

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

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH  
3 FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES.

4 The General Assembly of North Carolina enacts:

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

6 "(25a) Out of Service Order. —~~A temporary prohibition against driving a~~  
7 ~~commercial motor vehicle.~~ A declaration that a driver, a commercial  
8 motor vehicle, or a motor carrier operation is out-of-service."

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

10 "(f) Expiration and Temporary License. — The first drivers license the Division  
11 issues to a person expires on the person's fourth or subsequent birthday that occurs after  
12 the license is issued and on which the individual's age is evenly divisible by five, unless  
13 this subsection sets a different expiration date. The first drivers license the Division  
14 issues to a person who is at least 17 years old but is less than 18 years old expires on the  
15 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 least 12 months or was convicted during the  
23 preceding six months of a motor vehicle moving violation, a seat belt  
24 infraction, or an offense committed in another jurisdiction that would be  
25 a motor vehicle moving violation or seat belt infraction if committed in  
26 this State. A person who qualifies for a limited learners permit under  
27 this subdivision and whose parent or guardian certifies that the person  
28 has not been convicted of a moving violation in the preceding six  
29 months shall be deemed to have held a limited learners permit in this  
30 State for each month the person held a restricted license in another  
31 state."

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

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

43 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 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. This exception does not apply to  
12          vehicles operating on interstate highways."

13          Section 9.2. G.S. 20-183(b) reads as rewritten:

14          "(b) In addition to other duties and powers heretofore existing, all law-enforcement  
15          officers charged with the duty of enforcing the motor vehicle laws are authorized to issue  
16          warning tickets to motorists for conduct constituting a potential hazard to the motoring  
17          public which does not amount to a definite, clear-cut, substantial violation of the motor  
18          vehicle laws. Each warning ticket issued ~~shall be prenumbered and~~ shall contain  
19          information necessary to identify the offender, and shall be signed by the issuing officer.  
20          A copy of each warning ticket issued shall be delivered to ~~such offender and a copy thereof~~  
21          ~~forwarded by the issuing officer forthwith to the Driver License Section of the Division of Motor~~  
22          ~~Vehicles~~ the offender. Information from issued warning tickets shall be made available to  
23          the Drivers License Section of the Division of Motor Vehicles in a manner approved by  
24          the Commissioner but shall not be filed with or in any manner become a part of the  
25          offender's driving record. Warning tickets issued as well as the fact of issuance shall be  
26          privileged information and available only to authorized personnel of the Division for  
27          statistical and analytical purposes."

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

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

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

38          "(1) Federal safety and hazardous materials regulations. – The federal motor  
39          carrier safety regulations contained in 49 C.F.R. Parts 170 through 190,  
40          ~~382-382,~~ and 390 through 398."

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

42          "**§ 163-82.19. Voter registration at drivers license offices.**

1 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State  
2 Board of Elections, modify its forms so that any eligible person who applies for original  
3 issuance, renewal or correction of a drivers license, or special identification card issued  
4 under G.S. 20-37.7 may, on a part of the form, complete an application to register to vote  
5 or to update his registration if the voter has changed his address or moved from one  
6 precinct to another or from one county to another. The person taking the application shall  
7 ask if the applicant is a citizen of the United States. If the applicant states that the  
8 applicant is not a citizen of the United States, or declines to answer the question, the  
9 person taking the application shall inform the applicant that it is a felony for a person  
10 who is not a citizen of the United States to apply to register to vote. Any person who  
11 willfully and knowingly and with fraudulent intent gives false information on the  
12 application is guilty of a Class I felony. The application shall state in clear language the  
13 penalty for violation of this section. The necessary forms shall be prescribed by the State  
14 Board of Elections. The form must ask for the previous voter registration address of the  
15 voter, if any. If a previous address is listed, and it is not in the county of residence of the  
16 applicant, the appropriate county board of elections shall treat the application as an  
17 authorization to cancel the previous registration and also process it as such under the  
18 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the  
19 county where the voter applies to register, the application shall be processed as if it had  
20 been submitted under G.S. 163-82.9.

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

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

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

31 **"§ 20-381. Specific powers and duties of Division applicable to motor carriers.**

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

- 33 (1) To prescribe qualifications and maximum hours of service of drivers  
34 and their helpers.
- 35 (1a) To set safety standards for vehicles of motor carriers engaged in foreign,  
36 interstate, or intrastate commerce over the highways of this State and for  
37 the safe operation of these vehicles. The Division may stop, enter upon,  
38 and perform inspections of motor carriers' vehicles in operation to  
39 determine compliance with these standards and may conduct any  
40 investigations and tests it finds necessary to promote the safety of  
41 equipment and the safe operation on the highway of these vehicles.
- 42 (1b) To enforce this Article, rules adopted under this Article, and the federal  
43 safety and hazardous materials regulations.

- 1           (2) To enter the premises of a motor carrier to inspect a motor vehicle or  
2 any equipment used by the motor carrier in transporting passengers ~~for~~  
3 ~~property]~~ or property.
- 4           (2a) To prohibit the use by a motor carrier of any motor vehicle or motor  
5 vehicle equipment the Division finds unsafe for use in the transportation  
6 of passengers or property on a highway. If an agent of the Division finds  
7 a motor vehicle of a motor carrier in actual use upon the highways in the  
8 transportation of passengers or property to be unsafe or any parts thereof  
9 or any equipment thereon to be unsafe and is of the opinion that further  
10 use of such vehicle, parts or equipment are imminently dangerous, the  
11 agent may require the operator thereof to discontinue its use and to  
12 substitute therefor a safe vehicle, parts or equipment at the earliest  
13 possible time and place, having regard for both the convenience and the  
14 safety of the passengers or property. When an inspector or agent stops a  
15 motor vehicle on the highway, under authority of this section, and the  
16 motor vehicle is in operative condition and its further movement is not  
17 dangerous to the passengers or property or to the users of the highways,  
18 it shall be the duty of the inspector or agent to guide the vehicle to the  
19 nearest point of substitution or correction of the defect. Such agents or  
20 inspectors shall also have the right to stop any motor vehicle which is  
21 being used upon the public highways for the transportation of  
22 passengers or property by a motor carrier subject to the provisions of  
23 this Article and to eject therefrom any driver or operator who shall be  
24 operating or be in charge of such motor vehicle while under the  
25 influence of alcoholic ~~beverages~~ beverages or impairing substances. It  
26 shall be the duty of all inspectors and agents of the Division to make a  
27 written report, upon a form prescribed by the Division, of inspections of  
28 all motor equipment and a copy of each such written report, disclosing  
29 defects in such equipment, shall be served promptly upon the motor  
30 carrier operating the same, either in person by the inspector or agent or  
31 by mail. Such agents and inspectors shall also make and serve a similar  
32 written report in cases where a motor vehicle is operated in violation of  
33 this Chapter or, if the motor vehicle is subject to regulation by the North  
34 Carolina Utilities Commission, of Chapter 62 of the General Statutes.
- 35           (3) To relieve the highways of all undue burdens and safeguard traffic  
36 thereon by adopting and enforcing rules and orders designed and  
37 calculated to minimize the dangers attending transportation on the  
38 highways of all hazardous materials and other commodities."

39           Section 13. Sections 1 through 12 of this act become effective December 1,  
40 1998. Sections 2.1, 2.2, 2.3, 2.4, 2.5, and 13 are effective when this act becomes law.