

March 16, 2005

**H 670. COMMERCIAL DRIVERS LICENSE CHANGES. TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES.** Defines "conviction" under GS Chapter 20-4.01(4a) as follows: (1) regarding offenses committed in NC, for purposes of disqualification of a commercial drivers license only, to include a prayer for judgment continued if the offender holds a commercial drivers license or if the offense occurs in a commercial motor vehicle and (2) regarding offenses committed outside NC, to include a final conviction of a criminal offense and a no contest plea when the offense occurs in a commercial motor vehicle or the offender holds a commercial drivers license. Amends GS 20-15 to provide that person whose license is cancelled under the section for failure to give required or correct information, or for committing fraud in an application for a commercial drivers license, is prohibited from reapplying for a commercial license for a period of 60 days after the cancellation. Amends GS 20-17.4 to make the following changes in provisions disqualifying persons that commit certain listed offenses from driving a commercial motor vehicle for one year: (1) makes disqualification apply if person held a commercial drivers license or, when applicable, was operating a commercial vehicle without a commercial license when the offense occurred; and (2) provides that disqualification applies to: first conviction of driving while impaired for holder of a commercial drivers license while driving any motor vehicle (not only commercial vehicle); first conviction of hit and run in any motor vehicle; first conviction of a felony in which any vehicle is used by commercial license holder; refusal to submit to chemical test when charged with implied consent offense that occurred while commercial license holder was driving any motor vehicle; a civil revocation under GS 20-16.5 arising out of a charge that occurred while the person was operating a commercial motor vehicle; a first conviction for vehicular homicide or vehicular manslaughter occurring while the person was operating a commercial motor vehicle; and driving a commercial motor vehicle during a period when the person's commercial license is revoked or suspended. Clarifies that provisions disqualifying person from driving a commercial motor vehicle for out-of-state violations applies even if offense occurred in another jurisdiction and no action was taken. Enacts new GS 20-174(l) to require Div'n of Motor Vehicles to suspend commercial license for 30 days in accordance with 49 CFR 383.52. Amends GS 20-37.13 to provide that for the purpose of skills testing for a commercial drivers license and determining commercial drivers license classification, only the manufacturer's Gross Vehicle Weight Rating may be used. Amends GS 20-37.16 to require persons who seek endorsements to drive certain motor vehicles to pass a knowledge test. Amends GS 20-37.21, which sets out criminal penalties for violating provisions of GS 20-37.12, commercial motor vehicle licenses, to add a civil penalty of not less than \$1,100 for the first offense and not more than \$2,750 for a second or subsequent offense. Further amends GS 20-37.19, employer responsibilities for commercial vehicle licensing, to add a civil penalty of at least \$2,750 and no more than \$11,000 and to enact new subsection (d) to provide that an employer who knowingly allows, requires, or authorizes a driver to violate any railroad grade requirements is guilty of an infraction and is subject to a civil penalty of not more than \$10,000. Makes conforming changes. Effective December 1, 2005, and applies to offenses committed on or after that date.

**Intro. by Cole.**

Ref. to Transportation

GS 20

May 5, 2005

**H 670. CDL/FEDERAL COMPLIANCE (NEW).** Intro. 3/16/05. House committee substitute makes the following changes to 1st edition. Amends GS 20-4.01 definition of "conviction" to include a no contest plea when offense occurred out of state (was, "conviction" included a no contest plea for offenses committed out-of-state and that occurred in a commercial motor vehicle or if offender held a commercial drivers license(CDL)) and of "serious traffic violation" to include convictions of listed offenses when operating any vehicle (was, when operating a commercial vehicle only). Amends GS 20-7(a) to require that a person who holds a CDL from another jurisdiction must apply for a transfer and obtain an NC CDL within 30 days of becoming an NC resident. Amends GS 20-15 to authorize Div'n of Motor Vehicles to revoke an H endorsement of a CDL holder if person is considered a security threat by the federal Transportation Security Administration.

Makes technical changes. Changes effective date to September 30, 2005 (was, December 1, 2005).

August 10, 2005

**H 670. CDL/FEDERAL COMPLIANCE.** Intro. 3/16/05. Senate committee substitute makes the following changes to 2nd edition. Amends GS 20-4.01(4a) definition of "conviction" to include a prayer for judgment continued for an offense committed in NC if the offender holds a commercial drivers license or if the offense occurs in a commercial motor vehicle (was, prayer for judgment continued considered a conviction for purposes of disqualification of a commercial drivers license only). Makes technical changes.

August 11, 2005

**H 670. CDL/FEDERAL COMPLIANCE.** Intro. 3/16/05. Senate amendment makes the following changes to 3rd edition. Makes technical changes only.

September 9, 2005

**SL 2005-349 (H 670). CDL/FEDERAL COMPLIANCE.-AB. AN ACT TO AMEND THE LAWS GOVERNING COMMERCIAL DRIVERS LICENSES IN ORDER TO COMPLY WITH FEDERAL LAW.** Summarized in *Daily Bulletin* 3/16 /05, 5/5/05, 8/10/05, and 8/11/05. Enacted September 7, 2005. Effective September 30, 2005.