

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 303*
Proposed Committee Substitute H303-PCS4168-SK
Committee Substitute Favorable 4/7/99

Short Title: Commercial Vehicle Safety/AB.

(Public)

Sponsors:

Referred to:

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS RELATING TO COMMERCIAL VEHICLE
3 HIGHWAY SAFETY AND WORK ZONE SAFETY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 20 of the General Statutes is amended by adding a new
6 section to read:

7 "**§ 20-17.7. Commercial motor vehicle out-of-service fines authorized.**

8 The Commissioner may adopt rules implementing fines for violation of out-of-service
9 criteria as defined in 49 C.F.R. § 390.5. These fines may not exceed the schedule of fines
10 adopted by the Commercial Motor Vehicle Safety Alliance that is in effect on the date of
11 the violations."

12 Section 2. Chapter 20 of the General Statutes is amended by adding a new
13 section to read:

14 "**§ 20-138.2C. Possession of alcoholic beverages while operating a commercial motor**
15 **vehicle.**

16 A person commits the offense of operating a commercial motor vehicle while
17 possessing alcoholic beverages if the person drives a commercial motor vehicle, as
18 defined in G.S. 20-4.01(3d), upon any highway, any street, or any public vehicular area

1 within the State while having alcoholic beverages in the passenger area of the
2 commercial vehicle."

3 Section 3. G.S. 20-141(j2) reads as rewritten:

4 "(j2) A person who drives a motor vehicle in a highway work zone at a speed
5 greater than the speed limit set and posted under G.S. 20-141 is responsible for an infraction
6 of "~~Speeding in a Highway Work Zone~~" and this section shall be required to pay a penalty of
7 ~~not less than one hundred dollars (\$100.00), but not more than two hundred fifty dollars~~
8 ~~(\$250.00). This penalty shall be imposed in addition to those penalties established in this~~
9 ~~Chapter. A "highway work zone" is the area between the first sign that informs motorists~~
10 ~~of the existence of a work zone on a highway and the last sign that informs motorists of~~
11 ~~the end of the work zone. This subsection applies only if a sign posted at the beginning of~~
12 ~~the highway work zone states the penalty for speeding in the work zone. The Secretary~~
13 ~~shall ensure that work zones shall only be posted with penalty signs if the Secretary~~
14 ~~determines, after engineering review, that the posting is necessary to ensure the safety of~~
15 ~~the traveling public due to a hazardous condition.~~

16 A law enforcement officer issuing a citation for a violation of this section while in a
17 highway work zone shall indicate the vehicle speed and speed limit posted in the work
18 zone. Upon an individual's conviction of a violation of this section while in a highway
19 work zone, the clerk of court shall report that the vehicle was in a work zone at the time
20 of the violation, the vehicle speed, and the speed limit of the work zone to the Division of
21 Motor Vehicles."

22 Section 4. G.S. 20-309(a) reads as rewritten:

23 "(a) ~~No self-propelled~~ motor vehicle shall be registered in this State unless the owner
24 at the time of registration has financial responsibility for the operation of such motor
25 vehicle, as provided in this Article. The owner of each motor vehicle registered in this
26 State shall maintain financial responsibility continuously throughout the period of
27 registration.

28 An owner of a commercial motor vehicle, as defined in 49 C.F.R. Part 390, shall have
29 financial responsibility for the operation of the motor vehicle as required by this section.
30 The financial responsibility for a commercial motor vehicle shall be equal to that required
31 in 49 C.F.R. §§ 387.3, 387.5, 387.7, and 387.11 for for-hire or private motor vehicles
32 transporting property in interstate or intrastate commerce."

33 Section 5. G.S. 20-140.3 reads as rewritten:

34 **"§ 20-140.3. Unlawful use of National System of Interstate and Defense Highways**
35 **and other controlled-access highways.**

36 On those sections of highways which are or become a part of the National System of
37 Interstate and Defense Highways and other controlled-access highways, it shall be
38 unlawful for any person:

- 39 (1) To drive a vehicle over, upon, or across any curb, central dividing
40 section or other separation or dividing line on said highways.
- 41 (2) To make a left turn or a semicircular or U-turn except through an
42 opening provided for that purpose in the dividing curb, separation
43 section, or line on said highways.

- 1 (3) To drive any vehicle except in the proper lane provided for that purpose
2 and in the proper direction and to the right of the central dividing curb,
3 separation section, or line on said highways.
- 4 (4) To drive a vehicle onto or from any controlled-access highway except at
5 such entrances and exits as are established by public authority.
- 6 (5) To stop, park, or leave standing any vehicle, whether attended or
7 unattended, on any part or portion of the right-of-way of said highways,
8 except in the case of an emergency or as directed by a peace officer, or
9 at designated parking areas.
- 10 (6) To fail to yield the right-of-way when entering the highway to any
11 vehicle already travelling on the highway.
- 12 (7) Notwithstanding any other subdivision of this section, a ~~member of the~~
13 ~~State Highway Patrol~~ law enforcement officer may cross the median of a
14 divided highway when he has reasonable grounds to believe that a
15 felony is being or has been committed, has personal knowledge that a
16 vehicle is being operated at a speed or in a manner which is likely to
17 endanger persons or property, or the ~~patrol member~~ officer has
18 reasonable grounds to believe that his presence is immediately required
19 at a location which would necessitate his crossing a median of a divided
20 highway for this purpose."

21 Section 6. G.S. 136-89.58 reads as rewritten:

22 **"§ 136-89.58. Unlawful use of National System of Interstate and Defense Highways**
23 **and other controlled-access facilities.**

24 On those sections of highways which are or become a part of the National System of
25 Interstate and Defense Highways and other controlled-access facilities it shall be
26 unlawful for any person:

- 27 (1) To drive a vehicle over, upon or across any curb, central dividing
28 section or other separation or dividing line on said highways.
- 29 (2) To make a left turn or a semicircular or U-turn except through an
30 opening provided for that purpose in the dividing curb section,
31 separation, or line on said highways.
- 32 (3) To drive any vehicle except in the proper lane provided for that purpose
33 and in the proper direction and to the right of the central dividing curb,
34 separation section, or line on said highways.
- 35 (4) To drive any vehicle into the main travel lanes or lanes of connecting
36 ramps or interchanges except through an opening or connection
37 provided for that purpose by the Department of Transportation.
- 38 (5) To stop, park, or leave standing any vehicle, whether attended or
39 unattended, on any part or portion of the right-of-way of said highways,
40 except in the case of an emergency or as directed by a peace officer, or
41 as designated parking areas.
- 42 (6) To willfully damage, remove, climb, cross or breach any fence erected
43 within the rights-of-way of said highways.

1
2 **SCHEDULE OF POINT VALUES FOR VIOLATIONS WHILE OPERATING A**
3 **COMMERCIAL MOTOR VEHICLE**
4

5 Passing stopped school bus 8
6 Rail-highway crossing violation 6
7 Reckless driving 5
8 Hit and run, property damage only 5
9 Following too close 5
10 Driving on wrong side of road 5
11 Illegal passing 5
12 Running through stop sign 4
13 Speeding in excess of 55 miles per hour 4
14 Failing to yield right-of-way 4
15 Running through red light 4
16 No driver's license or license expired more than one year 4
17 Failure to stop for siren 4
18 Driving through safety zone 4
19 No liability insurance 4
20 Failure to report accident where such report is required 4
21 Speeding in a school zone in excess of the posted school zone speed limit 4
22 Possessing alcoholic beverages in the
23 passenger area of a commercial motor
24 vehicle 4
25 All other moving violations 3
26 Littering pursuant to G.S. 14-399 when the littering involves the use of a motor
27 vehicle 1
28

29 The above provisions of this subsection shall only apply to violations and convictions
30 which take place within the State of North Carolina.

31 No points shall be assessed for conviction of the following offenses:
32

33 Overloads
34 Over length
35 Over width
36 Over height
37 Illegal parking
38 Carrying concealed weapon
39 Improper plates
40 Improper registration
41 Improper muffler
42 ~~Public drunk within a vehicle~~
43 ~~Possession of alcoholic beverages~~

1 Improper display of license plates or dealers' tags
2 Unlawful display of emblems and insignia
3 Failure to display current inspection certificate.
4

5 In case of the conviction of a licensee of two or more traffic offenses committed on a
6 single occasion, such licensee shall be assessed points for one offense only and if the
7 offenses involved have a different point value, such licensee shall be assessed for the
8 offense having the greater point value.

9 Upon the restoration of the license or driving privilege of such person whose license
10 or driving privilege has been suspended or revoked because of conviction for a traffic
11 offense, any points that might previously have been accumulated in the driver's record
12 shall be cancelled.

13 Whenever any licensee accumulates as many as seven points or accumulates as many
14 as four points during a three-year period immediately following reinstatement of his
15 license after a period of suspension or revocation, the Division may request the licensee
16 to attend a conference regarding such licensee's driving record. The Division may also
17 afford any licensee who has accumulated as many as seven points or any licensee who
18 has accumulated as many as four points within a three-year period immediately following
19 reinstatement of his license after a period of suspension or revocation an opportunity to
20 attend a driver improvement clinic operated by the Division and, upon the successful
21 completion of the course taken at the clinic, three points shall be deducted from the
22 licensee's conviction record; provided, that only one deduction of points shall be made on
23 behalf of any licensee within any five-year period.

24 When a license is suspended under the point system provided for herein, the first such
25 suspension shall be for not more than 60 days; the second such suspension shall not
26 exceed six months and any subsequent suspension shall not exceed one year.

27 Whenever the driver's license of any person is subject to suspension under this
28 subsection and at the same time also subject to suspension or revocation under other
29 provisions of laws, such suspensions or revocations shall run concurrently.

30 In the discretion of the Division, a period of probation not to exceed one year may be
31 substituted for suspension or for any unexpired period of suspension under subsections
32 (a)(1) through (a)(10a) of this section. Any violation of probation during the probation
33 period shall result in a suspension for the unexpired remainder of the suspension period.
34 Any accumulation of three or more points under this subsection during a period of
35 probation shall constitute a violation of the condition of probation."

36 Section 8. Chapter 20 of the General Statutes is amended by adding a new
37 section to read:

38 **"§ 20-16A. Double penalties for offenses committed while operating a commercial**
39 **motor vehicle.**

40 Any infraction or misdemeanor committed in violation of Chapter 20 while operating
41 a commercial motor vehicle may be assessed double the amount of any fine or penalty
42 authorized by statute."

1 Section 9. This act becomes effective December 1, 1999, and applies to
2 violations occurring on or after that date.