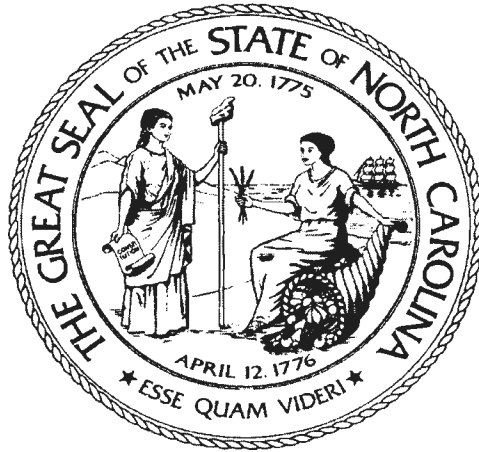


NORTH CAROLINA GENERAL ASSEMBLY



JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

REPORT TO THE 2016 SESSION of the 2015 GENERAL ASSEMBLY OF NORTH CAROLINA

APRIL 8, 2016

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TRANSMITTAL LETTER

April 8, 2016


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TO THE MEMBERS OF THE 2016 REGULAR SESSION
OF THE 2015 GENERAL ASSEMBLY

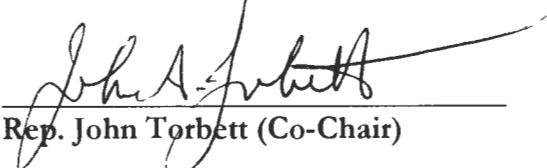
The **JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE**, respectfully submits the following report to the 2016 Regular Session of the 2015 General Assembly.



Sen. William Rabon (Co-Chair)



Rep. Frank Iler (Co-Chair)



Rep. John Torbett (Co-Chair)

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COMMITTEE PROCEEDINGS

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The Joint Legislative Transportation Oversight Committee met 4 times after the 2015 Regular Session. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library, and at the Committee's website: <http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=33>

January 8, 2016

The first meeting of the Committee following the 2015 regular session of the General Assembly was held January 8, 2016 at 9:00 a.m. in Room 1228 of the Legislative Building. Senator Bill Rabon presided. The Committee heard the following presentations: (1) STIP Amendments, Calvin Leggett, Director, Division of Planning and Programming, Department of Transportation; (2) DMV Reform & Modernization, Kelly Thomas, Commissioner, Division of Motor Vehicles, Department of Transportation, and Eric Boyette, Chief Information Officer, Department of Transportation; (3) Accelerating Highway Projects, Rodger Rochelle, Director, Technical Services Division, Department of Transportation, and Mike Holder, Chief Engineer, Department of Transportation; (4) NCSPA Capital Improvement Program, Paul Cozza, Executive Director, North Carolina State Ports Authority; (5) Freight Rail Investment, Paul Worley, Director, Rail Division, Department of Transportation; and (6) Turnpike Authority Annual Report, Beau Memory, Executive Director, North Carolina Turnpike Authority, Department of Transportation.

February 5, 2016

The second meeting of the Committee following the 2015 regular session of the General Assembly was held February 5, 2016 at 9:00 a.m. in Room 1228 of the Legislative Building. Representative Frank Iler presided. The Committee heard the following presentations: (1) Overview of Powell Bill Funds and Report on Powell Bill Expenditures for FY 2015, Majed Al-Ghandour, Manager, Project Management Unit, Division of Planning and Programming, Department of Transportation; (2) Use of Powell Bill Funds, Rose Vaughn Williams, Director of Public and Government Affairs, North Carolina League of Municipalities, (3) Rail Project Reports and Piedmont Improvement Program Update, Paul Worley, Director, Rail Division North Carolina Department of Transportation; (4) Implementation of "DOT REPORT" program, Mike Holder, Chief Engineer, Division of Highways, Department of Transportation; (5) Baseline Unit Pricing, Mike Holder, Chief Engineer, Division of Highways, Department of Transportation; and (6) Update on Progress in Meeting Outsourcing Goals, Mike Holder, Chief Engineer, Division of Highways, Department of Transportation, and Rodger Rochelle, Administrator, Technical Services Division, Department of Transportation.

March 4, 2016

The third meeting of the Committee following the 2015 regular session of the General Assembly was held March 4, 2016 at 9:00 a.m. in Room 1228 of the Legislative Building. Senator Kathy Harrington presided. The Committee heard the following presentations: (1) Overview of the Office of Equal Opportunity and Workforce Services (EOWS) including the Disadvantaged Minority and Woman-Owned Business Programs, Marci Wright, Director, EOWS, Department of Transportation; (2) Aviation Capital Investment & Aviation Development Task Force Recommendations, Bobby Walston, Director, Division of , Department of Transportation, and John Lennon, Chairman, Aviation Development Task Force, Board of Transportation; (3) North Carolina Railroad Company Annual Report, Scott Saylor, President, North Carolina Railroad Company; (4) Streamlining Right-of-Way Acquisitions and Utility Relocations, Mike Holder, Chief Engineer, Division of Highways, Department of Transportation; and (5) Review of DOT Proposals for Statutory Changes in Short Session, Mike Holder, Chief Engineer Department of Transportation, Greg Perfetti, Director of Field Support, Division of Highways, Department of Transportation, Beau Memory, Executive Director, North Carolina Turnpike Authority, Department of Transportation, Lauren Blackburn, Director, Bicycle and Pedestrian Division, Department of Transportation, and Kelly Thomas, Commissioner, Division of Motor Vehicles, Department of Transportation.

April 8, 2016

The fourth meeting of the Committee following the 2015 regular session of the General Assembly was held April 8, 2016 at 9:00 a.m. in Room 1228 of the Legislative Building. Rep. John Torbett presided. The Committee heard the following presentations: (1) Review and approval of DOT legislative proposals, Committee staff; (2) Incremental Cost Incentives Related to Coal Combustion Residuals Surface Impoundments, Edward Finley, Jr., Chairman North Carolina Utilities Commission; (3) Safety on Secondary Roads Study Report, Kevin Lacy, State Traffic Engineer, Transportation Mobility and Safety Unit, Department of Transportation; (4) Bicycle Safety Law Study, Kevin Lacy, State Traffic Engineer, Department of Transportation, and Lauren Blackburn, Director, Bicycle and Pedestrian Division, Department of Transportation; (5) Capital Needs Improvement Report, Priscilla Williams, Director, Facilities Management Unit, Department of Transportation; and (7) Review and Approval of Committee Report, Committee staff. Following these presentations, the Committee voted to approve this report, and adjourned, with plans to reconvene after the 2016 regular session of the General Assembly.

FINDINGS AND RECOMMENDATIONS

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The Committee recommends the attached draft legislation, Draft 2015-MLz-251, for consideration in the 2016 session of the General Assembly.

COMMITTEE MEMBERSHIP

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2015-2016

President Pro Tempore of the Senate
Appointments:

Sen. William Rabon (Co-Chair)
Sen. Kathryn Harrington (Vice –Chair)

Sen. Warren Daniel
Sen. Joel Ford
Sen. Richard Gunn
Sen. Joyce Krawiec
Sen. Michael Lee
Sen. Paul Lowe
Sen. Wesley Meredith
Sen. Erica Smith-Ingram
Sen. Daniel Soucek

Sen. John Alexander (Advisory Member)

Staff

Anna Cameron
Bryce Ball
Giles S. Perry
Wendy Graf Ray
Luke Gillenwater

Speaker of the House of Representatives
Appointments:

Rep. Francis Iler (Co-Chair),
Rep. John Torbett (Co-Chair)

Rep. William Brawley
Rep. Dana Bumgardner
Rep. Becky Carney
Rep. Charles Jeter
Rep. Chuck McGrady
Rep. Rodney Moore
Rep. George Robinson
Rep. Phil Shepard
Rep. Paul Time

Rep. Joseph Dollar (Advisory Member)
Rep. Michele Presnell (Advisory Member)
Rep. Rena Turner (Advisory Member)
Rep. Lawrence Yarborough (Advisory Member)

COMMITTEE CHARGE/STATUTORY AUTHORITY

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§ 120-70.51. Purpose and powers of Committee.

- (a) The Joint Legislative Transportation Oversight Committee may:
- (1) Review reports prepared by the Department of Transportation or any other agency of State government related, in any manner, to transportation, when those reports are required by any law.
 - (2) Monitor the funds deposited in and expenditures from the North Carolina Highway Trust Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation.
 - (3) Determine whether funds related, in any manner, to transportation are being spent in accordance with law.
 - (4) Determine whether any revisions are needed in the funding for a program for which funds in the Trust Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation may be used, including revisions needed to meet any statutory timetable or program.
 - (4a) Examine the importance of railroads and railroad infrastructure improvements to economic development in North Carolina, including improvements to short line railroads.
 - (4b) Study issues important to the future of passenger and freight rail service in North Carolina.
 - (4c) Determine methods to expedite property disputes between railroads and private landowners.
 - (4d) Study all aspects of the operation, structure, management, and long range plans of the North Carolina Railroad.
 - (5) Report to the General Assembly at the beginning of each regular session concerning its determinations of needed changes in the funding or operation of programs related, in any manner, to transportation.

These powers, which are enumerated by way of illustration, shall be liberally construed to provide for the maximum oversight by the Committee of all transportation matters in this State.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

Additional responsibility of Committee

Pursuant to G.S. 143B-350(n), the Committee has the opportunity to review proposed appointments to the Board of Transportation for 30 days prior to the appointments becoming effective.

LEGISLATIVE PROPOSAL

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Summary of Bill Draft

DOT Proposed Legislative Changes

2015-MLz-251

PART I. DIVISION OF HIGHWAYS

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.

Section 2. Current law authorizes DOT to allow placement on State ROW of utility lines operated by regulated public utilities or local governments. This section 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 authorizes DOT to charge a one-time fee to defray the Department's administrative cost of reviewing encroachment submittals, payable upon initial application for the encroachment. 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. This section would become effective July 1, 2016.

PART II. NORTH CAROLINA TURNPIKE AUTHORITY

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.

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

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.

PART IV. DIVISION OF MOTOR VEHICLES

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.

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.

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.

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.

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 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.

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.

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.

Section 13 establishes a definition for "motor-driven bicycles." In addition, this section clarifies that the definition of "moped" includes mopeds powered by electricity or alternative fuel, but does not include motor-driven bicycles. This section would become effective December 1, 2016, and apply to offenses committed on or after that date.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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D

BILL DRAFT 2015-MLz-251 [v.12] (02/23)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: DOT Proposed Legislative Changes.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION LAWS
3 OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE
4 TRANSPORTATION OVERSIGHT COMMITTEE.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. DIVISION OF HIGHWAYS**

8
9 **SMALL TRANSPORTATION PROJECTS/LOCAL CONSULTATION**

10 **SECTION 1.** G.S. 136-11.1 reads as rewritten:

11 **"§ 136-11.1. Local consultation on transportation projects.**

12 Prior to any action of the Board on a transportation project, the Department shall inform
13 all municipalities and counties affected by a planned transportation project and request
14 each affected municipality or county to submit within 45 days a written resolution
15 expressing their views on the project. A municipality or county may designate a
16 Transportation Advisory Committee to submit its response to the Department's request
17 for a resolution. Upon receipt of a written resolution from all affected municipalities and
18 counties or their designees, or the expiration of the 45-day period, whichever occurs
19 first, the Board may take action. The Department and the Board shall consider, but shall
20 not be bound by, the views of the affected municipalities and counties on each
21 transportation project. The failure of a county or municipality to express its views
22 within the time provided shall not prevent the Department or the Board from taking
23 action. The Department shall not be required to send notice under this section if it has
24 already received a written resolution from the affected county or municipality on the
25 planned transportation project. "Action of the Board", as used in this section, means
26 approval by the Board of: the Transportation Improvement Program and amendments to
27 the Transportation Improvement Program; the Secondary Roads Paving Program and
28 amendments to the Secondary Roads Paving Program; and individual applications for
29 access and public service road projects, contingency projects, small urban projects, and
30 spot safety projects that exceed ~~one~~ two hundred fifty thousand dollars
31 (~~\$150,000~~); (\$250,000). The 45-day notification provision may be waived upon a finding

1 by the Secretary of Transportation that emergency action is required. Such findings
2 must be reported to the Joint Legislative Transportation Oversight Committee."

3
4 **BROADBAND AND FIBER OPTIC IN DOT RIGHT-OF-WAY/FEEES**

5 **SECTION 2.(a)** G.S. 136-18(2) reads as rewritten:

6 **"§ 136-18. Powers of Department of Transportation.**

7 The said Department of Transportation is vested with the following powers:

8 ...

9 (2) Related to right-of-way:

- 10 a. To take over and assume exclusive control for the benefit of the
11 State of any existing county or township ~~roads, and roads.~~
12 b. ~~to~~ To locate and acquire rights-of-way for any new roads that
13 may be necessary for a State highway ~~system, and system.~~
14 c. ~~subject~~ Subject to the provisions of G.S. 136-19.5(a) and ~~(b)~~
15 ~~also (b):~~ to locate and acquire such additional rights-of-way as
16 may be necessary for the present or future relocation or initial
17 location, above or below ground, ~~of~~ of:
18 1. telephone, telegraph, distributed antenna systems (DAS),
19 broadband communications, electric and other lines, as well
20 as gas, water, sewerage, oil and other pipelines, to be
21 operated by public utilities as defined in G.S. 62-3(23) and
22 which are regulated under Chapter 62 of the General Statutes,
23 or by municipalities, counties, any entity created by one or
24 more political subdivisions for the purpose of supplying any
25 such utility services, electric membership corporations,
26 telephone membership corporations, or any combination
27 ~~thereof, thereof; and~~
28 2. non-utility owned or operated communications or data
29 transmission infrastructure.

30 The Department retains with full power to widen, relocate,
31 change or alter the grade or location thereof, or alter the
32 location or configuration of such lines or systems above or
33 below ground, and ground. No agreement for use of Department
34 right-of-way under this sub-subdivision shall abrogate the
35 Department's ownership and control of the right-of-way. The
36 Department is authorized to adopt policies and rules necessary
37 to implement the provisions of this sub-subdivision. The
38 Department is authorized to charge a one-time fee to defray the
39 Department's administrative cost of reviewing encroachment
40 submittals, payable upon initial application for the
41 encroachment.

- 42 d. ~~to~~ To change or relocate any existing roads that the Department
43 of Transportation may now own or may ~~acquire; acquire.~~
44 e. ~~to~~ To acquire by gift, purchase, or otherwise, any road or
45 highway, or tract of land or other property whatsoever that may
46 be necessary for a State transportation system and adjacent
47 utility ~~rights-of-way; rights-of-way.~~

1 f. Provided, all changes or alterations authorized by this
2 subdivision shall be subject to the provisions of G.S. 136-54 to
3 136-63, to the extent that said sections are ~~applicable:~~
4 applicable.

5 e. Provided, that nothing in this Chapter shall be construed to
6 authorize or permit the Department of Transportation to allow
7 or pay anything to any county, township, city or town, or to any
8 board of commissioners or governing body thereof, for any
9 existing road or part of any road heretofore constructed by any
10 such county, township, city or town, unless a contract has
11 already been entered into with the Department of
12 Transportation."

13 **SECTION 2.(b)** This section becomes effective July 1, 2016.

14
15 **PART II. NORTH CAROLINA TURNPIKE AUTHORITY**

16
17 **ALLOW ELECTRONIC BILLING FOR TOLLS**

18 **SECTION 3.** G.S. 136-89.214(a) reads as rewritten:

19 "(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road
20 tolling system and a toll for traveling on the project is not paid prior to travel or at the
21 time of travel, the Authority must send a bill by first-class mail to the registered owner
22 of the motor vehicle or the person who had care, custody, and control of the vehicle as
23 established under G.S. 136-89.212(b) for the amount of the unpaid ~~toll~~ toll, provided,
24 however, that with the written consent of the registered owner of the motor vehicle or
25 the person who had care, custody, and control of the vehicle as set forth above, the
26 Authority may send the bill via electronic mail to a designated electronic mail account
27 rather than by first-class mail. The Authority must send the bill within 90 days after the
28 travel occurs, or within 90 days of receipt of a sworn affidavit submitted under
29 G.S. 136-89.212(b) identifying the person who had care, custody, and control of the
30 motor vehicle. If a bill is not sent within the required time, the Authority waives
31 collection of the toll. The Authority must establish a billing period for unpaid open road
32 tolls that is no shorter than 15 days. A bill for a billing period must include all unpaid
33 tolls incurred by the same person during the billing period."
34

35 **REPEAL NCTA SEMIANNUAL REPORTS TO JLTOC**

36 **SECTION 4.** G.S. 136-89.193(c) is repealed.
37

38 **PART III. DIVISION OF BICYCLE AND PEDESTRIAN TRANSPORTATION**

39
40 **REPEAL REQUIREMENT TO MAINTAIN OFF-ROAD CYCLING RECORDS**

41 **SECTION 5.** G.S. 143B-135.100 reads as rewritten:

42 "**§ 143B-135.100. Use of State land for bicycling; creation of trails by volunteers.**

43 ...

44 (b) Notwithstanding the provisions of subsection (a) of this section, any land may
45 be restricted or removed from use by bicyclists if it is determined by the State, an
46 agency of the State, or the holder of land purchased or leased with State funds that the
47 use would cause substantial harm to the land or the environment or that the use would

1 violate another State or federal law. Before restricting or removing land from use by
2 bicyclists, the State, the agency of the State, or the holder of the land purchased or
3 leased with State funds must show why the lands should not be open for use by
4 bicyclists. Local cycling groups or organizations shall be notified of the intent to restrict
5 or remove the land from use by bicyclists and provided an opportunity to show why
6 cycling should be allowed on the land. ~~Notice of any land restricted or removed from~~
7 ~~use by bicyclists pursuant to this subsection shall be filed with the Division of Bicycle~~
8 ~~and Pedestrian Transportation of the Department of Transportation.~~

9 (e) ~~The Division of Bicycle and Pedestrian Transportation of the Department of~~
10 ~~Transportation shall keep a record of all lands made open and available for use by~~
11 ~~bicyclists pursuant to this section and shall make the information available to the public~~
12 ~~upon request.~~

13 ...

14 (e) Notwithstanding any other provision of this section, any hiking, walking, or
15 use of bicycles on game lands administered by the Wildlife Resources Commission
16 shall be restricted to roads and trails designated for vehicular use. Hiking, walking, or
17 bicycle use by persons not hunting shall be restricted to days closed to hunting. The
18 Wildlife Resources Commission may restrict the use of bicycles on game lands where
19 necessary to protect sensitive wildlife habitat or ~~species and shall file notice of any~~
20 ~~restrictions with the Division of Bicycle and Pedestrian Transportation of the~~
21 ~~Department of Transportation.~~species."

22 23 **PART IV. DIVISION OF MOTOR VEHICLES**

24 25 **COMMERCIAL DRIVERS LICENSE CHANGES**

26 **SECTION 6.(a)** G.S. 20-7(m) reads as rewritten:

27 "(m) Instruction Permit. – The Division upon receiving proper application may in
28 its discretion issue a restricted instruction permit effective for a school year or a lesser
29 period to any of the following applicants:

- 30 (1) An applicant who is less than 18 years old and is enrolled in a drivers
31 education program that is approved by the State Superintendent of
32 Public Instruction and is offered at a public high school, a nonpublic
33 secondary school, or a licensed drivers training school.

- 34 (2) ~~An applicant for certification under G.S. 20-218 as a school bus driver.~~

35 A restricted instruction permit authorizes the holder of the permit to drive a specified
36 type or class of motor vehicle when in possession of the permit, subject to any
37 restrictions imposed by the Division. The restrictions the Division may impose on a
38 permit include restrictions to designated areas and highways and restrictions prohibiting
39 operation except when an approved instructor is occupying a seat beside the permittee.
40 A restricted instruction permit is not required to have a distinguishing number or a
41 picture of the person to whom the permit is issued."

42 **SECTION 6.(b)** G.S. 20-37.13(e) reads as rewritten:

43 "(e) A commercial ~~driver~~-learner's permit may be issued to an individual who
44 holds a regular Class C drivers license and has passed the knowledge test for the class
45 and type of commercial motor vehicle the individual will be driving. The permit is valid
46 for a period not to exceed ~~six months and may be renewed or reissued only once within~~
47 ~~a two-year period.~~180 days. The fee for a commercial driver learner's permit is the same

1 as the fee set by G.S. 20-7 for a regular learner's permit. ~~G.S. 20-7(m) governs the~~
2 ~~issuance of a restricted instruction permit for a prospective school bus driver."~~

3 **SECTION 6.(c)** G.S. 20-17.4(g) reads as rewritten:

4 "(g) Violation of Out-of-Service Order. – Any person holding a commercial
5 learner's permit or commercial drivers license or required to have a commercial learner's
6 permit or commercial drivers license convicted for violating an out-of-service order,
7 except as described in subsection (h) of this section, shall be disqualified as follows:

- 8 (1) A person is disqualified from driving a commercial vehicle for a
9 period of ~~90 days~~ no less than 180 days and no more than one year if
10 convicted of a first violation of an out-of-service ~~order~~ order while
11 operating a commercial motor vehicle.
- 12 (2) A person is disqualified for a period of ~~one year~~ no less than two years
13 and no more than five years if convicted of a second violation of an
14 out-of-service order while operating a commercial motor vehicle
15 during any 10-year period, arising from separate incidents.
- 16 (3) A person is disqualified for a period of ~~three years~~ no less than three
17 years and no more than five years if convicted of a third or subsequent
18 violation of an out-of-service order while operating a commercial
19 motor vehicle during any 10-year period, arising from separate
20 incidents."

21 **SECTION 6.(d)** G.S. 20-17.4(h) reads as rewritten:

22 "(h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and
23 Passenger Offenses. – Any person holding a commercial learner's permit or commercial
24 drivers license or required to have a commercial learner's permit or commercial drivers
25 license convicted for violating an out-of-service order while transporting hazardous
26 ~~materials~~ materials, as defined in 49 C.F.R. § 383.5, or while operating a commercial
27 vehicle designed or used to transport ~~more than 15 passengers,~~ 16 or more passengers,
28 including the driver, shall be disqualified as follows:

- 29 (1) A person is disqualified for a period of ~~180 days~~ no less than 180 days
30 and no more than two years if convicted of a first violation of an
31 out-of-service ~~order~~ order while operating a commercial motor vehicle.
- 32 (2) A person is disqualified for a period of ~~three years~~ no less than three
33 years and no more than five years if convicted of a second or
34 subsequent violation of an out-of-service order while operating a
35 commercial motor vehicle during any 10-year period, arising from
36 separate incidents.
- 37 (3) A person is disqualified for a period of no less than three years and no
38 more than five years if convicted of a third or subsequent violation of
39 an out-of-service order while operating a commercial motor vehicle
40 during any 10-year period, arising from separate incidents."

41 **SECTION 6.(e)** Article 2C of Chapter 20 of the General Statutes is amended
42 by adding the following new section to read:

43 "**§ 20-37.13A. Medical qualifications standards; waiver for intrastate drivers.**

44 (a) Medical Qualifications Standards Applicable to Commercial Drivers. – All
45 commercial drivers license holders and applicants for commercial drivers licenses must
46 meet the medical qualifications standards set forth in 49 C.F.R. § 391.41.

1 **(b) Intrastate Medical Waiver.** – Any person unable to meet the standards in 49
2 C.F.R. §391.41, as adopted by the Division, may apply for a medical waiver that, if
3 approved, will authorize intrastate operation of a commercial motor vehicle.
4 Applications for the medical waiver must be submitted to the Division in writing.
5 Waivers may be granted for no more than two years.

6 **(c) Intrastate Operation Subject to Waiver.** – Any person granted an intrastate
7 commercial drivers license medical waiver is permitted to maintain a commercial
8 drivers license and operate a commercial motor vehicle in intrastate commerce subject
9 to the following conditions:

10 (1) The commercial drivers license must display a restriction to signify it
11 is only valid for intrastate operation.

12 (2) The holder of the license must submit to medical recertification at
13 intervals set by the Division.

14 (3) The holder of the license must timely submit all documentation
15 required by the Division.

16 (4) Failure to meet any condition within the time period allowed will
17 result in an automatic downgrade of the license holder's commercial
18 drivers license to a class C regular drivers license."

19 **SECTION 6.(f)** This section becomes effective January 1, 2017, and applies
20 to offenses committed on or after that date.

21 **EXTEND REGISTRATION PERIOD FOR CERTAIN PLATES**

22 **SECTION 7.(a)** G.S. 20-66 is amended by adding a new subsection to read:

23 **"(g1) Expiration of Registration by Other Means.** – The registration of a vehicle
24 renewed by means of a new registration plate expires at midnight on February 15 of
25 each year."

26 **SECTION 7.(b)** This section becomes effective October 1, 2016, and
27 applies to registration renewals on or after that date.

28 **TEMPORARY DRIVING CERTIFICATE/USE AND UNIFORMITY**

29 **SECTION 8.(a)** G.S. 20-7(f)(5) reads as rewritten:

30 **"(f) Duration and Renewal of Licenses.** – Drivers licenses shall be issued and
31 renewed pursuant to the provisions of this subsection:

32 ...
33 (5) License to be sent by mail. – The Division shall issue to the applicant a
34 temporary driving certificate valid for ~~20 days, and 60 days for a~~
35 ~~commercial drivers license, days,~~ unless the applicant is applying for
36 renewal by mail under subdivision (4) of this subsection. The
37 temporary driving certificate shall be valid for driving purposes ~~only~~
38 and shall not be valid for identification ~~purposes.~~ purposes, except
39 when conducting business with the Division and not otherwise
40 prohibited by federal law. The Division shall produce the applicant's
41 drivers license at a central location and send it to the applicant by
42 first-class mail at the residence address provided by the applicant,
43 unless the applicant is ineligible for mail delivery by the United States
44 Postal Service at the applicant's residence. If the United States Postal
45
46

1 Service documents that it does not deliver to the residential address
2 provided by the applicant, and the Division has verified the applicant's
3 residential address by other means, the Division may mail the drivers
4 license to the post office box provided by the applicant. Applicants
5 whose only mailing address prior to July 1, 2008, was a post office
6 box in this State may continue to receive their license at that post
7 office box, provided the applicant's residential address has been
8 verified by the Division.

9"

10 **SECTION 8.(b)** This section becomes effective January 1, 2017. The
11 extended period of validity applies to temporary driving certificates issued on or after
12 that date.

13 **DMV DRIVERS LICENSE TESTING REQUIREMENTS/REMOTE RENEWAL**

14 **SECTION 9.(a)** G.S. 20-7(c) reads as rewritten:

15
16 "(c) Tests. – To demonstrate physical and mental ability, a person must pass an
17 examination. The examination may include road tests, vision tests, oral tests, and, in the
18 case of literate applicants, written tests, as the Division may require. The tests must
19 ensure that an applicant recognizes the handicapped international symbol of access, as
20 defined in G.S. 20-37.5. The Division may not require a person who applies to renew a
21 license that has not expired to take a written test or a road test unless one or more of the
22 following applies:

- 23 (1) The person has been convicted of a traffic violation since the person's
24 license was last issued.
- 25 (2) The applicant suffers from a mental or physical condition that impairs
26 the person's ability to drive a motor vehicle.

27 The Division shall require sign and symbol testing upon initial issuance of a license.
28 The Division shall require vision testing as a part of in-person, in-office renewals of a
29 license.

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

33 **SECTION 9.(b)** This section becomes effective October 1, 2016.

34 **DMV/ELECTRONIC NOTICE**

35 **SECTION 10.(a)** G.S. 20-7.1 reads as rewritten:

36 **"§ 20-7.1. Notice of change of address or name.**

37
38 (a) Address. – A person whose address changes from the address stated on a
39 drivers license must notify the Division of the change within 60 days after the change
40 occurs. If the person's address changed because the person moved, the person must
41 obtain a duplicate license within that time limit stating the new address. A person who
42 does not move but whose address changes due to governmental action may not be
43 charged with violating this subsection. A person who has provided an e-mail or
44 electronic address to the Division pursuant to G.S. 20-48(a) shall notify the Division of
45 any change or discontinuance of that e-mail or electronic address within 30 after the
46 change or discontinuance.

1 (b) Name. – A person whose name changes from the name stated on a drivers
2 license must notify the Division of the change within 60 days after the change occurs
3 and obtain a duplicate drivers license stating the new name.

4 (c) Fee. – G.S. 20-14 sets the fee for a duplicate license."

5 **SECTION 10.(b)** G.S. 20-43.1 reads as rewritten:

6 "**§ 20-43.1. Disclosure of personal information in motor vehicle records.**

7 (a) The Division shall disclose personal information contained in motor vehicle
8 records in accordance with the federal Driver's Privacy Protection Act of 1994, as
9 amended, 18 U.S.C. §§ 2721, et seq.

10 (b) As authorized in 18 U.S.C. § 2721, the Division shall not disclose personal
11 information for the purposes specified in 18 U.S.C. § 2721(b)(11).

12 (c) The Division shall not disclose personal information for the purposes
13 specified in 18 U.S.C. § 2721(b)(12) unless the Division receives prior written
14 permission from the person about whom the information is requested.

15 (d) As authorized in 18 U.S.C. § 2721, the Division may disclose personal
16 information to federally designated organ procurement organizations and eye banks
17 operating in this State for the purpose of identifying individuals who have indicated an
18 intent to be an organ donor. Personal information authorized under this subsection is
19 limited to the individual's first, middle, and last name, date of birth, address, sex, county
20 of residence, and drivers license number. Employees of the Division who provide access
21 to or disclosure of information in good-faith compliance with this subsection are not
22 liable in damages for access to or disclosure of the information.

23 (e) As authorized in 18 U.S.C. § 2721, the Division may also provide copies of
24 partial crash report data collected pursuant to G.S. 20-166.1, partial driver license data
25 kept pursuant to G.S. 20-26(a), and partial vehicle registration application data collected
26 pursuant to G.S. 20-52 in bulk form to persons, private companies, or other entities, for
27 uses other than official, upon payment of a fee of three cents (3¢) per individual record.
28 The Division shall not furnish such data except upon execution by the recipient of a
29 written agreement to comply with the Driver's Privacy Protection Act of 1994, as
30 amended, 18 U.S.C. §§ 2721, et seq. The information released to persons, private
31 companies, or other entities, for uses other than official, pursuant to this subsection,
32 shall not be a public record pursuant to Chapter 132 of the General Statutes.

33 (f) E-mail addresses or other electronic addresses provided to the Division are
34 personal information for purposes of this section, and shall only be disclosed in
35 accordance with this section."

36 **SECTION 10.(c)** G.S. 20-48 reads as rewritten:

37 "**§ 20-48. Giving of notice.**

38 (a) Whenever the Division is authorized or required to give any notice under this
39 Chapter or other law regulating the operation of vehicles, unless a different method of
40 giving such notice is otherwise expressly prescribed, such notice shall be given either by
41 personal delivery thereof to the person to be so notified or by deposit in the United
42 States mail of such notice in an envelope with postage prepaid, addressed to such person
43 at his address as shown by the records of the Division. The giving of notice by mail is
44 complete upon the expiration of four days after such deposit of such notice. In lieu of
45 providing notice by personal delivery or United States mail, the Division may give
46 notice under this Chapter by e-mail or other electronic means, if the person to be

1 notified has consented to receiving notices via electronic means, and has provided the
2 Division an e-mail address or other like electronic address for receiving the notices.
3 Proof of the giving of notice in either any such manner pursuant to this section may be
4 made by a notation in the records of the Division that the notice was sent to a particular
5 address-address, physical or electronic, and the purpose of the notice. A certified copy
6 of the Division's records may be sent by the Police Information Network, facsimile, or
7 other electronic means. A copy of the Division's records sent under the authority of this
8 section is admissible as evidence in any court or administrative agency and is sufficient
9 evidence to discharge the burden of the person presenting the record that notice was sent
10 to the person named in the record, at the physical or electronic address indicated in the
11 record, and for the purpose indicated in the record. There is no requirement that the
12 actual notice or letter be produced.

13 (a1) A person who consents to electronic notification pursuant to this section shall
14 notify the Division of any change or discontinuance of any e-mail or electronic address
15 provided to the Division in accordance with the provisions of this section and
16 G.S. 20-7.1(a). Upon the failure of a person to notify the Division of any change or
17 discontinuance of an electronic notification pursuant to this section, any notices sent to
18 the original or discontinued electronic address shall be deemed to have been received by
19 the person and a copy of the Division's records sent under the authority of this section is
20 sufficient evidence that notice was sent to the person named in the record, at the
21 physical or electronic address indicated in the record, and for the purpose indicated in
22 the record.

23 (b) Notwithstanding any other provision of this Chapter at any time notice is now
24 required by registered mail with return receipt requested, certified mail with return
25 receipt requested may be used in lieu thereof and shall constitute valid notice to the
26 same extent and degree as notice by registered mail with return receipt requested.

27 (c) The Commissioner shall appoint such agents of the Division as may be
28 needed to serve revocation notices required by this Chapter. The fee for service of a
29 notice shall be fifty dollars (\$50.00)."

30 **SECTION 10.(d)** This section becomes effective October 1, 2016.

31
32 **DMV/INSPECTION OF PRE-1981 MOTOR VEHICLES/TITLING**

33 **SECTION 11.(a)** G.S. 20-53(e) reads as rewritten:

34 "(e) No title shall be issued to an initial applicant for (i) out-of-state vehicles that
35 are ~~35-1980~~ model ~~years-old~~ year or older or (ii) a specially constructed vehicle prior to
36 the completion of a vehicle verification conducted by the License and Theft Bureau of
37 the Division of Motor Vehicles. These verifications shall be conducted as soon as
38 practical. For an out-of-state vehicle that is ~~35~~ 1980 model ~~years-old~~ year or older, this
39 inspection shall consist of verifying the public vehicle identification number to ensure
40 that it matches the vehicle and ownership documents. No covert vehicle identification
41 numbers are to be examined on an out-of-state vehicle ~~35~~ 1980 model ~~years~~ year or
42 older unless the inspector develops probable cause to believe that the ownership
43 documents or public vehicle identification number presented does not match the vehicle
44 being examined. However, upon such application and the submission of any required
45 documentation, the Division shall be authorized to register the vehicle pending the

1 completion of the verification of the vehicle. The registration shall be valid for one year
2 but shall not be renewed unless and until the vehicle examination has been completed.

3 If an inspection and verification is not conducted by the License and Theft Bureau of
4 the Division of Motor Vehicles within 15 days after receiving a request for such and the
5 inspector has no probable cause to believe that the ownership documents or public
6 vehicle identification number presented does not match the vehicle being examined, the
7 vehicle shall be deemed to have satisfied all inspection and verification requirements
8 and title shall issue to the owner within 15 days thereafter. If an inspection and
9 verification is timely performed and the vehicle passes the inspection and verification,
10 title shall issue to the owner within 15 days of the date of the inspection."

11 **SECTION 11.(b)** This section becomes effective January 1, 2017.

12
13 **REPEAL SIGNATURE REQUIREMENT/REGISTRATION CARD**

14 **SECTION 12.(a)** G.S. 20-57(c) reads as rewritten:

15 "(c) ~~Every owner upon receipt of a registration card, shall write his signature~~
16 ~~thereon with pen and ink in the space provided.~~ Every such registration card shall at all
17 times be carried in the vehicle to which it refers or in the vehicle to which transfer is
18 being effected, as provided by G.S. 20-64 at the time of its operation, and such
19 registration card shall be displayed upon demand of any peace officer or any officer of
20 the Division: Provided, however, any person charged with failing to so carry such
21 registration card shall not be convicted if he produces in court a registration card
22 theretofore issued to him and valid at the time of his arrest: Provided further, that in
23 case of a transfer of a license plate from one vehicle to another under the provisions of
24 G.S. 20-72, evidence of application for transfer shall be carried in the vehicle in lieu of
25 the registration card."

26 **SECTION 12.(b)** G.S. 20-176(a1)(2) is repealed.

27 **SECTION 12.(c)** This section becomes effective December 1, 2016, and
28 applies to registration cards issued on or after that date.

29
30 **AMEND "MOPED" DEFINITION**

31 **SECTION 13.(a)** G.S. 20-4.01(27) reads as rewritten:

32 "(27) Passenger Vehicles. –

33 ...

34 c2. Motor-driven bicycle. – A vehicle with two or three wheels, a
35 steering handle, one or two saddle seats, pedals, and a motor
36 that cannot propel the vehicle at a speed greater than 20 miles
37 per hour on a level surface.

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

46 d1. Moped. – ~~Defined in G.S. 105-164.3.~~ A vehicle, other than a
47 motor-driven bicycle, that has two or three wheels, no external

1 shifting device, and a motor that does not exceed 50 cubic
2 centimeters piston displacement and cannot propel the vehicle
3 at a speed greater than 30 miles per hour on a level surface. The
4 motor may be powered by electricity, alternative fuel, motor
5 fuel, or a combination of each.

6"

7 **SECTION 13.(b)** G.S. 20-4.01(23) reads as rewritten:

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

13 **SECTION 13.(c)** G.S. 20-4.01(21a) is repealed.

14 **SECTION 13.(d)** This section becomes effective December 1, 2016, and
15 applies to offenses committed on or after that date.

16 **PART V. EFFECTIVE DATE**

17 **SECTION 14.** Except as otherwise provided, this act is effective when it
18 becomes law.

