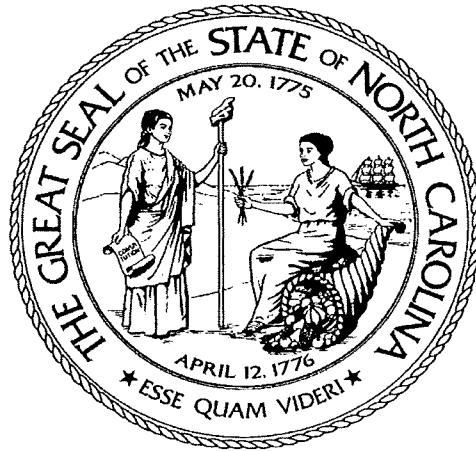


NORTH CAROLINA GENERAL ASSEMBLY



JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

REPORT TO THE 2018 SESSION of the 2017 GENERAL ASSEMBLY OF NORTH CAROLINA

APRIL 5, 2018

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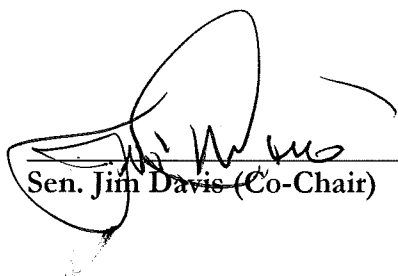
TRANSMITTAL LETTER

April 5, 2018

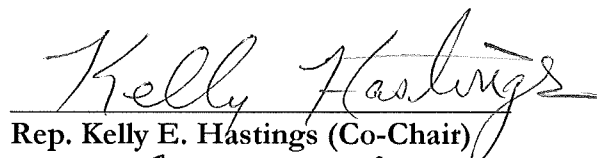
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TO THE MEMBERS OF THE 2018 REGULAR SESSION
OF THE 2017 GENERAL ASSEMBLY

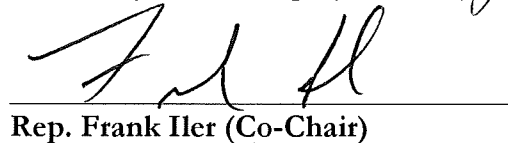
The JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE,
respectfully submits the following report to the 2018 Regular Session of the 2017
General Assembly.



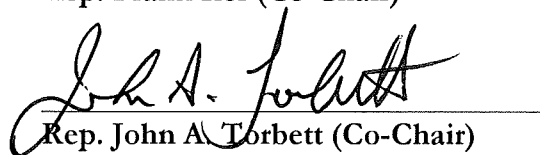
Sen. Jim Davis (Co-Chair)



Rep. Kelly E. Hastings (Co-Chair)



Rep. Frank Iler (Co-Chair)



Rep. John A. Torbett (Co-Chair)

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COMMITTEE PROCEEDINGS

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The Joint Legislative Transportation Oversight Committee met five times after the 2017 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.

November 9, 2017

The first meeting of the Committee following the 2017 regular session of the General Assembly was held November 9, 2017, at 9:00 a.m. in Room 643 of the Legislative Office Building. Senator Jim Davis presided. The Committee heard the following presentations: (1) Welcome and New NCDOT Staff Introductions, Jim Trogdon, PE, Secretary, North Carolina Department of Transportation; (2) DMV Reform Efforts, Torre Jessup, Commissioner, North Carolina Division of Motor Vehicles; (3) Highway Division 9 Assessment, Pat Ivey, Division Engineer, Highway Division 9, North Carolina Department of Transportation; (4) Overview of Changes to the NCDOT Financial Audit, Beth Wood, State Auditor, North Carolina Office of the State Auditor; (5) Updates on Cash Management and Project Delivery, Bobby Lewis, Chief Operating Officer, North Carolina Department of Transportation.

December 7, 2017

The second meeting of the Committee following the 2017 regular session of the General Assembly was held December 7, 2017, at 9:00 a.m. in Room 643 of the Legislative Office Building. Representative Kelly Hastings presided. The Committee heard the following presentations: (1) 2018-2027 State Transportation Improvement Program (STIP), Van Argabright, Manager, STIP, Feasibility Studies, and Strategic Prioritization, North Carolina Department of Transportation; (2) Ferry Life-Cycle Plan for Terminal Structure Repairs and Replacements, Sterling Baker, Director of Facilities Management & Multimodal Special Projects, Engineer, North Carolina Department of Transportation; (3) Division 12 Assessment, Mark Stafford, PE, Division Engineer, Highway Division 12, North Carolina Department of Transportation; (4) Bridges: Long-Term Funding Needs, Federal Funding, and Bundling Contracts, Greg Perfetti, PE, Director of Field Support, Division of Highways, North Carolina Department of Transportation; (5) NCDOT Tolling Policy, Mark Boggs, PE, Atkins; (6) Powell Bill Study, Majed Al-Ghandour, Ph.D., PE, Manager of Project Management, North Carolina Department of Transportation.

January 11, 2018

The third meeting of the Committee following the 2017 regular session of the General Assembly was held January 11, 2018, at 9:00 a.m. in Room 643 of the Legislative Office Building. Senator Jim Davis presided. The Committee heard the following presentations:

(1) DMV Study on Elimination of Nurses in Medical Review Program, Torre Jessup, Commissioner, North Carolina Division of Motor Vehicles; (2) Division 5 Assessment, Joey Hopkins, PE, Division Engineer, Highway Division 5, North Carolina Department of Transportation; (3) Streamlining Pre-construction Activities, Chris Werner, Administrator of Technical Services, North Carolina Department of Transportation; (4) Public Transportation Regional Consolidation and Coordination Grants, Debra Collins, Director, Public Transportation Division, North Carolina Department of Transportation; (5) FRRCIS Five-Year Spending Plan, Sandra Stepney, Planning and Development Branch Manager, North Carolina Department of Transportation; (6) DOT Appraisal Process, Jim McGowan, State Appraiser, Right of Way Unit, North Carolina Department of Transportation.

March 8, 2018

The fourth meeting of the Committee following the 2017 regular session of the General Assembly was held March 8, 2018, at 9:00 a.m. in Room 643 of the Legislative Office Building. Representative Frank Iler presided. The Committee heard the following presentations: (1) Road Improvements Adjacent to Schools, Kevin Lacy, PE, State Traffic Engineer, Transportation Mobility and Safety Unit, North Carolina Department of Transportation; (2) Community College presentations – Betsy Bailey, NC Government Relations Building Division Director, Carolinas AGC; John Rouse, PE, Eastern Deputy Chief Engineer, North Carolina Department of Transportation; Lisa Chapman, Ph.D., Senior Vice President/Chief Academic Officer, North Carolina Community College System; (3) Highway Division 4 Assessment, Ronnie Keeter, PE, Division Engineer, Highway Division 4, North Carolina Department of Transportation; (4) Shortline Railroad Funding Sources and Needs, Todd Burchette, President, Railway Association of North Carolina, President, Gulf and Ohio Railways; (5) Passenger Ferry and Ocracoke Tram Update, Jed Dixon, Ferry Division Deputy Director, North Carolina Department of Transportation; Sterling Baker, Facilities Management Division Director and Multimodal Special Projects Engineer, North Carolina Department of Transportation; (6) NCDOT Legislative Agenda, Joy Hicks, Government Affairs and Legislative Director, North Carolina Department of Transportation.

April 5, 2018

The fifth meeting of the Committee following the 2017 regular session of the General Assembly was held April 5, 2018, at 9:00 a.m. in Room 643 of the Legislative Office Building. Senator Jim Davis presided. The Committee heard the following presentations: (1) Dredging Studies – Dredging Services Cost-Benefit Analysis, Sterling Baker, Facilities Management Division Director and Multimodal Projects Engineer, North Carolina Department of Transportation; Use of Dredge Manteo, Sterling Baker, Facilities Management Division Director and Multimodal Projects Engineer, North Carolina Department of Transportation; Acquisition of Dedicated Dredging Capacity, Jim Gregson, Regional Supervisor, Division of Water Resources, North Carolina Department of Environmental Quality; (2) Review and Approval of DOT Legislative Proposals, Committee Staff; (3) NC DMV Study Streamlining International Fuel Tax Agreement & International Registration Plan, Reba Calvert, Field Services Administrative Officer, North

Carolina Division of Motor Vehicles; John Panza, Director, Excise Tax Division, North Carolina Department of Revenue; (4) DOR Customer Service Update, John Panza, Director, Excise Tax Division, North Carolina Department of Revenue; (5) Division 14 Highway Overview, Brian Burch, Division Engineer, North Carolina Department of Transportation; (6) Global TransPark Strategic Plan and Marketing Contract Report, Allen Thomas, Executive Director, Global TransPark; (6) 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 2018 session of the General Assembly.

FINDINGS AND RECOMMENDATIONS

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The Committee recommends the attached draft legislation, Draft 2017-MWz-17, for consideration in the 2018 session of the General Assembly.

COMMITTEE MEMBERSHIP

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2017-2018

President Pro Tempore of the Senate
Appointments:

Sen. Jim Davis (Co-Chair)

Sen. Warren Daniel
Sen. Cathy Dunn
Sen. Joel D. M. Ford
Sen. Rick Gunn
Sen. Kathy Harrington
Sen. Tom McInnis
Sen. Wesley Meredith
Sen. Bill Rabon
Sen. Erica Smith
Sen. Terry Van Duyn

Speaker of the House of Representatives
Appointments:

Rep. Kelly E. Hastings (Co-Chair),
Rep. Frank Iler (Co-Chair),
Rep. John A. Torbett (Co-Chair)

Rep. Michele D. Presnell (Vice-Chair)

Rep. William Brawley
Rep. Dana Bumgardner
Rep. Becky Carney
Rep. Charles Graham
Rep. Grier Martin
Rep. Phil Shepard
Rep. Scott Stone
Rep. Rodney W. Moore (Advisory Member)
Rep. Bob Muller (Advisory Member)

Staff:

Amna Cameron
Joshua Freeman
Luke Gillenwater
Amanda Hayden
Howard Marsilio
Wendy Graf Ray

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.

(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 PROPOSALS

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

U

D

BILL DRAFT 2017-MWz-17 [v.18]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
04/05/2018 10:50:31 AM

Short Title: DOT/DMV Legislative Requests.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE 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. DEPARTMENT OF TRANSPORTATION

DOT PROPERTY ACQUISITIONS/RIGHT-OF-WAY CLAIM REPORT

SECTION 1.(a) G.S. 136-19.6 reads as rewritten:

"§ 136-19.6. ~~Appraisal waiver valuation.~~ Right-of-Way Claim Report

(a) Intent. – It is the intent of the General Assembly to provide the Department of Transportation with the resources and flexibility necessary to accelerate the time in which projects are completed while maintaining fairness to affected property owners and other citizens of this State. It is the belief of the General Assembly that providing the Department with the flexibility allowed under subsection (b) of this section will help toward achieving this intent. Therefore, the Department is encouraged to utilize the flexibility provided in subsection (b) of this section for all acquisitions of land in which the ~~value estimate~~ of the acquisition is estimated at ten thousand dollars (\$10,000) or less.

(b) Permissive Exception to Appraisal. – When the Department acquires land, and except as otherwise required by federal law, an appraisal is not required if the Department ~~determines that the anticipated value of estimates that~~ the proposed acquisition is estimated at forty thousand dollars (\$40,000) or less, based on a review of data available to the Department at the time the Department begins the acquisition process. If the Department ~~determines that an appraisal is unnecessary,~~ estimates the acquisition to be forty thousand dollars (\$40,000) or less, the Department may prepare ~~an appraisal waiver valuation~~ a Right-of-Way Claim Report instead of an appraisal. The owner of the land to be acquired may request the Department provide an appraisal for any right-of-way claim of ten thousand dollars (\$10,000) or more. The Department may contract with a qualified third party to prepare an appraisal waiver valuation. a Right-of-Way Claim Report. Any person ~~performing an appraisal waiver valuation~~ preparing a Right-of-Way Claim Report must have a sufficient understanding of the local real estate market ~~to be qualified to perform the appraisal waiver valuation.~~ market.

...."

SECTION 1.(b) G.S. 93E-1-3 reads as rewritten:

"§ 93E-1-3. When registration, license, or certificate not required.

Joint Legislative Transportation Oversight Committee

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1 ...
2 (f) ~~Except as otherwise provided in subsection (g) of this section, a trainee registration,~~
3 license, or certificate is not required under this Chapter ~~for~~ for any of the following:

- 4 (1) Any person, partnership, association, or corporation that performs appraisals
5 of property owned by that person, partnership, association, or corporation for
6 the sole use of that person, partnership, association, or
7 ~~corporation;~~ corporation.
8 (2) Any court-appointed commissioner who conducts an appraisal pursuant to a
9 judicially ordered evaluation of ~~property;~~ property.
10 (3) Any person to qualify as an expert witness for court or administrative agency
11 testimony, if otherwise ~~qualified;~~ qualified.
12 (4) A person who appraises standing timber so long as the appraisal does not
13 include a determination of value of any ~~land;~~ land.
14 (5) Any person employed by a lender in the performance of appraisals with
15 respect to which federal regulations do not require a licensed or certified
16 ~~appraiser;~~ and appraiser.
17 (6) A person who performs ad valorem tax appraisals and is certified by the
18 Department of Revenue under G.S. 105-294 or ~~G.S. 105-296;~~ G.S. 105-296.
19 (7) A person who prepares a Right-of-Way Claim Report pursuant to
20 G.S. 136-19.6.

21 (g) ~~however, any~~ Notwithstanding any provision of subsection (f) of this section to the
22 contrary, any person who is registered, licensed, or certified under this Chapter and who performs
23 any of the activities set forth in subdivisions (1) through (5) of this subsection must comply with
24 all of the provisions of this Chapter. The provisions of this Chapter shall not apply to certified
25 real estate appraisers who perform a broker price opinion or comparative market analysis
26 pursuant to G.S. 93E-1-3(c), as long as the appraiser is licensed as a real estate broker by the
27 North Carolina Real Estate Commission and does not refer to himself or herself as an appraiser
28 in the broker price opinion or comparative market analysis."
29

30 **DOT REPORT PROGRAM TO POST TO WEB/REDUCTION IN NUMBER OF**
31 **REPORTS**

32 **SECTION 2.(a)** G.S. 136-18.05 reads as rewritten:

33 **"§ 136-18.05. Establishment of "DOT Report" Program.**

34 ...
35 (b) Establishment and Components. – To achieve the intent set forth in subsection (a) of
36 this section, the Department shall establish and implement the "DOT Report" Program
37 (Program). The Program shall include the following components:

- 38 (1) Responsiveness. – The Department shall structure the Program to gather
39 citizen input and shall commit to quickly addressing structural problems and
40 other road hazards on State-maintained roads. Citizens may report potholes,
41 drainage issues, culvert blockages, guardrail repairs, damaged or missing
42 signs, malfunctioning traffic lights, highway debris, or shoulder damage to the
43 Department of Transportation by calling a toll-free telephone number
44 designated by the Department or submitting an online work request through a
45 Web site link designated by the Department. Beginning January 1, 2016, upon
46 receiving a citizen report in accordance with this subdivision, the Department
47 shall either address the reported problem or identify a solution to the reported
48 problem. Excluding potholes, which shall be repaired within two business
49 days of the date the report is received, the Department of Transportation shall
50 properly address (i) safety-related citizen reports no later than 10 business

1 days after the date the report is received and (ii) non-safety-related citizen
2 reports no later than 15 business days after the date the report is received. The
3 Department shall determine, in its discretion, whether a citizen report is
4 safety-related or non-safety-related. The Department shall transmit
5 information received about potholes or other problems on roads not
6 maintained by the State to the appropriate locality within two business days
7 of receiving the citizen report. The Department shall ~~provide post~~ a monthly
8 report ~~to all of the following~~ to the Department's performance dashboard Web
9 site on the number of citizen reports received under this subdivision for the
10 month immediately preceding the monthly report, the number of citizen
11 reports fully addressed within the time frames set forth in this subdivision for
12 the month immediately preceding the monthly report, the number of citizen
13 reports addressed outside of the time frames set forth in this subdivision for
14 the month immediately preceding the monthly report, and the number of
15 citizen reports not fully addressed for the month immediately preceding the
16 report: report.

- 17 a. ~~The Joint Legislative Transportation Oversight Committee.~~
- 18 b. ~~The Fiscal Research Division of the General Assembly.~~
- 19 c. ~~The chairs of the House of Representatives Appropriations Committee~~
20 ~~on Transportation.~~
- 21 d. ~~The chairs of the Senate Appropriations Committee on the Department~~
22 ~~of Transportation.~~

23 (1a) Efficiency. – The Department shall adopt procedures in all stages of the
24 construction process to streamline project delivery, including consolidating
25 environmental review processes, expediting multiagency reviews,
26 accelerating right-of-way acquisitions, and pursuing design build and other
27 processes to collapse project stages. By December 1, 2015, the Department
28 shall establish a baseline unit pricing structure for transportation goods used
29 in highway maintenance and construction projects and set annual targets for
30 three years based on its unit pricing. In forming the baseline unit prices and
31 future targets, the Department shall collect data from each Highway Division
32 on its expenditures on transportation goods during the 2015-2016 fiscal year.
33 Beginning January 1, 2016, no Highway Division shall exceed a ten percent
34 (10%) variance over a baseline unit price set for that year in accordance with
35 this subdivision. The Department of Transportation shall institute ~~quarterly~~
36 annual tracking to monitor pricing variances. The ten percent (10%) maximum
37 variance set under this subdivision is intended to account for regional
38 differences requiring varying product mixes. If a Highway Division exceeds
39 the unit pricing threshold, the Department shall submit a report to the Joint
40 Legislative Transportation Oversight Committee, the Fiscal Research
41 Division of the General Assembly, the chairs of the House of Representatives
42 Appropriations Committee on Transportation, and the chairs of the Senate
43 Appropriations Committee on the Department of Transportation no later than
44 the fifteenth day of February following the end of the ~~quarter~~ calendar year on
45 why the variance occurred and what steps are being taken to bring the
46 Highway Division back into compliance. In order to drive savings, unit pricing
47 may be reduced annually as efficiencies are achieved.

48"

49 **SECTION 2.(b)** This section is effective when it becomes law, except that the report
50 required under G.S. 136-18.05(b)(1), as amended by this section, shall continue to be provided

1 monthly to the Joint Legislative Transportation Oversight Committee, the Fiscal Research
2 Division of the General Assembly, the chairs of the House of Representatives Appropriations
3 Committee on Transportation, and the Chairs of the Senate Appropriations Committee on the
4 Department of Transportation, until it is posted to the Department's performance dashboard Web
5 site.

6
7 **REPEAL OF BIENNIAL REPORT ON OFF-PREMISE SIGN REGULATORY**
8 **PROGRAM**

9 **SECTION 3.** G.S. 136-12.1 is repealed.

10
11 **CHANGE TO DOT OUTSOURCING AND PROJECT DELIVERY REPORTS**

12 **SECTION 4.** G.S. 136-12.3 reads as rewritten:

13 "**§ 136-12.3. Outsourcing and project delivery reports.**

14 ...

15 (b) Outsourcing Report. – For each Highway Division, the Department shall provide a
16 detailed ~~biannual~~ report on all payments made to private contractors for preconstruction
17 activities. In order to compare internal costs incurred with payments made to private contractors,
18 and except as otherwise provided in this subsection, the Department shall include project-specific
19 expenses incurred by division, regional, or central staff. The Department shall not include
20 expenses incurred for central business units that support and oversee outsourcing functions. The
21 information in the first report submitted under this subsection shall be used to establish a baseline
22 to use for setting future preconstruction outsourcing targets. The Department shall submit the
23 ~~reports-report~~ required under this subsection to the Joint Legislative Transportation Oversight
24 Committee by ~~September 1 and~~ March 1 of each year.

25 (c) Project Delivery Report. – For each Highway Division, the Department shall provide
26 a detailed annual report in accordance with the following requirements:

27 ...

28 (2) For each project, the report shall indicate the status of all of the following
29 phases:

- 30 a. Planning ~~a and~~ design in progress.
31 b. Right-of-way acquisition in progress.
32 c. Project let for construction.
33 d. Construction substantially complete and traffic using facility.

34 ...

35 (d) Combined Report. – The Department may combine the reports required to be
36 submitted by ~~March 1~~ under subsections (b) and (c) of this section into a single report.

37"

38
39 **REPEAL OF ANNUAL CONSTRUCTION PROGRAM AND RELATED REPORTING**
40 **REQUIREMENTS**

41 **SECTION 5.** G.S. 136-44.4 is repealed.

42
43 **CHANGE TO ANNUAL HIGHWAY CONSTRUCTION AND MAINTENANCE**
44 **REPORT**

45 **SECTION 6.** G.S. 136-12(a) reads as rewritten:

46 "(a) The Department of Transportation shall, ~~on or before the tenth day after the convening~~
47 ~~of each regular session of the General Assembly of North Carolina, make a full printed, detailed~~
48 ~~report to the General Assembly, showing the construction and maintenance work and the cost of~~
49 ~~the same, receipts of license fees, and disbursements of the Department of Transportation, and~~
50 ~~such other data as may be of interest in connection with the work of the Department of~~

1 ~~Transportation~~ shall report to the Joint Legislative Transportation Oversight Committee by
2 March 1 of each year on how the previous fiscal year's funds for maintenance and construction
3 were allocated and expended. The report shall include expenditures of both State and federal
4 funds and shall be in sufficient detail that the county can be identified. A full account of each
5 road project shall be kept by and under the direction of the Department of Transportation or its
6 representatives, to ascertain at any time the expenditures and the liabilities against all projects;
7 also records of contracts and force account work. The account records, together with all
8 supporting documents, shall be open at all times to the inspection of the Governor or road
9 authorities of any county, or their authorized representatives, and copies thereof shall be
10 furnished such officials upon request."

11
12 **AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES ON PASSENGER-ONLY**
13 **FERRIES**

14 **SECTION 7.** G.S. 18B-108 reads as rewritten:

15 **"§ 18B-108. Sales on ~~trains~~, trains and ferries.**

16 (a) Trains. – Alcoholic beverages may be sold on railroad trains in this State upon
17 compliance with Article 2C of Chapter 105 of the General Statutes. Malt beverages, unfortified
18 wine, and fortified wine may be sold and delivered by any wholesaler or retailer licensed in this
19 State to an officer or agent of a rail line that carries at least 60,000 passengers annually.

20 (b) Ferries. – Alcoholic beverages may be sold on passenger-only ferries established
21 pursuant to Article 6 of Chapter 136 of the General Statutes upon compliance with Article 2C of
22 Chapter 105 of the General Statutes. Malt beverages, unfortified wine, and fortified wine may be
23 sold and delivered by any wholesaler or retailer licensed in this State to an officer or agent of the
24 Department of Transportation for sale on passenger-only ferries."

25
26 **PART II. DIVISION OF MOTOR VEHICLES**

27
28 **REMOVE THE MAILING REQUIREMENT FOR DEALER MANUALS**

29 **SECTION 8.** G.S. 20-302 reads as rewritten:

30 **"§ 20-302. Rules and regulations.**

31 The Commissioner may make such rules and regulations, not inconsistent with the provisions
32 of this Article, as he shall deem necessary or proper for the effective administration and
33 enforcement of this Article, provided that the Commissioner shall make a copy of such rules and
34 regulations shall be mailed to each motor vehicle dealer licensee available on a Web site
35 maintained by the Division or the Department of Transportation 30 days prior to the effective
36 date of such rules and regulations."

37
38 **DMV MAY ALLOW TRANSITIONING MILITARY TRUCK DRIVERS CERTAIN**
39 **CDL WAIVERS/CREDIT FOR MILITARY SERVICE TRUCK OPERATIONS**

40 **SECTION 9.(a)** G.S. 20-37.13 is amended by adding the following new subsection
41 to read:

42 "(c3) The Division may waive the knowledge and skills test for a qualified military
43 applicant who has been issued a military license that authorizes the holder to operate a motor
44 vehicle representative of the class and endorsements for which the applicant seeks to be licensed.
45 The applicant must certify and provide satisfactory evidence on the date of application that the
46 applicant meets all of the following requirements:

- 47 (1) The applicant is a current or former member of an active or reserve component
48 of the Armed Forces of the United States and was issued a military license
49 that authorized the applicant to operate a vehicle that is representative of the
50 class and type of commercial motor vehicle for which the applicant seeks to

1 be licensed and whose military occupational specialty or rating are eligible for
2 waiver, as allowed by the Federal Motor Carrier Safety Administration.

3 (2) The applicant is or was, within the year prior to the date of application,
4 regularly employed in a military position requiring operation of a motor
5 vehicle representative of the class of commercial motor vehicle for which the
6 applicant seeks to be licensed.

7 (3) The applicant meets the qualifications listed in subdivision (2) of subsection
8 (c1) of this section."

9 **SECTION 9.(b)** This section becomes effective October 1, 2018.

10
11 **DMV MAY SHARE DRIVER MEDICAL RECORDS WITH STATE AND FEDERAL**
12 **AUTHORITIES**

13 **SECTION 10.(a)** G.S. 20-7(e) reads as rewritten:

14 "(e) Restrictions. – The Division may impose any restriction it finds advisable on a drivers
15 license. It is unlawful for the holder of a restricted license to operate a motor vehicle without
16 complying with the restriction and is the equivalent of operating a motor vehicle without a
17 license. If any applicant shall suffer from any physical or mental disability or disease that affects
18 his or her operation of a motor vehicle, the Division may require to be filed with it a certificate
19 of the applicant's condition signed by a medical authority of the applicant's community
20 designated by the Division. The Division may, in its discretion, require the certificate to be
21 completed and submitted after a license or renewal has been issued based on the applicant's
22 performance during a road test administered by the Division. Upon submission, the certificate
23 shall be reviewed in accordance with the procedure set forth in G.S. 20-9(g)(3). This certificate
24 shall in all cases be treated as ~~confidential~~ confidential and subject to release under
25 G.S. 20-9(g)(4)h. Nothing in this subsection shall be construed to prevent the Division from
26 refusing to issue a license, either restricted or unrestricted, to any person deemed to be incapable
27 of safely operating a motor vehicle based on information observed or received by the Division,
28 including observations during a road test and medical information submitted about the applicant.
29 An applicant may seek review pursuant to G.S. 20-9(g)(4) of a licensing decision made on the
30 basis of a physical or mental disability or disease. This subsection does not prohibit deaf persons
31 from operating motor vehicles who in every other way meet the requirements of this section."

32 **SECTION 10.(b)** G.S. 20-9(g)(4)h. reads as rewritten:

33 "h. All records and evidence collected and compiled by the Division and
34 the reviewing board shall not be considered public records within the
35 meaning of Chapter 132 of the General Statutes of North Carolina and
36 may be made available to the public only upon an order of a court of
37 competent jurisdiction. An applicant or licensee may obtain, without a
38 court order, a copy of records and evidence collected and compiled
39 under this subdivision about the applicant or licensee by submitting a
40 written request to the Division, signing any release forms required by
41 the Division, and remitting the required fee set by the Division. All
42 information furnished by, about, or on behalf of an applicant or
43 licensee under this section shall be without prejudice and shall be for
44 the use of the Division, the reviewing board or the court in
45 administering this section and shall not be used in any manner as
46 evidence, or for any other purposes in any trial, civil or
47 ~~criminal~~ criminal, except as authorized in this sub-subdivision. The
48 prohibition on release and use under this sub-subdivision applies
49 without regard to who authored or produced the information collected,
50 compiled, and used by the Division under this subdivision. The

1 Division may, as it deems necessary, release information collected
2 under this subdivision to any other state or federal government agency
3 for purposes of determining an individual's ability to safely operate a
4 commercial motor vehicle or to obtain a commercial drivers license."

5 **SECTION 10.(c)** G.S. 20-27.13A.(a) reads as rewritten:

6 "(a) **Medical Qualifications Standards Applicable to Commercial Drivers.** –

7 All commercial drivers license holders and applicants for commercial drivers licenses must
8 meet the medical qualifications standards set forth in 49 C.F.R. § 391.41. As allowed under
9 G.S. 20-9(g)(4)h., the Division may release information it deems necessary to any other state or
10 federal government agency for purposes of determining an individual's ability to safely operate
11 a commercial motor vehicle or to obtain a commercial drivers license."

12
13 **PART III. EFFECTIVE DATE.**

14 **SECTION 11.** Except as otherwise provided, this act becomes effective July 1, 2018.
15

