

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1474\*  
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Short Title: MV Technical and Other Changes.

(Public)

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Sponsors:

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Referred to:

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May 25, 1998

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH  
FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01(25a) reads as rewritten:

"(25a) Out of Service Order. —~~A temporary prohibition against driving a  
commercial motor vehicle.~~ A declaration that a driver, a commercial  
motor vehicle, or a motor carrier operation is out-of-service."

Section 2. G.S. 20-7(f) reads as rewritten:

"(f) Expiration and Temporary License. — The first drivers license the Division issues to a person expires on the person's fourth or subsequent birthday that occurs after the license is issued and on which the individual's age is evenly divisible by five, unless this subsection sets a different expiration date. The first drivers license the Division issues to a person who is at least 17 years old but is less than 18 years old expires on the person's twentieth birthday. The first drivers license the Division issues to a person who

1 is at least 62 years old expires on the person's birthday in the fifth year after the license is  
2 issued, whether or not the person's age on that birthday is evenly divisible by five.

3 A drivers license that was issued by the Division and is renewed by the Division  
4 expires five years after the expiration date of the license that is renewed. A person may  
5 apply to the Division to renew a license during the ~~60-day~~ 180-day period before the  
6 license expires. The Division may not accept an application for renewal made before the  
7 ~~60-day~~ 180-day period begins.

8 The Division may renew by mail a drivers license issued by the Division to a person  
9 who meets any of the following descriptions:

- 10 (1) Is serving on active duty in the armed forces of the United States and is  
11 stationed outside this State.  
12 (2) Is a resident of this State and has been residing outside the State for at  
13 least 30 continuous days.

14 When renewing a license by mail, the Division may waive the examination that would  
15 otherwise be required for the renewal and may impose any conditions it finds advisable.  
16 A license renewed by mail is a temporary license that expires 60 days after the person to  
17 whom it is issued returns to this State."

18 Section 2.1. G.S. 20-11(h) reads as rewritten:

19 "(h) ~~Out-of-State Exceptions.~~ Exception for Persons 16 to 18 Who Have an  
20 Unrestricted Out-of-State License. — A person who is at least 16 years old but less than  
21 18 years old, who was a resident of another state and has an unrestricted drivers license  
22 issued by that state, and who becomes a resident of this State may obtain one of the  
23 following upon submission of a driving eligibility certificate or a high school diploma or  
24 its equivalent:

- 25 (1) A temporary permit, if the person has not completed a drivers education  
26 program that meets the requirements of the Superintendent of Public  
27 Instruction but is currently enrolled in a drivers education program that  
28 meets these requirements. A temporary permit is valid for the period  
29 specified in the permit and authorizes the holder of the permit to drive a  
30 specified type or class of motor vehicle when in possession of the  
31 permit, subject to any restrictions imposed by the Division concerning  
32 time of driving, supervision, and passenger limitations. The period must  
33 end within 10 days after the expected completion date of the drivers  
34 education program in which the applicant is enrolled.  
35 (2) A full provisional license, if the person has completed a drivers  
36 education program that meets the requirements of the Superintendent of  
37 Public Instruction, has held the license issued by the other state for at  
38 least 12 months, and has not been convicted during the preceding six  
39 months of a motor vehicle moving violation, a seat belt infraction, or an  
40 offense committed in another jurisdiction that would be a motor vehicle  
41 moving violation or seat belt infraction if committed in this State.  
42 (3) A limited provisional license, if the person has completed a drivers  
43 education program that meets the requirements of the Superintendent of

1 Public Instruction but either did not hold the license issued by the other  
2 state for at least 12 months or was convicted during the preceding six  
3 months of a motor vehicle moving violation, a seat belt infraction, or an  
4 offense committed in another jurisdiction that would be a motor vehicle  
5 moving violation or seat belt infraction if committed in this State."

6 Section 2.2. G.S. 20-11 is amended by adding a new subsection to read:

7 "(h1) Exception for Persons 16 to 18 Who Have an Out-of-State Restricted License.  
8 – A person who is at least 16 years old but less than 18 years old, who was a resident of  
9 another state and has a restricted drivers license issued by that state, and who becomes a  
10 resident of this State may obtain one of the following:

11 (1) A limited provisional license, if the person has completed a drivers  
12 education program that meets the requirements of the Superintendent of  
13 Public Instruction, held the restricted license issued by the other state  
14 for at least 12 months, and whose parent or guardian certifies that the  
15 person has not been convicted during the preceding six months of a  
16 motor vehicle moving violation, a seat belt infraction, or an offense  
17 committed in another jurisdiction that would be a motor vehicle moving  
18 violation or seat belt infraction if committed in this State.

19 (2) A limited learners permit, if the person has completed a drivers  
20 education program that meets the requirements of the Superintendent of  
21 Public Instruction but either did not hold the restricted license issued by  
22 the other state for at 12 months or was convicted during the preceding  
23 six months of a motor vehicle moving violation, a seat belt infraction, or  
24 an offense committed in another jurisdiction that would be a motor  
25 vehicle moving violation or seat belt infraction if committed in this  
26 State. A person who qualifies for a limited learners permit under this  
27 subdivision and whose parent or guardian certifies that the person has  
28 not been convicted of a moving violation in the preceding six months  
29 shall be deemed to have held a limited learners permit in this State for  
30 each month the person held a restricted license in another state."

31 Section 2.3. G.S. 20-11 is amended by adding a new subsection to read:

32 "(h2) Exception for Persons Age 15 Who Have an Out-of-State Unrestricted or  
33 Restricted License. – A person who is age 15, who was a resident of another state, has an  
34 unrestricted or restricted drivers license issued by that state, and who becomes a resident  
35 of this State may obtain a limited learners permit if the person has completed a drivers  
36 education program that meets the requirements of the Superintendent of Public  
37 Instruction. A person who qualifies for a limited learners permit under this subdivision  
38 and whose parent or guardian certifies that the person has not been convicted of a moving  
39 violation in the preceding six months shall be deemed to have held a limited learners  
40 permit in this State for each month the person held an unrestricted or restricted license in  
41 another state."

42 Section 2.4. G.S. 20-11(i) reads as rewritten:

1       "(i) Application. – An application for a permit or license authorized by this section  
2 must be signed by both the applicant and another person. That person must ~~be~~ be:

3           (1) ~~the~~ The applicant's parent or guardian if the parent or guardian resides in  
4 this State and is qualified to be a supervising driver. In all other  
5 circumstances, that person must be an adult approved by the Division.  
6 guardian;

7           (2) A person approved by the applicant's parent or guardian; or

8           (3) A person approved by the Division."

9       Section 2.5. G.S. 20-11(k) reads as rewritten:

10       "(k) Supervising Driver. – A supervising driver must be a parent or guardian of the  
11 permit holder or license holder ~~if a parent or guardian signed the application for the~~  
12 ~~permit or license. If a parent or guardian did not sign the application, the supervising~~  
13 ~~driver must be the adult who signed the application.~~ or a responsible person approved by  
14 the parent or guardian or the Division. A supervising driver must be a licensed driver who  
15 has been licensed to drive for at least five years. A supervising driver must sign the  
16 application for a permit or license. Each permit or license issued pursuant to this section  
17 shall be limited to a maximum of two supervising drivers."

18       Section 3. G.S. 20-17.4 reads as rewritten:

19       "**§ 20-17.4. Disqualification to drive a commercial motor vehicle.**

20       (a) One Year. – Any of the following disqualifies a person from driving a  
21 commercial motor vehicle for one year:

22           (1) A first conviction of G.S. 20-138.1, driving while impaired, that  
23 occurred while the person was driving a commercial motor vehicle.

24           (2) A first conviction of G.S. 20-138.2, driving a commercial motor vehicle  
25 while impaired.

26           (3) A first conviction of G.S. 20-166, hit and run, involving a commercial  
27 motor vehicle driven by the person.

28           (4) A first conviction of a felony in the commission of which a commercial  
29 motor vehicle was used.

30           (5) Refusal to submit to a chemical test when charged with an implied-  
31 consent offense, as defined in G.S. 20-16.2, that occurred while the  
32 person was driving a commercial motor vehicle.

33       (b) Modified Life. – A person who has been disqualified from driving a  
34 commercial motor vehicle for a conviction or refusal described in subsection (a) who, as  
35 the result of a separate incident, is subsequently convicted of an offense or commits an  
36 act requiring disqualification under subsection (a) is disqualified for life. The Division  
37 may adopt guidelines, including conditions, under which a disqualification for life under  
38 this subsection may be reduced to 10 years.

39       (c) Life. – A person is disqualified from driving a commercial motor vehicle for  
40 life if that person uses a commercial motor vehicle in the commission of any felony  
41 involving the manufacture, distribution, or dispensing of a controlled substance, or  
42 possession with intent to manufacture, distribute, or dispense a controlled substance.

1 (d) Less Than a Year. – A person is disqualified from driving a commercial motor  
2 vehicle for 60 days if that person is convicted of two serious traffic violations, or 120  
3 days if convicted of three or more serious traffic violations, committed in a commercial  
4 motor vehicle arising from separate incidents occurring within a three-year period.

5 (e) Three Years. – A person is disqualified from driving a commercial motor  
6 vehicle for three years if that person is convicted of an offense or commits an act  
7 requiring disqualification under subsection (a) and the offense or act occurred while the  
8 person was transporting a hazardous material that required the motor vehicle driven to be  
9 placarded.

10 (f) Revocation Period. – A person is disqualified from driving a commercial motor  
11 vehicle for the period during which the person's regular or commercial drivers license is  
12 revoked.

13 (g) Violation of Out-of-Service Order. – Any person convicted for violating an  
14 out-of-service order, except as described in subsection (h) of this section, shall be  
15 disqualified as follows:

16 (1) A person is disqualified from driving a commercial vehicle for a period  
17 of 90 days if convicted of a first violation of an out-of-service order.

18 (2) A person is disqualified for a period of one year if convicted of a second  
19 violation of an out-of-service order during any 10-year period, arising  
20 from separate incidents.

21 (3) A person is disqualified for a period of three years if convicted of a third  
22 or subsequent violation of an out-of-service order during any 10-year  
23 period, arising from separate incidents.

24 (h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and  
25 Passenger Offenses. – Any person convicted for violating an out-of-service order while  
26 transporting hazardous materials or while operating a commercial vehicle designed or  
27 used to transport more than 15 passengers, including the driver, shall be disqualified as  
28 follows:

29 (1) A person is disqualified for a period of 180 days if convicted of a first  
30 violation of an out-of-service order.

31 (2) A person is disqualified for a period of three years if convicted of a  
32 second or subsequent violation of an out-of-service order during any 10-  
33 year period, arising from separate incidents.

34 (i) Disqualification for Out-of-State Violations. – The Division shall withdraw the  
35 privilege to operate a commercial vehicle of any resident of this State upon receiving  
36 notice of the person's conviction in another state for an offense that, if committed in this  
37 State, would be grounds for disqualification. The period of disqualification shall be the  
38 same as if the offense occurred in this State.

39 (j) Disqualification of Persons Without Commercial Drivers Licenses. – Any  
40 person convicted of an offense that requires disqualification under this section, but who  
41 does not hold a commercial drivers license, shall be disqualified from operating a  
42 commercial vehicle in the same manner as if the person held a valid commercial drivers  
43 license."

Section 4. G.S. 20-37.12(b) reads as rewritten:

"(b) The out-of-service criteria as referred to in 49 C.F.R. §§392.5 and 395.13, as adopted by the Division, Subchapter B apply to a person who drives a commercial motor vehicle. No person shall drive a commercial motor vehicle on the highways of this State in violation of an out-of-service order."

Section 5. G.S. 20-37.16(c) reads as rewritten:

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

| <u>Endorsement</u> | <u>Vehicles That Can Be Driven</u>  |
|--------------------|---|
| H                  | <del>Vehicles carrying hazardous materials, other than tank vehicles</del> <u>Vehicles, regardless of size or class, except tank vehicles, when transporting hazardous materials that require the vehicle to be placarded</u> |
| M                  | Motorcycles   |
| N                  | Tank vehicles not carrying hazardous materials  |
| P                  | Vehicles carrying passengers  |
| T                  | Double trailers   |
| X                  | Tank vehicles carrying hazardous materials.   |

To obtain an H or an X endorsement, an applicant must take a test. This requirement applies when a person first obtains an H or an X endorsement and each time a person renews an H or an X endorsement. An applicant who has an H or an X endorsement issued by another state who applies for an H or an X endorsement must take a test unless the person has passed a test that covers the information set out in 49 C.F.R. § 383.121 within the preceding two years."

Section 6. G.S. 20-115.1(b) reads as rewritten:

"(b) Motor vehicle combinations consisting of a semitrailer of not more than 53 feet in length and a truck tractor may be operated on the interstate highways (except those exempted by the United States Secretary of Transportation pursuant to 49 U.S.C. 2311(i)) and federal-aid primary system highways designated by the United States Secretary of Transportation provided ~~that that~~:

(1) ~~any~~ Any semitrailer in excess of 48 feet in length shall not be permitted ~~unless unless~~:

- a. ~~the~~ The distance between the kingpin of the trailer and the rearmost ~~axle axle~~, or a point midway between the two rear axles, if the two rear axles are a tandem axle, does not exceed 41 feet; ~~and or~~
- b. The semitrailer is used exclusively or primarily to transport vehicles in connection with motorsports competition events, and the distance between the kingpin of the trailer and the rearmost axle, or a point midway between the two rear axles, if the two rear axles are a tandem axle, does not exceed 46 feet; and

(2) ~~provided that any~~ Any semitrailer in excess of 48 feet is equipped with a rear underride guard of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than 30 inches from the surface as measured with the vehicle empty and on a level surface."

Section 7. G.S. 20-116(d) reads as rewritten:

"(d) A single vehicle having two axles shall not exceed ~~35-40~~ 40 feet in length of extreme overall dimensions inclusive of front and rear bumpers. ~~Provided, however, a bus or motor home with two axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.~~ A single vehicle having three axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers. Provided, ~~further, however,~~ trucks transporting unprocessed cotton from farm to gin shall not exceed 48 feet in length overall of dimensions inclusive of front and rear bumpers. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes."

Section 8. G.S. 20-118(b)(3) reads as rewritten:

"(3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

| Axles*      | Distance Maximum Weight in Pounds for any Group of Two<br>Between or More Consecutive Axles |         |         |         |         |         |
|-------------|---|---------|---------|---------|---------|---------|
|             | 2 Axles   | 3 Axles | 4 Axles | 5 Axles | 6 Axles | 7 Axles |
| 4           | 38000   |         |         |         |         |         |
| 5           | 38000   |         |         |         |         |         |
| 6           | 38000   |         |         |         |         |         |
| 7           | 38000   |         |         |         |         |         |
| 8 or less   | 38000   | 38000   |         |         |         |         |
| more than 8 |   | 38000   | 42000   |         |         |         |
| 9           | 39000   | 42500   |         |         |         |         |
| 10          | 40000   | 43500   |         |         |         |         |
| 11          | 44000   |         |         |         |         |         |
| 12          | 45000   | 50000   |         |         |         |         |
| 13          | 45500   | 50500   |         |         |         |         |
| 14          | 46500   | 51500   |         |         |         |         |
| 15          | 47000   | 52000   |         |         |         |         |
| 16          | 48000   | 52500   | 58000   |         |         |         |
| 17          | 48500   | 53500   | 58500   |         |         |         |
| 18          | 49500   | 54000   | 59000   |         |         |         |
| 19          | 50000   | 54500   | 60000   |         |         |         |
| 20          | 51000   | 55500   | 60500   | 66000   |         |         |

|    |    |         |         |       |       |       |
|----|----|---------|---------|-------|-------|-------|
| 1  | 21 | 51500   | 56000   | 61000 | 66500 |       |
| 2  | 22 | 52500   | 56500   | 61500 | 67000 |       |
| 3  | 23 | 53000   | 57500   | 62500 | 68000 |       |
| 4  | 24 | 54000   | 58000   | 63000 | 68500 | 74000 |
| 5  | 25 | 54500   | 58500   | 63500 | 69000 | 74500 |
| 6  | 26 | 55500   | 59500   | 64000 | 69500 | 75000 |
| 7  | 27 | 56000   | 60000   | 65000 | 70000 | 75500 |
| 8  | 28 | 57000   | 60500   | 65500 | 71000 | 76500 |
| 9  | 29 | 57500   | 61500   | 66000 | 71500 | 77000 |
| 10 | 30 | 58500   | 62000** | 66500 | 72000 | 77500 |
| 11 | 31 | 59000   | 62500** | 67500 | 72500 | 78000 |
| 12 | 32 | 60000   | 63500** | 68000 | 73000 | 78500 |
| 13 | 33 | 64000** | 68500   | 74000 | 79000 |       |
| 14 | 34 | 64500** | 69000   | 74500 | 80000 |       |
| 15 | 35 | 65500** | 70000   | 75000 |       |       |
| 16 | 36 | 66000** | 70500   | 75500 |       |       |
| 17 | 37 | 66500** | 71000   | 76000 |       |       |
| 18 | 38 | 67500** | 72000   | 77000 |       |       |
| 19 | 39 | 68000   | 72500   | 77500 |       |       |
| 20 | 40 | 68500   | 73000   | 78000 |       |       |
| 21 | 41 | 69500   | 73500   | 78500 |       |       |
| 22 | 42 | 70000   | 74000   | 79000 |       |       |
| 23 | 43 | 70500   | 75000   | 80000 |       |       |
| 24 | 44 | 71500   | 75500   |       |       |       |
| 25 | 45 | 72000   | 76000   |       |       |       |
| 26 | 46 | 72500   | 76500   |       |       |       |
| 27 | 47 | 73500   | 77500   |       |       |       |
| 28 | 48 | 74000   | 78000   |       |       |       |
| 29 | 49 | 74500   | 78500   |       |       |       |
| 30 | 50 | 75500   | 79000   |       |       |       |
| 31 | 51 | 76000   | 80000   |       |       |       |
| 32 | 52 | 76500   |         |       |       |       |
| 33 | 53 | 77500   |         |       |       |       |
| 34 | 54 | 78000   |         |       |       |       |
| 35 | 55 | 78500   |         |       |       |       |
| 36 | 56 | 79500   |         |       |       |       |
| 37 | 57 | 80000   |         |       |       |       |

38 \*Distance in Feet Between the Extremes of any Group of Two or More Consecutive  
39 Axles.

40 \*\*See exception in G.S. 20-118(c)(1)."

41 Section 9. G.S. 20-118(c)(10) reads as rewritten:

42 "(10) Fully enclosed motor vehicles designed specifically for collecting,  
43 compacting and hauling garbage from residences, or from garbage



1           dumpsters shall, when operating for those purposes, be allowed a single  
2           axle weight not to exceed 23,500 pounds on the steering axle on  
3           vehicles equipped with a boom, or on the rear axle on vehicles loaded  
4           from the rear. This exemption shall not apply to vehicles operating on  
5           interstate highways, vehicles transporting hazardous waste as defined in  
6           G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1,  
7           low-level radioactive waste as defined in G.S. 104E-5(9a), or  
8           radioactive material as defined in G.S. 104E-5(14)."

9           Section 9.1. G.S. 20-118(c) is amended by adding a new subdivision to read:

10          "(13) Vehicles specifically designed for fire-fighting that are owned by a  
11          municipal or rural fire department."

12          Section 10. G.S. 20-217(a) reads as rewritten:

13          "(a) The driver of any vehicle upon approaching from any direction on the same  
14 ~~street or highway~~ street, highway, or public vehicular area any school bus (including  
15 privately owned buses transporting children and school buses transporting senior citizens  
16 under G.S. 115C-243), while the bus is displaying its mechanical stop signal or flashing  
17 red stoplights, and is stopped for the purpose of receiving or discharging passengers, shall  
18 bring ~~his~~ the vehicle to a full stop before passing or attempting to pass the bus, and shall  
19 remain stopped until the mechanical stop signal has been withdrawn, the flashing red  
20 stoplights have been turned off, and the bus has moved on."

21          Section 11. G.S. 20-376(1) reads as rewritten:

22          "(1) Federal safety and hazardous materials regulations. – The federal motor  
23 carrier safety regulations contained in 49 C.F.R. Parts 170 through 190,  
24 382-382, and 390 through 398."

25          Section 11.1. G.S. 163-82.19 reads as rewritten:

26          "**§ 163-82.19. Voter registration at drivers license offices.**

27          The Division of Motor Vehicles shall, pursuant to the rules adopted by the State  
28 Board of Elections, modify its forms so that any eligible person who applies for original  
29 issuance, renewal or correction of a drivers license, or special identification card issued  
30 under G.S. 20-37.7 may, on a part of the form, complete an application to register to vote  
31 or to update his registration if the voter has changed his address or moved from one  
32 precinct to another or from one county to another. The person taking the application shall  
33 ask if the applicant is a citizen of the United States. If the applicant states that the  
34 applicant is not a citizen of the United States, or declines to answer the question, the  
35 person taking the application shall inform the applicant that it is a felony for a person  
36 who is not a citizen of the United States to apply to register to vote. Any person who  
37 willfully and knowingly and with fraudulent intent gives false information on the  
38 application is guilty of a Class I felony. The application shall state in clear language the  
39 penalty for violation of this section. The necessary forms shall be prescribed by the State  
40 Board of Elections. The form must ask for the previous voter registration address of the  
41 voter, if any. If a previous address is listed, and it is not in the county of residence of the  
42 applicant, the appropriate county board of elections shall treat the application as an  
43 authorization to cancel the previous registration and also process it as such under the

1 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the  
2 county where the voter applies to register, the application shall be processed as if it had  
3 been submitted under G.S. 163-82.9.

4 Registration shall become effective as provided in G.S. 163-82.7. Applications to  
5 register to vote accepted at a drivers license office under this section until the deadline  
6 established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no  
7 person who completes an application at that drivers license office shall be denied the vote  
8 in that election for failure to apply earlier than that deadline.

9 All applications shall be forwarded by the Department of Transportation to the  
10 appropriate board of elections not later than five business days after the date of  
11 acceptance, according to rules which shall be promulgated by the State Board of  
12 Elections."

13 Section 12. G.S. 20-381 reads as rewritten:

14 **"§ 20-381. Specific powers and duties of Division applicable to motor carriers.**

15 The Division has the following powers and duties concerning motor carriers:

16 (1) To prescribe qualifications and maximum hours of service of drivers  
17 and their helpers.

18 (1a) To set safety standards for vehicles of motor carriers engaged in foreign,  
19 interstate, or intrastate commerce over the highways of this State and for  
20 the safe operation of these vehicles. The Division may stop, enter upon,  
21 and perform inspections of motor carriers' vehicles in operation to  
22 determine compliance with these standards and may conduct any  
23 investigations and tests it finds necessary to promote the safety of  
24 equipment and the safe operation on the highway of these vehicles.

25 (1b) To enforce this Article, rules adopted under this Article, and the federal  
26 safety and hazardous materials regulations.

27 (2) To enter the premises of a motor carrier to inspect a motor vehicle or  
28 any equipment used by the motor carrier in transporting passengers ~~for~~  
29 property ~~or property~~.

30 (2a) To prohibit the use by a motor carrier of any motor vehicle or motor  
31 vehicle equipment the Division finds unsafe for use in the transportation  
32 of passengers or property on a highway. If an agent of the Division finds  
33 a motor vehicle of a motor carrier in actual use upon the highways in the  
34 transportation of passengers or property to be unsafe or any parts thereof  
35 or any equipment thereon to be unsafe and is of the opinion that further  
36 use of such vehicle, parts or equipment are imminently dangerous, the  
37 agent may require the operator thereof to discontinue its use and to  
38 substitute therefor a safe vehicle, parts or equipment at the earliest  
39 possible time and place, having regard for both the convenience and the  
40 safety of the passengers or property. When an inspector or agent stops a  
41 motor vehicle on the highway, under authority of this section, and the  
42 motor vehicle is in operative condition and its further movement is not  
43 dangerous to the passengers or property or to the users of the highways,

1 it shall be the duty of the inspector or agent to guide the vehicle to the  
2 nearest point of substitution or correction of the defect. Such agents or  
3 inspectors shall also have the right to stop any motor vehicle which is  
4 being used upon the public highways for the transportation of  
5 passengers or property by a motor carrier subject to the provisions of  
6 this Article and to eject therefrom any driver or operator who shall be  
7 operating or be in charge of such motor vehicle while under the  
8 influence of alcoholic ~~beverages~~-beverages or impairing substances. It  
9 shall be the duty of all inspectors and agents of the Division to make a  
10 written report, upon a form prescribed by the Division, of inspections of  
11 all motor equipment and a copy of each such written report, disclosing  
12 defects in such equipment, shall be served promptly upon the motor  
13 carrier operating the same, either in person by the inspector or agent or  
14 by mail. Such agents and inspectors shall also make and serve a similar  
15 written report in cases where a motor vehicle is operated in violation of  
16 this Chapter or, if the motor vehicle is subject to regulation by the North  
17 Carolina Utilities Commission, of Chapter 62 of the General Statutes.

- 18 (3) To relieve the highways of all undue burdens and safeguard traffic  
19 thereon by adopting and enforcing rules and orders designed and  
20 calculated to minimize the dangers attending transportation on the  
21 highways of all hazardous materials and other commodities."

22 Section 13. This act becomes effective December 1, 1998. Sections 2.1, 2.2,  
23 2.3, 2.4, and 2.5 are effective when this act becomes law.