

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2315*

Short Title: Commercial Driver's Licenses.

(Public)

Sponsors: Representatives Brawley, Robinson, Hall, and DeVane.

Referred to: Commerce.

June 5, 1990

A BILL TO BE ENTITLED

AN ACT TO AMEND THE COMMERCIAL DRIVER'S LICENSE ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01(12a) reads as rewritten:

"(12a) Gross Vehicle Weight Rating (GVWR). – The value specified by the manufacturer as the maximum loaded weight of a single or combination vehicle, or the registered gross weight of the vehicle, whichever is greater. The GVWR of a combination vehicle is the GVWR of the power unit plus the GVWR of the towed unit or units."

Sec. 2. G.S. 20-4.01(41a) reads as rewritten:

"(41a) Serious Traffic Violation. – A conviction when operating a commercial motor vehicle of:

- a. Excessive speeding, involving a single charge of any speed 15 miles per hour or more above the posted speed limit;
- b. Careless and reckless driving; ~~or~~
- c. A violation of any State or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal ~~accident~~ accident;
- d. Improper or erratic lane changes; or
- e. Following the vehicle ahead too closely."

Sec. 3. G.S. 20-9(a) reads as rewritten:

"(a) A Class 'C' license shall not be issued to any person under 16 years of age, a Class 'A' or 'B' license shall not be issued to any person under 18 years of age, and no

1 Class A, B, or C commercial driver license shall be issued to any person under 21 years
2 of age except as provided in G.S. 20-37.13(a) and G.S. 20-218(a). An endorsement to
3 transport hazardous materials shall not be issued to any person under 21 years of age."

4 Sec. 4. G.S. 20-17.4(a) reads as rewritten:

5 "(a) Any person is disqualified from driving a commercial motor vehicle for a
6 period of not less than one year if convicted of a first violation of:

7 (1) G.S. 20-138.1 or G.S. 20-138.2(a)(1) - Driving a commercial motor
8 vehicle while subject to an impairing substance;

9 (2) G.S. 20-138.2(a)(2) - Driving a commercial motor vehicle while the
10 alcohol concentration of the person's blood or breath is 0.04 or more;

11 (3) G.S. 20-166(a), (b), or (c) - ~~Felonious hit~~ Hit and run involving a
12 commercial motor vehicle driven by the person; or

13 (4) Using a commercial motor vehicle in the commission of any ~~felony~~; or
14 felony.

15 (5) ~~Refusal to submit to a chemical test to determine the driver's alcohol~~
16 ~~concentration while driving a commercial motor vehicle.~~

17 A person is also disqualified for a one-year period for refusing to submit to a chemical
18 test to determine the alcohol concentration of their blood or breath if charged with an
19 implied-consent offense in a commercial motor vehicle.

20 If any of the above violations occurred while transporting a hazardous material
21 required to be placarded, the person is disqualified for a period of not less than three
22 years."

23 Sec. 5. G.S. 20-17.4 is amended by adding a new subsection to read:

24 "(f) A person is disqualified from driving a commercial motor vehicle for a period
25 of at least 60 days if the Division determines that a person has knowingly submitted
26 false information or false certifications in an application for a commercial driver
27 license."

28 Sec. 6. G.S. 20-24(a) reads as rewritten:

29 "(a) Whenever any person is convicted of any offense for which this ~~Article~~
30 Chapter makes mandatory the revocation or disqualification of the driver's license of
31 such person by the Division, the court in which such conviction is had shall require the
32 surrender to it of all drivers' licenses then held by the person so convicted and the court
33 shall thereupon forward the same, together with a record of such conviction, to the
34 Division within 30 days.

35 The clerks of court, assistant clerks of court and deputy clerks of court in which any
36 person is convicted, and as a result thereof the revocation or suspension of the driver's
37 license of such person is required under the provisions of this Chapter, are hereby
38 designated as agents of the Division of Motor Vehicles for the purpose of receiving all
39 drivers' licenses required to be surrendered under this section, and are hereby authorized
40 to and shall give to such licensee a dated receipt for any such license surrendered, such
41 receipt to be upon such form as may be approved by the Commissioner of Motor
42 Vehicles. The original of such receipt shall be mailed forthwith to the Driver License
43 Section of the Division of Motor Vehicles together with the driver's license. Any
44 driver's license which has been surrendered and for which a receipt has been issued as

1 herein required shall be revoked or suspended as the case may be as of the date shown
2 upon the receipt issued to such person."

3 Sec. 7. G.S. 20-24(b) reads as rewritten:

4 "(b) Every court having jurisdiction over offenses committed under this
5 ~~Article~~Chapter, or any other law of this State regulating the operation of motor vehicles
6 on highways, shall forward to the Division a record of the conviction of any person in
7 said court for a violation of any of said laws, and may recommend the suspension of the
8 driver's license of the person so convicted. Every court shall also forward to the
9 Division a record of every conviction in which sentence is suspended on condition that
10 the defendant not operate a motor vehicle for a period of time, and such report shall
11 state the period of time for which such condition is imposed; provided that the
12 punishment for the violation of this subsection shall be the same as provided in G.S. 20-
13 7(o). The record of conviction may be forwarded to the Division by electronic data
14 processing means with the approval of the Commissioner."

15 Sec. 8. G.S. 20-26(a) reads as rewritten:

16 "(a) The Division shall keep a record of test, proceedings and orders pertaining to
17 all driver's licenses granted, refused, suspended or revoked. The Division shall keep
18 records of convictions as defined in G.S. 20-24(c) occurring outside North Carolina
19 only for the offenses of exceeding a stated speed limit of 55 miles per hour or more by
20 more than 15 miles per hour, driving while license suspended or revoked, careless and
21 reckless driving, engaging in prearranged speed competition, engaging willfully in
22 speed competition, hit-and-run driving resulting in damage to property, unlawfully
23 passing a stopped school bus, illegal transportation of alcoholic beverages, and the
24 offenses included in G.S. 20-17. Provided, the Division shall also record convictions
25 for speeding ~~in excess of~~ 15 miles or more per hour over the posted speed limit, improper
26 or erratic lane changes and following the vehicle ahead too closely occurring outside of
27 North Carolina if the vehicle involved is a commercial motor vehicle."

28 Sec. 9. G.S. 20-28(c) reads as rewritten:

29 "(c) Any person whose commercial driver license has been suspended or revoked
30 or who has been disqualified from operating a commercial motor vehicle as provided in
31 this Chapter who shall drive a commercial motor vehicle upon the highways or public
32 vehicular areas of this State while such license is under suspension, revocation, or
33 disqualification shall be guilty of a misdemeanor. Upon receipt of a record of a
34 violation of this section, the Division shall impose an additional disqualification period
35 in accordance with the provisions of subsection (a) of this section, or for a period of
36 time equal to the period for which the driver was suspended, revoked, or disqualified
37 when he violated this section."

38 Sec. 10. G.S. 20-37.12(a) reads as rewritten:

39 "(a) On or after April 1, 1992, unless extended by the Commissioner as permitted
40 by the United States Department of Transportation, no person shall operate a
41 commercial motor vehicle on the highways of this State unless he has first been issued
42 and is in immediate possession of a commercial driver license with applicable
43 endorsements valid for the vehicle he is driving; provided, a person may operate a
44 commercial motor vehicle after being issued and while in possession of a commercial

1 driver learner's permit and while accompanied by the holder of a commercial driver
2 license valid for the vehicle being driven.

3 All individuals holding a classified license under G.S. 20-7 that will expire prior to
4 April 1, 1992, must renew that license for a commercial driver license if they operate a
5 commercial motor vehicle that would require a commercial driver license after that date.
6 The Division may give credit toward the cost of the commercial driver license to those
7 individuals whose current classified license does not expire until after April 1, 1992,
8 based on the unexpired time remaining on the license."

9 Sec. 11. G.S. 20-37.13(c)(1)c. reads as rewritten:

10 "c. Had any convictions involving any kind of motor vehicle
11 for the offenses listed in G.S. 20-17 or G.S. 20-17.4, or
12 refused to submit to a chemical test as required by law;
13 or".

14 Sec. 12. G.S. 20-37.13(d) reads as rewritten:

15 "(d) A commercial driver license or learner's permit shall not be issued to a person
16 while he is subject to a disqualification from driving a commercial motor vehicle, or
17 while his driver license is suspended, revoked, or cancelled in any state; nor shall a
18 commercial driver license be issued ~~by any other state~~ unless he first surrenders all other
19 driver licenses, which must be returned to the issuing states for cancellation."

20 Sec. 13. G.S. 20-27.13(e) reads as rewritten:

21 "(e) A commercial driver learner's permit may be issued to an individual who
22 holds a valid Class C driver license who has passed the ~~necessary tests required for that~~
23 license knowledge tests for the vehicle class and type he will be operating.

24 The permit is valid for a period not to exceed six months and may be renewed or
25 reissued only once within a two-year period. A restricted instruction permit for
26 prospective school bus drivers shall be issued pursuant to G.S. 20-7(m). The fee for the
27 issuance, reissuance, or renewal of a commercial driver learner's permit or school bus
28 restricted instruction permit shall be twenty dollars (\$20.00)."

29 Sec. 14. G.S. 20-37.15(a) reads as rewritten:

30 "(a) The application for a commercial driver license must include the following:

- 31 (1) The full name, current mailing address, and current residence address
32 of the applicant;
- 33 (2) A physical description of the person including sex, height, and eye and
34 hair color;
- 35 (3) Date of birth;
- 36 (4) The applicant's social security number;
- 37 (5) The applicant's signature;
- 38 (6) The applicant's color photograph;
- 39 (7) Certifications including those required by 49 C.F.R., Part 383.71(a);
- 40 (8) A consent to release driving record information; and
- 41 (9) Any other information required by the Division.

42 The application must be accompanied by a nonrefundable application fee of twenty
43 dollars (\$20.00), provided that this fee will be waived for an individual who surrenders
44 a valid commercial driver license learner's permit when applying for a commercial

1 driver license. This fee shall entitle the applicant to three attempts to pass the written
2 knowledge test without payment of a new fee. ~~No application fee shall be charged to an~~
3 ~~applicant eligible for a waiver under G.S. 20-37.13(e)."~~

4 Sec. 15. G.S. 20-37.16(b) reads as rewritten:

5 "(b) Commercial driver licenses may be issued with the following classifications,
6 endorsements, and restrictions; the holder of a valid commercial driver license may
7 drive all vehicles in the class for which that license is issued, and all lesser classes of
8 vehicles except motorcycles. Vehicles that require an endorsement shall not be driven
9 unless the proper endorsement appears on the license.

10 Class A - Any combination of vehicles with a gross vehicle weight rating, GVWR,
11 of 26,001 pounds or more, provided the GVWR of the vehicle or vehicles being towed
12 is in excess of 10,000 pounds.

13 Class B - Any single vehicle with a GVWR of 26,001 pounds or more, and any such
14 vehicle towing a vehicle not in excess of 10,000 pounds.

15 Class C - Any single vehicle with a GVWR of less than 26,001 pounds or any such
16 vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds comprising:

- 17 (1) Vehicles designed to transport 16 or more passengers, including the
18 driver; and
- 19 (2) Vehicles used in the transportation of hazardous materials that require
20 the vehicle to be placarded under 49 C.F.R., Part 172, Subpart F.

21 A Class C commercial drivers license is also required to operate any vehicle less
22 than 26,001 pounds GVWR towing a vehicle in excess of 10,000 pounds GVWR, even
23 though the GVWR of the combination is less than 26,001 pounds."

24 Sec. 16. G.S. 20-37.16(c) reads as rewritten:

25 ~~"(c) Endorsements and restrictions will be noted on the license when appropriate in the~~
26 ~~following categories: The Commissioner may require and designate such restrictions as~~
27 ~~he feels necessary to ensure the safety of North Carolina highways. The following~~
28 ~~endorsements will be noted on the license, when appropriate:~~

- 29 (1) 'H' - Authorizes the driver to drive a vehicle transporting hazardous
30 materials.
- 31 (2) ~~"K" - Restricts the driver to vehicles not equipped with airbrakes.~~
- 32 (3) 'T' - Authorizes driving double trailers.
- 33 (4) 'P' - Authorizes driving vehicles carrying passengers.
- 34 (5) 'N' - Authorizes driving tank vehicles.
- 35 (6) 'X' - Represents a combination of hazardous materials and tank
36 vehicle endorsements.
- 37 (7) 'M' - Authorizes driving a motorcycle.
- 38 (8) ~~"S" - Authorizes driving a school bus.~~

39 Testing for a hazardous materials endorsement must include a written test. Any
40 renewal applicant wishing to retain the hazardous materials endorsement must pass the
41 required test. Anyone transferring a commercial driver license from another jurisdiction
42 to this State and wishing to retain the 'H' or 'X' endorsement must demonstrate the
43 knowledge required of a driver of a hazardous materials laden vehicle by having passed

1 a written test covering the information set out in 49 C.F.R., Part 383.121 within the
2 preceding two years."

3 Sec. 17. G.S. 20-37.16(d) reads as rewritten:

4 "(d) The fee for issuance or reissuance of a Class A, B, or C commercial driver
5 license is forty dollars (\$40.00). Any person applying for a special endorsement or
6 renewal under subsection (c) of this section shall pay an additional five dollars (\$5.00)
7 for each endorsement. ~~The fee—fees~~ required under this section shall be waived for
8 persons who drive no other commercial motor vehicle except a school bus or school
9 activity bus and for designated employees of the Driver License Section of the
10 Division."

11 Sec. 18. G.S. 20-37.16(e)(3) reads as rewritten:

12 "(3) Farm vehicles that meet all of the following criteria:

- 13 a. Controlled and operated by the farmer or the farmer's employee
14 and used exclusively for farm use;
- 15 b. Used to transport either agricultural products, farm machinery,
16 or farm supplies, both to or from a farm;
- 17 c. Not used in the operations of a common or contract motor
18 carrier; and
- 19 d. Used within 150 miles of the farmer's farm.

20 ~~A farm vehicle includes a forestry vehicle that meets the listed criteria~~
21 ~~when applied to the forestry operation."~~

22 Sec. 19. G.S. 20-138.2(f) reads as rewritten:

23 "(f) Limited Driving Privilege. – A person convicted of the offense of impaired
24 driving under this section is not eligible for a limited driving privilege to operate a
25 commercial motor vehicle. If a person is convicted under this section and under G.S.
26 20-138.1, he may be considered for a limited driving privilege for a noncommercial
27 motor vehicle if he meets the requirements of G.S. 20-179.3(b). Such a privilege shall
28 be for the purposes specified in G.S. 20-179.3(a) and issued according to the procedure
29 in G.S. 20-179.3(d) and subsections (f) through (k).

30 If a person is convicted under this section and he had ~~a blood—~~an alcohol
31 concentration below 0.10, he is nonetheless eligible to apply for a Class C
32 noncommercial license."

33 Sec. 20. G.S. 20-218(a) reads as rewritten:

34 "(a) No person shall drive or operate a school bus over the ~~public roads—~~highways
35 and public vehicular areas of North Carolina while the same is occupied by children
36 unless said person shall be fully trained in the operation of motor vehicles, and shall
37 furnish to the superintendent of the schools of the county in which said bus shall be
38 operated a certificate from any representative duly designated by the Commissioner of
39 Motor Vehicles, and the chief mechanic in charge of school buses in said county
40 showing that he has been examined by them ~~a representative duly designated by the~~
41 ~~Commissioner of Motor Vehicles, and said chief mechanic in charge of school buses in said~~
42 ~~county~~ and that he is a fit and competent person to operate or drive a school bus over the
43 public roads—highways and public vehicular areas of the State. The driver of a school bus
44 ~~or school activity bus~~ must be at least 18 years of age and hold a Class 'A', 'B', or 'C'

1 commercial driver license and a school bus driver's certificate. The driver of a school
2 activity bus must be licensed either as a school bus driver as set forth herein or hold a
3 license appropriate for the class of vehicle being operated."

4 Sec. 21. G.S. 20-7(i) reads as rewritten:

5 "(i) The fee for issuance or reissuance of a Class 'C' license is ten dollars
6 (\$10.00). The fee for issuance or reissuance of a Class 'B' or Class 'A' license is fifteen
7 dollars (\$15.00). ~~A person receiving at the same time a driver's license and an endorsement~~
8 ~~pursuant to G.S. 20-7(a1) shall be charged only the fee required for the class of driver's license~~
9 ~~he is receiving.~~ Any person applying for a motorcycle endorsement or a renewal thereof
10 shall pay an additional fee of five dollars (\$5.00)."

11 Sec. 22. G.S. 20-7(l-1) is repealed.

12 Sec. 23. G.S. 20-7(m) reads as rewritten:

13 "(m) The Division upon receiving proper application may in its discretion issue a
14 restricted instruction permit effective for a school year or a lesser period to an applicant
15 who is enrolled in a driver-training program ~~approved by the State Superintendent of Public~~
16 ~~Instruction even though the applicant has not yet reached the legal age to be eligible for a~~
17 ~~driver's license program.~~

18 (1) As provided for in G.S. 20-88.1 or approved by the State
19 Superintendent of Public Instruction even though the applicant has not
20 reached the legal age to be eligible for a driver's license.

21 (2) For certification as a school bus driver as provided for in G.S. 20-218
22 and G.S. 20-37.13.

23 ~~Such~~ Any restricted instruction permit issued under this subsection shall entitle the
24 permittee when he has such permit in his immediate possession to operate a specified
25 type or class of motor vehicle subject to the restrictions imposed by the Division. The
26 restrictions which the Division may impose on such permits include but are not limited
27 to restrictions to designated areas and highways and restrictions prohibiting operation
28 except when an approved instructor is occupying a seat beside the permittee. Restricted
29 instruction permits issued under this subsection shall not be required to bear a
30 distinguishing number or a picture of the permittee."

31 Sec. 24. G.S. 20-179(m) reads as rewritten:

32 "(m) Assessment and Treatment Required in Certain Cases. If a defendant being
33 sentenced under this section is placed on probation, he shall be required as a condition
34 of that probation to obtain a substance abuse assessment.

35 The judge shall require the defendant to obtain the assessment from an area mental
36 health agency, its designated agent, or a private facility licensed by the State for the
37 treatment of alcoholism and substance abuse. Unless a different time limit is specified in
38 the court's judgment, the defendant shall schedule the assessment within 30 days from
39 the date of the judgment. Any agency performing assessments shall give written
40 notification of its intention to do so to the area mental health authority in the catchment
41 area in which it is located and to the Department of Human Resources. The Secretary
42 of the Department of Human Resources may adopt rules to implement the provisions of
43 this subsection, and these rules may include provisions to allow defendant to obtain
44 assessments and treatment from agencies not located in North Carolina. The assessing

1 agency shall give the client a standardized test capable of providing uniform research
2 data, including, but not limited to, demographic information, defendant history,
3 assessment results and recommended interventions, approved by the Department of
4 Human Resources to determine chemical dependency. A clinical interview concerning
5 the general status of the defendant with respect to chemical dependency shall be
6 conducted by the assessing agency before making any recommendation for further
7 treatment. A recommendation made by the assessing agency shall be signed by a
8 'Certified Alcoholism, Drug Abuse or Substance Abuse Counselor', as defined by the
9 Department of Human Resources.

10 If the assessing agency recommends that the defendant participate in a treatment
11 program, the judge may require the defendant to do so, and he shall require the
12 defendant to execute a Release of Information authorizing the treatment agency to
13 report his progress to the court or the Department of Correction. The judge may order
14 the defendant to participate in an appropriate treatment program at the time he is
15 ordered to obtain an assessment, or he may order him to reappear in court when the
16 assessment is completed to determine if a condition of probation requiring participation
17 in treatment should be imposed. An order of the court shall not require the defendant to
18 participate in any treatment program for more than 90 days unless a longer treatment
19 program is recommended by the assessing agency and his alcohol concentration was .15
20 or greater as indicated by a chemical analysis taken when he was charged or this was a
21 second or subsequent offense within five years. At the time of sentencing the judge
22 shall require the defendant to pay one hundred twenty-five dollars (\$125.00). The
23 payment of the fee of one hundred twenty-five dollars (\$125.00) shall be (i) fifty dollars
24 (\$50.00) to the assessing agency and (ii) seventy-five dollars (\$75.00) to either a
25 treatment facility or to an alcohol and drug education traffic school depending upon the
26 recommendation made by the assessing agency. ~~G.S. 20-179(1) shall not apply to~~
27 ~~defendants sentenced under this section.~~ Fees received by the Area Mental Health, Mental
28 Retardation, and Substance Abuse Authorities under this section shall be administered
29 pursuant to G.S. 20-179.2(e), provided, however that the provisions of G.S. 20-179.2(c)
30 shall not apply to monies received under this section. The operators of the local alcohol
31 and drug education traffic school may change the length of time required to complete
32 the school in accordance with administrative costs, provided, however that the length
33 and the curriculum of the school shall be approved by the Commission for Mental
34 Health, Mental Retardation and Substance Abuse Services and in no event shall the
35 school be less than five hours in length. If the defendant is treated by an area mental
36 health facility, G.S. 122C-146 applies after receipt of the seventy-five dollar (\$75.00)
37 fee. If an area mental health facility or its contractor is providing treatment or education
38 services to a defendant pursuant to this subsection, the area facility or its contractor may
39 require that the defendant pay the fees prescribed by law for the services before it
40 certifies that the defendant has completed the recommended treatment or educational
41 program. Any determinations with regard to the defendant's ability to pay the
42 assessment fee shall be made by the judge.

43 In those cases in which no substance abuse handicap is identified, that finding shall
44 be filed with the court and the defendant shall be required to attend an alcohol and drug

1 education traffic school. When treatment is required, the treatment agency's progress
2 reports shall be filed with the court or the Department of Correction at intervals of no
3 greater than six months until the termination of probation or the treatment agency
4 determines and reports that no further treatment is appropriate. If the defendant is
5 required to participate in a treatment program and he completes the recommended
6 treatment, he does not have to attend the alcohol and drug education traffic school.
7 Upon the completion of the court-ordered assessment and court-ordered treatment or
8 school, the assessing or treatment agency or school shall give the Division of Motor
9 Vehicles the original of the certificate of completion, shall provide the defendant with a
10 copy of that certificate, and shall retain a copy of the certificate on file for a period of
11 five years. The Division of Motor Vehicles shall not reissue the driver's license of a
12 defendant ordered to obtain assessment, participate in a treatment program or school
13 unless it has received the original certificate of completion from the assessing or
14 treatment agency or school or a certificate of completion sent by the agency subsequent
15 to a court order as hereinafter provided; provided, however that a defendant may be
16 issued a limited driving privilege pursuant to G.S. 20-179.3. Unless the judge has
17 waived the fee, no certificate shall be issued unless the agency or school has received
18 the fifty dollar (\$50.00) fee and the seventy-five dollar (\$75.00) fee as appropriate. A
19 defendant may within 90 days after an agency decision to decline to certify, by filing a
20 motion in the criminal case, request that a judge presiding in the court in which he was
21 convicted review the decision of an assessment or treatment agency to decline to certify
22 that the defendant has completed the assessment or treatment. The agency whose
23 decision is being reviewed shall be notified at least 10 days prior to any hearing to
24 review its decision. If the judge determines that the defendant has obtained an
25 assessment, has completed the treatment, or has made an effort to do so that is
26 reasonable under the circumstances, as the case may be, the judge shall order that the
27 agency send a certificate of completion to the Division of Motor Vehicles.

28 The Department of Human Resources may approve programs offered in another
29 state if they are substantially similar to programs approved in this State, and if that state
30 recognizes North Carolina programs for similar purposes. The defendant shall be
31 responsible for the fees at the approved program."

32 Sec. 25. G.S. 20-4.19(c) reads as rewritten:

33 "(c) Upon the failure of the nonresident to comply with the citation, the ~~law-~~
34 ~~enforcement officer shall obtain a warrant for his arrest and~~ Clerk of Court shall report the
35 noncompliance to the Division by either written notice or electronic data processing
36 means with the approval of the Commissioner. The report of noncompliance shall
37 clearly identify the nonresident; describe the violation, specifying the section of the
38 statute, code, or ordinance violated; indicate the location and date of offense; and
39 identify the vehicle involved; ~~bear the signature of the law-enforcement officer; and contain~~
40 ~~a copy of the personal recognizance signed by the nonresident."~~

41 Sec. 26. G.S. 20-183.3(a) reads as rewritten:

42 "(a) Before an approval certificate may be issued for a motor vehicle, the vehicle
43 must be inspected by a safety equipment inspection station, and if required by Chapter

1 20 of the General Statutes of North Carolina, must be found to possess in safe operating
2 condition the following articles and equipment:

- 3 (1) Brakes,
- 4 (2) Lights,
- 5 (3) Horn,
- 6 (4) Steering mechanism,
- 7 (5) Windshield wiper,
- 8 (6) Directional signals,
- 9 (7) Tires,
- 10 (8) Rearview mirror or mirrors.

11 Provided, motor vehicles, trailers, and semitrailers subject to Federal Motor Carrier
12 Safety Regulations as contained in 49 C.F.R. Parts 390-399 must be inspected by a
13 licensed safety equipment inspection station in accordance with the standards referenced
14 in 49 C.F.R. Part 396.17, commonly referred to as a 'North American Truck Inspection.'

15 No inspection certificate shall be issued by a safety equipment inspection station for
16 a motor vehicle manufactured after model year 1967 unless the vehicle is equipped with
17 such emission control devices to reduce air pollution as were installed at the time of
18 manufacture which are readily visible, provided the foregoing requirements shall not
19 apply where such devices have been removed for the purpose of converting the motor
20 vehicle to operate on natural or liquified petroleum gas. Other modifications of
21 emission control devices shall be approved by the Environmental Management
22 Commission before an inspection certification is issued.

23 In addition to the items listed above, safety inspection equipment stations shall
24 inspect the exhaust systems of all vehicles inspected and report the condition of each
25 exhaust system to the owners or to the persons offering the vehicles for inspection.

26 The inspection requirements herein provided for shall not exceed the standards
27 provided in the current General Statutes for such equipment."

28 Sec. 27. This act shall become effective September 1, 1990, with the
29 exception of Section 26 which shall become effective July 1, 1990.