ~~No~~Except as authorized under Section 7.16(e) of S.L. 2013-360, as amended by Section 7.11(a) of S.L. 2014-100, no operation of unmanned aircraft systems by agents or agencies of the ~~State, or agents or agencies of~~ State or a political subdivision of the ~~State,~~ State shall be authorized in this State until the knowledge ~~and skills~~ test required by G.S. 63-95, as enacted in subsection (g) of this section, has been implemented.

No operation of unmanned aircraft systems for commercial purposes shall be authorized in this State until the FAA has authorized commercial operations and the licensing system required by G.S. 63-96, as enacted in subsection (g) of this section, has been implemented."

SECTION 7. G.S. 63-95(b) reads as rewritten:

"(b) The Division shall develop a knowledge ~~and skills~~ test for operating an unmanned aircraft system that complies with all applicable State and federal regulations and shall provide for administration of the test. The test shall ensure that the operator of an unmanned aircraft system is knowledgeable of the State statutes and regulations regarding the operation of unmanned aircraft systems. The Division may permit a person, including an agency of this State, an agency of a political subdivision of this State, an employer, or a private training facility, to administer the test developed pursuant to this subsection, provided the test is the same as that administered by the Division and complies with all applicable State and federal regulations."

SECTION 8. G.S. 63-96 reads as rewritten:

"**§ 63-96. ~~License~~ Permit required for commercial operation of unmanned aircraft systems.**

(a) No person shall operate an unmanned aircraft system, as defined in G.S. 15A-300.1, in this State for commercial purposes unless the person is in possession of a ~~license~~ permit issued by the Division valid for the unmanned aircraft system being operated. Application for ~~such license~~ the permit shall be made in the manner provided by the Division. Unless suspended or revoked, the ~~license~~ permit shall be effective for a period to be established by the Division not exceeding eight years.

(b) No person shall be issued a ~~license~~ permit under this section unless all of the following apply:

(1) The person is at least ~~18~~ 17 years of age.

(2) The person possesses a valid drivers license issued by any state or territory of the United States or the District of Columbia.

(3) The person has passed the knowledge ~~and skills~~ test for operating an unmanned aircraft system as prescribed in G.S. 63-95(b).

(4) The person has satisfied all other applicable requirements of this Article or federal regulation.

(c) A ~~license~~ permit to operate an unmanned aircraft system for commercial purposes shall not be issued to a person while the person's license or permit to operate an unmanned aircraft system is suspended, revoked, or cancelled in any state.

(d) The Division shall develop and administer a program that complies with all applicable federal regulations to ~~license~~ issue permits to operators of unmanned aircraft systems for commercial purposes. The program must include the following components:

(1) A system for classifying unmanned aircraft systems based on characteristics determined to be appropriate by the Division.

(2) A fee structure for ~~licenses.~~ permits.

(3) A ~~license~~ permit application process.

(4) Technical guidance for complying with program requirements.

(5) Criteria under which the Division may suspend or revoke a ~~license.~~permit.

(6) Criteria under which the Division may waive ~~licensure~~ permitting requirements for applicants currently holding a valid license or permit to operate unmanned aircraft systems issued by another state or territory of the United States, the District of Columbia, or the United States.

(7) A designation of the geographic area within which a ~~licensee~~ permittee shall be authorized to operate an unmanned aircraft system.

(8) Requirements pertaining to the collection, use, and retention of data by ~~licensees~~ permitees obtained through the operation of unmanned aircraft systems, to be established in consultation with the State Chief Information Officer.

(9) Requirements for the marking of each unmanned aircraft system operated pursuant to a ~~license~~ permit issued under this section sufficient to ~~permit~~ allow identification of the owner of the system and the person ~~licensed~~ issued a permit to operate it.

(10) A system for providing agencies that conduct other operations within regulated airspace with the identity and contact information of ~~licensees~~ permittees and the geographic areas within which the ~~licensee~~ permittee is ~~permitted~~ authorized to operate an unmanned aircraft system.

(e) A person who operates an unmanned aircraft system for commercial purposes other than as ~~permitted~~ authorized under this section shall be guilty of a Class 1 misdemeanor.

(f) The Division may issue rules and regulations to implement the provisions of this section."

SECTION 9. Prior to the implementation of the knowledge test and permitting process required by G.S. 63-96, any person authorized by the FAA for commercial operation of an unmanned aircraft system in this State shall not be in violation of that statute, provided that they make application for a State permit for commercial operation within 60 days of the full implementation of the permitting process and are issued a State commercial operation permit in due course.

BRUNSWICK COUNTY TO REGULATE NAVIGABLE WATERS WITHIN ITS BOUNDARIES

SECTION 10.(a) The Board of Commissioners of Brunswick County may adopt and enforce ordinances for the navigable waters within the county's jurisdictional boundaries which (i) relate to the operation of boats and vessels, including restrictions concerning the types of activities conducted on the navigable waters within the jurisdictional limits of the county; (ii)

restrict the anchoring of boats and vessels as to location; and (iii) generally, regulate the anchoring of vessels within its navigable waters. The Board may make all reasonable rules and regulations as it deems necessary for the safe and proper use of the navigable waters within the jurisdictional limits of the county for the occupants of boats and vessels, swimmers, fishermen, and others using the navigable waters and may provide for enforcement of ordinances adopted by the county under this act in accordance with G.S. 153A-123.

SECTION 10.(b) If any rules or regulations of the North Carolina Wildlife Commission, the Division of Marine Fisheries in the Department of Environment and Natural Resources, the Marine Fisheries Commission, the U.S. Coast Guard, or the U.S. Army Corps of Engineers expressly conflict with ordinances adopted by the county under the authority granted by this act, then the State or federal rule or regulation shall prevail over the county ordinance to the extent of the conflict.

SECTION 10.(c) Brunswick County may appropriate funds to carry out the power and authority granted by this act.

SECTION 10.(d) If any part or parts of this section shall be held to be unconstitutional, the unconstitutionality shall not affect the validity of the remaining parts of this section.

EFFECTIVE DATE

SECTION 11. Section 3 of this act becomes effective July 1, 2016. The remainder of this act is effective when it becomes law. Sections 1 and 4 of this act expire December 31, 2018.

SENATE BILL 446:
Dealership Loaner Vehicles

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	July 28, 2015
Introduced by:	Sen. B. Jackson	**Prepared by:**	Giles S. Perry
Analysis of:	PCS to First Edition S446-CSRW		Committee Counsel

SUMMARY: Senate Bill 446 (proposed committee substitute) makes changes in three areas:

- ***Provides for licensing of franchised dealer loaner vehicles.***
- ***Clarifies that agents or agencies of the State or a political subdivision of the State have the authority to procure and operate unmanned aircraft systems upon approval of the State CIO, and modifies State regulation of unmanned aircraft systems to comply with federal guidelines.***
- ***Authorizes Brunswick County to regulate by ordinance the operation of boats and vessels in navigable waters within the County's jurisdictional boundaries.***

BILL ANALYSIS:

FRANCHISED DEALER LOANER VEHICLES

Section 1 authorizes, until the end of 2018, use of "u-drive-it" license plates for vehicles loaned by a franchised motor vehicle dealer, with or without charge, to customers of that dealer who are having a vehicle serviced or repaired by the dealer.

Section 2 redefines "new vehicle" under the State's Motor Vehicle Dealers and Manufacturers Licensing Law to include a service or demonstration loaner.

Section 3 authorizes a new license plate, called an "LD plate" (for loaner/dealer) for an annual fee of $200/year. This section provides parameters for use of the plate, and penalties for improper use. Purchase of the plate is permissive beginning January 1, 2016, and mandatory if a dealer provides loaner vehicles, beginning January 1, 2019.

Section 4 authorizes a dealer to issue a demonstration permit for a vehicle with a dealer plate loaned by a dealer to a customer having another vehicle serviced or repaired.

UNMANNED AIRCRAFT SYSTEMS CHANGES

Section 5. Until December 31, 2015, no State or local governmental entity or officer can procure or operate an unmanned aircraft system or disclose personal information about any person acquired through the operation of an unmanned aircraft system unless the State Chief Information Officer (CIO) approves an exception specifically granting disclosure, use, or purchase. Any exceptions to the prohibition must be immediately reported to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division.

O. Walker Reagan
Director

S446-SMRW-105 CSRWF-43 -V5

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 5 would clarify and expand the authority of the State CIO to approve or disapprove of the procurement and operation of an unmanned aircraft system by agents or agencies of the State or a political subdivision of the State and the disclosure of personal information acquired through the operation of an unmanned aircraft system by agents or agencies of the State or a political subdivision of the State. The State CIO would be able to consult with the Division of Aviation of the Department of Transportation (Division) when making such decisions. Agents or agencies of the State that receive approval from the State CIO would be able to procure or operate an unmanned aircraft system prior to the implementation of the knowledge and skills test required by G.S. 63-95. Agents or agencies of the State or a political subdivision of the State who submit requests on or after the date of implementation of the knowledge and skills test would be required to have both CIO approval (until December 31, 2015) and pass the knowledge and skills test.

Section 6. Currently an inconsistency exists between one provision that prohibits agents or agencies of the State or a political subdivision of the State from operating an unmanned aircraft system until the knowledge and skills test required by G.S. 63-95 is implemented, and another provision that requires approval by the State CIO for procurement or operation of an unmanned aircraft system by agents or agencies of the State or a political subdivision of the State until December 31, 2015.

Section 6 would resolve the inconsistency by authorizing the State CIO to approve the procurement and operation of unmanned aircraft systems by agents or agencies of the State or a political subdivision of the State before the knowledge and skills test is implemented.

Section 7. The Division is required to develop a knowledge and skills test for operating an unmanned aircraft system and provide for administration of the test.

Because proposed federal regulations would already require operators of unmanned aircraft systems to pass a knowledge test of federal regulations, Section 7 would clarify that the State test must ensure that the operator of an unmanned aircraft system is knowledgeable of the State statutes and regulations regarding the operation of unmanned aircraft systems.

Section 8. G.S. 63-96 requires a license for the commercial operation of unmanned aircraft systems. To be issued a license, a person must be at least 18 years old, possess a valid driver's license, pass the knowledge test, and satisfy other applicable requirements.

To align with federal regulations, Section 8 would replace the term "license" with "permit", reduce the age at which a person can receive a permit, and make conforming changes.

Section 9. G.S. 63-96 requires commercial operators to pass the knowledge test before operating an unmanned aircraft system.

Section 9 would provide that prior to implementation of the knowledge test, any person authorized by the FAA for commercial operation of an unmanned aircraft system in this State is not in violation of G.S. 63-96 as long as he or she applies for a State permit for commercial operation within 60 days of the full implementation of the permitting process and is subsequently issued a State commercial operation permit.

BRUNSWICK COUNTY TO REGULATE NAVIGABLE WATERS WITHIN ITS BOUNDARIES

Section 10 of the bill:

- authorizes Brunswick County to adopt and enforce ordinances for the navigable waters within the County's jurisdictional boundaries that relate to the operation of boats and vessels; and
- provides that if any rules or regulations of the North Carolina Wildlife Commission, the Division of Marine Fisheries in the Department of Environment and Natural Resources, the Marine Fisheries Commission, the U.S. Coast Guard, or the U.S. Army Corps of Engineers expressly conflict with ordinances adopted by the County under the authority granted by this act, then the State or federal rule or regulation shall prevail over the County ordinance to the extent of the conflict.

EFFECTIVE DATE

Section 3 of this act becomes effective July 1, 2016. The remainder of this act is effective when it becomes law. Sections 1 and 4 of this act expire December 31, 2018.

Kelly Turnow, counsel to House Judiciary VI, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 581

Short Title:	Study/Subdivision Street Maintenance.	(Public)
Sponsors:	Senators Pate (Primary Sponsor); and D. Davis.	
Referred to:	Rules and Operations of the Senate.	

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY THE PROCESS FOR ACCEPTING SUBDIVISION STREETS DEDICATED AS PUBLIC ON THE STATE HIGHWAY SYSTEM FOR MAINTENANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Study. – The Department of Transportation shall study the process that must be followed, and the requirements that must be met, for the Department of Transportation to accept subdivision streets dedicated as public on the State highway system for maintenance, including (i) whether the process that must be followed is efficient and timely, (ii) whether the minimum right-of-way and construction standards established by the Board of Transportation for acceptance on the State highway system are reasonable, (iii) what the financial impact is on the State and homeowners when subdivision streets are or are not accepted on the State highway system for maintenance, and (iv) any other matters the Department of Transportation deems relevant to the study.

SECTION 2. Report. - The Department shall report its findings and recommendations, including any legislative proposals, to the Joint Legislative Transportation Oversight Committee no later than February 1, 2016.

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

SENATE BILL 581:
Study/Subdivision Street Maintenance

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	July 28, 2015
Introduced by:	Sen. Pate	**Prepared by:**	Wendy Graf Ray
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 581 would direct the Department of Transportation to study the process and requirements for the Department to accept subdivision streets into the State highway system for maintenance. The Department would be required to report its findings by February 1, 2016.

CURRENT LAW: G.S. 136-102.6 governs how/when subdivision streets will be taken into the State highway system for maintenance. The statute provides that any street on land subdivided on or after October 1, 1975 must be built to the minimum right of way and construction standards established by the Department of Transportation, or it will not be accepted into the State system. In addition, it requires a disclosure statement by the developer and seller to inform a buyer that the road is either public and meets requirements for acceptance into the State system, or that it is private along with an explanation of the consequences and responsibilities as to maintenance. The statute states its purpose to ensure that, from October 1, 1975, forward, new subdivision roads are to be built to State standards or full and accurate disclosure of the responsibility for those roads must be made.

BILL ANALYSIS: Senate Bill 581 would direct the Department of Transportation to study requirements for accepting subdivision streets into the State highway system for maintenance, including:

- Whether the process is efficient and timely.
- Whether the standards for acceptance are reasonable.
- Financial impact to the State and homeowners.
- Any other matters the Department deems relevant.

The Department would be required to report its findings and recommendations to the Joint Legislative Transportation Oversight Committee by February 1, 2016.

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

O. Walker Reagan
Director

S581-SMSU-89 E1 -V1

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 581

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

S581-ASU-41 [v.1]

Amends Title [YES]
First Edition

Date _____,2015

Representative Dollar

moves to amend the bill on page 1, lines 17-18, by inserting the following between the lines:

"**SECTION 3.** G.S. 136-102.8(4) reads as rewritten:

"(4) The homeowners association has the written support, for the installation of each traffic table or traffic calming device approved by the Department pursuant to this section, of at least ~~seventy percent (70%)~~sixty percent (60%) of the member property owners, or the neighborhood agreement is signed by at least ~~seventy percent (70%)~~ sixty percent (60%) of the neighborhood property owners."; and

By amending the title and renumbering the remaining section accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

Transporatation — 7-28-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bets Yetter	American Heart Assn
Christine Wunsche	SOG / Daily Bulletin
Jeff Austin	SOG / Daily Bulletin
Brianne Gill	GA / Rep. Conway
H. Johnson	NCACC
TILEC Newman	BASL
Amanda Honaker	TSS
Joe McLeod	McLeod Consult
Brian Merwald	WM
John Politis	NCAOM
Julie Wise	NCMC

VISITOR REGISTRATION SHEET

Transporatation — 7-28-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cameron Hanby	NCVA
Joel Mayfield	CPM & NCSHC
Bruce Muldowney	NCSSA

VISITOR REGISTRATION SHEET

Transporatation — 7-28-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Reston Jones	NCDOT
Carr McLamb	TSS
Delbert Baldenberry	NCDOT
Leigh Wing	NCDOT
MIKE HOLDER	NCDOT
Hope Mazzago	NCDMV
Kelly Thomas	DMV
Michael Franca	NCDOT - IT
Robert Sawyer	NCDMV - LBT
MJillian D Tolman	MJillian D Tolman

VISITOR REGISTRATION SHEET

Transporatation — 7-28-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Collins	SEANC
[illegible]	Mrs. Trans Chiefs
Dana Fenton	CLT
[illegible]	Nelson Mullins
Erin Wynia	NCLM

House Committee on Transportation
Tuesday, August 11, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on August 11, 2015 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Blackwell, Boles, Brawley, Brockman, R. Brown, Bumgardner, Carney, Cleveland, Faircloth, Ford, Fraley, C. Graham, Hardister, Holley, Hunter, Iler, Jeter, McGrady, McNeill, Presnell, Queen, Schaffer, Shepard, Speciale, Steinburg, Terry, Tine, R. Turner, Waddell, and Yarborough attended.

Representative Phil Shepard, Chair, presided.

The following bills were considered:

SB 541 Regulate Transportation Network Companies. (Senators Rabon, McKissick)
After discussion the bill was reported favorable.

The meeting adjourned at 12:30p.m..

Representative Phil Shepard, Chair
Presiding

Viddia Torbett, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, August 11, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Shepard will be Chairing**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 541	Regulate Transportation Network Companies.	Senator Rabon Senator McKissick

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:14 PM on Monday, August 10, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Tuesday, August 11, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 541	Regulate Transportation Network Companies.	Senator Rabon Senator McKissick

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE AND RE-REFERRED

SB **541** **(CS#2)** Regulate Transportation Network Companies.

Draft Number:	None
Serial Referral:	**FINANCE**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Brawley

TOTAL REPORTED: 1



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 541
Transportation Committee Substitute Adopted 7/1/15
PROPOSED COMMITTEE SUBSTITUTE S541-PCS45388-TMxfr-38

Short Title: Regulate Transportation Network Companies. (Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO REGULATE TRANSPORTATION NETWORK COMPANIES.

The General Assembly of North Carolina enacts:

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

"Article 10A.
"Transportation Network Companies.

"**§ 20-280.1. Definitions.**

The following definitions apply in this Article:

(1) Airport operator. – Any person with police powers that owns or operates an airport.

(2) Brokering transportation network company. – A transportation network company, as defined by this section, that exclusively dispatches TNC drivers that operate either of the following:

a. For-hire passenger vehicles regulated under G.S. 160A-304.

b. For-hire passenger vehicles regulated under G.S. 62-260(f) and subject to the requirements for security for protection of the public and safety of operation established for regulated motor common carriers.

(3) Prearranged transportation services. – Transportation services available by advance request excluding for-hire passenger vehicles soliciting passengers for immediate transportation. No minimum waiting period is required between the advance request and the provision of the transportation services.

(4) TNC driver. – An individual that uses a passenger vehicle in connection with a transportation network company's online-enabled application or platform to connect with passengers in exchange for payment of a fee to the transportation network company.

(5) TNC service. – Prearranged transportation service provided by a TNC driver in connection with a transportation network company. The TNC service begins when the TNC driver accepts a ride request on the transportation network company's online-enabled application or platform and ends at the later of the following:

a. The time that the driver completes the transaction on the online-enabled application or platform.

b. The time that all passengers exit the vehicle and complete unloading of the vehicle.

(6) Transportation network company (TNC). – Any person that uses an online-enabled application or platform to connect passengers with TNC drivers who provide prearranged transportation services.

"**§ 20-280.2. Permissible services and limitations.**

(a) A transportation network company holding a valid permit issued under this Article and continuously meeting the requirements of this Article may operate in the State. The transportation network company may charge a fee for the TNC service. The fee must meet the following requirements:

(1) The transportation network company's online-enabled application or platform must disclose the fee calculation method before a passenger makes a ride request.

(2) The transportation network company's online-enabled application or platform must provide the option for a passenger to receive an estimated fee before the passenger makes a ride request.

(3) The transportation network company must send an electronic receipt to the customer that includes the following:

a. The locations where the TNC service started and ended.

b. The total time and distance of the TNC service.

c. An itemization and calculation of the total fee paid.

(4) The fee must be paid electronically through the transportation network company's online-enabled application or platform. No cash may be exchanged for the TNC service.

(b) A TNC driver may provide TNC service for compensation in the State.

"**§ 20-280.3. Permits.**

(a) Every transportation network company must obtain a permit from the Division before operating in the State. Every transportation network company must pay to the Division a nonrefundable application fee of five thousand dollars ($5,000).

(b) Every transportation network company must renew the permit annually and pay to the Division a nonrefundable renewal fee of five thousand dollars ($5,000).

(c) The Division must prescribe the form of the application for a permit and renewal of a permit.

(d) The initial application and renewal application must require information sufficient to confirm compliance with this Article and include the following:

(1) Proof of insurance meeting the requirements of G.S. 20-280.4. This subdivision does not apply to brokering transportation network companies.

(2) Resident agent for service of process.

(3) Proof the transportation network company is registered with the Secretary of State to do business in the State if the transportation network company is a foreign corporation.

(4) Policy of nondiscrimination based on customers' geographic departure point or destination.

(5) Policy of nondiscrimination based on customers' race, color, national origin, religious belief or affiliation, sex, disability, or age.

(e) The Division may retain the fees collected under this section and use the funds for its operations.

"**§ 20-280.4. Financial responsibility.**

(a) Except as provided in subsection (n) of this section, TNC drivers or transportation network companies must maintain primary automobile insurance that meets all of the following requirements:

(1) Recognizes that the driver is a TNC driver or uses a vehicle to transport passengers for compensation.

(2) The following automobile insurance requirements apply while a TNC driver is logged on to the transportation network company's online-enabled application or platform but is not providing TNC service:

a. Primary automobile liability insurance in the amount of at least fifty thousand dollars ($50,000) because of death of or bodily injury to one person in any one accident and, subject to said limit for one person, one hundred thousand dollars ($100,000) because of death of or bodily injury to two or more persons in any one accident, and at least twenty-five thousand dollars ($25,000) because of injury to or destruction of property of others in any one accident.

b. Combined uninsured and underinsured motorist coverage, with limits for combined uninsured and underinsured motorist bodily injury coverage which at least equals the bodily injury liability limits of the policy, and which otherwise complies with the requirements of G.S. 20-279.21(b)(3) and (b)(4).

(3) The following automobile insurance requirements apply while a TNC driver is engaged in TNC service:

a. Primary automobile liability insurance in the amount of at least one million five hundred thousand dollars ($1,500,000) because of death of one or more persons, bodily injury to one or more persons, injury to or destruction of property of others, or any combination thereof, in any one accident.

b. Combined uninsured and underinsured motorist coverage, with limits for combined uninsured and underinsured motorist bodily injury coverage of at least one million dollars ($1,000,000), and which otherwise complies with the requirements of G.S. 20-279.21(b)(3) and (b)(4).

(4) The coverage requirements of subdivisions (2) and (3) of this subsection may be satisfied by any of the following:

a. Automobile insurance maintained by the TNC driver.

b. Automobile insurance maintained by the transportation network company.

c. Any combination of sub-subdivisions a. and b. of this subdivision.

(b) If insurance maintained by the TNC driver under subsection (a) of this section has lapsed or does not provide the required coverage, insurance maintained by the transportation network company must provide the coverage required under subsection (a) of this section beginning with the first dollar of a claim and must provide the defense of the claim.

(c) Insurance coverage under an automobile insurance policy maintained by the transportation network company must not be dependent on a personal automobile insurer denying a claim.

(d) Insurance required by this section may be placed with an insurer licensed in the State or with a surplus lines insurer eligible to write policies in the State.

(e) Insurance satisfying the requirements of this section satisfies the financial responsibility requirement for a motor vehicle.

(f) A TNC driver must carry proof of coverage satisfying the requirements of this section at all times during use of a vehicle in connection with a transportation network company's online-enabled application or platform. In the event of an accident, a TNC driver must provide insurance coverage information directly to interested parties, automobile insurers, and investigating police officers, upon request. Upon such request, a TNC driver must also

disclose to directly interested parties, automobile insurers, and investigating police officers whether the TNC driver was logged on or off of the transportation network company's online-enabled application or platform at the time of the accident.

(g) Before any vehicle is used in connection with a transportation network company's online-enabled application or platform, a TNC driver must notify both the insurer of the vehicle and any lienholder with an interest in the vehicle of the TNC driver's intent to use the vehicle in connection with a transportation network company's online-enabled application or platform.

(h) Transportation network companies must disclose in writing to potential TNC drivers the following before the TNC driver provides TNC service:

(1) The insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the TNC driver uses a private passenger vehicle in connection with a transportation network company's online-enabled application or platform.

(2) The TNC driver may not have any coverage under a personal automobile insurance policy while using the transportation network company's online-enabled application or platform.

(3) The following notice in a distinctive clause: "If the vehicle with which you provide transportation network company services has a lien against it, you must notify the lienholder prior to providing transportation network company services of your intent to provide transportation services with the vehicle. You may disclose to the lienholder all insurance coverage information provided to you by the transportation network company. If you fail to provide the required insurance coverage under the terms of your contract with the lienholder or show evidence to the lienholder of the coverage provided by the transportation network company, you may violate the terms of your contract."

(i) Insurers that write automobile insurance in the State may exclude coverage under the policy issued to an owner or operator of a personal vehicle for any loss that occurs while the driver is logged on to a transportation network company's online-enabled application or platform or while the driver provides TNC service. This right to exclude all coverage applies to any coverage included in an automobile insurance policy, including all of the following:

(1) Liability coverage for bodily injury and property damage.

(2) Personal injury protection coverage.

(3) Uninsured and underinsured motorist coverage.

(4) Medical payments coverage.

(5) Comprehensive physical damage coverage.

(6) Collision physical damage coverage.

(j) Automobile insurers that exclude the coverage described in subsection (i) of this section have no duty to defend or indemnify any claim expressly excluded. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy has a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of this section.

(k) No insurer is required to sell a policy of insurance providing the coverage required by this section.

(l) Notwithstanding G.S. 58-37-35(b)(1)e., no insurance policy providing coverage required by this section is cedable to the North Carolina Reinsurance Facility due solely to the requirements of this section.

(m) In a claims coverage investigation or accident, a TNC driver, transportation network companies, any insurer potentially providing coverage under this section, and other directly involved parties must exchange the following information:

(1) Description of the coverage, exclusions, and limits provided under any insurance policy.
(2) Precise times that a TNC driver logged on and off of the transportation network company's online-enabled application or platform in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident.
(3) Precise times that a TNC driver provided TNC service in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident.

(n) This section does not apply to brokering transportation network companies.

"**§ 20-280.5. Safety requirements.**

(a) The transportation network company must require TNC drivers have their vehicles inspected annually to meet State safety requirements. The Division may, by regulation, specify alternative inspections that are acceptable as equivalent inspections, such as an inspection performed in another state. This subsection does not apply to brokering transportation network companies.

(b) The transportation network company's online-enabled application or platform must provide the following information to customers after a ride request is accepted by a TNC driver:

(1) Photograph of the TNC driver.
(2) License plate number of the TNC driver's vehicle.
(3) Description of the TNC driver's vehicle.
(4) Approximate location of the TNC driver's vehicle displayed on a map.

(c) The transportation network company must maintain the following records:

(1) The record of each TNC service provided in this State for one year from the date the TNC service occurred.
(2) The record of each TNC driver in this State for one year from the date the TNC driver terminated their relationship with the transportation network company.

"**§ 20-280.6. Background checks.**

(a) Prior to permitting an individual to act as a TNC driver, the transportation network company must do all of the following:

(1) Require the individual to submit an application to the transportation network company, including, at a minimum, the following:
a. Address.
b. Age.
c. Drivers license number.
d. Driving history.
e. Motor vehicle registration.
f. Automobile liability insurance information.
(2) Conduct, or have a third party conduct, a local and national criminal background check for each applicant, including, at a minimum, the following:
a. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search).
b. National Sex Offender Registry.
(3) Review, or have a third party review, a driving history research report for such individual.

(b) The transportation network company must confirm that every TNC driver continues to meet all the requirements of this section every five years starting from the date the TNC driver met all the requirements of this section.

(c) The transportation network company must not permit an individual to act as a TNC driver if any of the following apply:

(1) Has had more than three moving violations in the prior three-year period or one major violation in the prior three-year period, including attempting to evade the police, reckless driving, or driving on a suspended or revoked license.

(2) Has been convicted within the past seven years of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, or a crime involving property damage, theft, acts of violence, or acts of terror.

(3) Is a match in the National Sex Offender Registry.

(4) Does not possess a valid drivers license.

(5) Does not possess proof of registration for the motor vehicle to be used to provide TNC services.

(6) Does not possess proof of automobile liability insurance for the motor vehicle to be used to provide TNC services.

(7) Is not at least 19 years of age.

(d) This section does not apply to brokering transportation network companies.

"**§ 20-280.7. Authority of Division.**

The Division may issue regulations to implement this Article.

"**§ 20-280.8. Presumption that TNC drivers are independent contractors.**

A rebuttable presumption exists that a TNC driver is an independent contractor and not an employee. The presumption may be rebutted by application of the common law test for determining employment status.

"**§ 20-280.9. Airport operators.**

(a) An airport operator is authorized to charge transportation network companies and TNC drivers a reasonable fee for their use of the airport's facility.

(b) An airport operator is authorized to require an identifying decal be displayed by TNC drivers.

(c) An airport operator is authorized to require the purchase and use of equipment or establish other appropriate mechanisms for monitoring and auditing compliance, including having a transportation network company provide data for purposes of monitoring and auditing compliance.

(d) An airport operator is authorized to designate a location where TNC drivers may stage on the airport operator's facility, drop off passengers, and pick up passengers.

"**§ 20-280.10. Statewide regulation.**

(a) Notwithstanding any other provision of law and except as authorized by this Chapter, no county, city, airport operator, or other governmental agency is authorized to impose fees, require licenses, limit the operation of TNC services, or otherwise regulate TNC services. TNC services remain subject to all ordinances and local laws outside the scope of this Chapter, including parking and traffic regulation.

(b) Any contract provision or term of service in a transportation network company's contract with a State resident or person present in the State contrary to this Article is void as against public policy."

SECTION 2. G.S. 20-4.01(27) reads as rewritten:

"(27) Passenger Vehicles. –

a. Excursion passenger vehicles. – Vehicles transporting persons on sight-seeing or travel tours.

b. ~~For hire~~ For-hire passenger vehicles. – Vehicles transporting persons for compensation. This classification shall not include the following:

1. ~~vehicles~~ Vehicles operated as ~~ambulances;~~ ambulances.
2. ~~vehicles~~ Vehicles operated by the owner where the costs of operation are shared by the ~~passengers;~~ passengers.
3. ~~vehicles~~ Vehicles operated pursuant to a ridesharing arrangement as defined in ~~G.S. 136-44.21;~~ G.S. 136-44.21.
4. ~~vehicles~~ Vehicles transporting students for the public school system under contract with the State Board of ~~Education~~ Education.
5. ~~or vehicles~~ Vehicles leased to the United States of America or any of its agencies on a nonprofit ~~basis;~~ basis.
6. ~~or vehicles~~ Vehicles used for human ~~service or~~ service.
7. Vehicles used for volunteer transportation.
8. Vehicles operated in a TNC service, excluding vehicles operated in connection with a brokering transportation network company, regulated under Article 10A of Chapter 20 of the General Statutes.

...."

SECTION 3. G.S. 20-87 reads as rewritten:

"**§ 20-87. Passenger vehicle registration fees.**

These fees shall be paid to the Division annually for the registration and licensing of passenger vehicles, according to the following classifications and schedules:

(1) For-Hire Passenger Vehicles. – The fee for a for-hire passenger vehicle ~~that is operated for compensation and has~~ with a capacity of 15 passengers or less is seventy-eight dollars ($78.00). The fee for a for-hire passenger vehicle ~~that is operated for compensation and has~~ with a capacity of more than 15 passengers is one dollar and forty cents ($1.40) per hundred pounds of empty weight of the vehicle.

...."

SECTION 4. G.S. 153A-134 reads as rewritten:

"**§ 153A-134. Regulating and licensing businesses, trades, etc.**

(a) A county may by ordinance, subject to the general law of the State, regulate and license occupations, businesses, trades, professions, and forms of amusement or entertainment and prohibit those that may be inimical to the public health, welfare, safety, order, or convenience. In licensing trades, occupations, and professions, the county may, consistent with the general law of the State, require applicants for licenses to be examined and charge a reasonable fee therefor. This section does not authorize a county to examine or license a person holding a license issued by an occupational licensing board of this State as to the profession or trade that he has been licensed to practice or pursue by the State.

~~(b) This section does not impair the county's power to levy privilege license taxes on occupations, businesses, trades, professions, and other activities pursuant to G.S. 153A-152.~~

(c) Nothing in this section shall authorize a county to regulate and license ~~digital dispatching services for prearranged transportation services for hire.~~a TNC service regulated under Article 10A of Chapter 20 of the General Statutes."

SECTION 5. G.S. 160A-194 reads as rewritten:

"**§ 160A-194. Regulating and licensing businesses, trades, etc.**

(a) A city may by ordinance, subject to the general law of the State, regulate and license occupations, businesses, trades, professions, and forms of amusement or entertainment and prohibit those that may be inimical to the public health, welfare, safety, order, or convenience.

In licensing trades, occupations, and professions, the city may, consistent with the general law of the State, require applicants for licenses to be examined and charge a reasonable fee therefor.

(b) Nothing in this section shall authorize a city to examine or license a person holding a license issued by an occupational licensing board of this State as to the profession or trade that he has been licensed to practice or pursue by the State.

(c) Nothing in this section shall authorize a city to regulate and license ~~digital dispatching services for prearranged transportation services for hire.~~a TNC service regulated under Article 10A of Chapter 20 of the General Statutes."

SECTION 6. G.S. 160A-304 reads as rewritten:

"**§ 160A-304. Regulation of taxis.**

(a) A city may by ordinance license and regulate all vehicles operated for hire in the city. The ordinance may require that the drivers and operators of taxicabs engaged in the business of transporting passengers for hire over the public streets shall obtain a license or permit from the city; provided, however, that the license or permit fee for taxicab drivers shall not exceed fifteen dollars ($15.00). As a condition of licensure, the city may require an applicant for licensure to pass a controlled substance examination. The ordinances may also specify the types of taxicab services that are legal in the municipality; provided, that in all cases shared-ride services as well as exclusive-ride services shall be legal. Shared-ride service is defined as a taxi service in which two or more persons with either different origins or with different destinations, or both, occupy a taxicab at one time. Exclusive-ride service is defined as a taxi service in which the first passenger or party requests exclusive use of the taxicab. In the event the applicant is to be subjected to a national criminal history background check, the ordinance shall specifically authorize the use of FBI records. The ordinance shall require any applicant who is subjected to a national criminal history background check to be fingerprinted.

The Department of Public Safety may provide a criminal record check to the city for a person who has applied for a license or permit through the city. The city shall provide to the Department of Public Safety, along with the request, the fingerprints of the applicant, any additional information required by the Department of Public Safety, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The city shall keep all information pursuant to this subsection privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

The Department of Public Safety may charge each applicant a fee for conducting the checks of criminal history records authorized by this subsection.

The following factors shall be deemed sufficient grounds for refusing to issue a permit or for revoking a permit already issued:

(1) Conviction of a felony against this State, or conviction of any offense against another state which would have been a felony if committed in this State;

(2) Violation of any federal or State law relating to the use, possession, or sale of alcoholic beverages or narcotic or barbiturate drugs;

(3) Addiction to or habitual use of alcoholic beverages or narcotic or barbiturate drugs;

(4) Violation of any federal or State law relating to prostitution;

(5) Noncitizenship in the United States;

(6) Habitual violation of traffic laws or ordinances.

The ordinance may also require operators and drivers of taxicabs to display prominently in each taxicab, so as to be visible to the passengers, the city taxi permit, the schedule of fares, a photograph of the driver, and any other identifying matter that the council may deem proper and advisable. The ordinance may also establish rates that may be charged by taxicab operators, may limit the number of taxis that may operate in the city, and may grant franchises to taxicab operators on any terms that the council may deem advisable.

(b) When a city ordinance grants a taxi franchise for operation of a stated number of taxis within the city, the holder of the franchise shall report at least quarterly to the council the average number of taxis actually in operation during the preceding quarter. The council may amend a taxi franchise to reduce the number of authorized vehicles by the average number not in actual operation during the preceding quarter, and may transfer the unused allotment to another franchised operator. Such amendments of taxi franchises shall not be subject to G.S. 160A-76. Allotments of taxis among franchised operators may be transferred only by the city council, and it shall be unlawful for any franchised operator to sell, assign, or otherwise transfer allotments under a taxi franchise.

(c) Nothing in this Chapter authorizes a city to adopt an ordinance doing any of the ~~following:~~following with respect to a TNC service regulated under Article 10A of Chapter 20 of the General Statutes:

(1) Requiring licensing or ~~regulation of digital dispatching services for prearranged transportation services for hire connected with vehicles operated for hire in the city if the business providing the digital dispatching services does not own or operate the vehicles for hire in the city.~~regulating.

~~(2) Setting a minimum rate or minimum increment of time used to calculate a rate for prearranged transportation services for hire.~~

~~(3) Requiring an operator to use a particular formula or method to calculate rates charged.~~

~~(4) Setting a minimum waiting period between requesting prearranged transportation services and the provision of those transportation services when the prearranged transportation services are digitally dispatched.~~

~~(5) Requiring a final destination to be set at the time of requesting prearranged transportation services through digital dispatching services.~~

(6) Requiring or prohibiting taxi franchises or taxi operators from contracting with a ~~person in the business of digital dispatching services for prearranged transportation services for hire.~~transportation network company regulated under Article 10A of Chapter 20 of the General Statutes."

SECTION 7. This act becomes effective October 1, 2015.

SENATE BILL 541:
Regulate Transportation Network Companies

2015-2016 General Assembly

Committee:	House Transportation, if favorable, Finance	**Date:**	August 11, 2015
Introduced by:	Sens. Rabon, McKissick	**Prepared by:**	Greg Roney Committee Counsel
Analysis of:	Third Edition		

SUMMARY: Senate Bill 541 would regulate transportation network companies (TNC) by requiring a State permit to operate, maintenance of liability insurance for cars, and background checks for drivers. Senate Bill 541 would also impose a $5,000 application fee for the permit and a $5,000 renewal fee.

Senate Bill 541 would add vehicles operated in a TNC service to the list of vehicles that can transport persons for compensation without a for-hire license plate.

[As introduced, this bill was identical to H680, as introduced by Reps. Brawley, Bradford, Saine, Hanes, which is currently in House Commerce and Job Development, if favorable, Transportation, if favorable, Finance.]

CURRENT LAW: G.S. 20-4.01(27) defines for-hire passenger vehicles as any vehicles transporting persons for compensation excluding the following 7 types of vehicles: (1) vehicles operated as ambulances; (2) vehicles operated by the owner where the costs of operation are shared by the passengers; (3) vehicles operated pursuant to a ridesharing arrangement; (4) vehicles transporting students for the public school system under contract with the State Board of Education; (5) vehicles leased to the United States or its agencies on a nonprofit basis; (6) vehicles used for human service; and (7) vehicles used for human service volunteer transportation.

G.S. 20-87(1) imposes a $78 fee for a for-hire license plate.

G.S. 20-280(b) requires taxis have liability insurance equal to $30,000 for bodily injury to or death of 1 person in any 1 accident and, subject to said limit for 1 person, $60,000 for bodily injury to or death of 2 or more persons in any 1 accident, and $25,000 for injury to or destruction of property of others in any 1 accident ("30/60/25"). G.S. 20-280(c) exempts taxi operators from the liability limits if the taxi operator joined a trust fund approved by the governing body of any city with a population of over 50,000.

NC Utilities Commission Rules and Regulations, Rule R2-36(a), Passenger Equipment, requires liability insurance equal to $1.5 million for vehicles with a seating capacity of 15 passengers or less.

Personal auto policies (PAP) in the State use uniform language. The language excludes insurance coverage when the vehicle is used for commercial purposes ("livery exclusion").

BILL ANALYSIS: Senate Bill 541 would create a new Article 10A in Chapter 20, titled "Transportation Network Companies."

New Article 10A defines 4 key terms:

- Prearranged transportation services. – Transportation services available by advance request excluding for-hire passenger vehicles soliciting passengers for immediate transportation. No minimum waiting period is required between the advance request and the provision of the transportation services.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- TNC driver. – An individual that uses a passenger vehicle in connection with a transportation network company's online enabled application or platform to connect with passengers.
- TNC service. – Prearranged transportation service provided by a TNC driver in connection with a transportation network company. The TNC service begins when the TNC driver accepts a ride request on the transportation network company's online-enabled application or platform and ends at the later of the time that the driver completes the transaction on the application or the time that all passengers exit the vehicle and complete unloading of the vehicle.
- Transportation network company. – Any person that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers.

A TNC holding a valid permit issued under new Article 10A may operate in the State. The permit must be obtained before operating in the State. The application fee is $5,000. The annual renewal fee is $5,000.

A TNC may charge a fee if the calculation method is disclosed by the application before a passenger makes a ride request; the application provides the option for a passenger to receive an estimated fee before the passenger makes a ride request; the TNC sends an electronic receipt to the customer that includes the location where the TNC service started and ended, the total time and distance of the TNC service, and an itemization and calculation of the total fee paid; and the fee is paid electronically.

A TNC must provide liability insurance as follows:

- During the TNC service
    - $1,500,000 because of death of one or more persons, bodily injury to one or more persons, injury to or destruction of property of others, or any combination thereof, in any one accident ("$1.5 million combined single limit").
    - $1,000,000 of combined uninsured and underinsured motorist coverage.
- During the time such driver is available on the TNC's online-enabled application
    - $50,000 because of bodily injury or death of 1 person in any 1 accident and, subject to said limit for 1 person, $100,000 because of bodily injury or death of 2 or more persons in any 1 accident, and $25,000 because of injury or destruction of property of others in any 1 accident ("50/100/25").
    - Combined uninsured and underinsured motorist coverage, with limits for combined uninsured and underinsured motorist bodily injury coverage which at least equals the bodily injury liability limits of the policy (i.e., 50/100/25).

A TNC must disclose in writing to potential TNC drivers the following before the TNC driver provides TNC service:

- The insurance coverage and limits of liability that the transportation network company provides while the TNC driver uses a private passenger vehicle to provide TNC service.
- The TNC driver may not have coverage under their personal insurance policy while using the transportation network company's online-enabled application.
- The following in a distinctive clause: "If the vehicle with which you provide transportation network company services has a lien against it, you must notify the lienholder prior to providing transportation network company services of your intent to provide transportation services with the vehicle. You may disclose to the lienholder all insurance coverage information provided to

you by the transportation network company. If you fail to provide the required insurance coverage under the terms of your contract with the lienholder or show evidence to the lienholder of the coverage provided by the transportation network company, you may violate the terms of your contract."

A TNC must conduct a local and national criminal background check for each applicant to be a TNC driver.

Brokering transportation network companies are TNC that exclusively dispatches TNC drivers that operate either for-hire passenger vehicles regulated under G.S. 160A-304 (i.e., taxis) or for-hire passenger vehicles regulated under G.S. 62-260(f) and subject to the requirements for security for protection of the public and safety of operation established for regulated motor common carriers (i.e., limousines with $1.5 million liability insurance). Brokering transportation network companies are exempt from the insurance requirements and background checks.

The Division of Motor Vehicles is authorized to issue regulations to implement new Article 10A.

A rebuttable presumption exists that a TNC driver is an independent contractor and not an employee. The presumption may be rebutted by application of the common law test for determining employment status.

Airport operators are given the following specific regulatory authority over TNC:

- Charge TNC and TNC drivers a reasonable fee for use of the airport's facility.
- Require an identifying decal be displayed by TNC drivers.
- Require the purchase and use of equipment or establish other appropriate mechanisms for monitoring and auditing compliance, including having a TNC provide data.
- Designate a location where TNC drivers may stage on the airport's facility, drop off passengers, and pick up passengers.

New Article 10A is the exclusive regulation of TNC services, and no local authority is authorized to impose fees, require licenses, limit the operation of TNC services, or otherwise regulate TNC services. TNC services remain subject to all ordinances and local laws outside the scope of Article 10A including parking and traffic regulation. Any contract provision or term of service contrary to new Article 10A is void as against public policy.

EFFECTIVE DATE: Senate Bill 541 would become effective October 1, 2015.

BACKGROUND: TNC use smartphone applications ("apps") to match customers with drivers. The apps use the smartphone's GPS functions to identify the location of the customer and the TNC driver. The TNC driver uses an unmarked, private passenger vehicle with a standard license plate to transport the customer. TNC drivers do not have for-hire license plates.

Three TNC are known to operate in the State: Uber, Lyft, and Sidecar. Uber operates in at least 10 cities in the State.

Brokering transportation network companies also operate in the State. These companies dispatch vehicles that are licensed in the local jurisdiction. For example, Uber Black service operates in Charlotte and dispatches limousines that are regulated by the City of Charlotte. Other apps exist that dispatch licensed taxis in multiple states.

According to the National Association of Insurance Commissions (NAIC), TNC are voluntarily providing the following insurance coverages:

TNC	Insurer	Period 1 (Pre-match)	Periods 2 & 3 (Match accepted, passenger pick up, Passenger occupying the vehicle)
Raiser LLC/UberX	James River	Contingent Liability ($50,000 per person/$100,000 per accident/$25,000 property damage)	Commercial auto liability and uninsured motorist/underinsured motorist coverage up to $1 million per occurrence Contingent collision and comprehensive equal to the amount maintained by the driver in PAP ($1,000 deductible) [In NC, Uber reports providing $1.5 million in liability coverage and $1.5 million in uninsured coverage]
LYFT (valid in all states except New York)	James River	Contingent Liability ($50,000 per person/$100,000 per accident/$25,000 property damage)	Commercial auto liability and uninsured motorist/underinsured motorist coverage up to $1 million per occurrence Contingent collision and comprehensive up to $50,000 per accident ($2,500 deductible)
SIDECAR (liability limits differ for the state of Washington and for Chicago)	Nautilus Insurance Company		Commercial auto liability and uninsured motorist/underinsured motorist coverage up to $1 million per occurrence Liability limits ($50,000 per person/$100,000 per accident/$30,000 property damage) Contingent collision $50,000 per accident ($500 deductible)

On March 31, 2015, the TNC industry (Uber, Lyft), insurance industry trade groups (NAMIC, PCI), and some national insurers endorsed a compromise model bill on TNC services. The model language only addresses insurance coverage issues. The model bill contains the following terms:

- Mandates primary insurance coverage during the pre-match period of 50/100/25 and includes all state-mandated coverages (e.g., uninsured and underinsured). The mandate does not include comprehensive or collision.

- Mandates primary insurance of $1 million in liability coverage, as well as any other coverage mandated by the state's financial responsibility laws, once a driver has accepted a ride request and while the fare-paying passenger is in the vehicle.
- These coverage mandates can be satisfied by a policy maintained by the TNC driver, by the TNC itself, or a combination of both.
- The primary TNC coverage shall not be dependent upon a personal auto policy denying a claim before coverage is triggered.
- TNC drivers will be required to carry proof of TNC insurance coverage.
- TNC must disclose to their drivers that their current personal auto policy may not provide any coverage for TNC-related driving.
- After an accident, TNC drivers must disclose whether they were logged into the TNC system.
- TNC and insurers will be compelled to cooperate in coverage investigations.

Senate Bill 541 does not adopt the model language in its entirety. Senate Bill 541 imposes insurance coverage requirements of $1.5 million versus $1 million in the model bill.

VISITOR REGISTRATION SHEET

Transportation — 8-11-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dana Faxton	CLT
	MWC
Kevin Burke	MWC
Bo [illegible]	MWC
Peggy Hall	School Gov.
N. Warwick	Warwick Assoc.
Andrew Byrd	Guest
Chris Byrd	Guest
Sarah Collins	NCLM
Casandra Hoekstra	NCACC

VISITOR REGISTRATION SHEET

Transportation — 8-11-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Billy Warren	GBN
Paul Sherman	NC FB
	NC
Nathan Batts	NCBA
Carr McLamb	TSS
Tracy Kimbrell	Parker Poe
	NC
Lou Arthur	NCRMA
Elizabeth Robison	NCRMA
Michael Houser	THCG
Al Piacino	Taxi

VISITOR REGISTRATION SHEET

Transportation — 8-11-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	Misc
JEFF BARNHART	MWC
Arathi Mehrotra	Uber
	NMRS
	MFJS
	MFJS
Michelle Frazier	MFS
Reston Jones	NCDOT
	mwc
Edith Davis	NCRF
Tim Lucas	NC Rate Bureau

VISITOR REGISTRATION SHEET

Transportation — 8-11-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Coryl Dunn	DRNC
Annaliese Dolph	DL
Rivian Murrald	WM
Johnson Beasley	NC YMCAs
Gloria Newedim	NC YMCA's
Tonya Horton	TSS
Frank Morris	VRS
Neal Orr	PBT
Jackson Coward	NSS

VISITOR REGISTRATION SHEET

Transportation — 8-11-15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Maggie P. Thomas	NCDOT/IT
Michael Thomas	NCDOT/IT
Robert Sawyer	NCDMV/LGT
~~Hope Mozingo~~	NCDMV
Debbie Jones	NCDMV
[illegible]	Bmc : Asso.

House Committee on Transportation
Tuesday, August 25, 2015 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on August 25, 2015 in Room 643 of the Legislative Office Building. Representatives Brawley, Fraley, C. Graham, Iler, Jeter, McNeill, Robinson, Shepard, Torbett, R. Turner, and Yarborough attended.

Representative John A. Torbett, Chair, presided.

The following bills were considered:

SB 304 Administration of Logo Sign Program. (Senator B. Jackson)After discussion the bill was reported favorable.

The meeting adjourned at 12:20p.m.

Representative John A. Torbett, Chair
Presiding

Viddia Torbett, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, August 25, 2015
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Torbett will Chair**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 304	Administration of Logo Sign Program.	Senator B. Jackson

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:27 PM on Wednesday, August 19, 2015.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Tuesday, August 25, 2015, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 304	Administration of Logo Sign Program.	Senator B. Jackson

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE

SB **304** **(HCS#1)** Administration of Logo Sign Program.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Torbett

TOTAL REPORTED: 1



SENATE BILL 304:
Administration of Logo Sign Program

2015-2016 General Assembly

Committee:	House Transportation	**Date:**	August 25, 2015
Introduced by:	Sen. B. Jackson	**Prepared by:**	Giles S. Perry
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***Senate Bill 304 extends the DOT logo sign program to include partially controlled-access State roads.***

CURRENT LAW: Under current G.S. 136-89.56, the location of fuel, gas, food, lodging, camping, and attraction facilities are indicated to the users of State controlled access facilities by appropriate logos placed on signs owned, controlled, and erected within the right-of-way of fully controlled-access highways by the Department of Transportation. Fully controlled-access highways are interstate and other freeway-type roads.

BILL ANALYSIS:

Section 1 of Senate Bill 304 extends the areas that DOT may place logo signs to include *partially controlled-access* State roads. A *partially controlled-access road* is a divided highway with limited or no driveway access to adjoining properties, and intersections instead of interchanges at some or all cross roads.

In addition, this section provides that the Transportation Mobility and Safety Division of the Department of Transportation shall administer the logo sign program, including receiving requests for information concerning the logo sign program.

Section 2 of the bill directs DOT to adopt temporary rules to implement the act.

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

O. Walker Reagan
Director

* S 3 0 4 - S M R W - 1 1 3 E 2 - V 3 *

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 304
PROPOSED HOUSE COMMITTEE SUBSTITUTE S304-PCS35309-TH-38

Short Title: Administration of Logo Sign Program. (Public)

Sponsors:

Referred to:

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT LOGO SIGNS MAY BE PLACED ON THE RIGHT-OF-WAY OF FULLY AND PARTIALLY CONTROLLED-ACCESS HIGHWAYS AND TO PROVIDE THAT THE TRANSPORTATION MOBILITY AND SAFETY DIVISION OF THE DEPARTMENT OF TRANSPORTATION SHALL ADMINISTER THE LOGO SIGN PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-89.56 reads as rewritten:

"**§ 136-89.56. Commercial enterprises.**

No commercial enterprises or activities shall be authorized or conducted by the Department of Transportation, or the governing body of any city or town, within or on the property acquired for or designated as a controlled-access facility, as defined in this Article, except for:

(1) Materials displayed at welcome centers which shall be directly related to travel, accommodations, tourist-related activities, tourist-related services, and attractions. The Department of Transportation shall issue rules regulating the display of these materials. These materials may contain advertisements for real estate; and

(2) Vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind, Department of Health and Human Services, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed. In order to permit the establishment of adequate fuel and other service facilities by private owners or their lessees for the users of a controlled-access facility, the Department of Transportation shall permit access to service or frontage roads within the publicly owned right-of-way of any controlled-access facility established or designated as provided in this Article, at points which, in the opinion of the Department of Transportation, will best serve the public interest. The location of such fuel and other service facilities may be indicated to the users of the controlled-access facilities by appropriate signs, the size, style, and specifications of which shall be determined by the Department of Transportation.

The location of fuel, gas, food, lodging, camping, and attraction facilities may be indicated to the users of the controlled-access facilities by appropriate logos placed on signs owned, controlled, and erected within the right-of-way of fully and partially controlled-access

highways by the Department of Transportation. The owners, operators or lessees of fuel, gas, food, lodging, camping, and attraction facilities who wish to place a logo identifying their business or service on a sign shall furnish a logo meeting the size, style and specifications determined by the Department of Transportation and shall pay the Department of Transportation a fee set by the Board of Transportation. The Board shall set the fee to cover the initial costs of signs, sign installation, and maintenance, and the costs of administering the logo sign program. The Transportation Mobility and Safety Division of the Department of Transportation shall administer the logo sign program, including receiving requests for information concerning the logo sign program."

SECTION 2. The Department of Transportation shall adopt temporary rules to implement this act.

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

VISITOR REGISTRATION SHEET

HOUSE COMM ON TRANSPORTATION — 08-25-2015

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Collins	SEANC
Paul Hickman	NCOAA
Brian Merwald	WM
[illegible]	Museum of Natural Sciences
Isabel Villarreal	NCAR
Lexi Arthur	NCRMA
Elizabeth Rolando	NCRMA
Andy Ellen	NCRMA
Paul Sherman	NCFB
[illegible]	NCMPA
Elizabeth Bisser	Brooks Pierce

VISITOR REGISTRATION SHEET

Transportation — 8-25-2015

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Kuhn	School Tech
Reston Jonas	NCDOT
Susan Ham	NCDTSEA
Carson Hicks	MVA
Chris McClure	BB
Carr McLamb	TSS

VISITOR REGISTRATION SHEET

HOUSE COMM ON TRANSPORTATION — 08-25-2015

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
M. Bason	RMC
[signature]	RMC - Ethics
Demetrius Deloatch	Rep. Hanes
Hermi McClees	McClees Consulting
Tom Beau	EDF, NCSEA, NCWF

House Committee on Transportation
Tuesday, May 10, 2016 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on May 10, 2016 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Blackwell, Boles, Brawley, Brockman, R. Brown, Bumgardner, Carney, Catlin, Cleveland, Dollar, Faircloth, Ford, Fraley, Goodman, C. Graham, D. Hall, Hardister, Holley, Hunter, Iler, Jeter, McGrady, McNeill, R. Moore, Murphy, Presnell, Queen, Robinson, Ross, Shepard, Speciale, Steinburg, Terry, Tine, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative John A. Torbett, Chair, presided.

The following bills were considered:

HB 971 Motor Fleet Clarification. (Representatives Cleveland, Riddell)
After discussion and debate, the motion was made as favorable as to committee substitute, unfavorable to original bill with a serial referral to Rules, Calendar, and Operations of the House, if favorable House Finance. The motion carried.

HB 988 Repeal Light Rail Funding Cap. (Representatives Torbett, Shepard, Tine)
After discussion and debate, the motion was made as favorable as to committee substitute, unfavorable to original bill with a serial referral to Rules, Calendar, and Operations of the House, if favorable House Finance. The motion carried.

HB 1002 Ferry System Stabilization Act. (Representatives Tine, L. Johnson, Torbett, Shepard)
After discussion and debate, the motion was made as favorable as to committee substitute, unfavorable to original bill with a serial referral to Rules, Calendar, and Operations of the House, if favorable House Finance. The motion carried.

The meeting adjourned at 1:00pm.

John A. Torbett
Representative John A. Torbett, Chair
Presiding

Viddia Torbett
Viddia Torbett, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, May 10, 2016
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Torbett Will Chair**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 971	Motor Fleet Clarification.	Representative Cleveland Representative Riddell
HB 988	Repeal Light Rail Funding Cap.	Representative Torbett Representative Shepard Representative Tine
HB 1002	Ferry System Stabilization Act.	Representative Tine Representative L. Johnson Representative Torbett Representative Shepard

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:13 PM on Thursday, May 05, 2016.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Tuesday, May 10, 2016, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 971	Motor Fleet Clarification.	Representative Cleveland Representative Riddell
HB 988	Repeal Light Rail Funding Cap.	Representative Torbett Representative Shepard Representative Tine
HB 1002	Ferry System Stabilization Act.	Representative Tine Representative L. Johnson Representative Torbett Representative Shepard

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **971** Motor Fleet Clarification.

Draft Number:	H971-PCS40604-RW-56
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Cleveland

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **1002** Ferry System Stabilization Act.

Draft Number:	H1002-PCS40603-SU-39
Serial Referral:	**APPROPRIATIONS**
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Tine

TOTAL REPORTED: 2



HOUSE BILL 971*

Short Title:	Motor Fleet Clarification.	(Public)
Sponsors:	Representatives Cleveland and Riddell (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Transportation	

April 27, 2016

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LAW GOVERNING THE CENTRAL MOTOR FLEET, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON GENERAL GOVERNMENT.

The General Assembly of North Carolina enacts:

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

"(8) General Services:

...

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

...

2. To acquire passenger motor vehicles by transfer from other State agencies and by purchase. All motor vehicles transferred to or purchased by the Department shall become part of a central motor ~~pool.~~fleet.

...

4. To maintain, store, repair, dispose of, and replace state-owned motor vehicles under the control of the Department, using best management practices. The Department shall ensure that state-owned vehicles are replaced when most cost effective using a replacement formula developed by the Department and reviewed periodically for appropriateness of use. The Department shall report semiannually to the cochairs of the Joint Appropriations Subcommittee on General Government, on or before October 15 and March 15, on the effect of any new or revised replacement formula on the cost of operating the central motor ~~pool.~~fleet, including the amount of any savings from use of any new or revised replacement formula.

...

6. To allocate and charge against each State agency to which transportation is furnished, on a basis of mileage or of rental, its proportionate part of the cost of maintenance and operation of the motor ~~pool.~~fleet.

The amount allocated and charged by the Department of Administration to State agencies to which transportation is furnished shall be at least as follows:

I. Pursuit vehicles and full size four-wheel drive vehicles $.24ile.

II. Vans and compact four-wheel drive vehicles – $.22ile.

III. All other vehicles – $.20ile.

7. To adopt, with the approval of the Governor, reasonable rules for the efficient and economical operation, maintenance, repair, and replacement, as limited ~~in paragraph 4.~~by sub-sub-subdivision 4. of sub-subdivision i. of this subdivision, of all state-owned motor vehicles under the control of the Department, and to enforce those rules; and to adopt, with the approval of the Governor, reasonable rules regulating the use of private motor vehicles upon State business by the officers and employees of State agencies, and to enforce those rules. The Department, with the approval of the Governor, may delegate to the respective heads of the agencies to which motor vehicles are permanently assigned by the Department the duty of enforcing the rules adopted by the Department pursuant to this ~~paragraph.~~sub-sub-subdivision. Any person who violates a rule adopted by the Department and approved by the Governor is guilty of a Class 1 misdemeanor. Nothing in this sub-subdivision shall be construed as prohibiting the Department from contracting with private vendors for short-term rental motor vehicles to be used by officers and employees of State agencies for State business.

7a. To adopt with the approval of the Governor and to enforce rules and to coordinate State policy regarding (i) the permanent assignment of state-owned passenger motor vehicles and (ii) the use of and reimbursement for those vehicles for the limited commuting permitted by this subdivision. For the purpose of this subdivision 7a, "state-owned passenger motor vehicle" includes any state-owned passenger motor vehicle, whether or not owned, maintained or controlled by the Department of Administration, and regardless of the source of the funds used to purchase it. Notwithstanding the provisions of G.S. 20-190 or any other provisions of law, all state-owned passenger motor vehicles are subject to the provisions of this subdivision 7a; no permanent assignment shall be made and no one shall be exempt from payment of reimbursement for commuting or from the other provisions of this subdivision 7a except as provided by this subdivision 7a. Commuting, as defined and regulated by this subdivision, is limited to those specific cases in which the Secretary has received and accepted written justification, verified by historical data. The Department shall not assign any state-owned motor vehicle that may be used for commuting other than those authorized by the procedure prescribed in this subdivision.

A State-owned passenger motor vehicle shall not be permanently assigned to an individual who is likely to drive it on

official business at a rate of less than 3,150 miles per quarter unless (i) the individual's duties are routinely related to public safety or (ii) the individual's duties are likely to expose the individual routinely to life-threatening situations. A State-owned passenger motor vehicle shall also not be permanently assigned to an agency that is likely to drive it on official business at a rate of less than 3,150 miles per quarter unless the agency can justify to the Division of Motor Fleet Management the need for permanent assignment because of the unique use of the vehicle. Each agency, other than the Department of Transportation, that has a vehicle assigned to it or has an employee to whom a vehicle is assigned shall submit a quarterly report to the Division of Motor Fleet Management on the miles driven during the quarter by the assigned vehicle. The Division of Motor Fleet Management shall review the report to verify that each motor vehicle has been driven at the minimum allowable rate. If it has not and if the department by whom the individual to which the car is assigned is employed or the agency to which the car is assigned cannot justify the lower mileage for the quarter, the permanent assignment shall be revoked immediately. The Department of Transportation shall submit an annual report to the Division of Motor Fleet Management on the miles driven during the year by vehicles assigned to the Department or to employees of the Department. If a vehicle included in this report has not been driven at least 12,600 miles during the year, the Department of Transportation shall review the reasons for the lower mileage and decide whether to terminate the assignment. The Division of Motor Fleet Management may not revoke the assignment of a vehicle to the Department of Transportation or an employee of that Department for failure to meet the minimum mileage requirement unless the Department of Transportation consents to the revocation.

Every individual who uses a State-owned passenger motor vehicle, pickup truck, or van to drive between the individual's official work station and his or her home, shall reimburse the State for these trips at a rate computed by the Department. This rate shall approximate the benefit derived from the use of the vehicle as prescribed by federal law. Reimbursement shall be for 20 days per month regardless of how many days the individual uses the vehicle to commute during the month. Reimbursement shall be made by payroll deduction. Funds derived from reimbursement on vehicles owned by the Motor Fleet Management Division shall be deposited to the credit of the Division; funds derived from reimbursements on vehicles initially purchased with appropriations from the Highway Fund and not owned by the Division shall be deposited in a Special Depository Account in the Department of Transportation, which shall revert to the Highway Fund; funds derived from reimbursement on all other vehicles shall be deposited in a Special Depository Account in the Department of Administration which shall revert to the General Fund.

Commuting, for purposes of this ~~paragraph,~~sub-sub-subdivision, does not include those individuals whose office is in their home, as determined by the Department of Administration, Division of Motor Fleet Management. Also, this ~~paragraph~~sub-sub-subdivision does not apply to the following vehicles: (i) clearly marked police and fire vehicles, (ii) delivery trucks with seating only for the driver, (iii) flatbed trucks, (iv) cargo carriers with over a 14,000 pound capacity, (v) school and passenger buses with over 20 person capacities, (vi) ambulances, (vii) [Repealed]. (viii) bucket trucks, (ix) cranes and derricks, (x) forklifts, (xi) cement mixers, (xii) dump trucks, (xiii) garbage trucks, (xiv) specialized utility repair trucks (except vans and pickup trucks), (xv) tractors, (xvi) unmarked law-enforcement vehicles that are used in undercover work and are operated by full-time, fully sworn law-enforcement officers whose primary duties include carrying a firearm, executing search warrants, and making arrests, and (xvii) any other vehicle exempted under Section 274(d) of the Internal Revenue Code of 1954, and Federal Internal Revenue ~~Services~~Service regulations based thereon. The Department of Administration, Division of Motor Fleet Management, shall report quarterly to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office on individuals who use State-owned passenger motor vehicles, pickup trucks, or vans between their official work stations and their homes, who are not required to reimburse the State for these trips.

The Department of Administration shall revoke the assignment or require the Department owning the vehicle to revoke the assignment of a State-owned passenger motor vehicle, pickup truck or van to any individual who:

I. Uses the vehicle for other than official business except in accordance with the commuting rules;

II. Fails to supply required reports to the Department of Administration, or supplies incomplete reports, or supplies reports in a form unacceptable to the Department of Administration and does not cure the deficiency within 30 days of receiving a request to do so;

III. Knowingly and willfully supplies false information to the Department of Administration on applications for permanent assignments, commuting reimbursement forms, or other required reports or forms;

IV. Does not personally sign all reports on forms submitted for vehicles permanently assigned to him or her and does not cure the deficiency within 30 days of receiving a request to do so;

V. Abuses the vehicle; or

VI. Violates other rules or policy promulgated by the Department of Administration not in conflict with this act.

A new requisition shall not be honored until the Secretary of the Department of Administration is assured that the violation for which a vehicle was previously revoked will not recur.

The Department of Administration, with the approval of the Governor, may delegate, or conditionally delegate, to the respective heads of agencies which own passenger motor vehicles or to which passenger motor vehicles are permanently assigned by the Department, the duty of enforcing all or part of the rules adopted by the Department of Administration pursuant to this subdivision 7a. The Department of Administration, with the approval of the Governor, may revoke this delegation of authority.

Notwithstanding the provisions of this section and G.S. 14-247, the Department of Administration may allow the organization sanctioned by the Governor's Council on Physical Fitness to conduct the North Carolina State Games to use State trucks and vans for the State Games of North Carolina. The Department of Administration shall not charge any fees for the use of the vehicles for the State Games. The State shall incur no liability for any damages resulting from the use of vehicles under this provision. The organization that conducts the State Games shall carry liability insurance of not less than one million dollars ($1,000,000) covering such vehicles while in its use and shall be responsible for the full cost of repairs to these vehicles if they are damaged while used for the State Games.

...

10. To contract with the appropriate State prison authorities for the furnishing, upon such conditions as may be agreed upon from time to time between such State prison authorities and the Secretary, of prison labor for use in connection with the operation of a central motor ~~pool~~fleet and related activities.

11. To report annually to the General Assembly on any rules adopted, amended or repealed under ~~paragraphs~~sub-sub-subdivisions 3, 7, or 7a of this ~~subdivision.~~sub-subdivision."

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

HOUSE BILL 971:
Motor Fleet Clarification.

2016-2017 General Assembly

Committee:	House Transportation	**Date:**	May 9, 2016
Introduced by:	Reps. Cleveland, Riddell	**Prepared by:**	Giles Perry
Analysis of:	First Edition		Committee Counsel

SUMMARY: ***House Bill 977 provides that the Department of Administration may contract with private vendors for short-term rental vehicles for use by officers and employees of State agencies for State business.***

[As introduced, this bill was identical to S762, as introduced by Sen. J. Davis, which is currently in Senate Transportation.]

CURRENT LAW: Current law, G.S. 143-341(8)i, authorizes the Department of Administration to "establish and operate a central motor pool and such subsidiary related facilities as the Secretary may deem necessary".

BILL ANALYSIS:

- Provides that the Department of Administration may contract with private vendors for short-term rental vehicles for use by officers and employees of State agencies for State business.
- Clarifies that the statute refers to the State Motor Fleet.
- Makes technical changes to the statute.

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

BACKGROUND: House Bill 971 was recommended by the Joint Legislative Oversight Committee on General Government.

Karen Cochrane-Brown
Director

H971-SMRW-152 E1 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 1002
PROPOSED COMMITTEE SUBSTITUTE H1002-CSSU-39 [v.1]
05/09/2016 05:49:08 PM

Short Title: Ferry System Stabilization Act. (Public)

Sponsors:

Referred to:

April 28, 2016

A BILL TO BE ENTITLED

AN ACT TO PROVIDE STABILITY AND PREDICTABILITY WITHIN THE STATE FERRY SYSTEM BY RESTORING STATE CONTROL TO THE SETTING OF FERRY TOLLS AND PROVIDING STATE FUNDS FOR IMPROVEMENTS TO THE STATE FERRY SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-82 reads as rewritten:

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

(a) Powers of Department. – The Department of Transportation is vested with authority to provide for the establishment and maintenance of ferries connecting the parts of the State highway system, whenever in its discretion the public good may ~~require, and shall prescribe and collect tolls on the ferry routes as established by the Board of Transportation following the procedures set forth in this section.~~require. To accomplish the purpose of this section, the Department is authorized to acquire, own, lease, charter or otherwise control all necessary vessels, boats, terminals or other facilities required for the proper operation of the ferries or to enter into contracts with persons, firms or corporations for the operation thereof and to pay the reasonable sums that in the opinion of the Department represent the fair value of the public service rendered.

~~(b) Establishment of Tolling. The Board of Transportation may establish tolls on any untolled ferry route as set forth in this subsection. Prior to establishing tolls on an untolled ferry route, the Board of Transportation must receive a resolution approved by the Transportation Advisory Committee of each affected local transportation planning organization requesting tolls on that route. No later than March 1, 2014, the Department shall hold a separate public hearing in the geographic area of each untolled ferry route and invite each affected local transportation planning organization. At the public hearing, the Department shall present an explanation of the toll-setting methodology, the impact of tolling on the availability of funding for other local transportation priorities, and the minimum and maximum toll rates. After the public hearing, an affected local transportation planning organization may consider and adopt a ferry tolling resolution. The Board of Transportation shall adopt the toll at its next regularly scheduled meeting after receipt of the ferry tolling resolutions required by this subsection. The Department shall collect the toll as soon as is feasible following its adoption, but in no case more than 180 days after adoption of the toll. The establishment of tolls by the Board of Transportation pursuant to the authority granted in this section shall be exempt from the provisions of Chapter 150B of the General Statutes. For purposes of this section, "affected local transportation planning organization" means any Metropolitan Planning Organization or Rural Transportation Planning Organization with geographic jurisdiction over any part of an untolled ferry route, and "untolled ferry route" means any ferry route for which no tolls were in effect as of June 30, 2013.~~

~~(c) Revisions of Tolls. – The Department of Transportation shall report to the Fiscal Research Division, the Joint Legislative Transportation Oversight Committee, and all affected local transportation planning organizations 30 days prior to any change in toll rates or change in the toll setting methodology by the Board of Transportation.~~

~~(d) Use of Toll Proceeds. – The Department of Transportation shall credit the proceeds from tolls collected on North Carolina Ferry System routes and certain receipts generated under subsection (f) of this section to reserve accounts within the Highway Fund for each of the Highway Divisions in which system terminals are located and fares are earned. For the purposes of this subsection, fares are earned based on the terminals from which a passenger trip originates and terminates. Commuter pass receipts shall be credited proportionately to each reserve account based on the distribution of trips originating and terminating in each Highway Division. The proceeds credited to each reserve account shall be used exclusively for prioritized North Carolina Ferry System ferry passenger vessel replacement projects in the Division in which the proceeds are earned. Proceeds may be used to fund ferry passenger vessel replacement projects or supplement funds allocated for ferry passenger vessel replacement projects approved in the Transportation Improvement Program.~~

~~(e) Powers of Department. – To accomplish the purpose of this section, the Department of Transportation is authorized to acquire, own, lease, charter or otherwise control all necessary vessels, boats, terminals or other facilities required for the proper operation of the ferries or to enter into contracts with persons, firms or corporations for the operation thereof and to pay the reasonable sums that in the opinion of the Department of Transportation represent the fair value of the public service rendered.~~

(f) Authority to Generate Certain Receipts. – The ~~Department of Transportation,~~Department, notwithstanding any other provision of law, may operate or contract for the following receipt-generating activities and, except as otherwise provided in subsection ~~(f1)~~(f2) of this section, ~~use~~credit the proceeds ~~for ferry passenger vessel replacement projects in the manner set forth in subsection (d) of this section:~~to a reserve account within the Highway Fund for the State Ferry System:

(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) 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 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.~~

(f1) Use of Funds. – Proceeds and other funds credited to the reserve account described in subsection (f) of this section shall be used exclusively for improvements to the State Ferry System, which includes the following:

(1) The acquisition, construction, and rehabilitation of marine vessels used for support and the transport of persons or vehicles between Ferry System terminals. For purposes of this subdivision, the term "marine vessels" means tugs, barges, dredges, and ferries other than passenger-only vessels.

(2) Replacement and rehabilitation of infrastructure allowing connection to Ferry System terminals, including ramps, gantries, and bulkheads.

~~(f1)~~(f2)Use of Receipts Generated From Shipyard. – The Department ~~of Transportation~~ shall credit the proceeds from receipts generated under subsection (f) of this section from activities

performed by the North Carolina State Shipyard to a reserve account within the Highway Fund to be used exclusively for improvements to the Shipyard, including equipment and associated infrastructure. ~~Notwithstanding the restrictions on the use of proceeds set forth in subsections (d) and (f) of this section, the Department may use a proportional amount of the proceeds credited to each reserve account described in subsection (d) of this section to replace or repair equipment in accordance with this subsection if there is an insufficient amount of funds in the reserve account within the Highway Fund for the Shipyard.~~

(f3) Disposition of Marine Vessels. – It is the intent of the General Assembly to modernize the Ferry System fleet of marine vessels. Once a marine vessel reaches the end of its useful life, as determined by the Department, the Department shall dispose of the vessel in a timely fashion. Notwithstanding any provision of law to the contrary, any proceeds received from the disposition of a marine vessel under this subsection shall be credited to the reserve account described in subsection (f) of this section.

(g) Confidentiality of Personal Information. – Identifying information obtained by the Department related to operation of the ferry system is not a public record under Chapter 132 of the General Statutes and is subject to the disclosure limitations in 18 U.S.C. § 2721 of the federal Driver's Privacy Protection Act. The Department shall maintain the confidentiality of all information required to be kept confidential under 18 U.S.C. § 2721(a), as well as any financial information, transaction history, and information related to the collection of a ~~toll or~~ user fee from a person, including, but not limited to, photographs or other recorded images or automatic vehicle identification or driver account information generated by radio-frequency identification or other electronic means. The Department may use identifying information only for purposes of collecting and enforcing ~~tolls.~~user fees. Nothing in this section is intended to limit the right of any person to examine that person's own account information, or the right of any party, by authority of a proper court order, to inspect and examine identifying information.

(h) Report Prior to Acquisition or Construction of Marine Vessel. – Prior to the acquisition or construction of a marine vessel pursuant to subsection (f1) of this section, the Department shall report to the Chairs of the House of Representatives Committee on Transportation Appropriations and the Senate Appropriations Committee on Department of Transportation. The report shall provide an estimate of the capital costs of acquiring or constructing the vessel, the costs of operating the vessel, the vessel that will be decommissioned, the timing of the disposition of the decommissioned vessel, and an estimate of the net proceeds that will be received from the disposition. If the General Assembly is not in session at the time the report is to be submitted, the Department shall instead report to the Joint Legislative Transportation Oversight Committee.

(i) Quarterly Report. – Beginning October 1, 2016, the Ferry Division of the Department of Transportation shall provide a quarterly report to the following on any updates to its capital improvement plan, any actions taken in deviation from its current capital improvement plan, the status of authorized projects, and any obligations and expenses for the reserve accounts described in subsections (f) and (f2) of this section:

(1) When the General Assembly is in session, to the Chairs of the House of Representatives Committee on Transportation Appropriations and the Senate Appropriations Committee on Department of Transportation.

(2) When the General Assembly is not in session, to the Chairs of the Joint Legislative Transportation Oversight Committee.

(3) To the Fiscal Research Division of the General Assembly."

SECTION 2. G.S. 143B-350(f2) reads as rewritten:

"(f2) Approval of aircraft ~~and ferry~~ purposes. – Before approving the purchase of an aircraft from the Equipment ~~Fund or a ferry in a Transportation Improvement Program,~~Fund, the Board of Transportation shall prepare an estimate of the operational costs and capital costs associated with the addition of the aircraft ~~or ferry~~ and shall report those additional costs to the General Assembly pursuant to G.S. 136-12(b), and to the Joint Legislative Commission on Governmental Operations.

SECTION 3. G.S. 7A-312(a) reads as rewritten:

"(a) A juror in the General Court of Justice including a petit juror, or a coroner's juror, but excluding a grand juror, shall receive twelve dollars ($12.00) for the first day of service and twenty dollars ($20.00) per day afterwards, except that if any person serves as a juror for more than five days in any 24-month period, the juror shall receive forty dollars ($40.00) per day for each day of service in excess of five days. A grand juror shall receive twenty dollars ($20.00) per day. A juror required to remain overnight at the site of the trial shall be furnished adequate accommodations and subsistence. If required by the presiding judge to remain in a body during the trial of a case, meals shall be furnished the jurors during the period of sequestration. Jurors from out of the county summoned to sit on a special venire shall receive mileage at the same rate as State employees. ~~Persons summoned as jurors shall be exempt during their period of service from paying a ferry toll required under G.S. 136-82 to travel to and from their homes and the site of that service.~~"

SECTION 4. G.S. 136-189.11(b)(8) is repealed.

SECTION 5. G.S. 136-189.10(2)h. is repealed.

SECTION 6. The Board of Transportation shall cease collecting ferry tolls on the effective date of this act and shall take action as expeditiously as possible to repeal its regulations implementing ferry tolls. Prepaid tolls or commuter pass payments received by the Department of Transportation for ferry trips on or after the effective date of this act shall be refunded or, in the case of prepaid commuter passes, partially refunded based on the proportion of the time period covered by the commuter pass for which tolls were in effect. Any funds remaining in the reserve accounts described in G.S. 136-82(d) as of the effective date of this act shall be used for any costs associated with the initiation of passenger-only ferry service on the Hatteras-Ocracoke ferry route.

SECTION 7. Notwithstanding G.S. 150B-21.1(a), the Department of Transportation may adopt temporary rules to administer this act.

SECTION 8. There is appropriated from the Highway Fund to the Department of Transportation, the sum of thirteen million three hundred seventy-six thousand two hundred fifty dollars ($13,376,250) in recurring funds for the 2016-2017 fiscal year to be allocated to the reserve account described in subsection (f) of G.S. 136-82, as amended by Section 1 of this act.

SECTION 9. G.S. 136-82(f3), as enacted by Section 1 of this act, becomes effective July 1, 2016, and applies to dispositions on or after that date. The remainder of this act becomes effective July 1, 2016.

HOUSE BILL 1002:
Ferry System Stabilization Act.

2016-2017 General Assembly

Committee:	House Transportation. If favorable, re-refer to Appropriations	**Date:**	May 10, 2016
Introduced by:	Reps. Tine, L. Johnson, Torbett, Shepard	**Prepared by:**	Wendy Ray Committee Counsel
Analysis of:	PCS to First Edition H1002-CSSU-39		

SUMMARY: The Proposed Committee Substitute for House Bill 1002 would eliminate ferry tolling and provide State funds for improvements to the State Ferry System.

CURRENT LAW: G.S. 136-82 authorizes the Board of Transportation to establish tolls on ferry routes in the State Ferry system. Currently, tolls are charged on the Swan Quarter/Ocracoke, Cedar Island/Ocracoke, and Southport/Fort Fisher routes. Toll proceeds, along with proceeds from other receipt-generating activities, must be used exclusively for prioritized passenger vessel replacement projects in the Division in which the proceeds are earned.

BILL ANALYSIS: The PCS for House Bill 1002 would:

- Repeal the Department of Transportation's authorization to establish and collect tolls on State ferry routes.
- Provide that funds from other receipt-generating activities related to ferries are to be credited to a reserve account to be used exclusively for improvements to the Ferry System, except that proceeds from activities performed by the North Carolina State Shipyard are to be used exclusively for improvements to the Shipyard.
- Provide that proceeds from disposition of marine vessels are to be credited to the reserve account to be used for improvements to the Ferry System.
- Require the Department to report to the General Assembly prior to acquiring or constructing a marine vessel; and require the Ferry Division to report quarterly to the General Assembly on its capital improvement plan, status of authorized projects, and obligations for the reserve accounts dedicated to improvements to the Ferry System and Shipyard.
- Make conforming changes to other statutory sections.
- Direct the Board of Transportation to stop collecting ferry tolls on the effective date of the act and to repeal its regulations implementing ferry tolls; and direct the Department to refund prepaid tolls and proportionately refund prepaid commuter passes.
- Authorize the Department to adopt temporary rules to administer the act.
- Appropriate $13,376,250 in recurring funds for the 2016-2017 fiscal year from the Highway Fund to be allocated to the reserve account to be used for improvements to the Ferry System.

EFFECTIVE DATE: The act would become effective July 1, 2016, and would apply to dispositions of marine vessels on or after that date.

Karen Cochrane-Brown
Director



Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 1002
PROPOSED COMMITTEE SUBSTITUTE H1002-PCS40603-SU-39

Short Title: Ferry System Stabilization Act. (Public)

Sponsors:

Referred to:

April 28, 2016

A BILL TO BE ENTITLED

AN ACT TO PROVIDE STABILITY AND PREDICTABILITY WITHIN THE STATE FERRY SYSTEM BY RESTORING STATE CONTROL TO THE SETTING OF FERRY TOLLS AND PROVIDING STATE FUNDS FOR IMPROVEMENTS TO THE STATE FERRY SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-82 reads as rewritten:

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

(a) Powers of Department. – The Department of Transportation is vested with authority to provide for the establishment and maintenance of ferries connecting the parts of the State highway system, whenever in its discretion the public good may ~~require, and shall prescribe and collect tolls on the ferry routes as established by the Board of Transportation following the procedures set forth in this section.~~require. To accomplish the purpose of this section, the Department is authorized to acquire, own, lease, charter, or otherwise control all necessary vessels, boats, terminals, or other facilities required for the proper operation of the ferries or to enter into contracts with persons, firms, or corporations for the operation thereof and to pay the reasonable sums that in the opinion of the Department represent the fair value of the public service rendered.

~~(b) Establishment of Tolling. The Board of Transportation may establish tolls on any untolled ferry route as set forth in this subsection. Prior to establishing tolls on an untolled ferry route, the Board of Transportation must receive a resolution approved by the Transportation Advisory Committee of each affected local transportation planning organization requesting tolls on that route. No later than March 1, 2014, the Department shall hold a separate public hearing in the geographic area of each untolled ferry route and invite each affected local transportation planning organization. At the public hearing, the Department shall present an explanation of the toll setting methodology, the impact of tolling on the availability of funding for other local transportation priorities, and the minimum and maximum toll rates. After the public hearing, an affected local transportation planning organization may consider and adopt a ferry tolling resolution. The Board of Transportation shall adopt the toll at its next regularly scheduled meeting after receipt of the ferry tolling resolutions required by this subsection. The Department shall collect the toll as soon as is feasible following its adoption, but in no case more than 180 days after adoption of the toll. The establishment of tolls by the Board of Transportation pursuant to the authority granted in this section shall be exempt from the provisions of Chapter 150B of the General Statutes. For purposes of this section, "affected local transportation planning organization" means any Metropolitan Planning Organization or Rural Transportation Planning Organization with geographic jurisdiction over any part of an untolled ferry route, and "untolled ferry route" means any ferry route for which no tolls were in effect as of June 30, 2013.~~

~~(c) Revisions of Tolls. – The Department of Transportation shall report to the Fiscal Research Division, the Joint Legislative Transportation Oversight Committee, and all affected local transportation planning organizations 30 days prior to any change in toll rates or change in the toll setting methodology by the Board of Transportation.~~

~~(d) Use of Toll Proceeds. – The Department of Transportation shall credit the proceeds from tolls collected on North Carolina Ferry System routes and certain receipts generated under subsection (f) of this section to reserve accounts within the Highway Fund for each of the Highway Divisions in which system terminals are located and fares are earned. For the purposes of this subsection, fares are earned based on the terminals from which a passenger trip originates and terminates. Commuter pass receipts shall be credited proportionately to each reserve account based on the distribution of trips originating and terminating in each Highway Division. The proceeds credited to each reserve account shall be used exclusively for prioritized North Carolina Ferry System ferry passenger vessel replacement projects in the Division in which the proceeds are earned. Proceeds may be used to fund ferry passenger vessel replacement projects or supplement funds allocated for ferry passenger vessel replacement projects approved in the Transportation Improvement Program.~~

~~(e) Powers of Department. – To accomplish the purpose of this section, the Department of Transportation is authorized to acquire, own, lease, charter or otherwise control all necessary vessels, boats, terminals or other facilities required for the proper operation of the ferries or to enter into contracts with persons, firms or corporations for the operation thereof and to pay the reasonable sums that in the opinion of the Department of Transportation represent the fair value of the public service rendered.~~

(f) Authority to Generate Certain Receipts. – The ~~Department of Transportation,~~ Department, notwithstanding any other provision of law, may operate or contract for the following receipt-generating activities and, except as otherwise provided in subsection ~~(f1)~~ (f2) of this section, ~~use~~ credit the proceeds ~~for ferry passenger vessel replacement projects in the manner set forth in subsection (d) of this section:~~to a reserve account within the Highway Fund for the State Ferry System:

(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) 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 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.~~

(f1) Use of Funds. – Proceeds and other funds credited to the reserve account described in subsection (f) of this section shall be used exclusively for improvements to the State Ferry System, which includes the following:

(1) The acquisition, construction, and rehabilitation of marine vessels used for support and the transport of persons or vehicles between Ferry System terminals. For purposes of this subdivision, the term "marine vessels" means tugs, barges, dredges, and ferries other than passenger-only vessels.

(2) Replacement and rehabilitation of infrastructure allowing connection to Ferry System terminals, including ramps, gantries, and bulkheads.

~~(f1)~~(f2)Use of Receipts Generated From Shipyard. – The Department ~~of Transportation~~ shall credit the proceeds from receipts generated under subsection (f) of this section from activities

performed by the North Carolina State Shipyard to a reserve account within the Highway Fund to be used exclusively for improvements to the Shipyard, including equipment and associated infrastructure. ~~Notwithstanding the restrictions on the use of proceeds set forth in subsections (d) and (f) of this section, the Department may use a proportional amount of the proceeds credited to each reserve account described in subsection (d) of this section to replace or repair equipment in accordance with this subsection if there is an insufficient amount of funds in the reserve account within the Highway Fund for the Shipyard.~~

(f3) Disposition of Marine Vessels. – It is the intent of the General Assembly to modernize the Ferry System fleet of marine vessels. Once a marine vessel reaches the end of its useful life, as determined by the Department, the Department shall dispose of the vessel in a timely fashion. Notwithstanding any provision of law to the contrary, any proceeds received from the disposition of a marine vessel under this subsection shall be credited to the reserve account described in subsection (f) of this section.

(g) Confidentiality of Personal Information. – Identifying information obtained by the Department related to operation of the ferry system is not a public record under Chapter 132 of the General Statutes and is subject to the disclosure limitations in 18 U.S.C. § 2721 of the federal Driver's Privacy Protection Act. The Department shall maintain the confidentiality of all information required to be kept confidential under 18 U.S.C. § 2721(a), as well as any financial information, transaction history, and information related to the collection of a ~~toll or~~ user fee from a person, including, but not limited to, photographs or other recorded images or automatic vehicle identification or driver account information generated by radio-frequency identification or other electronic means. The Department may use identifying information only for purposes of collecting and enforcing ~~tolls.~~ user fees. Nothing in this section is intended to limit the right of any person to examine that person's own account information, or the right of any party, by authority of a proper court order, to inspect and examine identifying information.

(h) Report Prior to Acquisition or Construction of Marine Vessel. – Prior to the acquisition or construction of a marine vessel pursuant to subsection (f1) of this section, the Department shall report to the chairs of the House of Representatives Committee on Transportation Appropriations and the Senate Appropriations Committee on Department of Transportation. The report shall provide an estimate of the capital costs of acquiring or constructing the vessel, the costs of operating the vessel, the vessel that will be decommissioned, the timing of the disposition of the decommissioned vessel, and an estimate of the net proceeds that will be received from the disposition. If the General Assembly is not in session at the time the report is to be submitted, the Department shall instead report to the Joint Legislative Transportation Oversight Committee.

(i) Quarterly Report. – Beginning October 1, 2016, the Ferry Division of the Department of Transportation shall provide a quarterly report to the following on any updates to its capital improvement plan, any actions taken in deviation from its current capital improvement plan, the status of authorized projects, and any obligations and expenses for the reserve accounts described in subsections (f) and (f2) of this section:

(1) When the General Assembly is in session, to the chairs of the House of Representatives Committee on Transportation Appropriations and the Senate Appropriations Committee on Department of Transportation.

(2) When the General Assembly is not in session, to the chairs of the Joint Legislative Transportation Oversight Committee.

(3) To the Fiscal Research Division of the General Assembly."

SECTION 2. G.S. 143B-350(f2) reads as rewritten:

"(f2) Approval of aircraft ~~and ferry~~ purposes. – Before approving the purchase of an aircraft from the Equipment ~~Fund or a ferry in a Transportation Improvement Program,~~ Fund, the Board of Transportation shall prepare an estimate of the operational costs and capital costs associated with the addition of the aircraft ~~or ferry~~ and shall report those additional costs to the General Assembly

pursuant to G.S. 136-12(b), and to the Joint Legislative Commission on Governmental Operations."

SECTION 3. G.S. 7A-312(a) reads as rewritten:

"(a) A juror in the General Court of Justice including a petit juror, or a coroner's juror, but excluding a grand juror, shall receive twelve dollars ($12.00) for the first day of service and twenty dollars ($20.00) per day afterwards, except that if any person serves as a juror for more than five days in any 24-month period, the juror shall receive forty dollars ($40.00) per day for each day of service in excess of five days. A grand juror shall receive twenty dollars ($20.00) per day. A juror required to remain overnight at the site of the trial shall be furnished adequate accommodations and subsistence. If required by the presiding judge to remain in a body during the trial of a case, meals shall be furnished the jurors during the period of sequestration. Jurors from out of the county summoned to sit on a special venire shall receive mileage at the same rate as State employees. ~~Persons summoned as jurors shall be exempt during their period of service from paying a ferry toll required under G.S. 136-82 to travel to and from their homes and the site of that service.~~"

SECTION 4. G.S. 136-189.11(b)(8) is repealed.

SECTION 5. G.S. 136-189.10(2)h. is repealed.

SECTION 6. The Board of Transportation shall cease collecting ferry tolls on the effective date of this act and shall take action as expeditiously as possible to repeal its regulations implementing ferry tolls. Prepaid tolls or commuter pass payments received by the Department of Transportation for ferry trips on or after the effective date of this act shall be refunded or, in the case of prepaid commuter passes, partially refunded based on the proportion of the time period covered by the commuter pass for which tolls were in effect. Any funds remaining in the reserve accounts described in G.S. 136-82(d) as of the effective date of this act shall be used for any costs associated with the initiation of passenger-only ferry service on the Hatteras-Ocracoke ferry route.

SECTION 7. Notwithstanding G.S. 150B-21.1(a), the Department of Transportation may adopt temporary rules to administer this act.

SECTION 8. There is appropriated from the Highway Fund to the Department of Transportation, the sum of thirteen million three hundred seventy-six thousand two hundred fifty dollars ($13,376,250) in recurring funds for the 2016-2017 fiscal year to be allocated to the reserve account described in subsection (f) of G.S. 136-82, as amended by Section 1 of this act.

SECTION 9. G.S. 136-82(f3), as enacted by Section 1 of this act, becomes effective July 1, 2016, and applies to dispositions on or after that date. The remainder of this act becomes effective July 1, 2016.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE AND RE-REFERRED

HB **988** Repeal Light Rail Funding Cap.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Torbett

TOTAL REPORTED: 1

CMR616-V-1

HOUSE BILL 988

Short Title:	Repeal Light Rail Funding Cap.	(Public)
Sponsors:	Representatives Torbett, Shepard, and Tine (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Transportation, if favorable, Appropriations	

April 28, 2016

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE LIMITATION ON FUNDING FROM THE HIGHWAY TRUST FUND FOR LIGHT RAIL TRANSIT SYSTEM PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (e1) of G.S. 136-189.11 is repealed.

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

HOUSE BILL 988:
Repeal Light Rail Funding Cap.

2016-2017 General Assembly

Committee:	House Transportation. If favorable, re-refer to Appropriations	**Date:**	May 9, 2016
Introduced by:	Reps. Torbett, Shepard, Tine	**Prepared by:**	Giles Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 988 repeals the provision from the 2015 Appropriation Act that limited to $500,000 the amount that could be expended on any one light rail transit system project under the Strategic Transportation Investments Act.

CURRENT LAW: Section 29.41 of the 2015 Appropriations Act (S.L. 2015-241) amended the Strategic Transportation Investments Act to limit the amount that could be expended under the Act for light rail transit system projects to $500,000 per project.

BILL ANALYSIS: House Bill 988 repeals G.S. 136-189.11(e1), enacted by Section 29.41 of the 2015 Appropriations Act. The repealed subsection limited to $500,000 the amount that could be expended on any one light rail transit system project under the Strategic Transportation Investments Act.

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

BACKGROUND: House Bill 988 was recommended by the House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions.

Text from S.L. 2015-241

MAXIMUM FUNDING EXPENDED FOR LIGHT RAIL TRANSIT SYSTEM PROJECTS

SECTION 29.41.(a) G.S. 136-189.11 is amended by adding a new subsection to read:

"(e1) Limitation on Funding for Light Rail Transit System Projects. – Notwithstanding any provision of this section to the contrary, the cumulative amount of funds subject to this section that are expended for light rail transit system projects shall not exceed the sum of five hundred thousand dollars ($500,000) per project."

Karen Cochrane-Brown
Director

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

VISITOR REGISTRATION SHEET

House Comm. on Transportation 05/10/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patricia McDonough	GoTriangle
Danny Rogers	GoTriangle
GREG COHEN	NN
JEFF DOUGLAS	HDR
James Smith	ACEC/NC
David Crawford	AIA NC
Betsy Bailey	CAGC
BERRY JENKINS	CAGC
Nelson Freeman	DOR
Ryan Boyce	NCDOT
Walt Gray	NCDOT

VISITOR REGISTRATION SHEET

House Comm. on Transportation 05/10/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Skye David	AMGA
Alex Miller	AMGA
Meaghan Innis	NC chamber
Lexi Arthur	NCLMA
Elizabeth Robinson	NCRMA
[illegible]	NS
Jab	NCC
[illegible]	NCAHB
Tim Minor	NC Home Building Association
Bruce Thompson	PACCOC POB
Matthew Babcock	NC Chamber

VISITOR REGISTRATION SHEET

House Comm. on Transportation 05/10/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
TJ Bugbee	NP
Paul Sherman	NCFB
Wendy Kelly	Town of Carolina
T [illegible]	CGA
Canaan Hurie	MVA
CHRIS DILLON	WAKE
Jamie Amorio	LOLLC
Kelsey Byerly	LOLLC
Perry Duff	SOG
Kerri Burke	NLWC
Bo Heath	McGuire Woods

VISITOR REGISTRATION SHEET

House Comm. on Transportation 05/10/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Camron Hardy	MVA
Ted Bone	Bone and Assoc
Jay Stem	NCAA
Doug [illegible]	NCSTA
Jerry Schill	NC Fisheries Assoc.
Cassie Gavin	Sierra Club
Matt Arsenault	Sierra Club
Tracy Kimbrell	Parker Poe
Jeff Mann	GoTriangle
Jeff Barnhart	MWC

VISITOR REGISTRATION SHEET

House Comm. on Transportation 05/10/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Henri McClees	McClees Consulting
Joe McClees	McClees Consulting
Jerry Williams	Misc-DOT Accounts
Barbara Gunnells	NCBOV
John Handley	MFs
Tim Trent	NC Beer & Wine
David Collins	SEANC

VISITOR REGISTRATION SHEET

House Comm. on Transportation 05/10/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Debbie Collins	NCDOT
Sarah Lee	NCDOT
Ed Sculpher	[illegible]
Erin Wynia	NCLM
Phillip Isley	[illegible]
[illegible]	KTS
Flint Benson	SEANC
Suzanne Begsley	SEANC
Rachael Ester	NCCN
Books Rainey Pearson	SELC
Sarah Wolfe	MWC

VISITOR REGISTRATION SHEET

House Comm. on Transportation 05/10/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rwan Merwald	WM
Ed Goodwin	NCDOT
STERLING BAKER	NCDOT
Bob Peele	NCDOC
Cathy Davison	Albemarle Commission/Reg R Council
Keith Weatherly	NCDOT
Alex Holbrook	NCDOT
Katy Kingsbury	DP
Phoebe Landon	MWC
Mary Fenning	NCDOT
VAN ARGABRIGHT	NCDOT

House Committee on Transportation
Tuesday, May 24, 2016 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on May 24, 2016 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Blackwell, Brawley, Bumgardner, Carney, Cleveland, Faircloth, Ford, Fraley, Goodman, C. Graham, D. Hall, Hardister, Holley, Hunter, Iler, Jeter, McNeill, R. Moore, Presnell, Queen, Robinson, Ross, Shepard, Speciale, Steinburg, Stone, Tine, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative Frank Iler, Chair, presided.

The following bills were considered:

HB 959 DOT Proposed Legislative Changes. (Representatives Iler, Torbett)

A motion was made to bring the PCS before the committee by Rep. Iler. The motion carried. An amendment was offered by Rep. Torbett. The amendment is attached. The amendment carried. A motion was made by Rep. Torbett favorable to the PCS with the amendment rolled into a new PCS, unfavorable to the original bill. The motion carried.

HB 1050 DOT/No Discrimination Against Motorcyclists. (Representative Torbett)

A motion was made by Rep. Waddell to give this bill a favorable report with a re-referral to the committee on Appropriations. The motion carried.

The meeting adjourned at12:50 pm.

Representative Frank Iler, Chair
Presiding

Carla Langdon, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, May 24, 2016
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Rep. Iler will be chairing.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 959	DOT Proposed Legislative Changes.	Representative Iler Representative Torbett
HB 1050	DOT/No Discrimination Against Motorcyclists.	Representative Torbett

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:48 AM on Thursday, May 19, 2016.

___ Principal Clerk
___ Reading Clerk – House Chamber

Carla Langdon (Committee Assistant)

House Committee on Transportation
Tuesday, May 24, 2016, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks, Rep Iler

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 959	DOT Proposed Legislative Changes.	Representative Iler Representative Torbett
HB 1050	DOT/No Discrimination Against Motorcyclists.	Representative Torbett

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

HOUSE BILL 959*

Short Title:	DOT Proposed Legislative Changes.	(Public)
Sponsors:	Representatives Iler and Torbett (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Transportation	

April 26, 2016

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION LAWS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

PART I. DIVISION OF HIGHWAYS

SMALL TRANSPORTATION PROJECTS/LOCAL CONSULTATION

SECTION 1. G.S. 136-11.1 reads as rewritten:

"**§ 136-11.1. Local consultation on transportation projects.**

Prior to any action of the Board on a transportation project, the Department shall inform all municipalities and counties affected by a planned transportation project and request each affected municipality or county to submit within 45 days a written resolution expressing their views on the project. A municipality or county may designate a Transportation Advisory Committee to submit its response to the Department's request for a resolution. Upon receipt of a written resolution from all affected municipalities and counties or their designees, or the expiration of the 45-day period, whichever occurs first, the Board may take action. The Department and the Board shall consider, but shall not be bound by, the views of the affected municipalities and counties on each transportation project. The failure of a county or municipality to express its views within the time provided shall not prevent the Department or the Board from taking action. The Department shall not be required to send notice under this section if it has already received a written resolution from the affected county or municipality on the planned transportation project. "Action of the Board", as used in this section, means approval by the Board of: the Transportation Improvement Program and amendments to the Transportation Improvement Program; the Secondary Roads Paving Program and amendments to the Secondary Roads Paving Program; and individual applications for access and public service road projects, contingency projects, small urban projects, and spot safety projects that exceed ~~one~~ two hundred fifty thousand dollars ~~($150,000).~~($250,000). The 45-day notification provision may be waived upon a finding by the Secretary of Transportation that emergency action is required. Such findings must be reported to the Joint Legislative Transportation Oversight Committee."

BROADBAND AND FIBER OPTIC IN DOT RIGHT-OF-WAY/FEES

SECTION 2.(a) G.S. 136-18(2) reads as rewritten:

"**§ 136-18. Powers of Department of Transportation.**

The said Department of Transportation is vested with the following powers:

...

(2) Related to right-of-way:

a. To take over and assume exclusive control for the benefit of the State of any existing county or township ~~roads, and~~ roads.

b. ~~to~~ To locate and acquire rights-of-way for any new roads that may be necessary for a State highway ~~system, and~~ system.

c. ~~subject~~Subject to the provisions of G.S. 136-19.5(a) and ~~(b) also~~(b), to locate and acquire such additional rights-of-way as may be necessary for the present or future relocation or initial location, above or below ground, ~~of~~ of:

1. ~~telephone,~~Telephone, telegraph, distributed antenna systems (DAS), broadband communications, electric and other lines, as well as gas, water, sewerage, oil and other pipelines, to be operated by public utilities as defined in G.S. 62-3(23) and which are regulated under Chapter 62 of the General Statutes, or by municipalities, counties, any entity created by one or more political subdivisions for the purpose of supplying any such utility services, electric membership corporations, telephone membership corporations, or any combination ~~thereof,~~thereof; and

2. Nonutility owned or operated communications or data transmission infrastructure.

The Department retains ~~with~~ full power to widen, relocate, change or alter the grade or location thereof, or alter the location or configuration of such lines or systems above or below ~~ground, and~~ ground. No agreement for use of Department right-of-way under this sub-subdivision shall abrogate the Department's ownership and control of the right-of-way. The Department is authorized to adopt policies and rules necessary to implement the provisions of this sub-subdivision. The Department is authorized to charge a one-time fee to defray the Department's administrative cost of reviewing encroachment submittals, payable upon initial application for the encroachment.

d. ~~to~~To change or relocate any existing roads that the Department of Transportation may now own or may ~~acquire;~~ acquire.

e. ~~to~~To acquire by gift, purchase, or otherwise, any road or highway, or tract of land or other property whatsoever that may be necessary for a State transportation system and adjacent utility ~~rights-of-way:~~ rights-of-way.

f. Provided, all changes or alterations authorized by this subdivision shall be subject to the provisions of G.S. 136-54 to 136-63, to the extent that said sections are ~~applicable:~~ applicable.

e. Provided, that nothing in this Chapter shall be construed to authorize or permit the Department of Transportation to allow or pay anything to any county, township, city or town, or to any board of commissioners or governing body thereof, for any existing road or part of any road heretofore constructed by any such county, township, city or town, unless a contract has already been entered into with the Department of Transportation."

SECTION 2.(b) This section becomes effective July 1, 2016.

PART II. NORTH CAROLINA TURNPIKE AUTHORITY

ALLOW ELECTRONIC BILLING FOR TOLLS

SECTION 3. G.S. 136-89.214(a) reads as rewritten:

"(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling system and a toll for traveling on the project is not paid prior to travel or at the time of travel, the Authority must send a bill by first-class mail to the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as established under G.S. 136-89.212(b) for the amount of the unpaid ~~toll.~~toll, provided, however, that with the written consent of the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as set forth above, the Authority may send the bill via electronic mail to a designated electronic mail account rather than by first-class mail. The Authority must send the bill within 90 days after the travel occurs, or within 90 days of receipt of a sworn affidavit submitted under G.S. 136-89.212(b) identifying the person who had care, custody, and control of the motor vehicle. If a bill is not sent within the required time, the Authority waives collection of the toll. The Authority must establish a billing period for unpaid open road tolls that is no shorter than 15 days. A bill for a billing period must include all unpaid tolls incurred by the same person during the billing period."

REPEAL NCTA SEMIANNUAL REPORTS TO JLTOC

SECTION 4. G.S. 136-89.193(c) is repealed.

PART III. DIVISION OF BICYCLE AND PEDESTRIAN TRANSPORTATION

REPEAL REQUIREMENT TO MAINTAIN OFF-ROAD CYCLING RECORDS

SECTION 5. G.S. 143B-135.100 reads as rewritten:

"**§ 143B-135.100. Use of State land for bicycling; creation of trails by volunteers.**

...

(b) Notwithstanding the provisions of subsection (a) of this section, any land may be restricted or removed from use by bicyclists if it is determined by the State, an agency of the State, or the holder of land purchased or leased with State funds that the use would cause substantial harm to the land or the environment or that the use would violate another State or federal law. Before restricting or removing land from use by bicyclists, the State, the agency of the State, or the holder of the land purchased or leased with State funds must show why the lands should not be open for use by bicyclists. Local cycling groups or organizations shall be notified of the intent to restrict or remove the land from use by bicyclists and provided an opportunity to show why cycling should be allowed on the land. ~~Notice of any land restricted or removed from use by bicyclists pursuant to this subsection shall be filed with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation.~~

~~(c) The Division of Bicycle and Pedestrian Transportation of the Department of Transportation shall keep a record of all lands made open and available for use by bicyclists pursuant to this section and shall make the information available to the public upon request.~~

...

(e) Notwithstanding any other provision of this section, any hiking, walking, or use of bicycles on game lands administered by the Wildlife Resources Commission shall be restricted to roads and trails designated for vehicular use. Hiking, walking, or bicycle use by persons not hunting shall be restricted to days closed to hunting. The Wildlife Resources Commission may restrict the use of bicycles on game lands where necessary to protect sensitive wildlife habitat or ~~species and shall file notice of any restrictions with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation.~~species."

PART IV. DIVISION OF MOTOR VEHICLES

COMMERCIAL DRIVERS LICENSE CHANGES

SECTION 6.(a) G.S. 20-7(m) reads as rewritten:

"(m) Instruction Permit. – The Division upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or a lesser period to any of the following applicants:

(1) An applicant who is less than 18 years old and is enrolled in a drivers education program that is approved by the State Superintendent of Public Instruction and is offered at a public high school, a nonpublic secondary school, or a licensed drivers training school.

(2) ~~An applicant for certification under G.S. 20-218 as a school bus driver.~~

A restricted instruction permit authorizes the holder of the permit to drive a specified type or class of motor vehicle when in possession of the permit, subject to any restrictions imposed by the Division. The restrictions the Division may impose on a permit include restrictions to designated areas and highways and restrictions prohibiting operation except when an approved instructor is occupying a seat beside the permittee. A restricted instruction permit is not required to have a distinguishing number or a picture of the person to whom the permit is issued."

SECTION 6.(b) G.S. 20-37.13(e) reads as rewritten:

"(e) A commercial ~~driver~~ learner's permit may be issued to an individual who holds a regular Class C drivers license and has passed the knowledge test for the class and type of commercial motor vehicle the individual will be driving. The permit is valid for a period not to exceed ~~six months and may be renewed or reissued only once within a two-year period.~~180 days. The fee for a commercial driver learner's permit is the same as the fee set by G.S. 20-7 for a regular learner's permit. ~~G.S. 20-7(m) governs the issuance of a restricted instruction permit for a prospective school bus driver.~~"

SECTION 6.(c) G.S. 20-17.4(g) reads as rewritten:

"(g) Violation of Out-of-Service Order. – Any person holding a commercial learner's permit or commercial drivers license or required to have a commercial learner's permit or commercial drivers license convicted for violating an out-of-service order, except as described in subsection (h) of this section, shall be disqualified as follows:

(1) A person is disqualified from driving a commercial vehicle for a period of ~~90 days~~ no less than 180 days and no more than one year if convicted of a first violation of an out-of-service ~~order.~~order while operating a commercial motor vehicle.

(2) A person is disqualified for a period of ~~one year~~ no less than two years and no more than five years if convicted of a second violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents.

(3) A person is disqualified for a period of ~~three years~~ no less than three years and no more than five years if convicted of a third or subsequent violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents."

SECTION 6.(d) G.S. 20-17.4(h) reads as rewritten:

"(h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and Passenger Offenses. – Any person holding a commercial learner's permit or commercial drivers license or required to have a commercial learner's permit or commercial drivers license convicted for violating an out-of-service order while transporting hazardous ~~materials~~ materials, as defined in 49 C.F.R. § 383.5, or while operating a commercial vehicle designed or used to transport ~~more than 15 passengers,~~16 or more passengers, including the driver, shall be disqualified as follows:

(1) A person is disqualified for a period of ~~180 days~~ no less than 180 days and no more than two years if convicted of a first violation of an out-of-service ~~order.~~order while operating a commercial motor vehicle.

(2) A person is disqualified for a period of ~~three years~~ no less than three years and no more than five years if convicted of a second or subsequent violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents.

(3) A person is disqualified for a period of no less than three years and no more than five years if convicted of a third or subsequent violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents."

SECTION 6.(e) Article 2C of Chapter 20 of the General Statutes is amended by adding the following new section to read:

"**§ 20-37.13A. Medical qualifications standards; waiver for intrastate drivers.**

(a) Medical Qualifications Standards Applicable to Commercial Drivers. – All commercial drivers license holders and applicants for commercial drivers licenses must meet the medical qualifications standards set forth in 49 C.F.R. § 391.41.

(b) Intrastate Medical Waiver. – Any person unable to meet the standards in 49 C.F.R. § 391.41, as adopted by the Division, may apply for a medical waiver that, if approved, will authorize intrastate operation of a commercial motor vehicle. Applications for the medical waiver must be submitted to the Division in writing. Waivers may be granted for no more than two years.

(c) Intrastate Operation Subject to Waiver. – Any person granted an intrastate commercial drivers license medical waiver is permitted to maintain a commercial drivers license and operate a commercial motor vehicle in intrastate commerce subject to the following conditions:

(1) The commercial drivers license must display a restriction to signify it is only valid for intrastate operation.

(2) The holder of the license must submit to medical recertification at intervals set by the Division.

(3) The holder of the license must timely submit all documentation required by the Division.

(4) Failure to meet any condition within the time period allowed will result in an automatic downgrade of the license holder's commercial drivers license to a Class C regular drivers license."

SECTION 6.(f) This section becomes effective January 1, 2017, and applies to offenses committed on or after that date.

EXTEND REGISTRATION PERIOD FOR CERTAIN PLATES

SECTION 7.(a) G.S. 20-66 is amended by adding a new subsection to read:

"(g1) Expiration of Registration by Other Means. – The registration of a vehicle renewed by means of a new registration plate expires at midnight on February 15 of each year."

SECTION 7.(b) This section becomes effective October 1, 2016, and applies to registration renewals on or after that date.

TEMPORARY DRIVING CERTIFICATE/USE AND UNIFORMITY

SECTION 8.(a) G.S. 20-7(f)(5) reads as rewritten:

"(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed pursuant to the provisions of this subsection:

...

(5) License to be sent by mail. – The Division shall issue to the applicant a temporary driving certificate valid for ~~20 days, and~~ 60 ~~days for a commercial drivers license,~~days, unless the applicant is applying for renewal by mail under

subdivision (4) of this subsection. The temporary driving certificate shall be valid for driving purposes ~~only~~ and shall not be valid for identification ~~purposes.~~purposes, except when conducting business with the Division and not otherwise prohibited by federal law. The Division shall produce the applicant's drivers license at a central location and send it to the applicant by first-class mail at the residence address provided by the applicant, unless the applicant is ineligible for mail delivery by the United States Postal Service at the applicant's residence. If the United States Postal Service documents that it does not deliver to the residential address provided by the applicant, and the Division has verified the applicant's residential address by other means, the Division may mail the drivers license to the post office box provided by the applicant. Applicants whose only mailing address prior to July 1, 2008, was a post office box in this State may continue to receive their license at that post office box, provided the applicant's residential address has been verified by the Division."

SECTION 8.(b) This section becomes effective January 1, 2017. The extended period of validity applies to temporary driving certificates issued on or after that date.

DMV DRIVERS LICENSE TESTING REQUIREMENTS/REMOTE RENEWAL

SECTION 9.(a) G.S. 20-7(c) reads as rewritten:

"(c) Tests. – To demonstrate physical and mental ability, a person must pass an examination. The examination may include road tests, vision tests, oral tests, and, in the case of literate applicants, written tests, as the Division may require. The tests must ensure that an applicant recognizes the handicapped international symbol of access, as defined in G.S. 20-37.5. The Division may not require a person who applies to renew a license that has not expired to take a written test or a road test unless one or more of the following applies:

(1) The person has been convicted of a traffic violation since the person's license was last issued.

(2) The applicant suffers from a mental or physical condition that impairs the person's ability to drive a motor vehicle.

The Division shall require sign and symbol testing upon initial issuance of a license. The Division shall require vision testing as a part of in-person, in-office renewals of a license.

The Division may not require a person who is at least 60 years old to parallel park a motor vehicle as part of a road test. A person shall not use an autocycle to complete a road test under this subsection."

SECTION 9.(b) This section becomes effective October 1, 2016.

DMV/ELECTRONIC NOTICE

SECTION 10.(a) G.S. 20-7.1 reads as rewritten:

"**§ 20-7.1. Notice of change of address or name.**

(a) Address. – A person whose address changes from the address stated on a drivers license must notify the Division of the change within 60 days after the change occurs. If the person's address changed because the person moved, the person must obtain a duplicate license within that time limit stating the new address. A person who does not move but whose address changes due to governmental action may not be charged with violating this subsection. A person who has provided an e-mail or electronic address to the Division pursuant to G.S. 20-48(a) shall notify the Division of any change or discontinuance of that e-mail or electronic address within 30 days after the change or discontinuance.

(b) Name. – A person whose name changes from the name stated on a drivers license must notify the Division of the change within 60 days after the change occurs and obtain a duplicate drivers license stating the new name.

(c) Fee. – G.S. 20-14 sets the fee for a duplicate license."

SECTION 10.(b) G.S. 20-43.1 reads as rewritten:

"**§ 20-43.1. Disclosure of personal information in motor vehicle records.**

(a) The Division shall disclose personal information contained in motor vehicle records in accordance with the federal Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq.

(b) As authorized in 18 U.S.C. § 2721, the Division shall not disclose personal information for the purposes specified in 18 U.S.C. § 2721(b)(11).

(c) The Division shall not disclose personal information for the purposes specified in 18 U.S.C. § 2721(b)(12) unless the Division receives prior written permission from the person about whom the information is requested.

(d) As authorized in 18 U.S.C. § 2721, the Division may disclose personal information to federally designated organ procurement organizations and eye banks operating in this State for the purpose of identifying individuals who have indicated an intent to be an organ donor. Personal information authorized under this subsection is limited to the individual's first, middle, and last name, date of birth, address, sex, county of residence, and drivers license number. Employees of the Division who provide access to or disclosure of information in good-faith compliance with this subsection are not liable in damages for access to or disclosure of the information.

(e) As authorized in 18 U.S.C. § 2721, the Division may also provide copies of partial crash report data collected pursuant to G.S. 20-166.1, partial driver license data kept pursuant to G.S. 20-26(a), and partial vehicle registration application data collected pursuant to G.S. 20-52 in bulk form to persons, private companies, or other entities, for uses other than official, upon payment of a fee of three cents (3¢) per individual record. The Division shall not furnish such data except upon execution by the recipient of a written agreement to comply with the Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq. The information released to persons, private companies, or other entities, for uses other than official, pursuant to this subsection, shall not be a public record pursuant to Chapter 132 of the General Statutes.

(f) E-mail addresses or other electronic addresses provided to the Division are personal information for purposes of this section and shall only be disclosed in accordance with this section."

SECTION 10.(c) G.S. 20-48 reads as rewritten:

"**§ 20-48. Giving of notice.**

(a) Whenever the Division is authorized or required to give any notice under this Chapter or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with postage prepaid, addressed to such person at his address as shown by the records of the Division. The giving of notice by mail is complete upon the expiration of four days after such deposit of such notice. In lieu of providing notice by personal delivery or United States mail, the Division may give notice under this Chapter by e-mail or other electronic means, if the person to be notified has consented to receiving notices via electronic means and has provided the Division an e-mail address or other like electronic address for receiving the notices. Proof of the giving of notice in ~~either~~ any such manner pursuant to this section may be made by a notation in the records of the Division that the notice was sent to a particular ~~address~~ address, physical or electronic, and the purpose of the notice. A certified copy of the Division's records may be sent by the Police Information Network, facsimile, or other electronic means. A copy of the Division's records sent under the authority of this section is admissible as evidence in any court or administrative agency and is sufficient evidence to discharge the burden of the person presenting the record that notice was sent to the person named in the record, at the physical or electronic address indicated in the record, and for the purpose indicated in the record. There is no requirement that the actual notice or letter be produced.

(a1) A person who consents to electronic notification pursuant to this section shall notify the Division of any change or discontinuance of any e-mail or electronic address provided to the Division in accordance with the provisions of this section and G.S. 20-7.1(a). Upon the failure of a person to notify the Division of any change or discontinuance of an electronic notification pursuant to this section, any notices sent to the original or discontinued electronic address shall be deemed to have been received by the person and a copy of the Division's records sent under the authority of this section is sufficient evidence that notice was sent to the person named in the record, at the physical or electronic address indicated in the record, and for the purpose indicated in the record.

(b) Notwithstanding any other provision of this Chapter at any time notice is now required by registered mail with return receipt requested, certified mail with return receipt requested may be used in lieu thereof and shall constitute valid notice to the same extent and degree as notice by registered mail with return receipt requested.

(c) The Commissioner shall appoint such agents of the Division as may be needed to serve revocation notices required by this Chapter. The fee for service of a notice shall be fifty dollars ($50.00)."

SECTION 10.(d) This section becomes effective October 1, 2016.

DMV/INSPECTION OF PRE-1981 MOTOR VEHICLES/TITLING

SECTION 11.(a) G.S. 20-53(e) reads as rewritten:

"(e) No title shall be issued to an initial applicant for (i) out-of-state vehicles that are ~~35~~ 1980 model ~~years old~~ year or older or (ii) a specially constructed vehicle prior to the completion of a vehicle verification conducted by the License and Theft Bureau of the Division of Motor Vehicles. These verifications shall be conducted as soon as practical. For an out-of-state vehicle that is ~~35~~ 1980 model ~~years old~~ year or older, this inspection shall consist of verifying the public vehicle identification number to ensure that it matches the vehicle and ownership documents. No covert vehicle identification numbers are to be examined on an out-of-state vehicle ~~35~~ 1980 model ~~years~~ year or older unless the inspector develops probable cause to believe that the ownership documents or public vehicle identification number presented does not match the vehicle being examined. However, upon such application and the submission of any required documentation, the Division shall be authorized to register the vehicle pending the completion of the verification of the vehicle. The registration shall be valid for one year but shall not be renewed unless and until the vehicle examination has been completed.

If an inspection and verification is not conducted by the License and Theft Bureau of the Division of Motor Vehicles within 15 days after receiving a request for such and the inspector has no probable cause to believe that the ownership documents or public vehicle identification number presented does not match the vehicle being examined, the vehicle shall be deemed to have satisfied all inspection and verification requirements and title shall issue to the owner within 15 days thereafter. If an inspection and verification is timely performed and the vehicle passes the inspection and verification, title shall issue to the owner within 15 days of the date of the inspection."

SECTION 11.(b) This section becomes effective January 1, 2017.

REPEAL SIGNATURE REQUIREMENT/REGISTRATION CARD

SECTION 12.(a) G.S. 20-57(c) reads as rewritten:

"(c) ~~Every owner upon receipt of a registration card, shall write his signature thereon with pen and ink in the space provided.~~ Every such registration card shall at all times be carried in the vehicle to which it refers or in the vehicle to which transfer is being effected, as provided by G.S. 20-64 at the time of its operation, and such registration card shall be displayed upon demand of any peace officer or any officer of the Division: Provided, however, any person charged with failing to so carry such registration card shall not be convicted if he produces in court a

registration card theretofore issued to him and valid at the time of his arrest: Provided further, that in case of a transfer of a license plate from one vehicle to another under the provisions of G.S. 20-72, evidence of application for transfer shall be carried in the vehicle in lieu of the registration card."

SECTION 12.(b) G.S. 20-176(a1)(2) is repealed.

SECTION 12.(c) This section becomes effective December 1, 2016, and applies to registration cards issued on or after that date.

AMEND "MOPED" DEFINITION

SECTION 13.(a) G.S. 20-4.01(27) reads as rewritten:

"(27) Passenger Vehicles. –

...

c2. Motor-driven bicycle. – A vehicle with two or three wheels, a steering handle, one or two saddle seats, pedals, and a motor that cannot propel the vehicle at a speed greater than 20 miles per hour on a level surface.

d. Motorcycles. – Vehicles having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles, motor scooters, and motor-driven bicycles, but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies and mopeds as defined in subdivision d1 of this subsection.

d1. Moped. – ~~Defined in G.S. 105-164.3.~~A vehicle, other than a motor-driven bicycle, that has two or three wheels, no external shifting device, and a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

...."

SECTION 13.(b) G.S. 20-4.01(23) reads as rewritten:

"(23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. Except as specifically provided otherwise, this term shall not include mopeds ~~as defined in G.S. 20-4.01(27)d1.~~or motor-driven bicycles."

SECTION 13.(c) G.S. 20-4.01(21a) is repealed.

SECTION 13.(d) This section becomes effective December 1, 2016, and applies to offenses committed on or after that date.

PART V. EFFECTIVE DATE

SECTION 14. Except as otherwise provided, this act is effective when it becomes law.

HOUSE BILL 1050

Short Title: DOT/No Discrimination Against Motorcyclists. (Public)

Sponsors: Representative Torbett.
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Appropriations

May 10, 2016

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM DISCRIMINATING AGAINST MOTORCYCLISTS WHEN TAKING CERTAIN ACTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-18.06. Discrimination against motorcyclists prohibited.**

(a) Definitions. – The following definitions apply in this section:

(1) Action. – Formulating transportation policy, adopting rules, allocating funds, and planning, designing, constructing, equipping, operating, and maintaining transportation facilities.

(2) Discriminates. – Includes any action that prohibits or imposes a requirement that applies only to a motorcyclist, and the principal purpose of the action is to restrict or inhibit the access of a motorcyclist to any highway, bridge, tunnel, or other transportation facility.

(3) Motorcyclist. – A person operating or riding a motorcycle.

(b) Discrimination Prohibited. – The Department of Transportation is prohibited from taking any action that discriminates, or has the effect of discriminating, against a motorcyclist.

(c) Parking. – The Department, and any other owner or operator of a transportation facility funded in whole or in part by State or local funds, shall make reasonable accommodations for motorcycle parking at transportation facilities. The term "reasonable accommodations" includes sectioning portions of an existing parking space where the size configuration of the parking space does not meet building code requirements for full-size motor vehicles. Nothing in this subsection shall be construed as requiring the structural or technological modification of parking structures constructed or substantially completed on or before July 1, 2016.

(d) Construction. – Nothing in this section shall be construed as altering or superseding any State or federal law that prohibits or imposes a requirement, or has the effect of prohibiting or imposing a requirement, that applies only to a motorcyclist."

SECTION 2. There is appropriated from the Highway Fund to the Department of Transportation the sum of ten thousand dollars ($10,000) in nonrecurring funds for the 2016-2017 fiscal year to be used to fund costs incurred by the Department in implementing this act.

SECTION 3. This act becomes effective July 1, 2016.

HOUSE BILL 1050:
DOT/No Discrimination Against Motorcyclists.

2016-2017 General Assembly

Committee:	House Transportation. If favorable, re-refer to Appropriations	**Date:**	May 23, 2016
Introduced by:	Rep. Torbett	**Prepared by:**	Giles Perry Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 1050 would prohibit the Department of Transportation from taking actions that discriminate against motorcyclists.

CURRENT LAW: Current law. G.S. 136-18(5), authorizes DOT to "make rules, regulations and ordinances for the use of, and to police traffic on, the State highways".

BILL ANALYSIS: House Bill 1050:

- Prohibits DOT from taking any action[1] that discriminates[2], or has the effect of discriminating, against a motorcyclist.
- Requires DOT, and any other owner or operator of a transportation facility funded in whole or in part by State or local funds, to make reasonable accommodations[3] for motorcycle parking at transportation facilities.
- Provides that the bill does not supersede any State or federal law that prohibits or imposes a requirement that applies only to a motorcyclist.
- Appropriates from the Highway Fund to the Department of Transportation $10,000 in nonrecurring funds for the 2016-2017 fiscal year, to be used to fund costs incurred by the Department in implementing this act.

EFFECTIVE DATE: This act becomes effective July 1, 2016.

BACKGROUND: Similar legislation was enacted in South Carolina in 2014. (House Bill 3231, S.L. 2014-148)

[1] "**Taking action**" is defined as formulating transportation policy, adopting rules, allocating funds, and planning, designing, constructing, equipping, operating, and maintaining transportation facilities.

[2] "**Discriminates**" is defined as any action that prohibits or imposes a requirement that applies only to a motorcyclist, and the principal purpose of the action is to restrict or inhibit the access of a motorcyclist to any highway, bridge, tunnel, or other transportation facility.

[3] "**Reasonable accommodations**" are defined to include sectioning portions of an existing parking space where the size configuration of the parking space does not meet building code requirements for full size motor vehicles. The term does not require structural or technological modification of parking structures constructed or substantially completed on or before July 1, 2016.

Karen Cochrane-Brown
Director

H1050-SMRW-162 E1 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 959
PROPOSED COMMITTEE SUBSTITUTE H959-CSSU-42 [v.8]
05/23/2016 02:26:08 PM

Short Title: DOT Proposed Legislative Changes. (Public)

Sponsors:

Referred to:

April 26, 2016

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION LAWS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

PART I. DIVISION OF HIGHWAYS

SMALL TRANSPORTATION PROJECTS/LOCAL CONSULTATION

SECTION 1. G.S. 136-11.1 reads as rewritten:

"**§ 136-11.1. Local consultation on transportation projects.**

Prior to any action of the Board on a transportation project, the Department shall inform all municipalities and counties affected by a planned transportation project and request each affected municipality or county to submit within 45 days a written resolution expressing their views on the project. A municipality or county may designate a Transportation Advisory Committee to submit its response to the Department's request for a resolution. Upon receipt of a written resolution from all affected municipalities and counties or their designees, or the expiration of the 45-day period, whichever occurs first, the Board may take action. The Department and the Board shall consider, but shall not be bound by, the views of the affected municipalities and counties on each transportation project. The failure of a county or municipality to express its views within the time provided shall not prevent the Department or the Board from taking action. The Department shall not be required to send notice under this section if it has already received a written resolution from the affected county or municipality on the planned transportation project. "Action of the Board", as used in this section, means approval by the Board of: the Transportation Improvement Program and amendments to the Transportation Improvement Program; the Secondary Roads Paving Program and amendments to the Secondary Roads Paving Program; and individual applications for access and public service road projects, contingency projects, small urban projects, and spot safety projects that exceed ~~one~~ two hundred fifty thousand dollars ~~($150,000).~~($250,000). The 45-day notification provision may be waived upon a finding by the Secretary of Transportation that emergency action is required. Such findings must be reported to the Joint Legislative Transportation Oversight Committee."

BROADBAND AND FIBER OPTIC IN DOT RIGHT-OF-WAY/STUDY FEES

SECTION 2.(a) G.S. 136-18(2) reads as rewritten:

"**§ 136-18. Powers of Department of Transportation.**

The said Department of Transportation is vested with the following powers:

...

(2) Related to right-of-way:

a. To take over and assume exclusive control for the benefit of the State of any existing county or township ~~roads, and~~ roads.

b. ~~to~~ To locate and acquire rights-of-way for any new roads that may be necessary for a State highway ~~system, and~~ system.

c. ~~subject~~Subject to the provisions of G.S. 136-19.5(a) and ~~(b) also~~ (b), to use existing rights-of-way, or locate and acquire such additional ~~rights-of-way~~ rights-of-way, as may be necessary for the present or future relocation or initial location, above or below ground, ~~of~~ of:

1. ~~telephone,~~Telephone, telegraph, distributed antenna systems (DAS), broadband communications, electric and other lines, as well as gas, water, sewerage, oil and other pipelines, to be operated by public utilities as defined in G.S. 62-3(23) and which are regulated under Chapter 62 of the General Statutes, or by municipalities, counties, any entity created by one or more political subdivisions for the purpose of supplying any such utility services, electric membership corporations, telephone membership corporations, or any combination ~~thereof,~~thereof; and

2. Nonutility owned or operated communications or data transmission infrastructure.

The Department retains ~~with~~ full power to widen, relocate, change or alter the grade or location thereof, or alter the location or configuration of such lines or systems above or below ~~ground, and~~ ground. No agreement for use of Department right-of-way under this sub-subdivision shall abrogate the Department's ownership and control of the right-of-way. The Department is authorized to adopt policies and rules necessary to implement the provisions of this sub-subdivision.

d. ~~to~~To change or relocate any existing roads that the Department of Transportation may now own or may ~~acquire;~~ acquire.

e. ~~to~~To acquire by gift, purchase, or otherwise, any road or highway, or tract of land or other property whatsoever that may be necessary for a State transportation system and adjacent utility ~~rights-of-way:~~ rights-of-way.

f. Provided, all changes or alterations authorized by this subdivision shall be subject to the provisions of G.S. 136-54 to 136-63, to the extent that said sections are ~~applicable:~~ applicable.

e. Provided, that nothing in this Chapter shall be construed to authorize or permit the Department of Transportation to allow or pay anything to any county, township, city or town, or to any board of commissioners or governing body thereof, for any existing road or part of any road heretofore constructed by any such county, township, city or town, unless a contract has already been entered into with the Department of Transportation."

SECTION 2.(b) The Department of Transportation shall study the issue of administrative fees for encroachments pursuant to G.S. 136-18(2)c. The Department shall report its findings and recommendations to the Joint Legislative Transportation Oversight Committee on or before December 1, 2016.

SECTION 2.(c) This section becomes effective July 1, 2016.

WEIGHTS LIMITS APPLICABLE TO METAL COMMODITIES AND STEEL COILS, AND EXTENDING CERTAIN FEDERAL WEIGHT EXCEPTIONS TO THE STATE'S HIGHWAYS.

SECTION 2.1.(a) G.S. 20-118(c) is amended by adding the following new subdivisions to read:

"(18) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions set out below:

a. Is transporting metal commodities.

b. Does not operate on an interstate highway, a posted light traffic road, or exceed any posted bridge weight limit.

c. Does not exceed a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.

(19) Any additional weight allowance authorized by 23 U.S.C. §127, and applicable to all interstate highways, shall also apply to all State roads, unless the road is a posted road or posted bridge, or unless specifically prohibited by State law or a Department ordinance applicable to a specific road."

SECTION 2.1.(b) G.S. 20-119 is amended by adding a new subsection to read:

"(i) One, two, or three steel coils, transported on the same vehicle, shall be considered a non-divisible load for purposes of permit issuance pursuant to this section."

SECTION 2.1.(c) This section becomes effective October 1, 2016.

PART II. NORTH CAROLINA TURNPIKE AUTHORITY

ALLOW ELECTRONIC BILLING FOR TOLLS

SECTION 3. G.S. 136-89.214(a) reads as rewritten:

"(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling system and a toll for traveling on the project is not paid prior to travel or at the time of travel, the Authority must send a bill by first-class mail to the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as established under G.S. 136-89.212(b) for the amount of the unpaid ~~toll.~~toll, provided, however, that with the written consent of the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as set forth above, the Authority may send the bill via electronic mail to a designated electronic mail account rather than by first-class mail. The Authority must send the bill within 90 days after the travel occurs, or within 90 days of receipt of a sworn affidavit submitted under G.S. 136-89.212(b) identifying the person who had care, custody, and control of the motor vehicle. If a bill is not sent within the required time, the Authority waives collection of the toll. The Authority must establish a billing period for unpaid open road tolls that is no shorter than 15 days. A bill for a billing period must include all unpaid tolls incurred by the same person during the billing period."

REPEAL NCTA SEMIANNUAL REPORTS TO JLTOC

SECTION 4. G.S. 136-89.193(c) is repealed.

PART III. DIVISION OF BICYCLE AND PEDESTRIAN TRANSPORTATION

REPEAL REQUIREMENT TO MAINTAIN OFF-ROAD CYCLING RECORDS

SECTION 5. G.S. 143B-135.100 reads as rewritten:

"**§ 143B-135.100. Use of State land for bicycling; creation of trails by volunteers.**

...

(b) Notwithstanding the provisions of subsection (a) of this section, any land may be restricted or removed from use by bicyclists if it is determined by the State, an agency of the State, or the holder of land purchased or leased with State funds that the use would cause substantial harm to the land or the environment or that the use would violate another State or federal law. Before restricting or removing land from use by bicyclists, the State, the agency of the State, or the holder of the land purchased or leased with State funds must show why the lands should not be open for use by bicyclists. Local cycling groups or organizations shall be notified of the intent to restrict or remove the land from use by bicyclists and provided an opportunity to show why cycling should be allowed on the land. ~~Notice of any land restricted or removed from use by bicyclists pursuant to this subsection shall be filed with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation.~~

~~(c) The Division of Bicycle and Pedestrian Transportation of the Department of Transportation shall keep a record of all lands made open and available for use by bicyclists pursuant to this section and shall make the information available to the public upon request.~~

...

(e) Notwithstanding any other provision of this section, any hiking, walking, or use of bicycles on game lands administered by the Wildlife Resources Commission shall be restricted to roads and trails designated for vehicular use. Hiking, walking, or bicycle use by persons not hunting shall be restricted to days closed to hunting. The Wildlife Resources Commission may restrict the use of bicycles on game lands where necessary to protect sensitive wildlife habitat or ~~species and shall file notice of any restrictions with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation.~~species."

BICYCLE MUST HAVE RED REAR LIGHT OR OPERATOR MUST WEAR REFLECTIVE VEST WHEN OPERATED AT NIGHT

SECTION 5.1.(a) G.S. 20-129(e) reads as rewritten:

"(e) Lamps on Bicycles. – Every bicycle shall be equipped ~~with~~ with both of the following when operated at night on any public street, public vehicular area, or public greenway:

1. ~~a~~ A lighted lamp on the front thereof, visible under normal atmospheric conditions from a distance of at least 300 feet in front of such ~~bicycle,~~ bicycle. ~~and shall also be equipped with a reflex mirror or~~
2. A lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least ~~200~~ 300 feet to the rear of such bicycle, or the operator must wear clothing or a vest that is bright and visible from a distance of at least 300 feet to the rear of the bicycle. ~~when used at night.~~"

SECTION 5.1.(b) This section becomes effective December 1, 2016, and applies to offenses committed on or after that date.

BICYCLE SAFETY LAW REVISIONS

SECTION 5.5.(a) G.S. 20-150(e) reads as rewritten:

"(e) The driver of a vehicle shall not overtake and pass another on any portion of the highway which is marked by signs, markers or markings placed by the Department of Transportation stating or clearly indicating that passing should not be attempted. The prohibition in this section shall not apply when the overtaking and passing is done in accordance with all of the following:

(1) The slower moving vehicle to be passed is a bicycle, as defined in G.S. 20-171.1, or a moped.

(2) The slower moving vehicle is proceeding in the same direction as the faster moving vehicle.

(3) The driver of the faster moving vehicle either (i) provides a minimum of four feet between the faster moving vehicle and the slower moving vehicle or (ii) completely enters the left lane of the highway.

(4) The operator of the slower moving vehicle is not (i) making a left turn or (ii) signaling in accordance with G.S. 20-154 that he or she intends to make a left turn.

(5) The driver of the faster moving vehicle complies with all other applicable requirements set forth in this section."

SECTION 5.5.(b) G.S. 20-149(a) reads as rewritten:

"(a) The driver of any such vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle. This subsection shall not apply when the overtaking and passing is done pursuant to the provisions of ~~G.S. 20-150.1.~~G.S. 20-150(e) or G.S. 20-150.1."

SECTION 5.5.(c) G.S. 20-154 reads as rewritten:

"**§ 20-154. Signals on starting, stopping or turning.**

...

(a1) A person who violates subsection (a) of this section and causes a motorcycle or bicycle operator to change travel lanes or leave that portion of any public street or highway designated as travel lanes shall be responsible for an infraction and shall be assessed a fine of not less than two hundred dollars ($200.00). A person who violates subsection (a) of this section that results in a crash causing property damage or personal injury to a motorcycle or bicycle operator or passenger shall be responsible for an infraction and shall be assessed a fine of not less than five hundred dollars ($500.00) unless subsection (a2) of this section applies.

(a2) A person who violates subsection (a) of this section and the violation results in a crash causing property damage in excess of five thousand dollars ($5,000) or a serious bodily injury as defined in G.S. 20-160.1(b) to a motorcycle or bicycle operator or passenger shall be responsible for an infraction and shall be assessed a fine of not less than seven hundred fifty dollars ($750.00). A violation of this subsection shall be treated as a failure to yield right-of-way to a motorcycle or bicycle, as applicable, for purposes of assessment of points under G.S. 20-16(c). In addition, the trial judge shall have the authority to order the license of any driver violating this subsection suspended for a period not to exceed 30 days. If a judge orders suspension of a person's drivers license pursuant to this subsection, the judge may allow the licensee a limited driving privilege for a period not to exceed the period of suspension. The limited driving privilege shall be issued in the same manner and under the terms and conditions prescribed in G.S. 20-16.1(b)(1), (2), (3), (4), (5), and G.S. 20-16.1(g).

(b) The signal herein required shall be given by means of the hand and arm in the manner herein specified, or by any mechanical or electrical signal device approved by the Division, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible, both to the front and rear, the signal shall be given by a device of a type which has been approved by the Division.

~~Whenever~~Except as otherwise provided in subsection (b1) of this section, whenever the signal is given the driver shall indicate his intention to start, stop, or turn by extending the hand and arm from and beyond the left side of the vehicle as hereinafter set forth.

Left turn – hand and arm horizontal, forefinger pointing.

Right turn – ~~hand and~~upper arm horizontal, forearm and hand pointed upward.

Stop – ~~hand and arm~~upper arm horizontal, forearm and hand pointed downward.

All hand and arm signals shall be given from the left side of the vehicle and all signals shall be maintained or given continuously for the last 100 feet traveled prior to stopping or making a turn. Provided, that in all areas where the speed limit is 45 miles per hour or higher and the operator intends to turn from a direct line of travel, a signal of intention to turn from a direct line of travel shall be given continuously during the last 200 feet traveled before turning.

Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of

the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles except combinations operated by farmers in hauling farm products.

(b1) Notwithstanding the requirement set forth in subsection (b) of this section that a driver signal a right turn by extending his or her hand and arm from beyond the left side of the vehicle, an operator of a bicycle may signal his or her intention to make a right turn by extending his or her hand and arm horizontally, with the forefinger pointing, from beyond the right side of the bicycle.

...."

SECTION 5.5.(d) This section becomes effective October 1, 2016, and applies to offenses committed on or after that date.

DOT TO PROVIDE EDUCATION FOR BICYCLISTS AND MOTORISTS

SECTION 5.6.(a) By October 1, 2016, the Department of Transportation shall develop and implement a program to provide education to bicyclists, motorists, and other users of the highways of this State on the following:

(1) Best practices that should be followed by bicyclists for safe riding, both riding individually and in a group.

(2) Best practices that should be followed by motorists that encounter bicyclists on the road, including how motorists can safely pass bicyclists on the road.

(3) The dangers of riding a bicycle while distracted, with a focus on the dangers of using a cell phone or wearing headphones while riding a bicycle.

SECTION 5.6.(b) The Department shall report no later than December 1, 2016, to the Joint Legislative Transportation Oversight Committee on the development of the program required under subsection (a) of this section.

PART IV. DIVISION OF MOTOR VEHICLES

COMMERCIAL DRIVERS LICENSE CHANGES

SECTION 6.(a) G.S. 20-7(m) reads as rewritten:

"(m) Instruction Permit. – The Division upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or a lesser period to any of the following applicants:

(1) An applicant who is less than 18 years old and is enrolled in a drivers education program that is approved by the State Superintendent of Public Instruction and is offered at a public high school, a nonpublic secondary school, or a licensed drivers training school.

(2) ~~An applicant for certification under G.S. 20-218 as a school bus driver.~~

A restricted instruction permit authorizes the holder of the permit to drive a specified type or class of motor vehicle when in possession of the permit, subject to any restrictions imposed by the Division. The restrictions the Division may impose on a permit include restrictions to designated areas and highways and restrictions prohibiting operation except when an approved instructor is occupying a seat beside the permittee. A restricted instruction permit is not required to have a distinguishing number or a picture of the person to whom the permit is issued."

SECTION 6.(b) G.S. 20-37.13(e) reads as rewritten:

"(e) A commercial ~~driver~~ learner's permit may be issued to an individual who holds a regular Class C drivers license and has passed the knowledge test for the class and type of commercial motor vehicle the individual will be driving. The permit is valid for a period not to exceed ~~six months and may be renewed or reissued only once within a two-year period.~~180 days. The fee for a commercial driver learner's permit is the same as the fee set by G.S. 20-7 for a

regular learner's permit. ~~G.S. 20-7(m) governs the issuance of a restricted instruction permit for a prospective school bus driver.~~"

SECTION 6.(c) G.S. 20-17.4(g) reads as rewritten:

"(g) Violation of Out-of-Service Order. – Any person holding a commercial learner's permit or commercial drivers license or required to have a commercial learner's permit or commercial drivers license convicted for violating an out-of-service order, except as described in subsection (h) of this section, shall be disqualified as follows:

(1) A person is disqualified from driving a commercial vehicle for a period of ~~90 days~~ no less than 180 days and no more than one year if convicted of a first violation of an out-of-service ~~order.~~order while operating a commercial motor vehicle.

(2) A person is disqualified for a period of ~~one year~~ no less than two years and no more than five years if convicted of a second violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents.

(3) A person is disqualified for a period of ~~three years~~ no less than three years and no more than five years if convicted of a third or subsequent violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents."

SECTION 6.(d) G.S. 20-17.4(h) reads as rewritten:

"(h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and Passenger Offenses. – Any person holding a commercial learner's permit or commercial drivers license or required to have a commercial learner's permit or commercial drivers license convicted for violating an out-of-service order while transporting hazardous ~~materials~~ materials, as defined in 49 C.F.R. § 383.5, or while operating a commercial vehicle designed or used to transport ~~more than 15 passengers,~~16 or more passengers, including the driver, shall be disqualified as follows:

(1) A person is disqualified for a period of ~~180 days~~ no less than 180 days and no more than two years if convicted of a first violation of an out-of-service ~~order.~~order while operating a commercial motor vehicle.

(2) A person is disqualified for a period of ~~three years~~ no less than three years and no more than five years if convicted of a second or subsequent violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents.

(3) A person is disqualified for a period of no less than three years and no more than five years if convicted of a third or subsequent violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents."

SECTION 6.(e) Article 2C of Chapter 20 of the General Statutes is amended by adding the following new section to read:

"**§ 20-37.13A. Medical qualifications standards; waiver for intrastate drivers.**

(a) Medical Qualifications Standards Applicable to Commercial Drivers. – All commercial drivers license holders and applicants for commercial drivers licenses must meet the medical qualifications standards set forth in 49 C.F.R. § 391.41.

(b) Intrastate Medical Waiver. – Any person unable to meet the standards in 49 C.F.R. § 391.41, as adopted by the Division, may apply for a medical waiver that, if approved, will authorize intrastate operation of a commercial motor vehicle. Applications for the medical waiver must be submitted to the Division in writing. Waivers may be granted for no more than two years.

(c) Intrastate Operation Subject to Waiver. – Any person granted an intrastate commercial drivers license medical waiver is permitted to maintain a commercial drivers license and operate a commercial motor vehicle in intrastate commerce subject to the following conditions:

(1) The commercial drivers license must display a restriction to signify it is only valid for intrastate operation.
(2) The holder of the license must submit to medical recertification at intervals set by the Division.
(3) The holder of the license must timely submit all documentation required by the Division.
(4) Failure to meet any condition within the time period allowed will result in an automatic downgrade of the license holder's commercial drivers license to a Class C regular drivers license."

SECTION 6.(f) This section becomes effective January 1, 2017, and applies to offenses committed on or after that date.

EXTEND REGISTRATION PERIOD FOR CERTAIN PLATES

SECTION 7.(a) G.S. 20-66 is amended by adding a new subsection to read:

"(g1) Expiration of Registration by Other Means. – The registration of a vehicle renewed by means of a new registration plate expires at midnight on February 15 of each year."

SECTION 7.(b) This section becomes effective October 1, 2016, and applies to registration renewals on or after that date.

TEMPORARY DRIVING CERTIFICATE/USE AND UNIFORMITY

SECTION 8.(a) G.S. 20-7(f)(5) reads as rewritten:

"(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed pursuant to the provisions of this subsection:

...

(5) License to be sent by mail. – The Division shall issue to the applicant a temporary driving certificate valid for ~~20 days, and~~ 60 ~~days for a commercial drivers license,~~days, unless the applicant is applying for renewal by mail under subdivision (4) of this subsection. The temporary driving certificate shall be valid for driving purposes ~~only~~ and shall not be valid for identification ~~purposes.~~purposes, except when conducting business with the Division and not otherwise prohibited by federal law. The Division shall produce the applicant's drivers license at a central location and send it to the applicant by first-class mail at the residence address provided by the applicant, unless the applicant is ineligible for mail delivery by the United States Postal Service at the applicant's residence. If the United States Postal Service documents that it does not deliver to the residential address provided by the applicant, and the Division has verified the applicant's residential address by other means, the Division may mail the drivers license to the post office box provided by the applicant. Applicants whose only mailing address prior to July 1, 2008, was a post office box in this State may continue to receive their license at that post office box, provided the applicant's residential address has been verified by the Division."

SECTION 8.(b) This section becomes effective January 1, 2017. The extended period of validity applies to temporary driving certificates issued on or after that date.

DMV DRIVERS LICENSE TESTING REQUIREMENTS/REMOTE RENEWAL

SECTION 9.(a) G.S. 20-7(c) reads as rewritten:

"(c) Tests. – To demonstrate physical and mental ability, a person must pass an examination. The examination may include road tests, vision tests, oral tests, and, in the case of literate applicants, written tests, as the Division may require. The tests must ensure that an applicant recognizes the handicapped international symbol of access, as defined in G.S. 20-37.5.

The Division may not require a person who applies to renew a license that has not expired to take a written test or a road test unless one or more of the following applies:

(1) The person has been convicted of a traffic violation since the person's license was last issued.

(2) The applicant suffers from a mental or physical condition that impairs the person's ability to drive a motor vehicle.

The Division shall require sign and symbol testing upon initial issuance of a license. The Division shall require vision testing as a part of in-person, in-office renewals of a license.

The Division may not require a person who is at least 60 years old to parallel park a motor vehicle as part of a road test. A person shall not use an autocycle to complete a road test under this subsection."

SECTION 9.(b) This section becomes effective October 1, 2016.

DMV/ELECTRONIC NOTICE

SECTION 10.(a) G.S. 20-7.1 reads as rewritten:

"**§ 20-7.1. Notice of change of address or name.**

(a) Address. – A person whose address changes from the address stated on a drivers license must notify the Division of the change within 60 days after the change occurs. If the person's address changed because the person moved, the person must obtain a duplicate license within that time limit stating the new address. A person who does not move but whose address changes due to governmental action may not be charged with violating this subsection. A person who has provided an e-mail or electronic address to the Division pursuant to G.S. 20-48(a) shall notify the Division of any change or discontinuance of that e-mail or electronic address within 30 days after the change or discontinuance.

(b) Name. – A person whose name changes from the name stated on a drivers license must notify the Division of the change within 60 days after the change occurs and obtain a duplicate drivers license stating the new name.

(c) Fee. – G.S. 20-14 sets the fee for a duplicate license."

SECTION 10.(b) G.S. 20-43.1 reads as rewritten:

"**§ 20-43.1. Disclosure of personal information in motor vehicle records.**

(a) The Division shall disclose personal information contained in motor vehicle records in accordance with the federal Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq.

(b) As authorized in 18 U.S.C. § 2721, the Division shall not disclose personal information for the purposes specified in 18 U.S.C. § 2721(b)(11).

(c) The Division shall not disclose personal information for the purposes specified in 18 U.S.C. § 2721(b)(12) unless the Division receives prior written permission from the person about whom the information is requested.

(d) As authorized in 18 U.S.C. § 2721, the Division may disclose personal information to federally designated organ procurement organizations and eye banks operating in this State for the purpose of identifying individuals who have indicated an intent to be an organ donor. Personal information authorized under this subsection is limited to the individual's first, middle, and last name, date of birth, address, sex, county of residence, and drivers license number. Employees of the Division who provide access to or disclosure of information in good-faith compliance with this subsection are not liable in damages for access to or disclosure of the information.

(e) As authorized in 18 U.S.C. § 2721, the Division may also provide copies of partial crash report data collected pursuant to G.S. 20-166.1, partial driver license data kept pursuant to G.S. 20-26(a), and partial vehicle registration application data collected pursuant to G.S. 20-52 in bulk form to persons, private companies, or other entities, for uses other than official, upon payment of a fee of three cents (3¢) per individual record. The Division shall not furnish such data except upon execution by the recipient of a written agreement to comply with the Driver's Privacy

Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq. The information released to persons, private companies, or other entities, for uses other than official, pursuant to this subsection, shall not be a public record pursuant to Chapter 132 of the General Statutes.

(f) E-mail addresses or other electronic addresses provided to the Division are personal information for purposes of this section and shall only be disclosed in accordance with this section."

SECTION 10.(c) G.S. 20-48 reads as rewritten:

"**§ 20-48. Giving of notice.**

(a) Whenever the Division is authorized or required to give any notice under this Chapter or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with postage prepaid, addressed to such person at his address as shown by the records of the Division. The giving of notice by mail is complete upon the expiration of four days after such deposit of such notice. In lieu of providing notice by personal delivery or United States mail, the Division may give notice under this Chapter by e-mail or other electronic means, if the person to be notified has consented to receiving notices via electronic means and has provided the Division an e-mail address or other like electronic address for receiving the notices. Proof of the giving of notice in ~~either~~ any such manner pursuant to this section may be made by a notation in the records of the Division that the notice was sent to a particular ~~address~~ address, physical or electronic, and the purpose of the notice. A certified copy of the Division's records may be sent by the Police Information Network, facsimile, or other electronic means. A copy of the Division's records sent under the authority of this section is admissible as evidence in any court or administrative agency and is sufficient evidence to discharge the burden of the person presenting the record that notice was sent to the person named in the record, at the physical or electronic address indicated in the record, and for the purpose indicated in the record. There is no requirement that the actual notice or letter be produced.

(a1) A person who consents to electronic notification pursuant to this section shall notify the Division of any change or discontinuance of any e-mail or electronic address provided to the Division in accordance with the provisions of this section and G.S. 20-7.1(a). Upon the failure of a person to notify the Division of any change or discontinuance of an electronic notification pursuant to this section, any notices sent to the original or discontinued electronic address shall be deemed to have been received by the person and a copy of the Division's records sent under the authority of this section is sufficient evidence that notice was sent to the person named in the record, at the physical or electronic address indicated in the record, and for the purpose indicated in the record.

(b) Notwithstanding any other provision of this Chapter at any time notice is now required by registered mail with return receipt requested, certified mail with return receipt requested may be used in lieu thereof and shall constitute valid notice to the same extent and degree as notice by registered mail with return receipt requested.

(c) The Commissioner shall appoint such agents of the Division as may be needed to serve revocation notices required by this Chapter. The fee for service of a notice shall be fifty dollars ($50.00)."

SECTION 10.(d) This section becomes effective October 1, 2016.

DMV TO PROVIDE OPTION FOR JOINT TENANCY WITH RIGHT OF SURVIVORSHIP ON APPLICATION FOR REGISTRATION AND CERTIFICATE OF TITLE

SECTION 10.5.(a) G.S. 20-52(a) reads as rewritten:

"(a) An owner of a vehicle subject to registration must apply to the Division for a certificate of title, a registration plate, and a registration card for the vehicle. To apply, an owner must

complete an application provided by the Division. The application shall contain a preprinted option that co-owners may use to title the vehicle as a joint tenancy with right of survivorship. The co-owners' designation of a joint tenancy with right of survivorship on the application shall be valid notwithstanding whether this designation appears on the assignment of title. The application must request all of the following information and may request other information the Division considers necessary:

(1) The owner's name.

(1a) If the owner is an individual, the following information:

a. The owner's mailing address and residence address.

b. One of the following at the option of the applicant:

1. The owner's North Carolina drivers license number or North Carolina special identification card number.

2. The owner's home state drivers license number or home state special identification card number and valid active duty military identification card number or military dependent identification card number if the owner is a person or the spouse or dependent child of a person on active duty in the Armed Forces of the United States who is stationed in this State or deployed outside this State from a home base in this State. The owner's inability to provide a photocopy or reproduction of a military or military dependent identification card pursuant to any prohibition of the United States government or any agency thereof against the making of such photocopy or reproduction shall not operate to prevent the owner from making an application for registration and certificate of title pursuant to this subdivision.

3. The owner's home state drivers license number or home state special identification card number and proof of enrollment in a school in this State if the owner is a permanent resident of another state but is currently enrolled in a school in this State.

4. The owner's home state drivers license number or home state special identification card number if the owner provides a signed affidavit certifying that the owner intends to principally garage the vehicle in this State and provides the address where the vehicle is or will be principally garaged. For purposes of this section, "principally garage" means the vehicle is garaged for six or more months of the year on property in this State which is owned, leased, or otherwise lawfully occupied by the owner of the vehicle.

5. The owner's home state drivers license number or home state special identification card number, provided that the application is made pursuant to a court authorized sale or a sale authorized by G.S. 44A-4 for the purpose of issuing a title to be registered in another state or country.

6. The co-owner's home state drivers license number or home state special identification card number if at least one co-owner provides a North Carolina drivers license number or North Carolina special identification number.

7. The owner's home state drivers license number or special identification card number if the application is for a motor home or house car, as defined in G.S. 20-4.01(27)d2., or for a house trailer, as defined in G.S. 20-4.01(14).

(1b) If the owner is a firm, partnership, a corporation, or another entity, the address of the entity.

(2) A description of the vehicle, including the following:

a. The make, model, type of body, and vehicle identification number of the vehicle.

b. Whether the vehicle is new or used and, if a new vehicle, the date the manufacturer or dealer sold the vehicle to the owner and the date the manufacturer or dealer delivered the vehicle to the owner.

(3) A statement of the owner's title and of all liens upon the vehicle, including the names and addresses of all lienholders in the order of their priority, and the date and nature of each lien.

(4) A statement that the owner is an eligible risk for insurance coverage as defined in G.S. 58-37-1(4a).

(5) For registration and certificate of title for a nonfleet private passenger motor vehicle, a statement that providing incorrect or false and misleading information as to the owner's status as an eligible risk can result in criminal prosecution and the denial of insurance coverage for any loss of the owner under any insurance policies for which application is made if the owner provides false and misleading information as to eligible risk status.

(6) For registration and certificate of title for a nonfleet private passenger motor vehicle, a statement that the owner will inform the insurer before the next policy renewal if the owner ceases to be an eligible risk."

SECTION 10.5.(b) This section becomes effective January 1, 2017.

DMV/INSPECTION OF PRE-1981 MOTOR VEHICLES/TITLING

SECTION 11.(a) G.S. 20-53(e) reads as rewritten:

"(e) No title shall be issued to an initial applicant for (i) out-of-state vehicles that are ~~35~~ 1980 model ~~years old~~ year or older or (ii) a specially constructed vehicle prior to the completion of a vehicle verification conducted by the License and Theft Bureau of the Division of Motor Vehicles. These verifications shall be conducted as soon as practical. For an out-of-state vehicle that is ~~35~~ 1980 model ~~years old~~ year or older, this inspection shall consist of verifying the public vehicle identification number to ensure that it matches the vehicle and ownership documents. No covert vehicle identification numbers are to be examined on an out-of-state vehicle ~~35~~ 1980 model ~~years~~ year or older unless the inspector develops probable cause to believe that the ownership documents or public vehicle identification number presented does not match the vehicle being examined. However, upon such application and the submission of any required documentation, the Division shall be authorized to register the vehicle pending the completion of the verification of the vehicle. The registration shall be valid for one year but shall not be renewed unless and until the vehicle examination has been completed.

If an inspection and verification is not conducted by the License and Theft Bureau of the Division of Motor Vehicles within 15 days after receiving a request for such and the inspector has no probable cause to believe that the ownership documents or public vehicle identification number presented does not match the vehicle being examined, the vehicle shall be deemed to have satisfied all inspection and verification requirements and title shall issue to the owner within 15 days thereafter. If an inspection and verification is timely performed and the vehicle passes the inspection and verification, title shall issue to the owner within 15 days of the date of the inspection."

SECTION 11.(b) This section becomes effective January 1, 2017.

REPEAL SIGNATURE REQUIREMENT/REGISTRATION CARD

SECTION 12.(a) G.S. 20-57(c) reads as rewritten:

"(c) ~~Every owner upon receipt of a registration card, shall write his signature thereon with pen and ink in the space provided.~~ Every such registration card shall at all times be carried in the vehicle to which it refers or in the vehicle to which transfer is being effected, as provided by G.S. 20-64 at the time of its operation, and such registration card shall be displayed upon demand of any peace officer or any officer of the Division: Provided, however, any person charged with failing to so carry such registration card shall not be convicted if he produces in court a registration card theretofore issued to him and valid at the time of his arrest: Provided further, that in case of a transfer of a license plate from one vehicle to another under the provisions of G.S. 20-72, evidence of application for transfer shall be carried in the vehicle in lieu of the registration card."

SECTION 12.(b) G.S. 20-176(a1)(2) is repealed.

SECTION 12.(c) This section becomes effective December 1, 2016, and applies to registration cards issued on or after that date.

REVISE DEFINITION OF "AUTOCYCLE"

SECTION 12.5.(a) G.S. 20-4.01(27)a. reads as rewritten:

"a. Autocycle. – A three-wheeled motorcycle that has a steering wheel, pedals, seat safety belts for each occupant, antilock brakes, ~~air bag protection,~~ completely or partially enclosed seating that does not require the operator to straddle or sit astride, and is otherwise manufactured to comply with federal safety requirements for motorcycles."

SECTION 12.5.(b) G.S. 20-140.4(a)(2) reads as rewritten:

"(2) Unless the operator and all passengers thereon wear on their heads, with a retention strap properly secured, safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218. This subdivision shall not apply to an operator ~~of an autocycle~~of, or any passengers ~~within~~within, an ~~autocycle.~~autocycle that has completely enclosed seating."

SECTION 12.5.(c) G.S. 20-135.3(c) reads as rewritten:

"(c) For purposes of this section, the term "motorcycle" shall not include autocycles. Every autocycle registered in this State shall be equipped with sufficient anchorage units at the attachment points for attaching seat safety belts for the rear ~~seat~~seats of the autocycle. The anchorage unit shall meet the same construction, design, and strength requirements under this section for anchorage units in motor vehicles."

AMEND "MOPED" DEFINITION

SECTION 13.(a) G.S. 20-4.01 is amended by adding a new subdivision to read:

"**§ 20-4.01. Definitions.**

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

...

(7a) Electric Assisted Bicycle.—A bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour.

~~(7a)~~(7b) Electric Personal Assistive Mobility Device. – A self-balancing nontandem two-wheeled device, designed to transport one person, with a propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

~~(7b)~~(7c) Employer. – Any person who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle and would be subject to the alcohol and controlled substance testing provisions of 49 C.F.R. § 382 and

also includes any consortium or third-party administrator administering the alcohol and controlled substance testing program on behalf of owner-operators subject to the provisions of 49 C.F.R. § 382.

...

~~(21a) Moped. – A type of passenger vehicle as defined in G.S. 105-164.3.~~

...

(23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. Except as specifically provided otherwise, this term shall not include ~~mopeds as defined in G.S. 20-4.01(27)d1.~~ mopeds, or electric assisted bicycles.

...

(27) Passenger Vehicles. –

...

c2. Motor-driven bicycle. – A vehicle with two or three wheels, a steering handle, one or two saddle seats, pedals, and a motor that cannot propel the vehicle at a speed greater than 20 miles per hour on a level surface. This term shall not include an electric assisted bicycle as defined in G.S. 20-4.01(7a).

d. Motorcycles. – Vehicles having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles, motor scooters, and motor-driven bicycles, but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement ~~agencies~~ agencies, electric assisted bicycles, and mopeds as defined in subdivision ~~d1~~ d1. of this subsection.

d1. Moped. – ~~Defined in G.S. 105-164.3.~~ A vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

...

(49) Vehicle. – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles and electric assisted bicycles shall be deemed vehicles and every rider of a bicycle or an electric assisted bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in ~~G.S. 20-4.01(7a).~~ G.S. 20-4.01(7b)."

SECTION 13.(b) G.S. 20-10.1

"**§ 20-10.1. Mopeds.**

It shall be unlawful for any person who is under the age of 16 years to operate a moped as defined in ~~G.S. 105-164.3~~ G.S. 20-4.01(27)d1. upon any highway or public vehicular area of this State."

SECTION 13.(c) G.S. 20-175.6 reads as rewritten:

"**§ 20-175.6. Electric personal assistive mobility devices.**

(a) Electric Personal Assistive Mobility Device. – As defined in ~~G.S. 20-4.01(7a).~~ G.S. 20-4.01(7b).

..."

SECTION 13.(d) G.S. 58-36-3 reads as rewritten:

"**§ 58-36-3. Limitation of scope; motorcycle and moped endorsements allowed; Department of Insurance report.**

(a) The Bureau has no jurisdiction over:

...

(8) Liability insurance and theft or physical damage insurance on mopeds, as defined in ~~G.S. 105-164.3.~~ G.S. 20-4.01(27)d1."

..."

SECTION 13.(e) G.S. 58-37-1 reads as rewritten:

"**§ 58-37-1. Definitions.**

As used in this Article:

...

(6) "Motor vehicle" means every self-propelled vehicle that is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers). "Motor vehicle" also means a motorcycle, as defined in G.S. 20-4.01(27)d. "Motor vehicle" does not mean a moped, as defined in ~~G.S. 105-164.3.~~G.S. 20-4.01(27)d1, or an electric assisted bicycle, as defined in G.S. 20-4.01(7a). Notwithstanding any other provisions of this Article, liability insurance on a moped is not eligible for cession to the Facility.

..."

SECTION 13.(f) G.S. 58-40-10 reads as rewritten:

"**§ 58-40-10. Other definitions.**

As used in this Article and in Articles 36 and 37 of this Chapter:

(1) "Private passenger motor vehicle" means:

...

c. A motorcycle, motorized scooter or other similar motorized vehicle not used for commercial purposes. A moped, as defined in ~~G.S. 105-164.3,~~ G.S. 20-4.01(27)d1., is not considered a motorcycle, motorized scooter, or other similar motorized vehicle.

..."

SECTION 13.(g) G.S. 105-164.3 reads as rewritten:

"**§ 105-164.3. Definitions.**

The following definitions apply in this Article:

...

(22) Moped. – ~~A vehicle that has two or three wheels, no external shifting device, and a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface.~~As defined in G.S. 20-4.01(27)d1.

..."

SECTION 13.(h) This section becomes effective December 1, 2016, and applies to offenses committed on or after that date.

REVISIONS TO DMV MEDICAL REVIEW PROGRAM

SECTION 13.1.(a) G.S. 20-4.01(2) reads as rewritten:

"(2) Canceled. – As applied to drivers' licenses and permits, a declaration that a license or permit which was issued through error or fraud, or to which ~~G.S. 20-15(a)(3)~~G.S. 20-15(a) applies, is void and terminated."

SECTION 13.1.(b) G.S. 20-7(e) reads as rewritten:

"(e) Restrictions. – The Division may impose any restriction it finds advisable on a drivers license. It is unlawful for the holder of a restricted license to operate a motor vehicle without complying with the restriction and is the equivalent of operating a motor vehicle without a license. If any applicant shall suffer from any physical ~~defect~~or mental disability or disease ~~which~~that affects his or her operation of a motor vehicle, the Division may require to be filed with it a certificate of ~~such~~the applicant's condition signed by ~~some~~a medical authority of the applicant's community designated by the Division. The Division may, in its discretion, require the certificate to be completed and submitted after a license or renewal has been issued based on the applicant's performance during a road test administered by the Division. Upon submission, the certificate shall be reviewed in accordance with the procedure set forth in G.S. 20-9(g)(3). This certificate shall in all cases be treated as confidential. Nothing in this subsection shall be construed to prevent the Division from refusing to issue a license, either restricted or unrestricted, to any person deemed to be incapable of safely operating a motor ~~vehicle.~~vehicle based on information observed or received by the Division, including observations during a road test and medical information submitted about the applicant. An applicant may seek review pursuant to G.S. 20-9(g)(4) of a licensing decision made on the basis of a physical or mental disability or disease. This subsection does not prohibit deaf persons from operating motor vehicles who in every other way meet the requirements of this section."

SECTION 13.1.(c) G.S. 20-9 reads as rewritten:

"**§ 20-9. What persons shall not be licensed.**

...

(e) The Division shall not issue a driver's license to any person when in the opinion of the Division ~~such~~the person is ~~afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising~~unable to exercise reasonable and ordinary control over a motor vehicle while operating the ~~same~~vehicle upon the highways, nor shall a license be issued to any person who is unable to understand highway warnings or direction signs.

...

(g) The Division may issue a restricted or unrestricted driver's license ~~to any applicant covered by subsection (e) of this section~~ under the following ~~conditions:~~conditions to an otherwise eligible applicant suffering from a physical or mental disability or disease that affects his or her ability to exercise reasonable and ordinary control of a motor vehicle:

(1) The ~~Division may issue a license to any person who is afflicted with or suffering from a physical or mental disability set out in subsection (e) of this section who is otherwise qualified to obtain a license, provided such person~~applicant submits to the Division a certificate in the form prescribed in subdivision (2). The Division may request the certificate at the applicant's initial application, at any time following the issuance of the license, or at the initial application and any time following the issuance of the license. Until a license issued under this subdivision ~~expires~~expires, is cancelled, or is revoked, the license continues in force as long as the licensee presents to the Division a certificate in the form prescribed in subdivision (2) of this subsection at the intervals determined by the Division to be in the best interests of public safety.

(2) ~~The Division shall not issue a license pursuant to this section unless the applicant has submitted to a physical examination by a physician or surgeon~~

~~duly licensed to practice medicine in this State or in any other state of the United States and unless such examining physician or surgeon has completed and signed the certificate required by subdivision (1). Such~~The Division may request a signed certificate from a health care provider duly licensed to practice medicine in the United States that the applicant or licensee has submitted to a physical examination by the health care provider. The certificate shall be devised by the Commissioner with the advice of qualified experts in the field of diagnosing and treating physical and mental ~~disorders~~disabilities and diseases as ~~he~~the Commissioner may select to assist him or her and shall be designed to elicit the maximum medical information necessary to aid in determining whether or not it would be a hazard to public safety to permit the applicant or licensee to operate a motor vehicle, including, if such is the fact, the examining ~~physician's~~provider's statement that the applicant or licensee is under medication and treatment and that ~~such person's~~the applicant's or licensee's physical or mental disability or disease is controlled. The certificate shall contain a waiver of privilege and the recommendation of the examining ~~physician~~provider to the Commissioner as to whether a license should be issued to the ~~applicant.~~applicant or licensee and whether the applicant or licensee can safely operate a motor vehicle.

(3) The Commissioner is not bound by the recommendation of the examining ~~physician~~health care provider but shall give fair consideration to such recommendation in exercising his or her discretion in ~~acting upon the application,~~making licensing decisions, the criterion being whether or not, upon all the evidence, it appears that it is safe to permit the applicant or licensee to operate a motor vehicle. The burden of proof of such fact is upon the ~~applicant.~~applicant or licensee. In deciding whether to ~~issue~~issue, restrict, cancel, or deny a license, the Commissioner may be guided by the opinion of experts in the field of diagnosing and treating the specific physical or mental ~~disorder~~disability or disease suffered by an applicant or licensee and ~~such~~the experts may be compensated for their services on an equitable basis. The Commissioner may also take into consideration any other factors which bear on the issue of public safety.

(4) Whenever a license is restricted, cancelled, or denied by the ~~Commissioner, such denial~~Commissioner on the basis of a physical or mental disability or disease, the action may be reviewed by a reviewing board upon written request of the applicant or licensee filed with the Division within 10 days after receipt of ~~such denial.~~notice given in accordance with G.S. 20-48 of the action taken. The reviewing board shall consist of the Commissioner or his authorized representative and ~~four persons designated by the chairman of the Commission for Public Health. The persons designated by the chairman of the Commission for Public Health shall be either members of the Commission for Public Health or physicians duly licensed to practice medicine in this State. The members so designated by the chairman of the Commission for Public Health shall receive the same per diem and expenses as provided by law for members of the Commission for Public Health, which per diem and expenses shall be charged to the same appropriation as per diems and expenses for members of the Commission for Public Health.~~at least two medical professionals selected by the Commissioner and duly licensed to practice medicine by the appropriate licensing authority in the State. The medical professionals selected by the Commissioner may be compensated for their services on an equitable basis, including reimbursement for ordinary and necessary travel expenses. The

Commissioner or his authorized representative, plus any two ~~of the members designated by the chairman of the Commission for Public Health,~~medical professionals selected by the Commissioner, shall constitute a quorum. The procedure for hearings authorized by this section shall be as follows:

a. Applicants shall be afforded an opportunity for hearing, after reasonable notice of not less than 10 days, before the review board established by ~~subdivision (4).~~this subdivision. The notice shall be in writing and shall be delivered to the applicant in person or sent by certified mail, with return receipt requested. The notice shall state the time, place, and subject of the hearing. If a hearing is requested under this subdivision to contest a restriction placed on a license under subdivision (3) of this subsection, the restriction shall be stayed unless the Division determines there is an imminent threat to public safety if continued unrestricted driving is permitted. No stay shall be granted if a hearing is requested under this subdivision to contest a denial or cancellation of a license under subdivision (3) of this subsection. Nothing in this sub-subdivision shall be construed as authorizing the stay of a restriction placed on a license pursuant to another provision of law.

b. The review board may compel the attendance of witnesses and the production of such books, records and papers as it desires at a hearing authorized by the section. Upon request of an ~~applicant,~~applicant or licensee, a subpoena to compel the attendance of any witness or a subpoena duces tecum to compel the production of any books, records, or papers shall be issued by the board. Subpoenas shall be directed to the sheriff of the county where the witness resides or is found and shall be served and returned in the same manner as a subpoena in a criminal case. Fees of the sheriff and witnesses shall be the same as that allowed in the district court in cases before that court and shall be paid in the same manner as other expenses of the Division of Motor Vehicles are paid. In any case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, the district court or superior court where such disobedience, neglect or refusal occurs, or any judge thereof, on application by the board, shall compel obedience or punish as for contempt.

c. A hearing may be continued upon motion of the applicant or licensee for good cause shown with approval of the board or upon order of the board.

d. The board shall pass upon the admissibility of evidence at a hearing but the applicant or licensee affected may at the time object to the board's ruling, and, if evidence offered by an applicant or licensee is rejected the party may proffer the evidence, and such proffer shall be made a part of the record. The board shall not be bound by common law or statutory rules of evidence which prevail in courts of law or equity and may admit and give probative value to evidence which possesses probative value commonly accepted by reasonably prudent ~~men~~persons in the conduct of their affairs. They may exclude incompetent, immaterial, irrelevant and unduly repetitious evidence. Uncontested facts may be stipulated by agreement between an applicant or licensee and the board and evidence relating thereto may be excluded. All evidence, including records and documents in the possession of the Division of Motor Vehicles or the

board, of which the board desires to avail itself shall be made a part of the record. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The board shall prepare an official record, which shall include testimony and exhibits. A record of the testimony and other evidence submitted shall be taken, but it shall not be necessary to transcribe shorthand notes or electronic recordings unless requested for purposes of court review.

e. Every decision and order adverse to an applicant or licensee shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the board's conclusions on each contested issue of fact. ~~Counsel for applicant, or applicant, if he has no counsel,~~The applicant or licensee shall be notified of the board's decision in person or by registered mail with return receipt requested. A copy of the board's decision with accompanying findings and conclusions shall be delivered or mailed upon request to the applicant's or licensee's attorney of record or to ~~applicant,~~the applicant or licensee, if he or she has no attorney.

...

h. All records and evidence collected and compiled by the Division and the reviewing board shall not be considered public records within the meaning of Chapter ~~[section] 132-1, and following,~~132 of the General Statutes of North Carolina and may be made available to the public only upon an order of a court of competent jurisdiction. An applicant or licensee may obtain, without a court order, a copy of records and evidence collected and compiled under this subdivision about the applicant or licensee by submitting a written request to the Division, signing any release forms required by the Division, and remitting the required fee set by the Division. All information furnished ~~by~~by, about, or on behalf of an applicant or licensee under this section shall be without prejudice and shall be for the use of the Division, the reviewing board or the court in administering this section and shall not be used in any manner as evidence, or for any other purposes in any trial, civil or criminal. The prohibition on release and use under this sub-subdivision applies without regard to who authored or produced the information collected, compiled, and used by the Division under this subdivision.

...."

SECTION 13.1.(d) G.S. 20-9.1 reads as rewritten:

"**§ 20-9.1. ~~Physicians and psychologists~~Physicians, psychologists, and other medical providers providing medical information on drivers with physical ~~and mental disabilities.~~or mental disabilities or diseases.**

(a) Notwithstanding G.S. 8-53 for physicians and G.S. 8-53.3 for psychologists, or any other law relating to confidentiality of communications between ~~physicians or psychologists~~physicians, psychologists, or other medical providers and their patients, a ~~physician or a psychologist~~physician, psychologist, or other medical provider duly licensed in the State of North Carolina may disclose after consultation with the patient to the Commissioner information about a patient who has a ~~mental or~~ physical or mental disability or disease that the ~~physician or psychologist~~physician, psychologist, or other medical provider believes may affect the patient's ability to safely operate a motor vehicle. This information shall be limited to the patient's name, address, date of birth, and diagnosis.

...

(c) A ~~physician or psychologist~~physician, psychologist, or other medical provider disclosing or not disclosing information pursuant to this ~~section~~section, or conducting an evaluation and making a recommendation to the Division regarding a person's ability to safely operate a motor vehicle, is immune from any civil or criminal liability that might otherwise be incurred or imposed based on the ~~disclosure or lack of disclosure~~action taken provided that the ~~physician or psychologist~~physician, psychologist, or other medical provider was acting in good faith and without malice. In any proceeding involving liability, good faith and lack of malice are presumed."

SECTION 13.1.(e) G.S. 20-15(a) reads as rewritten:

"(a) The Division shall have authority to cancel any driver's license upon determining any of the following:

...

(4) The licensee suffers from a physical or mental disability or disease that affects his or her ability to safely operate a motor vehicle, as determined by the applicable State or federal law, rule, or regulation.

(5) The licensee has failed to submit the certificate required under G.S. 20-7(e) and G.S. 20-9(g)."

SECTION 13.1.(f) This section becomes effective July 1, 2016, and applies to driver licenses issued or renewed on or after that date, and hearings requested on or after that date.

ALLOW DEALER PLATES FOR EMPLOYEES OF INDEPENDENT DEALERS AND FAMILY MEMBERS

SECTION 13.5. G.S. 20-79(d)(5)f. reads as rewritten:

"(d) Restrictions on Use. – A dealer license plate may be displayed only on a motor vehicle that meets all of the following requirements:

...

(5) Is driven on a highway by a person who meets one of the following descriptions:

...

f. Is an officer, sales representative, or other employee of ~~a~~ an independent or franchised motor vehicle dealer or is an immediate family member of an officer, sales representative, or other employee of ~~a~~ an independent or franchised motor vehicle dealer."

DELAY MANDATORY PARTICIPATION DATE FOR ELECTRONIC LIEN SYSTEM

SECTION 13.7. G.S. 20-58.4A(i) reads as rewritten:

"**§ 20-58.4A. Electronic lien system.**

...

(i) Mandatory Participation. – Beginning July 1, ~~2016,~~2017, all individuals and lienholders who are normally engaged in the business or practice of financing motor vehicles, and who conduct at least five transactions annually, shall utilize the electronic lien system implemented in subsection (a) of this section to record information concerning the perfection and release of a security interest in a vehicle."

PART V. EFFECTIVE DATE

SECTION 14. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 959 DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE X

Rep.)
) Torbett
Sen.)

moves to amend the bill on page 9, line 8

( ) WHICH CHANGES THE TITLE

by adding "required" after the word "of"

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 959*

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

H959-ARW-67 [v.1]

Amends Title [NO]
Proposed Committee Substitute

Date _____,2016

Representative _____

moves to amend the bill on page 20, line 44, by adding on that line the following:

"LAW ENFORCEMENT/PROVIDE ACCIDENT REPORT TO INSURER

SECTION 13.8. G.S. 20-166.1(e) reads as rewritten:

"(e) Investigation by Officer. – The appropriate law enforcement agency must investigate a reportable accident. A law-enforcement officer who investigates a reportable accident, whether at the scene of the accident or by subsequent investigations and interviews, must make a written report of the accident within 24 hours of the accident and must forward it as required by this subsection. The report must contain information on financial responsibility for the vehicle driven by the person whom the officer identified as at fault for the accident.

If the officer writing the report is a member of the State Highway Patrol, the officer must forward the report to the Division. If the officer is not a member of the State Highway Patrol, the officer must forward the report to the local law enforcement agency for the area where the accident occurred. A local law enforcement agency that receives an accident report must forward it to the Division within 10 days after receiving the report. Upon request of the driver of the motor vehicle involved in the accident or the insurance agent or company identified by the driver under subsection (b) of this section, and notwithstanding any provision of Chapter 132 of the General Statutes to the contrary, the officer writing the report may forward an uncertified copy of the report to the insurance agent or company identified by the driver under subsection (b) of this section if evidence satisfactory to the officer is provided showing a certified copy of the report has been requested from the Division and the applicable fee set in G.S. 20-42 has been paid.

When a person injured in a reportable accident dies as a result of the accident within 12 months after the accident and the death was not reported in the original report, the law enforcement officer investigating the accident must file a supplemental report that includes the death." ".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 959*

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

H959-ARW-67 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 959:
DOT Proposed Legislative Changes.

2016-2017 General Assembly

Committee:	House Transportation	**Date:**	May 20, 2016
Introduced by:	Reps. Iler, Torbett	**Prepared by:**	Giles Perry and Wendy Graf Ray Committee Counsel
Analysis of:	PCS to First Edition H959-CSSU-42		

SUMMARY: House Bill 959 makes various changes to the transportation and motor vehicles laws of the State.

The proposed committee substitute:

- ***Changes Sec. 2 – broadband in DOT right-of-way (clarifying change on existing right-of-way, deletes fee, adds DOT to study fee)***
- ***Adds Sec. 2.1 – new weight exemptions for vehicles on State highways***
- ***Adds Sec. 5.1 – lights or reflective gear required on bicycles at night***
- ***Adds Sec. 5.5 – allows vehicles to pass slower bicycles and mopeds, increase penalties for unsafe movements that cause injury to bicyclists, hand signal revisions***
- ***Adds Sec. 5.6 – requires DOT to provide educational program for bicyclists and motorists***
- ***Adds Sec. 10.5 – provides option on application for registration/certificate of title for joint tenancy with right of survivorship***
- ***Adds Sec. 12.5 – revises definition of autocycle***
- ***Changes Sec. 13 – revises definition of moped (defines "electric assisted bicycles" and exempts them from the definition of motor vehicles)***
- ***Adds Sec. 13.1 – revisions to DMV's medical review program***
- ***Adds Sec. 13.5 – allows use of dealer plates for employees and family members of independent dealers***
- ***Adds Sec. 13.7 – delays the mandatory participation date for the electronic lien system one year***

CURRENT LAW AND BILL ANALYSIS:

PART I. DIVISION OF HIGHWAYS

Small Transportation Projects/Local Consultation

Section 1. Current law requires the Department of Transportation to consult with local governments affected by a planned transportation project before taking action. However, consultation is not required for small projects with a cost of $150,000 or less. This section would increase that dollar amount from $150,000 to $250,000, exempting small projects with a cost of $250,000 or less from the local consultation requirement.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Broadband and Fiber Optic in DOT Right-of-Way/Fees

Section 2. Current law authorizes DOT to locate and acquire ROW for placement of utility lines operated by regulated public utilities or local governments.

Section 2(a) authorizes DOT to also allow placement of non-utility owned or operated communications or data transmission infrastructure on DOT right-of-way. This section also clarifies that no agreement for use of Department right-of-way shall abrogate the Department's ownership and control of the right of way, and clarifies that DOT can use existing ROW for placement of utilities.

Section 2(b) directs DOT to study the issue of administrative fees for encroachments, and report to the Joint Legislative Transportation Oversight Committee by December 1, 2016.

Section 2 would become effective July 1, 2016.

Weight Limits Applicable to Metal Commodities and Steel Coils, and Extending Certain Federal Weight Exemptions to the State's Highways.

Section 2.1. This section makes the following changes:

- Section 2.1(a) authorizes a higher weight limit for vehicles transporting metal commodities: up to 22,000 lbs. single axle and 42,000 lbs. tandem axle; maximum gross weight 90,000 lbs.
- Section 2.1(a) also extends additional federal weight allowances for natural gas powered vehicles, emergency vehicles, heavy duty towing vehicles, and vehicles with idle reduction technology, currently applicable only to interstate highways in the State, to all State roads, except for posted bridges or roads, or unless specifically prohibited by NC DOT.
- Section 2.1(b) authorizes DOT to issue an overweight or overwidth permit for the transport of up to three steel coils on one truck.

  This section would become effective October 1, 2016.

PART II. NORTH CAROLINA TURNPIKE AUTHORITY

Allow Electronic Billing for Tolls

Section 3. Current law authorizes Turnpike Authority toll bills to be sent by first class mail. This section would authorize the Turnpike Authority to send bills for tolls via electronic mail, rather than by first-class mail, if the registered owner or person who had custody of the vehicle consents in writing.

Repeal NCTA Semiannual Reports to JLTOC

Section 4. Current law requires the Turnpike Authority submit semi-annual reports, and more frequent reports if requested, on its activities to the Joint Legislative Transportation Oversight Committee. This section would repeal that requirement. The Authority would continue to be required by statute to submit annual reports on its activities to the General Assembly.

PART III. DIVISION OF BICYCLE AND PEDESTRIAN TRANSPORTATION

Repeal requirement to Maintain Off-Road Cycling Records

Section 5. Current law requires that notice of State land restricted or removed from use by bicyclists be filed with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation.

This section repeals that requirement. Also, this section repeals the requirement that the Division keep records of State lands open and available for use by bicyclists.

Bicycle must have red rear light or operator must wear reflective vest when operated at night

Section 5.1. Current law requires bicycles to have a rear reflector or red light when used at night. This section requires a red rear light or reflective vest or clothing visible from a distance of at least 300 feet from the rear of a bicycle when operated at night.

Bicycle safety law revisions

Section 5.5. Section 5.5 (a) and (b) authorize passing of a slower moving bicycle or moped, even where passing is otherwise prohibited, if the other requirements of these sections are met. Section 5.5(c) increases the penalties for unsafe traffic movements that cause injury to bicycles, and clarifies the required hand signals for turning and stopping.

This section becomes effective October 1, 2016, and applies to offenses occurring on or after that date.

DOT to provide education for bicyclists and motorists

Section 5.6. This section requires DOT, by October 1, 2016, to develop and implement a program to provide education to bicyclists, motorists, and other users of the highways of this State on the following:

(1) Best practices that should be followed by bicyclists for safe riding, both riding individually and in a group.
(2) Best practices that should be followed by motorists that encounter bicyclists on the road, including how motorists can safely pass bicyclists on the road.
(3) The dangers of riding a bicycle while distracted, with a focus on the dangers of using a cell phone or wearing headphones while riding a bicycle.

This section requires DOT to report no later than December 1, 2016, to the Joint Legislative Transportation Oversight Committee on the development of the program.

PART IV. DIVISION OF MOTOR VEHICLES

Commercial Driver's License Changes

Section 6. This section would amend State commercial driver's license laws to conform with federal requirements as follows:

- Delete a provision allowing the Division of Motor Vehicles to issue a restricted instruction permit to an applicant for certification as a school bus driver.
- Make commercial learner's permits valid for 180 days with no limit on renewal. Currently, permits are valid for 6 months but are limited to one renewal in a two-year period.
- Increase commercial driver's license disqualification periods for convictions of violating out-of-service orders, and require violations to be committed in a commercial motor vehicle.
- Establish statutory authority for the Division to issue intrastate medical waivers to individuals not able to meet federal medical qualification standards for commercial driver's license holders. The waiver would authorize intrastate operation of a commercial motor vehicle subject to regulation by the Division. This is current practice by the Division.

This section would become effective January 1, 2017, and apply to offenses committed on or after that date.

Extend Registration Period for Certain Plates

Section 7. Current law provides that the registration of a motor vehicle renewed by means of a renewal sticker expires at midnight on the last day of the month designated on the sticker. This section provides that the registration of a motor vehicle renewed by means other than a renewal sticker (typically a new registration plate) expires at midnight on February 15 of each year. This section would become effective October 1, 2016 and apply to registration renewals on or after that date.

Temporary Driving Certificate Use/Uniformity

Section 8. Current law provides that a temporary driving certificate is valid for 60 days for an applicant seeking a commercial driver's license and 20 days for an applicant seeking a non-commercial driver's license. In addition, current law prohibits the use of a temporary driving certificate for identification purposes. This section sets the period of validity for all temporary driving certificates at 60 days and allows a certificate to be used for identification purposes when conducting business with the DMV. This section would become effective January 1, 2017, and the change to period of validity applies to certificates issued on or after that date.

DMV Driver's License Testing Requirements/Remote Renewal

Section 9 eliminates the current statutory requirement for sign and symbol testing when a person is renewing a driver's license remotely via the internet or at a DMV kiosk. Sign and symbol testing will still be required for initial issuance of a drivers' license, and for in-person, in-office renewal. This section would become effective October 1, 2016.

DMV/Electronic Notice

Section 10 Current law authorizes DMV to send notice of vehicle registration renewal by e-mail, if the customer has consented. This section (i) specifies that a person who has provided an e-mail address to DMV shall notify the Division of any change or discontinuance of that e-mail address within 30 days after the change or discontinuance; (ii) clarifies current law limiting disclosure of personal information in DMV motor vehicle records to provide that e-mail addresses provided to DMV are personal information; and (iii) provides that instead of providing notice by personal delivery or United States mail, DMV may give notice for *any* DMV business by e-mail, if the person to be notified has consented to receiving notices via electronic means, and has provided the Division an e-mail address for receiving the notices. This section would become effective October 1, 2016.

DMV to provide option for joint tenancy with right of survivorship on application for registration and certificate of title

Section 10.5. This section requires DMV to place a pre-printed "joint tenancy with right of survivorship" option on its application for a motor vehicle title form. This change would allow vehicles to pass to the surviving owner outside of probate.

DMV/Inspection of Pre-1981 Motor Vehicles/Titling

Section 11. Current law requires DMV to inspect out-of-state vehicles that are 35 years or older prior to issuing an initial NC title for the vehicle. Section 11 changes the requirement to vehicles from the 1980 model year or older. This section would become effective January 1, 2017.

Repeal Signature Requirement/Registration Card

Section 12. Current law makes it an infraction for the owner of a registered motor vehicle to fail to sign their vehicle registration card with pen and ink upon receipt. This section repeals that requirement. This

section would become effective December 1, 2016, and apply to registration cards issued on or after that date.

Revise Definition of "Autocycle"

Section 12.5. This section would amend the definition of an autocycle to include vehicles without an airbag, and with partially enclosed seating within the definition.

Amend Moped Definition

Section 13 establishes a definition for "electric assisted bicycles", and exempts them from the definition of motor vehicles. In addition, this section moves the definition of "moped" to Chapter 20 of the General Statutes, clarifies that the definition includes mopeds powered by electricity or alternative fuel, but does not include motor-driven bicycles or electric assisted bicycles. This section also makes several conforming changes to related statutes.

This section would become effective December 1, 2016, and apply to offenses committed on or after that date.

Revisions to DMV Medical Review Program

Section 13.1 This section makes changes to the DMV medical evaluation program, including clarification of the applicability of the section to include mental disability, procedure for submittal of medical information, appeal procedure, and the composition of the medical review board.

This section becomes effective July 1, 2016.

Allow dealer plates for employees of independent dealers and family members

Section 13.5. This section authorizes use of dealer plates by employees of independent dealers, and by immediate family members of independent dealers and their employees.

Delay mandatory participation date for electronic lien system

Section 13.7. This section delays to July 1, 2017 the effective date for mandatory participation in DMV's electronic lien system.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.

BACKGROUND: House Bill 959, as introduced, was recommended by the Joint Legislative Transportation Oversight Committee.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **959** DOT Proposed Legislative Changes.

Draft Number:	H959-PCS40632-SU-42
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Iler

TOTAL REPORTED: 1



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE AND RE-REFERRED

HB **1050** DOT/No Discrimination Against Motorcyclists.

Draft Number:	None
Serial Referral:	**APPROPRIATIONS**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Torbett

TOTAL REPORTED: 1

CMR646-V-1

VISITOR REGISTRATION SHEET

House Comm. on Trasportation 05/24/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John DelGrosso	Brabeller & Assoc
Joe McCleg	McClees Consulting
Becki Gray	g & f
Debbie Clary	NCSP
Ed Twight	NCSP
Drew Saunders	Electricities
Mia Bailey	Electricities
Britton Allen	NCTCC
Demetrius Pulley	AT&T
Trey Rabon	AT&T
CHARLIE BOONE	CBA OF NC

VISITOR REGISTRATION SHEET

House Comm. on Trasportation 05/24/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Elizabeth Biser	Brooks Pierce
Evan Grimes	MWC
Chris Broughton	MWC
Erin Jones	TWC
Sarah Hardin	CTR
[illegible]	TWC
Matthew Herr	Disability Rights NC
Carye Dunn	DARE
Doug Miskew	PSG
Alex Acriti	NCCN
Derek Graham	NCDPI

VISITOR REGISTRATION SHEET

House Comm. on Trasportation 05/24/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	C-A
[signature]	NCBAA
[signature]	[illegible] Projects
Betsy Bartley	CAGC
Catherine Harward	NCFB
Paul Sherman	NCFB
Jackson Stafford	SA
[signature]	SA
JGOODMAN	CCC
[signature]	NMRS
[signature]	NCASC

VISITOR REGISTRATION SHEET

House Comm. on Trasportation 05/24/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Fred Box	Box Assoc
Bill Scoggin	TI
Scott Laster	850NC
Jake Cashion	NCC
Tim Kent	NC Beer & Wine
Perry Hall	306
Frank Morris	UPS
Rowan Mewald	NM
Meghan Cook	NC DIT
Karr Johnson FNP	NCNA - Nurse of the Day
Alex Miller	AMGA

VISITOR REGISTRATION SHEET

House Comm. on Trasportation 05/24/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
LISA RIEGEL	BWNC
Ryan Herrera	BWNC
Sophie Sherman	Natl. MS Society
Abby Emanuelson	Nat'l MS Society
Josh Harrison	NCDTSEA
EC Powell	CAPA
Kevin Lacy	NCDOT
Susan Pullium	NCDOT
Hope Mozgo	NCDOT - DMV
Kelly Thomas	DMV
Ryan Boyce	NCDOT

VISITOR REGISTRATION SHEET

House Comm. on Trasportation 05/24/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lauren Blackburn	NCDOT
Alex Holbrook	NCDOT
Mary Jennings	NCDOT
Ron Hancock	NCDOT
G.R. Perfetti	NCDOT
Laura Puryear	Laurie Ohorio, LLC
Doug Lassiter	NCSTA
Andy Chase	KMA
Matt Arsenault	NC Sierra Club
	RAIL
Fleny Benson	MISE SEANC

VISITOR REGISTRATION SHEET

House Comm. on Trasportation 05/24/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David A Collins	SEANC

VISITOR REGISTRATION SHEET

House Comm. on Trasportation 05/24/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAN Crawford	NCLCV
Jesse Way	NCLCV
	Mak

VISITOR REGISTRATION SHEET

House Comm. on Trasportation 05/24/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Frazier	MF+S
Susan Valenti	NW
Tonya Hilton	TSS
Tom Murry	Judicial Branch
David Ferris	VB
Caitlin Saunders	SELC
Mary Maclean Asbill	SELC
Brooks Rainey Pearson	SELC
Jean McKellar	Nelson Mullins
Tom BEAN	EDF, NCSEA, NCWF
Matthew Starr	Neuse Riverkeeper

House Committee on Transportation
Wednesday, June 1, 2016 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 11:00 AM on June 1, 2016 in Room 544 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Blackwell, Boles, Brawley, Brockman, R. Brown, Bumgardner, Carney, Catlin, Cleveland, Dollar, Faircloth, Ford, Fraley, Goodman, C. Graham, D. Hall, Hardister, Holley, Hunter, Iler, Jeter, McGrady, McNeill, R. Moore, Presnell, Queen, Robinson, Ross, Shepard, Speciale, Steinburg, Stone, Terry, Tine, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative Phil Shepard, Chair, presided.

The following bills were considered:

HB 954 Terminate Agreement for Tolling of I-77. (Representatives Jeter, Hager, Bradford)After discussion and debate, the motion was made as favorable without prejudice as to committee substitute, unfavorable to original bill with a serial referral to Appropriations.

The meeting adjourned at 12:00pm.

Representative Phil Shepard, Chair
Presiding

Viddia Torbett, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Wednesday, June 1, 2016
TIME: **10:00 AM**
LOCATION: **544 LOB**
COMMENTS: **Representative Shepard will be Chairing**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 954	Terminate Agreement for Tolling of I-77.	Representative Jeter Representative Hager Representative Bradford

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:51 PM on Tuesday, May 31, 2016.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Wednesday, June 1, 2016, 10:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 954	Terminate Agreement for Tolling of I-77.	Representative Jeter Representative Hager Representative Bradford

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

COM SUB REPORTED WITHOUT PREJUDICE, UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB **954** Terminate Agreement for Tolling of I-77.

Draft Number:	H954-PCS10543-RW-60
Serial Referral:	**APPROPRIATIONS**
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Jeter

TOTAL REPORTED: 1

CMR674-V-2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 954
PROPOSED COMMITTEE SUBSTITUTE H954-PCS10543-RW-60

Short Title: Terminate Agreement for Tolling of I-77. (Public)

Sponsors:

Referred to:

April 26, 2016

A BILL TO BE ENTITLED

AN ACT DIRECTING THE DEPARTMENT OF TRANSPORTATION TO TERMINATE THE COMPREHENSIVE AGREEMENT FOR THE I-77 HOT LANES PROJECT IN MECKLENBURG AND IREDELL COUNTIES; CREATING A RESERVE ACCOUNT PROVIDING FOR PAYMENT OF TERMINATION CLAIMS; REDIRECTING REMAINING RESERVE ACCOUNT FUNDS; SUSPENDING SPECIFIED PROJECTS; REMOVING AUTHORIZATION TO CONSTRUCT THE I-77 HOT LANES PROJECT AS A PUBLIC-PRIVATE PARTNERSHIP; AND APPROPRIATING RELATED FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. Termination. – In a manner consistent with the terms of the Comprehensive Agreement, and pursuant to Section 17.1.1.7 of the Agreement, the Department of Transportation shall terminate the Comprehensive Agreement for the I-77 HOT Lanes project in Mecklenburg and Iredell Counties. Nothing in this section shall be construed as relieving the State from paying damages determined to be owed from the early termination of the Comprehensive Agreement. For purposes of this act, "Comprehensive Agreement" means the Comprehensive Agreement dated as of June 26, 2014, including any amendments made to the Comprehensive Agreement as of the effective date of this act.

SECTION 2. Reserve Account Created/Use of Account. – There is created a reserve account within the Highway Trust Fund. The funds in the account shall be used to pay any damages or other monetary penalties resulting from the termination of the Comprehensive Agreement for the I-77 HOT Lanes project in Mecklenburg and Iredell Counties. Upon resolution of any litigation resulting from the cancellation of the Comprehensive Agreement, or 10 years, whichever is sooner, the funds remaining in the reserve account shall be used by the Department to fund the projects suspended under Section 3 of this act, in their Strategic Transportation Investments Act Prioritization 3.0 order. If the funds remaining are insufficient to fund any of the projects, those unfunded projects may be resubmitted for prioritization under the Strategic Transportation Investments Act as new projects without prejudice. To the extent these funds are deemed unappropriated, the funds made available by the projects suspended in Section 3 of this act are hereby appropriated for the purposes stated in this section.

SECTION 3. Effect on Specified Mecklenburg Projects. – Notwithstanding Article 14B of Chapter 136 of the General Statutes, the following projects, if and to the extent they are related to the I-77 HOT Lanes Comprehensive Agreement project, shall be suspended:

(1) I-77/Gilead Road Interchange.
(2) I-77/NC-73 Interchange.
(3) Five Projects to Widen NC-73.
(4) Project Widening US-21.

(5) US-21/Gilead Road Interchange.
(6) Project Widening NC-115.
(7) Hambright Road Improvements.
(8) Lakeview Road Improvements.

SECTION 4. Funds Resulting From Suspension of Projects. – Any State funds resulting from the suspension of the projects listed under Section 3 of this act shall be credited to the reserve account established in Section 2 of this act.

SECTION 5. I-77 Project/No Public-Private Partnership. – Notwithstanding the provisions of G.S. 136-18(39), 136-18(39a), and 136-89.183(a)(2), no project on I-77 in Mecklenburg or Iredell Counties shall be constructed as a toll managed lane public-private partnership project by the Department of Transportation or Turnpike Authority.

SECTION 6. No Effect on Strategic Transportation Investments Act. – This act shall have no effect on the provisions or implementation of the Strategic Transportation Investments Act, Article 14B of Chapter 136 of the General Statutes, except as provided herein.

SECTION 7. Appropriation. – There is appropriated from the Highway Fund to the Department of Transportation the sum of twenty-five thousand dollars ($25,000) in nonrecurring funds for the 2016-2017 fiscal year to be used for any legal fees incurred in determining the amount of damages that may be owed and other effects resulting from cancellation of the Comprehensive Agreement in accordance with Section 1 of this act.

SECTION 8. Effective Date. – Sections 7 and 8 of this act become effective July 1, 2016. The remainder of this act becomes effective September 1, 2016.

HOUSE BILL 954:
Terminate Agreement for Tolling of I-77.

2016-2017 General Assembly

Committee:	House Transportation. If favorable, re-refer to Appropriations	**Date:**	June 1, 2016
Introduced by:	Reps. Jeter, Hager, Bradford	**Prepared by:**	Giles Perry Committee Counsel
Analysis of:	PCS to First Edition H954-CSRW-60		

SUMMARY: House Bill 954 (proposed committee substitute) terminates the I-77 toll lanes agreement between the North Carolina Department of Transportation and I-77 Mobility Partners, LLC.

CURRENT LAW: On June 26, 2014, the North Carolina Department of Transportation and I-77 Mobility Partners, LLC entered into a Comprehensive Agreement for the construction and operation of toll lanes on I-77 in Mecklenburg and Iredell Counties, pursuant to the provisions of G.S. 136-18.

BILL ANALYSIS:

Section 1 of the bill directs DOT to terminate the I-77 toll lanes agreement for cause, pursuant to the provisions of Section 17.1.1.7 of that agreement.[1]

Section 2 of the bill cancels specified DOT highway projects in Mecklenburg County.

Section 3 of the bill directs that State funds resulting from the project cancellations listed in Section 2 be placed into a reserve account.

Section 4 of the bill:

- Directs that State funds in the reserve account be used to pay any damages or other monetary penalties resulting from the termination of the Comprehensive Agreement.
- Provides that any funds remaining in the reserve account after paying any damages or other monetary penalties arising from the termination shall be used by the Department to fund the projects cancelled under Section 2 of this act, in their Strategic Transportation Investments Act Prioritization 3.0 order.

---

[1] "ARTICLE 17. DEFAULT; REMEDIES; DISPUTE RESOLUTION
...
17.1.1 Developer Default
...Developer shall be in breach under this Agreement upon the occurrence of any one or more of the following events or conditions (each a "Developer Default"):
...
17.1.1.7 Any representation or warranty in the CA Documents made by Developer, or any certificate, schedule, report, instrument or other document delivered by or on behalf of Developer to NCDOT pursuant to the CA Documents is false or materially misleading or materially inaccurate when made or omits any required material information when made;
..."

Karen Cochrane-Brown
Director

H954-SMRW-167 CSRW-60 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Provides that if the funds remaining are insufficient to fund any of the projects, those unfunded projects shall continue to be cancelled, and shall only be eligible for prioritization resubmission under the Strategic Transportation Investments Act after 15 years.

Section 5 of the bill removes the future authority of the Department of Transportation or Turnpike Authority to construct and operate a toll managed lane public-private partnership project on I-77 in Mecklenburg or Iredell Counties.

Section 6 of the bill provides that the bill has no effect on the provisions or implementation of the Strategic Transportation Investments Act, Article 14B of Chapter 136 of the General Statutes, except as otherwise provided in the bill.

Section 7 of the bill appropriates $25,000 in nonrecurring funds from the Highway Fund to the Department of Transportation for the 2016-2017 fiscal year, to be used for any legal fees incurred in determining the amount of damages that may be owed, and other effects resulting from cancellation of the Comprehensive Agreement in accordance with Section 1 of this act.

EFFECTIVE DATE: Sections 7 and 8 of the act would become effective July 1, 2016. The remainder of the bill would become effective September 1, 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H 1

HOUSE BILL 954

Short Title:	Terminate Agreement for Tolling of I-77.	(Public)
Sponsors:	Representatives Jeter, Hager, and Bradford (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Transportation, if favorable, Appropriations	

April 26, 2016

A BILL TO BE ENTITLED

AN ACT DIRECTING THE DEPARTMENT OF TRANSPORTATION TO TERMINATE THE COMPREHENSIVE AGREEMENT FOR THE I-77 HOT LANES PROJECT IN MECKLENBURG AND IREDELL COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Termination. – In a manner consistent with the terms of the Comprehensive Agreement, the Department of Transportation shall terminate the Comprehensive Agreement for the I-77 HOT Lanes project in Mecklenburg and Iredell Counties. Nothing in this section shall be construed as relieving the State from paying damages determined to be owed from the early termination of the Comprehensive Agreement. For purposes of this act, "Comprehensive Agreement" means the Comprehensive Agreement dated as of June 26, 2014, including any amendments made to the Comprehensive Agreement as of the effective date of this act.

SECTION 2. Appropriation. – There is appropriated from the Highway Fund to the Department of Transportation the sum of twenty-five thousand dollars ($25,000) in nonrecurring funds for the 2016-2017 fiscal year to be used for any legal fees incurred in determining the amount of damages that may be owed and other effects resulting from cancellation of the Comprehensive Agreement in accordance with Section 1 of this act.

SECTION 3. Effective Date. – Section 1 of this act becomes effective September 1, 2016. The remainder of this act becomes effective July 1, 2016.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 954

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

H954-ARW-73 [v.3]

Amends Title [NO]
First Edition

Date _____,2016

Representative ~~Bradford~~ Jeter

moves to amend the bill on page 1, line 32, through page 2, line 6, by deleting Section 4, and substituting the following:

"**SECTION 4(a).** Reserve Account Created/Use of Account. – There is created a reserve account within the Highway Trust Fund. The funds in the account shall be used to pay any damages or other monetary penalties resulting from the termination of the Comprehensive Agreement for the I-77 HOT Lanes project in Mecklenburg and Iredell Counties. Upon resolution of any litigation resulting from the cancellation of the Comprehensive Agreement, or 10 years, whichever is sooner, the funds remaining in the reserve account shall be used by the Department to fund the projects suspended under Section 2 of this act, in their Strategic Transportation Investments Act Prioritization 3.0 order. If the funds remaining are insufficient to fund any of the projects, those unfunded projects may be resubmitted for prioritization under the Strategic Transportation Investments Act as new projects without prejudice. To the extent these funds are deemed unappropriated, the funds are hereby appropriated for the purposes stated in this section."; and

on page 1, line 4, by deleting the word "CANCELLING" and substituting "SUSPENDING": and

on page 1, line 29, by deleting the word " Cancellation" and substituting "Suspension"; and

on page 1, line 30, by deleting the word "cancellation" and substituting "suspension"; and

on page 1, lines 19-20, rewriting that line to read: "14B of Chapter 136 of the General Statutes, the following projects, if and to the extent they are related to the I-77 HOT Lanes Comprehensive Agreement project, shall be suspended:"; and

on page 1, line 27-28, by rewriting those lines to read:
"(7) Hambright Road Improvements.
(8) Lakeview Road Improvements."; and

by placing Section 4 before Section 2 of the bill, and making corresponding conforming changes to the bill and bill title.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 954

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

H954-ARW-73 [v.3]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

I-77

I-77 Express Lanes
Project Update
May 2016



Construction of the I-77 Express Lanes, spanning the 26 miles from Mooresville to Charlotte, began in November 2015.

Significant progress has been made since November.

Construction is currently occurring between Exit 23 and Exit 36.

Between Exit 23 and Exit 28, crews are grading the future roadway.

Construction crews have completed traffic shift operations between Exit 28 and Exit 36 and are finalizing the installation of safety barriers.

Surveying, geotechnical activities and other construction preparations are ongoing from the I-277/I-77 Interchange to north of Exit 18





Construction is on schedule and the entire 26-mile project is expected to be completed in 2018.

An Easier Commute Awaits!

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/01/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Starnes	OST
John D Horton	Hertford City Commissioner Elect
Aaron Walsh	SA
Carmen Hooker	MCA
Carr McLamb	NCDOT
Matthew Babcock	NCC
Jake Cashion	NCC
Amanda Davalos	TSS
[illegible]	NS
[illegible]	RMC
[illegible]	NCBA

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/01/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
BERRY JENKINS	CAROLINAS AGC
Betsy Bailey	CAGC
Julie White	NCMC
Brooks Rainey Pearson	SELC
K. Athens	SELC
Mary Maclean Asbill	SELC
Jimmy Broughton	Gov. Office
Alex Holbrook	NCDOT
Jim Ray	KPMG
Ryan Boyce	NCDOT
Walt Gray	NCDOT

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/01/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Sherman	NCFB
CASY THOMAS	FOCUS Carolina
Wendy Kelly	FOCUS Carolina
Catherine Harward	NCFB
[illegible]	[illegible]
AARON Oxendine	NCDA&CS
Allison Pitts	NCDA&CS
Leigh Lawrence	Rep Duane Hall (staff)
[illegible]	BP
[illegible]	NC Conservation Network
Prince Corpening	Gov's Office

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/01/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lisa Martin	Cyp-Ad
Penny Hughes	SOG
Henry Jones	Atton - Raleigh
ARVIND VALLABHANENI	Rep Cotham, Raleigh NCGA
Erin Wynia	NCLM
Bailey Reckten wald	NCLM
Kelsey Bygrave	Lawrie Ononio, LLC
Kathy Hawkins	Duke Energy
Fred Steen	Gov's Office
Natalie Engelin	Charlotte Chamber
DANIEL BACON	TRENTON SADLER

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/01/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michelle Ferland	Cornelius, NC 28031
Jane Tarney	Huntersville, NC 28078

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/01/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tim Kent	NC Beer Wine
Chris McCune	BB
Vicki Bayer	Self

House Committee on Transportation
Tuesday, June 14, 2016 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on June 14, 2016 in Room 643 of the Legislative Office Building. Representatives Adams, Alexander, Arp, Blackwell, Boles, Brawley, R. Brown, Bumgardner, Carney, Catlin, Cleveland, Faircloth, Ford, Fraley, Goodman, C. Graham, Hardister, Holley, Hunter, Iler, Jeter, McGrady, McNeill, R. Moore, Presnell, Queen, Robinson, Ross, Shepard, Speciale, Steinburg, Stone, Terry, Tine, Torbett, R. Turner, Waddell, Yarborough, and Zachary attended.

Representative John A. Torbett, Chair, presided.

The following bills were considered:

HB 986 Zeta Phi Beta Special Registration Plate. (Representative Gill) After discussion and debate, the motion was made as favorable.

HB 1003 DOT to Study SEPA Reform Impacts. (Representative Dixon) After discussion and debate, the motion was made as favorable to committee substitute, unfavorable to original bill.

SB 778 Performance Guarantees/Subdivision Streets. (Senators Wade, Brock, B. Jackson) After discussion and debate, the motion was made as favorable to committee substitute, unfavorable to original bill.

The meeting adjourned at 1:15pm.

John A. Torbett
Representative John A. Torbett, Chair
Presiding

Viddia Torbett
Viddia Torbett, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, June 14, 2016
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Torbett will be Chairing**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 986	Zeta Phi Beta Special Registration Plate.	Representative Gill
HB 1003	DOT to study SEPA reform impacts.	Representative Dixon
SB 778	DOT to Study SEPA Reform Impacts.	Senator Wade Senator Brock Senator B. Jackson

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:02 AM on Thursday, June 09, 2016.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Tuesday, June 14, 2016, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 986	Zeta Phi Beta Special Registration Plate.	Representative Gill
HB 1003	DOT to study SEPA reform impacts.	Representative Dixon
SB 778	DOT to Study SEPA Reform Impacts.	Senator Wade Senator Brock Senator B. Jackson

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **778** **(CS#1)** DOT to Study SEPA Reform Impacts.

Draft Number:	S778-PCS45519-RW-67
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Torbett

TOTAL REPORTED: 1

CMR733-V-2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 2

SENATE BILL 778
Transportation Committee Substitute Adopted 5/11/16

Short Title: DOT to Study SEPA Reform Impacts. (Public)

Sponsors:

Referred to:

April 28, 2016

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FISCAL IMPACT OF SEPA REFORM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Transportation shall study the impact on transportation projects from reforms to the State Environmental Policy Act enacted by S.L. 2015-90 (House Bill 795). The Department shall specifically assess impacts on transportation project permitting costs and any other savings due to shortening of project construction time lines. The Department shall report the results of this study, including any recommendations for other changes in State environmental law that would result in significant cost savings, to the Environmental Review Commission and the Joint Legislative Transportation Oversight Committee no later than December 1, 2016.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 778
Transportation Committee Substitute Adopted 5/11/16
PROPOSED HOUSE COMMITTEE SUBSTITUTE S778-CSRW-67 [v.3]
06/12/2016 03:02:07 PM

Short Title: Performance Guarantees/Subdivision Streets. (Public)

Sponsors:

Referred to:

April 28, 2016

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO STATE LAW CONCERNING PERFORMANCE GUARANTEES ON COUNTY SUBDIVISION STREETS OFFERED FOR PUBLIC DEDICATION; NCDOT AND CITY REQUIREMENTS FOR ROAD IMPROVEMENTS ADJACENT TO SCHOOLS; AND ZONING APPLICABLE TO SCHOOLS.

The General Assembly of North Carolina enacts:

PERFORMANCE GUARANTEES ON COUNTY SUBDIVISION STREETS OFFERED FOR PUBLIC DEDICATION

SECTION 1. Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-331.1. Performance Guarantees and Acceptance of Streets Offered for Public Dedication.**

(a) Applicability.—This section applies to county subdivision streets located outside municipal jurisdiction. This section applies to all developments approved on or after October 1, 2016, and retroactively to all county residential subdivisions or development plans approved on or after October 1, 2010 that include an offer of dedication of roads and the roads have been constructed and opened for travel and are fully completed.

(b) Performance and residual performance guarantees to be provided.—The following shall apply to performance and residual performance guarantees:

(1) A county ordinance may or may not provide for performance guarantees for new streets offered for dedication. If a county ordinance does not provide for performance guarantees for new streets offered for dedication that county shall not require the successful completion of the new street improvements prior to allowing a plat to be recorded.

(2) Ordinances shall provide for the residual performance guarantee pursuant to subsections (g) through (j) of this section.

(3) Developers may choose not to provide a performance guarantee. If a developer chooses not to provide a performance guarantee the developer shall be permitted to record a plat and proceed to construct the street. Prior to the issuance of any building permit for a structure to be constructed within the subdivision or development the developer shall provide the residual performance guarantee.

(4) For subdivision streets the type of performance or residual performance guarantee shall as defined in G.S. 160A-372(g)(1) and the type of security utilized shall be at the election of the developer.

(c) Amount of Performance Guarantee.– The amount of a street performance guarantee shall not exceed one hundred twenty five percent (125%) of the reasonably estimated cost of completion provided by the engineer of record at the time the performance guarantee is issued. Any amount of any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty five percent (125%) of the reasonably estimated cost of completion provided by the engineer of record to complete the remaining incomplete improvements. If the performance guarantee is extended beyond the first year the principal amount for the revised guarantee shall be properly adjusted for any anticipated cost increase or decrease. The performance guarantee amount includes the reasonable cost to the county to administer, mobilize, and collect the guarantee.

(d) Use of performance guarantee.–A performance guarantee on a street shall only be used for completion of the required improvements, and not for repairs or maintenance after completion.

(e) Extension of street performance guarantee.–If the required improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until the required improvements are complete. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension or new performance guarantee shall be as defined in G.S. 160A-372(g)(1), and the type of security used shall remain at the election of the developer.

(f) Release of performance guarantee.– Any performance guarantee on a street shall be released upon confirmation from the Division of Highways that the street has been accepted for maintenance, but not later than six months following submittal to the Division of Highways of form SR-2, "Request for Addition to State Maintained Secondary Road System"; and upon the presentation of any of the following documents:

1. A county issued construction inspection approval for the fully completed streets.
2. Division of Highways issued construction inspection approval for the fully completed streets.
3. A sealed certification by the engineer of record confirming to the county and the Division of Highways that the street or road is fully completed and conforms to the approved plans and specifications.

(g) Incremental reduction during construction.–The principal amount of the performance guarantee may be incrementally reduced by the developer during the course of construction to reflect the level of completion of the road facility and its associated storm drainage and other required appurtenances, but it shall not be reduced below the amount required in subsection (g) of this section.

(h) Reduction to residual amount upon certification.– Upon certification that the road has been fully constructed the performance guarantee shall be reduced to a residual amount that is the greater of either fifteen percent (15%) of the total costs of construction or one hundred twenty-five percent (125%) of the costs of the travel surface pavement. This reduced guarantee shall be known as the residual performance guarantee.

(i) Purpose and use of residual performance guarantee.– The residual performance guarantee is for the purpose of allowing a reasonable period of time within which the completed new roads offered for dedication may attain the density required for acceptance and be accepted for maintenance by the Division of Highways. The residual performance guarantee shall only be used for necessary maintenance or repairs including the removal of inappropriate structural encroachments that impede maintenance or compromise the safety of the traveling public.

(j) Time limit on residual performance guarantee.– The residual performance guarantee shall remain in place until the road is accepted or for a period of one year from the date of issuance whichever is less. If at the end of one year the road is still not eligible for acceptance the residual performance guarantee shall be extended for a second year. If the developer has fully constructed the street but not achieved the required density or alternate density pursuant to subdivision (4) of subsection (l) of this section, the residual performance guarantee shall be extended beyond the end of the second full year.

(k) Release of residual performance guarantee.– The residual performance guarantee shall be released as follows:

(1) Within 30 days of the date the street or road is accepted for maintenance by the Division of Highways, but not later than six months following submittal to the Division of Highways of form SR-2, "Request for Addition to State Maintained Secondary Road System". System"; and upon the presentation of any of the following documents:

a. A county issued construction inspection approval for the fully completed streets.

b. Division of Highways issued construction inspection approval for the fully completed streets.

c. A sealed certification by the engineer of record confirming to the county and the Division of Highways that the street or road is fully completed and conforms to the approved plans and specifications.

(2) Within 30 days following the second anniversary date of the issuance of the residual guarantee, provided that the road is full constructed. In addition, in the case of a residential subdivision or development, the alternate density measures provided in subdivision (4) of subsection (l) of this section shall have been met. In the case of a non-residential development, the street shall be accepted in the same time frame, provided one building has been constructed within the project on the street.

(l) Department of Transportation acceptance.–Roads with an offer of public dedication within subdivisions or developments approved on or after October 1, 2010 that are fully completed according to either the plans and specifications approved by the Department on the recorded Plat of the project, or confirmed by a built to standards letter issued to the county by the Division of Highways, shall be accepted by the Department for maintenance as soon as is possible after January 1, 2017, provided that the following conditions for acceptance are all met:

(1) The road has been fully constructed according to the plans and specifications approved when the subdivision plat was recorded.

(2) The road pavement, storm drainage and signage are in proper condition.

(3) The street or road has been opened for public travel for at least six years, as of September 30, 2016. This subdivision shall not apply to streets opened on or after October 1, 2016.

(4) Either ten percent (10%) of the lots in the phase of a residential subdivision have occupied dwelling units constructed upon them, or if the phase contains fewer than 20 lots, a minimum of two homes are occupied in that phase. Each separately named street being considered for acceptance within the phase shall have at least one occupied home. If all of the named streets within the phase do not have occupied homes, nothing in this section shall prevent the acceptance of those streets within the phase that have occupied homes, while acceptance of those streets that do not have occupied homes may be deferred.

(5) There are no structural or vertical vegetative encroachments upon the right of way that either compromise the safety of the traveling public or impede maintenance of the roadway.

(m) County proposal for acceptance.–Roads meeting the requirements of subsection (l) shall be proposed for acceptance by either the county or another party to the Division of Highways.

(n) Time limits for Division of Highways acceptance.– Acceptance by the Division of Highways shall be issued as soon as the Division can review the streets and assure that they meet the conditions. The review shall occur within 60 days of the request. The Division of Highways may issue a conditional acceptance based upon the completion of any necessary repairs to the roadway and its drainage facilities identified during the review including the removal of encroachments that impede maintenance or compromise the safety of the traveling public.

(o) County Assessments for necessary improvements.–If necessary to facilitate acceptance of streets, counties may make necessary improvements to bring these streets up to the standards for acceptance, in the case of street or drainage improvements or necessary mowing, and recover all or any portion of those costs through an assessment, as provided in G.S. 153A-205, levied upon the lots within the development or levied upon the offending lot in the case of an inappropriate encroachment,

(p) Applicability exceptions.– The provisions of this section shall not apply to any of the following:

(1) Any proposed public road that has been platted but has not been properly constructed according to the plans and specifications that were in place at the time a map of the proposed right-of-way was recorded.

(2) Any subdivision or development recorded prior to October 1, 1975 where the road construction has not been completed.

(3) Any road completed after October 1, 1975 that was not constructed to the minimum standards for a paved road that were in place on the date of recordation of the plat, or where it can be clearly shown by the Department that the construction did not meet the plans and specifications by which the road was designed.

(q) Terms.– For the purposes of this section, the use of the terms "road construction", or "completion", and any reference to maintenance of roads prior to final acceptance, refer to all of the physically constructed components of the road within the designated right of way, including but not limited to the proper installation, according to approved plans and specifications, of any of the following:

1. The soil base and related compaction.
2. Base pavement courses and final travel surface pavement.
3. Shoulders where specified with appropriately sloped side ditches including appropriate drainage structures, pipes, outlets and related appurtenances.
4. Curb and gutter where specified along with appropriately designed storm drainage pipes, structures, outlets and related appurtenances.
5. Appropriate signage and pavement striping.

(r) Prohibited grounds for denial of acceptance.—None of the following shall be a basis for denial or delay of the acceptance by the Department for streets or roads completed between October 1, 2010 and September 30, 2016 that meet the acceptance conditions of this section:

1. Removal of encroachments that are neither structural nor pose a safety hazard to the motoring public including but not limited to planted ornamental vegetation or nuisance plant materials.
2. Removal of debris from ditches or drainage pipes, culverts or related appurtenances that is not significantly impeding the drainage function.
3. Cosmetic trimming of grass or weeds; and other similar maintenance items not related to the maintenance of the paved travel surface of the roadway and its related storm drainage facilities, unless trimming is necessary to allow for a proper visual inspection of the street and drainage facilities.

4. Sidewalks, or lack of sidewalks, located adjacent to a road.

(s) Development of street database.–The Department shall work cooperatively with each county to provide the necessary information to the counties to enable the counties to compile a readily available "County Public Street Information Database" and place it in operation on or before January 1, 2018. The information provided shall accurately convey the status of roads within the jurisdictional area of the county including municipal extraterritorial jurisdictions and it shall be updated at least monthly. The data shall reside on any existing database system chosen by the county for this purpose such as but not limited to a GIS mapping system, or property tax records system. The system chosen shall be able to convey clear and concise information regarding the status of roads to the public and more particularly to those individuals involved in the research of real property records and information. The data may be made available to the public in either graphic or tabular format or both. The status of roads to be conveyed shall be :

(1) Federally maintained with a federal route number assigned.
(2) State maintained with a State road number assigned.
(3) City maintained.
(4) Pending public acceptance with a financial consideration in place for the maintenance and repair of the street until it is accepted. This subdivision shall only apply to new streets offered for public dedication after October 1, 2016.
(5) Pending public acceptance without a financial consideration being in place for the maintenance and repair of the street until it is accepted.
(6) Private street requiring private maintenance."

CHANGES TO STATE LAW CONCERNING NCDOT AND CITY REQUIREMENTS FOR ROAD IMPROVEMENTS ADJACENT TO SCHOOLS

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

"§ 136-18. Powers of Department of Transportation.

The said Department of Transportation is vested with the following powers:

...

(17) The Department of Transportation is hereby authorized and required to maintain and keep in repair, sufficient to accommodate the public school buses, roads leading from the state-maintained public roads to all public schools and public school buildings to which children are transported on public school buses to and from their homes. Said Department of Transportation is further authorized to construct, pave, and maintain school bus driveways and sufficient parking facilities for the school buses at those schools. The Department of Transportation is further authorized to construct, pave, and maintain all other driveways and entrances to the public schools leading from public roads not required in the preceding portion of this subdivision. This subdivision applies to improvement located on the school site. For purposes of this subdivision, the Department shall have the power to grant final approval of the any project design. For purposes of this subdivision, project cost shall not exceed sixty thousand dollars ($60,000). For the purposes of this subdivision, the term "public school" includes a public charter school subject to Article 14A of Chapter 115C of the General Statutes. For the purposes of this subdivision, the term "public charter school" shall include public charter schools opened on or after July 1, 2015, including expansion buildings. Nothing in this section shall preclude the Department from entering into an agreement with the school whereby the school installs the agreed upon improvements and the Department provides full reimbursement for the associated costs incurred by the school including design fees and any costs of right-of-way or easements.

...

(29a) To coordinate with all public and private entities planning schools to provide written recommendations and evaluations of driveway access and traffic operational and safety impacts on the State highway system resulting from the development of the proposed sites. All public and private entities shall, upon acquiring land for a new school or prior to beginning construction of a new school, relocating a school, or expanding an existing school, request from the Department a written evaluation and written recommendations to ensure that all proposed access points comply with the criteria in the current North Carolina Department of Transportation "Policy on Street and Driveway Access". The Department shall provide the written evaluation and recommendations within a reasonable time, which shall not exceed 60 days. This subdivision applies to improvements that are not located on the school property. For purposes of this subdivision, the Department shall have the power to grant final approval of the any project design. To facilitate completion of the evaluation and recommendations within the required 60 days, in lieu of the evaluation by the Department, schools may engage their own independent traffic engineer. The resulting evaluation and recommendations from the independent traffic engineer shall also fulfill any similar requirements imposed by a unit of local government. This subdivision shall not be construed to require the public or private entities planning schools to meet the recommendations made by the ~~Department.~~ Department or the independent traffic engineer, except those highway improvements that are required for safe ingress and egress to the State highway ~~system.~~ system, pursuant to subdivision (29) of this section, and that are physically connected to a driveway on the school site. The total cost of any improvements to the State highway system provided by a school pursuant to this subdivision shall be reimbursed by the Department. Any agreement between a school and the Department to make improvements to the State highway system shall not include a requirement for acquisition of right-of-way by the school, unless the school is owned by an entity that has eminent domain power. Nothing in this subdivision shall preclude the Department from entering into an agreement with the school providing that the school installs the agreed upon improvements and the Department provides full reimbursement for the associated costs incurred by the school including design fees and any costs of right-of-way or easements. The term "school", as used in this subdivision, means any facility engaged in the educational instruction of children in grade or combination of grades from kindergarten through the twelfth grade at which attendance satisfies the compulsory attendance law, and includes public charter schools. The term "improvements" as used in this subdivision refers to all facilities within the right-of-way required to be installed to satisfy the road cross-section requirements depicted upon the approved plans. These facilities shall include but not be limited to: roadway construction including; pavement installation, medians; ditches and shoulders; storm drainage pipes, culverts and related appurtenances; and, where required, curb and gutter; signals including pedestrian safety signals; street lights; sidewalks; and design fees. Improvements shall not include any costs for public utilities.

..."

SECTION 3. Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-307.1. Limitation on city requirements for street improvements related to schools.**

A city may only require street improvements related to schools that are required for safe ingress and egress to the municipal street system, and that are physically connected to a driveway

on the school site. The required improvements shall not exceed those required pursuant to G.S. 136-18(29). G.S. 160A-307 shall not apply to schools. A city may only require street improvements related to schools as provided in G.S. 160A-372. The cost of any improvements to the municipal street system shall be reimbursed by the Department of Transportation. For purposes of this section, the Department of Transportation shall have the power to grant final approval of the any project design for which it provides reimbursement. Any agreement between a school and a city to make improvements to the municipal street system shall not include a requirement for acquisition of right-of-way by the school, unless the school is owned by an entity that has eminent domain power. Any right-of-way costs incurred by a school for required improvements pursuant to this section shall be reimbursed by the Department of Transportation. The term "school", as used in this section, means any facility engaged in the educational instruction of children in grade or combination of grades from kindergarten through the twelfth grade at which attendance satisfies the compulsory attendance law, and includes public charter schools."

SCHOOL ZONING CHANGES

SECTION 4. G.S. 153A-340 is amended by adding a new subsection to read:

"(k1) The regulations shall provide that schools shall be permitted as a matter of right in all zoning districts including relocatable or modular units as either accessory or primary facilities. Lighted athletic facilities with a permanent seating capacity of 2600 seats or more located on high school facilities housing grades nine through 12 may be subject to special use permit standards as accessory uses to the school. Special use standards for these accessory facilities shall be limited to the portions of the school site upon which the accessory facility is located and not the entirety of the campus. Public street improvements beyond those directly attributable to and physically connected to planned access drives from the athletic facilities connecting to public streets as provided in G.S. 136-18(29) and G.S. 160A-307.1 shall not be required. For the purpose of this section "schools" shall mean any facility engaged in the educational instruction of children providing any grade or combination of grades from kindergarten through the twelfth grade attendance at which satisfies the compulsory attendance law, including public charter schools."

SECTION 5. G.S. 160A-381 is amended by adding a new subsection to read:

"(g1) The regulations shall provide that schools shall be permitted as a matter of right in all zoning districts including relocatable or modular units as either accessory or primary facilities. Lighted athletic facilities with a permanent seating capacity of 2600 seats or more located on high school facilities housing grades nine through 12 may be subject to special use permit standards as accessory uses to the school. Special use standards for these accessory athletic facilities shall be limited to the portions of the school site upon which the accessory facility is located and not the entirety of the campus. Public street improvements beyond those directly attributable to and physically connected to planned access drives from the athletic facilities connecting to public streets as provided in G.S. 136-18(29) and G.S. 160A-307.1 shall not be required. For the purpose of this section "schools" shall mean any facility engaged in the educational instruction of children providing any grade or combination of grades from kindergarten through the twelfth grade attendance at which satisfies the compulsory attendance law, including public charter schools."

EFFECTIVE DATE

SECTION 6. This section is effective when it becomes law. The remainder of this act becomes effective October 1, 2016.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 778

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

S778-ARW-79 [v.2]

Amends Title [NO]
S778-CSRW-67

Date _____,2016

Representative _____

moves to amend the bill

on page 2, line 2, by adding the word "be" after the word "shall";

on page 2, line 34-35, by adding the following: " 4. Upon posting of the residual performance guarantee pursuant to subsection (h) of this section."; and

on page 2, line 38, by deleting "(g)" and substituting "(h)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 778
Transportation Committee Substitute Adopted 5/11/16
PROPOSED HOUSE COMMITTEE SUBSTITUTE S778-PCS45519-RW-67

Short Title: Performance Guarantees/Subdivision Streets. (Public)

Sponsors:

Referred to:

April 28, 2016

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO STATE LAW CONCERNING PERFORMANCE GUARANTEES ON COUNTY SUBDIVISION STREETS OFFERED FOR PUBLIC DEDICATION; NCDOT AND CITY REQUIREMENTS FOR ROAD IMPROVEMENTS ADJACENT TO SCHOOLS; AND ZONING APPLICABLE TO SCHOOLS.

The General Assembly of North Carolina enacts:

PERFORMANCE GUARANTEES ON COUNTY SUBDIVISION STREETS OFFERED FOR PUBLIC DEDICATION

SECTION 1. Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-331.1. Performance guarantees and acceptance of streets offered for public dedication.**

(a) Applicability. – This section applies to county subdivision streets located outside municipal jurisdiction. This section applies to all developments approved on or after October 1, 2016, and retroactively to all county residential subdivisions or development plans approved on or after October 1, 2010, that include an offer of dedication of roads and the roads have been constructed and opened for travel and are fully completed.

(b) Performance and Residual Performance Guarantees to Be Provided. – The following shall apply to performance and residual performance guarantees:

(1) A county ordinance may or may not provide for performance guarantees for new streets offered for dedication. If a county ordinance does not provide for performance guarantees for new streets offered for dedication, that county shall not require the successful completion of the new street improvements prior to allowing a plat to be recorded.

(2) Ordinances shall provide for the residual performance guarantee pursuant to subsections (g) through (j) of this section.

(3) Developers may choose not to provide a performance guarantee. If a developer chooses not to provide a performance guarantee, the developer shall be permitted to record a plat and proceed to construct the street. Prior to the issuance of any building permit for a structure to be constructed within the subdivision or development, the developer shall provide the residual performance guarantee.

(4) For subdivision streets, the type of performance or residual performance guarantee shall be as defined in G.S. 160A-372(g)(1) and the type of security utilized shall be at the election of the developer.

(c) Amount of Performance Guarantee. – The amount of a street performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion provided by the engineer of record at the time the performance guarantee is issued. Any amount of any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion provided by the engineer of record to complete the remaining incomplete improvements. If the performance guarantee is extended beyond the first year, the principal amount for the revised guarantee shall be properly adjusted for any anticipated cost increase or decrease. The performance guarantee amount includes the reasonable cost to the county to administer, mobilize, and collect the guarantee.

(d) Use of Performance Guarantee. – A performance guarantee on a street shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

(e) Extension of Street Performance Guarantee. – If the required improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until the required improvements are complete. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension or new performance guarantee shall be as defined in G.S. 160A-372(g)(1), and the type of security used shall remain at the election of the developer.

(f) Release of Performance Guarantee. – Any performance guarantee on a street shall be released upon confirmation from the Division of Highways that the street has been accepted for maintenance, but not later than six months following submittal to the Division of Highways of form SR-2, "Request for Addition to State Maintained Secondary Road System," and upon the presentation of any of the following documents:

(1) A county-issued construction inspection approval for the fully completed streets.

(2) Division of Highways-issued construction inspection approval for the fully completed streets.

(3) A sealed certification by the engineer of record confirming to the county and the Division of Highways that the street or road is fully completed and conforms to the approved plans and specifications.

(4) Proof of posting of the residual performance guarantee pursuant to subsection (h) of this section.

(g) Incremental Reduction During Construction. – The principal amount of the performance guarantee may be incrementally reduced by the developer during the course of construction to reflect the level of completion of the road facility and its associated storm drainage and other required appurtenances, but it shall not be reduced below the amount required in subsection (h) of this section.

(h) Reduction to Residual Amount Upon Certification. – Upon certification that the road has been fully constructed, the performance guarantee shall be reduced to a residual amount that is the greater of either fifteen percent (15%) of the total costs of construction or one hundred twenty-five percent (125%) of the costs of the travel surface pavement. This reduced guarantee shall be known as the residual performance guarantee.

(i) Purpose and Use of Residual Performance Guarantee. – The residual performance guarantee is for the purpose of allowing a reasonable period of time within which the completed new roads offered for dedication may attain the density required for acceptance and be accepted for maintenance by the Division of Highways. The residual performance guarantee shall only be

used for necessary maintenance or repairs, including the removal of inappropriate structural encroachments that impede maintenance or compromise the safety of the traveling public.

(j) Time Limit on Residual Performance Guarantee. – The residual performance guarantee shall remain in place until the road is accepted, or for a period of one year from the date of issuance, whichever is less. If at the end of one year the road is still not eligible for acceptance, the residual performance guarantee shall be extended for a second year. If the developer has fully constructed the street but not achieved the required density or alternate density pursuant to subdivision (4) of subsection (l) of this section, the residual performance guarantee shall be extended beyond the end of the second full year.

(k) Release of Residual Performance Guarantee. – The residual performance guarantee shall be released as follows:

(1) Within 30 days of the date the street or road is accepted for maintenance by the Division of Highways, but not later than six months following submittal to the Division of Highways of form SR-2, "Request for Addition to State Maintained Secondary Road System," and upon the presentation of any of the following documents:

a. A county-issued construction inspection approval for the fully completed streets.

b. Division of Highways-issued construction inspection approval for the fully completed streets.

c. A sealed certification by the engineer of record confirming to the county and the Division of Highways that the street or road is fully completed and conforms to the approved plans and specifications.

(2) Within 30 days following the second anniversary date of the issuance of the residual guarantee, provided that the road is fully constructed. In addition, in the case of a residential subdivision or development, the alternate density measures provided in subdivision (4) of subsection (l) of this section shall have been met. In the case of a nonresidential development, the street shall be accepted in the same time frame, provided one building has been constructed within the project on the street.

(l) Department of Transportation Acceptance. – Roads with an offer of public dedication within subdivisions or developments approved on or after October 1, 2010, that are fully completed according to either the plans and specifications approved by the Department on the recorded plat of the project, or confirmed by a built-to-standards letter issued to the county by the Division of Highways, shall be accepted by the Department for maintenance as soon as is possible after January 1, 2017, provided that the following conditions for acceptance are all met:

(1) The road has been fully constructed according to the plans and specifications approved when the subdivision plat was recorded.

(2) The road pavement, storm drainage, and signage are in proper condition.

(3) The street or road has been opened for public travel for at least six years, as of September 30, 2016. This subdivision shall not apply to streets opened on or after October 1, 2016.

(4) Either ten percent (10%) of the lots in the phase of a residential subdivision have occupied dwelling units constructed upon them, or if the phase contains fewer than 20 lots, a minimum of two homes are occupied in that phase. Each separately named street being considered for acceptance within the phase shall have at least one occupied home. If all of the named streets within the phase do not have occupied homes, nothing in this section shall prevent the acceptance of those streets within the phase that have occupied homes, while acceptance of those streets that do not have occupied homes may be deferred.

(5) There are no structural or vertical vegetative encroachments upon the right-of-way that either compromise the safety of the traveling public or impede maintenance of the roadway.

(m) County Proposal for Acceptance. – Roads meeting the requirements of subsection (l) of this section shall be proposed for acceptance by either the county or another party to the Division of Highways.

(n) Time Limits for Division of Highways Acceptance. – Acceptance by the Division of Highways shall be issued as soon as the Division can review the streets and assure that they meet the conditions. The review shall occur within 60 days of the request. The Division of Highways may issue a conditional acceptance based upon the completion of any necessary repairs to the roadway and its drainage facilities identified during the review, including the removal of encroachments that impede maintenance or compromise the safety of the traveling public.

(o) County Assessments for Necessary Improvements. – If necessary to facilitate acceptance of streets, counties may make necessary improvements to bring these streets up to the standards for acceptance, in the case of street or drainage improvements or necessary mowing, and recover all or any portion of those costs through an assessment, as provided in G.S. 153A-205, levied upon the lots within the development or levied upon the offending lot in the case of an inappropriate encroachment.

(p) Applicability Exceptions. – The provisions of this section shall not apply to any of the following:

(1) Any proposed public road that has been platted but has not been properly constructed according to the plans and specifications that were in place at the time a map of the proposed right-of-way was recorded.

(2) Any subdivision or development recorded prior to October 1, 1975, where the road construction has not been completed.

(3) Any road completed after October 1, 1975, that was not constructed to the minimum standards for a paved road that were in place on the date of recordation of the plat, or where it can be clearly shown by the Department that the construction did not meet the plans and specifications by which the road was designed.

(q) Terms. – For the purposes of this section, the use of the terms "road construction," or "completion," and any reference to maintenance of roads prior to final acceptance, refer to all of the physically constructed components of the road within the designated right-of-way, including, but not limited to, the proper installation, according to approved plans and specifications, of any of the following:

(1) The soil base and related compaction.

(2) Base pavement courses and final travel surface pavement.

(3) Shoulders where specified with appropriately sloped side ditches, including appropriate drainage structures, pipes, outlets, and related appurtenances.

(4) Curb and gutter where specified along with appropriately designed storm drainage pipes, structures, outlets, and related appurtenances.

(5) Appropriate signage and pavement striping.

(r) Prohibited Grounds for Denial of Acceptance. – None of the following shall be a basis for denial or delay of the acceptance by the Department for streets or roads completed between October 1, 2010, and September 30, 2016, that meet the acceptance conditions of this section:

(1) Removal of encroachments that are neither structural nor pose a safety hazard to the motoring public including, but not limited to, planted ornamental vegetation or nuisance plant materials.

(2) Removal of debris from ditches or drainage pipes, culverts, or related appurtenances that is not significantly impeding the drainage function.

(3) Cosmetic trimming of grass or weeds, and other similar maintenance items not related to the maintenance of the paved travel surface of the roadway and its related storm drainage facilities, unless trimming is necessary to allow for a proper visual inspection of the street and drainage facilities.

(4) Sidewalks, or lack of sidewalks, located adjacent to a road.

(s) Development of Street Database. – The Department shall work cooperatively with each county to provide the necessary information to the counties to enable the counties to compile a readily available "County Public Street Information Database" and place it in operation on or before January 1, 2018. The information provided shall accurately convey the status of roads within the jurisdictional area of the county, including municipal extraterritorial jurisdictions, and it shall be updated at least monthly. The data shall reside on any existing database system chosen by the county for this purpose such as, but not limited to, a GIS mapping system or property tax records system. The system chosen shall be able to convey clear and concise information regarding the status of roads to the public and more particularly to those individuals involved in the research of real property records and information. The data may be made available to the public in either graphic or tabular format, or both. The status of roads to be conveyed shall be:

(1) Federally maintained with a federal route number assigned.

(2) State-maintained with a State road number assigned.

(3) City-maintained.

(4) Pending public acceptance with a financial consideration in place for the maintenance and repair of the street until it is accepted. This subdivision shall only apply to new streets offered for public dedication after October 1, 2016.

(5) Pending public acceptance without a financial consideration being in place for the maintenance and repair of the street until it is accepted.

(6) Private street requiring private maintenance."

CHANGES TO STATE LAW CONCERNING NCDOT AND CITY REQUIREMENTS FOR ROAD IMPROVEMENTS ADJACENT TO SCHOOLS

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

"**§ 136-18. Powers of Department of Transportation.**

The said Department of Transportation is vested with the following powers:

...

(17) The Department of Transportation is hereby authorized and required to maintain and keep in repair, sufficient to accommodate the public school buses, roads leading from the state-maintained public roads to all public schools and public school buildings to which children are transported on public school buses to and from their homes. Said Department of Transportation is further authorized to construct, pave, and maintain school bus driveways and sufficient parking facilities for the school buses at those schools. The Department of Transportation is further authorized to construct, pave, and maintain all other driveways and entrances to the public schools leading from public roads not required in the preceding portion of this subdivision. This subdivision applies to improvement located on the school site. For purposes of this subdivision, the Department shall have the power to grant final approval of any project design. For purposes of this subdivision, project cost shall not exceed sixty thousand dollars ($60,000). For the purposes of this subdivision, the term "public school" includes a public charter school subject to Article 14A of Chapter 115C of the General Statutes. For the purposes of this subdivision, the term "public charter school" shall include public charter schools opened on or after July 1, 2015, including expansion buildings. Nothing in this section shall preclude the Department from entering into an agreement with the school whereby the

school installs the agreed upon improvements and the Department provides full reimbursement for the associated costs incurred by the school, including design fees and any costs of right-of-way or easements.

...

(29a) To coordinate with all public and private entities planning schools to provide written recommendations and evaluations of driveway access and traffic operational and safety impacts on the State highway system resulting from the development of the proposed sites. All public and private entities shall, upon acquiring land for a new school or prior to beginning construction of a new school, relocating a school, or expanding an existing school, request from the Department a written evaluation and written recommendations to ensure that all proposed access points comply with the criteria in the current North Carolina Department of Transportation "Policy on Street and Driveway Access". The Department shall provide the written evaluation and recommendations within a reasonable time, which shall not exceed 60 days. This subdivision applies to improvements that are not located on the school property. For purposes of this subdivision, the Department shall have the power to grant final approval of any project design. To facilitate completion of the evaluation and recommendations within the required 60 days, in lieu of the evaluation by the Department, schools may engage their own independent traffic engineer. The resulting evaluation and recommendations from the independent traffic engineer shall also fulfill any similar requirements imposed by a unit of local government. This subdivision shall not be construed to require the public or private entities planning schools to meet the recommendations made by the ~~Department,~~ Department or the independent traffic engineer, except those highway improvements that are required for safe ingress and egress to the State highway ~~system.~~system, pursuant to subdivision (29) of this section, and that are physically connected to a driveway on the school site. The total cost of any improvements to the State highway system provided by a school pursuant to this subdivision shall be reimbursed by the Department. Any agreement between a school and the Department to make improvements to the State highway system shall not include a requirement for acquisition of right-of-way by the school, unless the school is owned by an entity that has eminent domain power. Nothing in this subdivision shall preclude the Department from entering into an agreement with the school, providing that the school installs the agreed upon improvements and the Department provides full reimbursement for the associated costs incurred by the school, including design fees and any costs of right-of-way or easements. The term "school," as used in this subdivision, means any facility engaged in the educational instruction of children in any grade or combination of grades from kindergarten through the twelfth grade at which attendance satisfies the compulsory attendance law, and includes public charter schools. The term "improvements" as used in this subdivision refers to all facilities within the right-of-way required to be installed to satisfy the road cross-section requirements depicted upon the approved plans. These facilities shall include, but not be limited to, roadway construction, including pavement installation and medians; ditches and shoulders; storm drainage pipes, culverts, and related appurtenances; and, where required, curb and gutter; signals, including pedestrian safety signals; street lights; sidewalks; and design fees. Improvements shall not include any costs for public utilities.

...."

SECTION 3. Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-307.1. Limitation on city requirements for street improvements related to schools.**

A city may only require street improvements related to schools that are required for safe ingress and egress to the municipal street system and that are physically connected to a driveway on the school site. The required improvements shall not exceed those required pursuant to G.S. 136-18(29). G.S. 160A-307 shall not apply to schools. A city may only require street improvements related to schools as provided in G.S. 160A-372. The cost of any improvements to the municipal street system shall be reimbursed by the Department of Transportation. For purposes of this section, the Department of Transportation shall have the power to grant final approval of any project design for which it provides reimbursement. Any agreement between a school and a city to make improvements to the municipal street system shall not include a requirement for acquisition of right-of-way by the school, unless the school is owned by an entity that has eminent domain power. Any right-of-way costs incurred by a school for required improvements pursuant to this section shall be reimbursed by the Department of Transportation. The term "school," as used in this section, means any facility engaged in the educational instruction of children in any grade or combination of grades from kindergarten through the twelfth grade at which attendance satisfies the compulsory attendance law, and includes public charter schools."

SCHOOL ZONING CHANGES

SECTION 4. G.S. 153A-340 is amended by adding a new subsection to read:

"(k1) The regulations shall provide that schools shall be permitted as a matter of right in all zoning districts, including relocatable or modular units as either accessory or primary facilities. Lighted athletic facilities with a permanent seating capacity of 2,600 seats or more located on high school facilities housing grades nine through 12 may be subject to special use permit standards as accessory uses to the school. Special use standards for these accessory facilities shall be limited to the portions of the school site upon which the accessory facility is located and not the entirety of the campus. Public street improvements beyond those directly attributable to and physically connected to planned access drives from the athletic facilities connecting to public streets as provided in G.S. 136-18(29) and G.S. 160A-307.1 shall not be required. For the purpose of this section, "schools" shall mean any facility engaged in the educational instruction of children providing any grade or combination of grades from kindergarten through the twelfth grade attendance at which satisfies the compulsory attendance law, including public charter schools."

SECTION 5. G.S. 160A-381 is amended by adding a new subsection to read:

"(g1) The regulations shall provide that schools shall be permitted as a matter of right in all zoning districts, including relocatable or modular units as either accessory or primary facilities. Lighted athletic facilities with a permanent seating capacity of 2,600 seats or more located on high school facilities housing grades nine through 12 may be subject to special use permit standards as accessory uses to the school. Special use standards for these accessory athletic facilities shall be limited to the portions of the school site upon which the accessory facility is located and not the entirety of the campus. Public street improvements beyond those directly attributable to and physically connected to planned access drives from the athletic facilities connecting to public streets as provided in G.S. 136-18(29) and G.S. 160A-307.1 shall not be required. For the purpose of this section, "schools" shall mean any facility engaged in the educational instruction of children providing any grade or combination of grades from kindergarten through the twelfth grade attendance at which satisfies the compulsory attendance law, including public charter schools."

EFFECTIVE DATE

SECTION 6. This section is effective when it becomes law. The remainder of this act becomes effective October 1, 2016.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE REPORT
Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

FAVORABLE

HB **986** Zeta Phi Beta Special Registration Plate.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Gill

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **1003** DOT to study SEPA reform impacts.

Draft Number:	H1003-PCS10550-SU-48
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Dixon

TOTAL REPORTED: 2

CMR728-V-1

HOUSE BILL 986

Short Title:	Zeta Phi Beta Special Registration Plate.	(Public)
Sponsors:	Representative Gill. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Rules, Calendar, and Operations of the House	

April 28, 2016

A BILL TO BE ENTITLED

AN ACT TO REAUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE FOR THE ZETA PHI BETA SORORITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.4(b)(255), as it existed on September 30, 2014, is reenacted.

SECTION 2. The fee amount and distribution set for "Zeta Phi Beta" special registration plates in G.S. 20-79.7(a1) and (b) as of September 30, 2014, are reenacted.

SECTION 3. G.S. 20-81.12(b30), as it existed on September 30, 2014, is reenacted.

SECTION 4. This act becomes effective July 1, 2016.

HOUSE BILL 986:
Zeta Phi Beta Special Registration Plate.

2016-2017 General Assembly

Committee:	House Transportation	**Date:**	June 14, 2016
Introduced by:	Rep. Gill	**Prepared by:**	Wendy Ray
Analysis of:	First Edition		Committee Counsel

SUMMARY: House Bill 986 would reauthorize the Zeta Phi Beta special registration plate. The plate was originally authorized effective January 1, 2004, and expired October 1, 2014.

CURRENT LAW: North Carolina offers a number of special registration plates. Upon application and payment of the required registration fees, a person may obtain from the Division of Motor Vehicles a special registration plate for a motor vehicle registered in that person's name if the person qualifies for the registration plate. As a general rule, the fee for a special registration plate is the regular vehicle registration fee plus a $10 special registration plate fee. The cost of some special plates includes a fee in addition to the $10 special registration plate fee. In those instances, the first $10 goes to the special registration plate fund and the remainder is transferred quarterly to designated beneficiaries of the additional fee amount.

The Zeta Phi Beta special registration plate was authorized effective January 1, 2004. The plate was to bear the sorority's name and symbol. The authorization included an additional $20 fee, with half of the additional fee to be transferred to the Zeta Phi Beta Sorority Education Foundation for the benefit of undergraduate scholarships in the State. The Division was required to receive at least 300 applications for the plate before the plate could be developed. In 2011, the General Assembly passed legislation enacting G.S. 20-79.8, which provides for the expiration of special plate authorizations if they do not receive the required number of applications. Pursuant to that legislation, the Zeta Phi Beta plate expired on July 1, 2013. S.L. 2014-96 reauthorized the plate, but it expired again on October 1, 2014.

BILL ANALYSIS: House Bill 986 would reauthorize the Zeta Phi Beta special registration plate as it existed prior to its expiration, including the fee amount, distribution of the additional fee, and the requirement for at least 300 applications before the Division would develop the plate.

EFFECTIVE DATE: The bill would become effective July 1, 2016.

Karen Cochrane-Brown
Director

H986-SMSU-137-E1-V-1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 1003
PROPOSED COMMITTEE SUBSTITUTE H1003-CSSU-48 [v.1]
06/13/2016 06:39:38 PM

Short Title: DOT to study SEPA reform impacts. (Public)

Sponsors:

Referred to:

April 28, 2016

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FISCAL IMPACT OF SEPA REFORM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Transportation shall study the impact on transportation projects from reforms to the State Environmental Policy Act enacted by S.L. 2015-90 (House Bill 795). The Department shall specifically assess impacts on transportation project permitting costs and any other savings due to shortening of project construction time lines. The Department shall report the results of this study, including any recommendations for other changes in State environmental law that would result in significant cost savings, to the Environmental Review Commission and the Joint Legislative Transportation Oversight Committee no later than December 1, 2016.

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

HOUSE BILL 1003:
DOT to study SEPA reform impacts.

2016-2017 General Assembly

Committee:	House Transportation	**Date:**	June 14, 2016
Introduced by:	Rep. Dixon	**Prepared by:**	Wendy Ray
Analysis of:	PCS to First Edition H1003-CSSU-48		Committee Counsel

SUMMARY: ***The Proposed Committee Substitute for House Bill 1003 would direct the Department of Transportation to study the fiscal impact of reforms passed in 2015 to the State Environmental Policy Act, as recommended by the Environmental Review Commission.***

CURRENT LAW: House Bill 795 (S.L. 2015-90) was enacted in 2015 to reform the State Environmental Policy Act (SEPA). The bill increased the thresholds for when SEPA applies, increased the number of exemptions from the Act, and otherwise amended the Act.

BILL ANALYSIS: The PCS for House Bill 1003 would direct the Department of Transportation to study the impact of the SEPA reforms enacted in S.L. 2015-90 on transportation projects. Specifically, the Department would be required to assess cost savings resulting from shortening of project time lines.

The Department would be required to report the results of the study to the Environmental Review Commission and to the Joint Legislative Transportation Oversight Committee by December 1, 2016, including any recommendations for other changes that would result in significant cost savings.

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

Karen Cochrane-Brown
Director

H1003-SMSU-139 CSSU-48 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/14/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Oderah Chidern	JKHF
Tiffany Turner	JKHF
Seth Saegling	JKHF
Austin Gragson	JKHF
DAN CRAWFORD	NCCV
Cassie Gavin	Sierra Club
Meredith Frerichmeyer	NCCN
Jesse Way	NC LCV
[illegible]	PANC
Brooks Rainey Pearson	SELC
Mg Maile Ashell	SELC

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/14/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matthew Starr	Riverkeeper
David Collins	SEANC
Kerri Burke	MWC
[illegible]	MWC
Scott Abel	LNL
Johanna Reese	NCACC
Dominique Walker	NCACC
Delbert Robbins	NCDOT
Mary Fanning	NCDOT
ML Holder	NCDOT
Ryan Boyce	II

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/14/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cameron Nieters	KTS
Dana Fenton	City of Charlotte
Erin Wynia	NCLM
Bailey Recktenwald	NCLM
[illegible]	NCPCSA
Chris Nida	NCLM
[illegible]	RAMC
[illegible]	McClees Consulting

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/14/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Stewart Warren	NCHBA
Penny Hollis	School of Gov
Cathy Thomas	FOCUS Carolinas
Wendy Hall	NCAR
Isabel Villa Garcia	NCAR
Julie White	NCMA
CHRIS DILLON	WAKE
Tim MAHONEY	WAKE CO
BETTY L. PARKER	WCPSS
Elizabeth Bise	?
Courtney Crowder	Cinda Bass/Ngp

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/14/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bruce Mildwurf	NCSBA
Angie Hedgepeth	NC Assoc. of Realtors
Fred Moreno	NC REC
Garrett Rider	NCREC
Betsy Bailey	CAGC
Henry Jones	Jordan Price, et al
Tommy Sew	INL'A
Seunicia Wallace-Williams	Intern for NC AT+T
Troy Fabon	AT&T
Ken Melton	K.M.A
CS Fields	CSX

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/14/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	NCC
Paul Sherman	NCSB
[illegible]	CCA
[illegible]	ENC
[illegible]	ENC
Deb Clary	NCSP
Zane Stilwell	TSG
[illegible]	Duke Energy
Jay Stem	NCAA
[illegible]	MCAS1
Tim [illegible]	NCHBA

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/14/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Wendy Kelly	Town Carolina
[illegible]	Bone 5/650.
Kelsey Byerly	Laura Ormond PAC
Laura Puryear	Laura Ormond PAC

House Committee on Transportation
Tuesday, June 28, 2016 at 12:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Transportation met at 12:00 PM on June 28, 2016 in Room 643 of the Legislative Office Building. Representatives Blackwell, Boles, Bumgardner, Catlin, Ford, Fraley, Hunter, Iler, McGrady, Presnell, Robinson, Shepard, Stone, Tine, Torbett, and Yarborough attended.

Representative Frank Iler, Chair, presided.

The following bills were considered:

House Bill 959 was reviewed and discussed. A motion was made and carried to advise this amendment be included in conference.

The meeting adjourned at 12:30pm.

Representative Frank Iler, Chair
Presiding

Viddia Torbett, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2015-2016 SESSION

You are hereby notified that the **House Committee on Transportation** will meet as follows:

DAY & DATE: Tuesday, June 28, 2016
TIME: **12:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Representative Iler Will Chair**
Committee Agenda Will Be To Review And Advise On House Bill 959

Respectfully,

Representative Frank Iler, Co-Chair
Representative Phil Shepard, Co-Chair
Representative John A. Torbett, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:44 AM on Thursday, June 23, 2016.

___ Principal Clerk
___ Reading Clerk – House Chamber

Viddia Torbett (Committee Assistant)

House Committee on Transportation
Tuesday, June 28, 2016, 12:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Presentations

REVIEW AND ADVISE ON HOUSE BILL 959

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 959*

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

H959-ARW-93 [v.2]

Amends Title [NO]
Fourth Edition

Date _____ _____ _____ ,2016

Representative _____

moves to amend the bill on page 22, line 13-16, by rewriting those lines to read:

"PART VI. MAP ACT CHANGES

MODIFY USE OF STI FUNDS

SECTION 15. Notwithstanding any provision of law to the contrary, damages, right-of-way costs, and planning and design costs, related to litigation concerning the adoption of a transportation corridor official map under Article 2E of Chapter 136 of the General Statutes shall be paid from the tier under Article 14B of Chapter 136 of the General Statutes in which the project covered by the transportation corridor official map was funded under or is programmed to be funded under. For projects covered by a transportation corridor official map that were not funded, or are not programmed to be funded, under Article 14B of Chapter 136 of the General Statutes, damages, right-of-way costs, and planning and design costs, related to litigation concerning the adoption of the transportation corridor official map shall be paid from the regional allocation of funds under Article 14B of Chapter 136 of the General Statutes for the region covered by the transportation corridor official map.

ONE YEAR MORATORIUM ON NEW MAPS UNDER MAP ACT

SECTION 16. G.S. 136-44.50 is amended by adding a new subsection to read:

"(h) No new transportation corridor official map may be adopted pursuant to this section from July 1, 2016 to July 1, 2017."

ALL MAP ACT CORRIDOR MAPS RESCINDED

SECTION 17.(a) All transportation corridor official maps adopted pursuant to Article 2E of Chapter 136 of the General Statutes, and any amendments thereto, are hereby rescinded, and all restrictions under Article 2E of Chapter 136 of the General Statutes shall no longer apply to properties or portions of properties within the affected transportation corridors.

SECTION 17.(b) The Department shall post information concerning each map rescinded pursuant to subsection (a) of this section on its website, and provide notice of each map rescinded pursuant to subsection (a) of this section to all of the following for the affected jurisdictions:

(1) The office of the city clerk.

(2) The county tax supervisor and city tax collector.
(3) The register of deeds.
(4) The city and county planning agency.

SECTION 17.(c) Nothing in subsection (a) of this section shall be construed as tolling, delaying, or otherwise modifying the time in which a complaint must be filed under G.S. 136-111.

MODIFY DOT CONDEMNATION INTEREST RATE

SECTION 18.(a) G.S. 24-1 reads as rewritten:

"**§ 24-1. Legal rate is eight percent.**

~~The~~Except as otherwise provided in G.S. 136-113, the legal rate of interest shall be eight percent (8%) per annum for such time as interest may accrue, and no more."

SECTION 18.(b) G.S. 136-113 reads as rewritten:

"**§ 136-113. Interest as a part of just compensation.**

To said amount awarded as damages by the commissioners or a jury or judge, the judge shall, as a part of just compensation, add interest at the legal rate ~~as provided in G.S. 24-1~~ on said amount from the date of taking to the date of judgment; but interest shall not be allowed from the date of deposit on so much thereof as shall have been paid into court as provided in this Article. For purposes of this section, the term "legal rate" means the prime lending rate, as published by the Board of Governors of the Federal Reserve System on the first business day of the calendar month immediately preceding the date of taking. The legal rate established under this section shall not exceed the legal rate set in G.S. 24-1."

SECTION 18.(c) This section becomes effective July 1, 2016, and applies to causes of action filed on or after that date.

DOT/STUDY PROCESS FOR PROTECTING PROPOSED TRANSPORTATION CORRIDORS

SECTION 19. The Department of Transportation shall study the development of a process that equitably balances the interest of the State in protecting proposed transportation corridors from development, the property rights of affected landowners, and the taxpayers of the State. Beginning October 1, 2016, the Department shall report quarterly to the General Assembly on its progress in completing the study required under this section. By July 1, 2017, the Department shall submit a final report to the General Assembly detailing its findings and recommendations, including any legislative proposals.

PART VII. EFFECTIVE DATE

SECTION 20. Except as otherwise provided, this act is effective when it becomes law.".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 959*

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

H959-ARW-93 [v.2]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 959:
Map Act Changes.

2016-2017 General Assembly

Committee:	House Transportation	**Date:**	June 27, 2016
Introduced by:	Iler, Torbett	**Prepared by:**	Giles Perry Committee Counsel
Analysis of:	Amendment to Fourth Edition H959-ARW-93		

SUMMARY: The proposed amendment to House Bill 959 makes changes to State law related to the Map Act.

CURRENT LAW: The Transportation Corridor Official Map Act, enacted in 1987, authorizes the Department of Transportation, local governments, and transportation authorities to adopt and file transportation corridor maps.

As long as work on an environmental impact statement or preliminary engineering begins within one year of the establishment of the corridor, there is no time limit on the map.

Once the map has been filed, no building permits or subdivision approvals may be granted for properties within the corridor for up to three years. After three years from the date a permit application is submitted, the permit must be granted, or the entity that adopted the map must initiate acquisition proceedings. If the entity does not act as required, then the applicant may treat the property as unencumbered.

The Act also allows for property owners within the corridor to petition for a variance from restrictions, to be granted upon a showing that no reasonable return may be earned from the land, and the requirements result in practical difficulties or unnecessary hardships, or for advance acquisition due to an imposed hardship.

Two statutes grant property in a transportation corridor a reduced rate of local property tax:

- For property without a building (or other structure) that was not subdivided since the map was filed, G.S. 105-277.9 taxes the property at 20% of the appraised value of the property.
- For property with a building (or other structure) that was not subdivided since the map was filed, G.S. 105-277.9A taxes the property at 50% of the appraised value of the property.

There are currently 26 filed transportation corridor official maps.

AMENDMENT ANALYSIS:

- **Funding of Map Act Claims. Section 15** of the amendment clarifies how Map Act-related litigation damages and costs will be funded. The amendment provides that Map Act-related litigation damages and costs will be funded from the tier under STI in which the project covered by the transportation corridor official map is funded under, or is programmed to be funded under.

  For projects covered by a transportation corridor official map that were not funded, or are not programmed to be funded, under STI, Map Act-related litigation damages and costs would be

Karen Cochrane-Brown
Director

H959-SMRW-184 ARW-93 -V-4

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

paid from the regional allocation of funds under STI for the region covered by the transportation corridor official map.

- **One Year Moratorium. Section 16** of the amendment places a one-year moratorium on the filing of any new transportation corridor official maps - from July 1, 2016 to July 1, 2017.
- **All Map Act Corridor Maps Rescinded. Section 17** of the amendment rescinds all transportation corridor official maps, and all restrictions of those maps shall no longer apply to properties or portions of properties within the affected transportation corridors. This section also requires DOT to post notice of the recession of the maps with specified city and county offices in affected jurisdictions, and on DOT's website.
- **Modification of DOT Condemnation Interest Rate. Section 18** changes the rate of interest that DOT must pay on condemnation related judgments, from 8% to the prime lending rate, effective for causes of action filed on or after the effective date.
- **DOT Study of Process for Protecting Transportation Corridors. Section 19** directs DOT to study the development of a process that equitably balances the interest of the State in protecting proposed transportation corridors from development, the property rights of affected landowners, and the taxpayers of the State. Beginning October 1, 2016, the Department is directed to report quarterly to the General Assembly on its progress in completing the study required under this section. By July 1, 2017, the Department is directed to submit a final report to the General Assembly detailing its findings and recommendations, including any legislative proposals.

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

BACKGROUND:

On June 10, 2016, the NC Supreme Court issued a decision in the case of ***Kirby v NC DOT.*** That case was brought by landowners affected by NC Map Act roadway corridor official maps, recorded in 1997 and 2008 for the Winston-Salem Beltway.

The Court found that the indefinite restrictions imposed by the Map Act corridor map recordations substantially interfered with the elemental property rights of the landowners, and thus constituted an inverse condemnation, for which compensation is owed.

The State Supreme Court directed the Superior Court, where the case was originally tried, to determine the damages of each property owner on a case-by-case basis, ruling that the measure of damage for each property owner is as follows:

- The difference between the value of the land before the corridor map recordation, and after.
- A factor that takes into account the reduction in property taxes on parcels subject to the Map Act. (the Map Act reduced the property taxes of affected properties to 20% of appraised value if undeveloped, and to 50% of appraised value if developed).
- In addition, although not directly mentioned in the Kirby decision, prior case law requires the addition of interest from the time of the taking to the time of judgment awarding compensation (Seaboard Air Line Ry. Co. v. U.S. 261 US 299 (1923); Lea Co. v. North Carolina Bd. of Transp.,317 NC 254 (1986).

The Kirby decision applies to the effect of the Winston-Salem Beltway corridor maps on the landowners who brought the case.

Trial judges in all other Map Act cases in State Court will be bound to follow this ruling in all other Map Act cases.

There are 4530 total parcels affected by Map Act corridor maps around the State for projects that have not been completed, and 329 pending lawsuits.

CURRENT TRANSPORTATION CORRIDOR OFFICIAL MAP SUMMARY
CORRIDOR MAPS FILED ON PROPOSED PROJECTS

TIP PROJECT NO.	COUNTY	DESCRIPTION	DATE OF ADOPTION BY BOT	RECORD REGISTER OF DEEDS
R-2576	CURRITUCK	MID CURRITUCK BRIDGE (SOUTH OF COROLLA ON NC 12)	07/08/1992	07/15/1992
R-2721	WAKE	SOUTHERN WAKE EXPRESSWAY (NC 55 SOUTH TO US 401 SOUTH)	08/02/1996	08/06/1996
R-2828	JOHNSTON WAKE	SOUTHERN WAKE EXPRESSWAY (US 401 SOUTH TO I-40)	03/07/1997	03/10/1997
R-2247	FORSYTH	WINSTON-SALEM WESTERN LOOP (US 158 TO US 52)	10/03/1997	10/06/1997
R-3300	NEW HANOVER PENDER	US 17 HAMPSTEAD BYPASS (US 17 TO US 17 NORTH OF HAMPSTEAD)	11/16/2011*	11/22/2011

RIGHT OF WAY ACQUISITION IN PROGRESS FOR PART OR ALL OF PROJECT

TIP PROJECT NO.	COUNTY	DESCRIPTION	DATE OF ADOPTION BY BOT	RECORD REGISTER OF DEEDS
U-2519	CUMBERLAND ROBESON	FAYETTEVILLE OUTER LOOP (SOUTH OF CUMBERLAND COUNTY LINE TO NORTH OF SR 1400) AMENDED AMENDED	10/02/1992 09/06/2001 06/01/2006	10/21/1992 09/11/2001 06/06/2006
U-2524	GUILFORD	GREENSBORO WESTERN LOOP (I-85 TO LAWNDALE DRIVE)	08/02/1996	08/08/1996
U-2525	GUILFORD	GREENSBORO EASTERN AND NORTHERN LOOP (LAWNDALE DRIVE TO NORTH OF I-40/85) AMENDED	10/04/1996 09/08/2011	10/07/1996 03/05/2012
R-2413	GUILFORD ROCKINGHAM	US 220-NC 68 CONNECTOR (SR 2133 TO THE HAW RIVER)	06/06/1997	06/10/1997
R-2707	CLEVELAND	SHELBY BYPASS (WEST OF SR 1162 PEACH TREE ROAD TO WEST OF SR 1001 STONEY POINT ROAD)	02/04/2010	05/25/2010
U-2579	FORSYTH	WINSTON-SALEM NORTHERN BELTWAY EASTERN SECTION (US 52 TO US 311)	01/08/2009	11/26/2008
R-2250	PITT	GREENVILLE SOUTHWEST BYPASS (SR 1125 FORLINES ROAD TO US 264)	05/07/2009	04/16/2009
U-4751	NEW HANOVER	MILTARY CUTOFF ROAD EXTENSION (MILITARY CUTOFF ROAD TO US 17) AMENDED	** 11/1/2011 **	08/04/2005 11/22/2011

TRANSPORTATION CORRIDOR OFFICIAL MAPS - COMPLETED PROJECTS

TIP PROJECT NO.	COUNTY	DESCRIPTION	DATE OF ADOPTION BY BOT	RECORD REGISTER OF DEEDS
R-211E Complete	MECKLENBURG	CHARLOTTE SOUTHERN OUTER LOOP (NC 16 TO US 74) AMENDED (COMP 1-98)	07/07/1989 07/12/1991	08/18/1989 08/09/1991
R-2248 Complete	MECKLENBURG	CHARLOTTE WESTERN OUTER LOOP (I-77 TO NC 49) (COMP 12-97)	07/07/1989	08/18/1989
R-2123 Complete	MECKLENBURG	CHARLOTTE EASTERN OUTER LOOP (US 74 TO I-85) (COMP 1-04)	04/06/1990	04/25/1990
R-609I Complete	GUILFORD RANDOLPH	US 311 HIGH POINT EAST BELT SR 1154 TO EXISTING US 311 E. OF ARCHDALE) (COMP 5-11)	12/06/1990	12/20/1990
R-2641 Complete	WAKE	EAST WAKE EXPRESSWAY (US 64 TO SR 1007) AMENDED (COMP 10-06)	01/04/1991 04/02/1993	01/11/1991 04/23/1993
R-2547 Complete	WAKE	US 64 BYPASS (I-440 TO US 64 EAST) AMENDED AMENDED (COMP 7-06)	01/04/1991 04/02/1993 07/12/1996	01/11/1991 04/23/1993 08/01/1996
R-2000 Complete	WAKE DURHAM	NORTHERN WAKE EXPRESSWAY (WEST OF NC 55 TO US 64) AMENDED (COMP 9-07)	07/12/1991 09/02/1993	07/19/1991 09/10/1993
R-512 Complete	RICHMOND	US 74 ROCKINGHAM HAMLET BYPASS (US 74 E. OF PEE DEE RIVER TO US 74 WEST OF SCOTLAND COUNTY LINE) (COMP 5-01)	11/05/1993	11/15/1993
R-2248 Complete	MECKLENBURG	CHARLOTTE WESTERN OUTER LOOP (NC 49 TO NC 27) (COMP 1-07) (NC 27 TO I-85)	03/04/1994 05/06/1994	03/09/1994 07/14/1994
R-2635 Complete	WAKE	WESTERN WAKE EXPRESSWAY (WEST OF NC 55 TO NC 55 SOUTH) (COMP 6-13)	08/06/1993	08/13/1993
U-2307 Complete	CATAWBA	HICKORY EASTSIDE THOROUGHFARE (STARTOWN ROAD TO SPRINGS ROAD) (COMP 7-06)	07/02/1993	09/10/1993
R-2417 Complete	LEE	US 421/NC 87 SANFORD BYPASS (WEST OF SR 1400 TO NC 87) (COMP 10-13)	02/05/1999	02/09/1999
R-2554 Complete	LENOIR WAYNE	US 70 GOLDSBORO BYPASS (WEST OF NC 581 TO WEST OF SR 1714) (COMP 6-16)	07/11/2002	07/17/2002

* - ADOPTED BY WILMINGTON MPO

** - ADOPTED BY CITY OF WILMINGTON

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/28/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
MIKE Halder	NCDOT
Ellis Powell	CAPA
Courtney Lakamp	Randolph Cloud + Assoc.
Cameron Nieters	KTS
[illegible]	NCDOT
Carr McLamb	NCDOT
Ryan Boyce	"
Kelly Thomas	DMV
Hope Mozgo	NCDMV
Crystal Feldman	DOT
Julia Meder	DOT

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/28/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michael Fanning	NC DOT - IT
Alex Holbrook	NCDOT
Kevin Lacy	NCDOT
Hugh Johnson	NCACC
William Thomas	MWCL
Mark Benga	Rone
[illegible]	Misc -
MATT ARSENAULT	NC SIERRA CLUB
Christy Davis	NCSS
Terri Burke	MWC
Chris Broughton	MWC

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/28/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Julie White	NCMMC
Dana Fenton	City of Charlotte
Lucian Menvald	WM
Susan Vick	Duke Energy
Berry Jenkins	Carolinas AGC
Greg Dean	Carolinas Concrete Paving Assoc
Britton Allen	NCTCC
Trey Raborn	AT&T
[illegible]	Charter
Kelsey Byerly	Lanier [illegible]
Erin Wyrick	NCLM

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/28/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bailey Brecktenwald	NCLM
Patrick Norman	NCDOT
VAN ARGABRIGHT	NCDOT
Andy Walsh	SA
Andy Chase	KMA
[illegible]	Bonar Assoc.
[illegible]	NCDTSA
Isabel Villa Garcia	NCAR
[illegible]	[illegible]
Kelly Kingsbury	BP
CS Hollis	CSX

VISITOR REGISTRATION SHEET

House Comm. on Transportation 06/28/16

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	[illegible]
Ken McHan	KMA