

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 792
HOUSE BILL 1229

AN ACT TO REMOVE BARRIERS TO COORDINATING HUMAN SERVICE AND
VOLUNTEER TRANSPORTATION.

Whereas, human service transportation has grown to serve the elderly, handicapped, young, poor, and others who have difficulty in securing transportation to needed services; and

Whereas, this type of transportation has not been legally classified in State statutes; and

Whereas, present legal classifications pertaining to "for hire" and private transportation providers do not adequately provide for human service transportation; and

Whereas, the lack of a legal classification has created insurance and regulatory problems for many local human service agencies and volunteers who provide human service transportation; and

Whereas, a bill is needed to ensure that State and local regulatory laws pertaining to "for hire" commercial vehicles will not be applied to these volunteers and human service agencies; and

Whereas, the North Carolina Departments of Human Resources and Transportation, the North Carolina Association of County Directors of Social Services, and the National Governors' Association support this concept; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 62 of the General Statutes is amended by adding a new Article 12A, to read as follows:

"ARTICLE 12A.

"Human Service Transportation.

"§ 62-289.1. Short title. — This act shall be known and may be cited as the 'North Carolina Act to Remove Barriers to Coordinating Human Service and Volunteer Transportation'.

"§ 62-289.2. Purpose. — In order to promote improved transportation for the elderly, handicapped and residents of rural areas and small towns through an expanded and coordinated transportation network, it is the intent of the General Assembly to recognize human service transportation and volunteer transportation as separate but contributing components of the North Carolina transportation system. Further, it is the intent of the General Assembly to remove barriers to low cost human service transportation.

"§ 62-289.3. Definitions. — As used in this Article: (a) 'Human service agency' means any charitable or governmental agency including, but not limited to: county departments of social services, area mental health, mental retardation or substance abuse authorities, local health departments, councils on aging, community action agencies, sheltered workshops, group homes and State residential institutions.

(b) 'Human service transportation' means motor vehicle transportation provided on a nonprofit basis by a human service agency for the purpose of transporting clients or recipients in connection with programs sponsored by the agency. The motor vehicle may be owned, leased, borrowed, or contracted for use by the human service agency.

(c) 'Nonprofit' as applied to human service transportation means motor vehicle transportation provided at cost.

(d) 'Person' means an individual, corporation, company, association, partnership or other legal entity.

(e) 'Volunteer transportation' means motor vehicle transportation provided by any person under the direction, sponsorship, or supervision of a human service agency. The person may receive an allowance to defray the actual cost of operating the vehicle but shall not receive any other compensation.

"§ 62-289.4. Classification of transportation. — The forms of transportation defined in G.S. 62-289.3(b) and (e) shall be classified as 'human service transportation' and 'volunteer transportation' for purposes of regulation, insurance, and general administration.

"§ 62-289.5. Inapplicable laws and regulations. — Human services transportation and volunteer transportation shall not be considered as for-hire transportation, commercial transportation or motor carriers, as defined by G.S. 62-3(17). Such transportation shall not be subject to regulation as motor carriers under G.S. 62-261.

"§ 62-289.6. Insurance for volunteers. — Human service agencies are authorized to purchase insurance to cover persons who provide volunteer transportation.

"§ 62-289.7. Municipal licenses and taxes. — No county, city, town, municipal corporation or other unit of local government may impose a special tax on or require a special license for human service transportation or volunteer transportation other than that customarily used or imposed on private passenger automobiles unless the tax or license is provided for by a statute, ordinance, or regulation specifically addressing human service transportation or volunteer transportation."

Sec. 2. G.S. 20-4.01(27)b is amended by deleting the first "or" in line 12, by substituting a semicolon for the period after the word "basis" in line 13 and by adding the following at the end of subdivision b: "or vehicles used for human service or volunteer transportation".

Sec. 3. G.S. 20-7(a)(3) is amended on line 4 by adding after the phrase "farm bus," the phrase "volunteer transportation vehicle,".

Sec. 4. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 5. This act shall become effective January 1, 1982.

In the General Assembly read three times and ratified, this the 3rd day of July, 1981.