

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 769
Committee Substitute Favorable 4/2/07
Committee Substitute #2 Favorable 4/17/07

Short Title: Unified Carrier Registration/CDL Changes.

(Public)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

1 AN ACT TO ENSURE COMPLIANCE WITH MOTOR CARRIER AND
2 COMMERCIAL DRIVERS LICENSE PROVISIONS OF CHAPTER 20 OF THE
3 GENERAL STATUTES AND TO AUTHORIZE THE COMMISSIONER OF
4 MOTOR VEHICLES TO ENTER INTO THE UNIFIED MOTOR CARRIER
5 REGISTRATION AGREEMENT.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 20-17.4(l) reads as rewritten:

9 "(l) Disqualification for Testing Positive or Refusal to Participate in a Drug or
10 Alcohol Test as Required by 49 C.F.R. Part 382 and 49 C.F.R. Part 655. – Upon
11 receipt of notice of a positive drug or alcohol test, or of refusal to participate in a drug
12 or alcohol test, pursuant to G.S. 20-37.19(c), the Division shall disqualify a driver-CDL
13 holder from operating a commercial motor vehicle until receipt of proof of successful
14 completion of assessment and treatment by a substance abuse professional in
15 accordance with 49 C.F.R. § 382.503."

16 **SECTION 2.** G.S. 20-37.19(c) reads as rewritten:

17 "(c) The employer of any employee or applicant who tests positive or an
18 employee who refuses to participate in a drug or alcohol test required under 49 C.F.R.
19 Part 382 and 49 C.F.R. Part 655 shall notify the Division of Motor Vehicles in writing
20 within five business days following the employer's receipt of confirmation of a positive
21 drug ~~test~~or alcohol test or the employee's refusal to participate in the test. The
22 notification shall include the driver's name, address, drivers license number, social
23 security number, and results of the drug or alcohol ~~test~~test or documentation from the
24 employer of the refusal by the employee to take the test."

25 **SECTION 3.** G.S. 20-183.8G(f) reads as rewritten:

26 "(f) Decision. – ~~A decision made after a hearing on the imposition of a monetary~~
27 ~~penalty against a motorist for an emissions violation or on a Type I, II, or III emissions~~
28 ~~violation by an emissions license holder must uphold any monetary penalty, license~~

1 suspension, license revocation, or warning required by G.S. 20-183.8A or
2 G.S. 20-183.8B, respectively, if the decision contains a finding that the motorist or
3 license holder committed the act for which the monetary penalty, license suspension,
4 license revocation, or warning was imposed. A decision made after a hearing on any
5 other action may uphold or modify the action."

6 **SECTION 4.** G.S. 20-382 reads as rewritten:

7 **"§ 20-382. Registration of for-hire interstate motor carriers and verification that**
8 **their for-hire vehicles are insured.**

9 (a) ~~Registration.~~—A for-hire motor carrier may not operate a for-hire motor
10 vehicle in interstate commerce in this State unless the motor carrier has complied with
11 all of the following requirements:

12 (1) ~~Registered its operations with the Division by doing one of the~~
13 ~~following:~~

14 a. ~~Filing a copy of the certificate of authority issued to it by the~~
15 ~~United States Department of Transportation allowing it to~~
16 ~~operate in this State and any amendments to that authority.~~

17 b. ~~Certifying to the Division that it carries only items that are not~~
18 ~~regulated by the United States Department of Transportation.~~

19 (2) ~~Verified, in accordance with subsection (b) or (c) of this section, that it~~
20 ~~has insurance for each for-hire motor vehicle it operates.~~

21 (3) ~~Paid the fees set in G.S. 20-385.~~

22 (a1) Effective January 1, 2007, the Commissioner shall have the authority and
23 may enter into the Unified Carrier Registration Agreement (UCRA) established
24 pursuant to Section 4305 of Public Law 109-73. Upon entering into the Unified Carrier
25 Registration Agreement, the Division shall abide by the requirements of the Unified
26 Carrier Registration Agreement and may agree to enter into arrangements or agreements
27 with other participating jurisdictions for the exchange of information for any audit or
28 enforcement activities required by the Unified Carrier Registration Agreement. In the
29 event of a conflict between this section and the Unified Carrier Registration Agreement,
30 the Unified Carrier Registration Agreement shall control.

31 (a2) The Commissioner is hereby authorized to adopt and enforce rules necessary
32 to ensure that the implementation and enforcement of this section complies with the
33 mandates of the Federal Motor Carrier Safety Administration and the United States
34 Department of Transportation.

35 (a3) Registration. – Foreign and domestic motor carriers, private motor carriers,
36 leasing companies, brokers, freight forwarders, and for-hire carriers may not operate
37 for-hire motor vehicles in interstate commerce in this State without first registering with
38 a base state and paying all fees required under the Unified Carrier Registration Act of
39 2005, unless the motor carrier has complied with all of the following requirements:

40 (1) Registered its operations with the Division by doing one of the
41 following:

42 a. Filing a copy of the certificate of authority issued to it by the
43 United States Department of Transportation allowing it to
44 operate in this State and any amendments to that authority.

1 b. Certifying to the Division that it carries only items that are not
2 regulated by the United States Department of Transportation.

3 (2) Verified, in accordance with subsection (b) or (c) of this section, that it
4 has insurance for each for-hire motor vehicle it operates.

5 (3) Paid the fees set in G.S. 20-385.

6 (b) Insurance Verification for Federally Regulated Motor Carriers. – A for-hire
7 motor carrier that operates a for-hire motor vehicle in interstate commerce in this State,
8 is regulated by the United States Department of Transportation, ~~and designates this~~
9 ~~State as its registration state must obtain a receipt from the Division verifying that each~~
10 ~~for hire motor vehicle the motor carrier operates in any jurisdiction is insured. To obtain~~
11 ~~a receipt, the motor carrier must apply annually to the Division during the application~~
12 ~~period and state the number of for-hire motor vehicles the motor carrier intends to~~
13 ~~operate in each jurisdiction during the next calendar year. The certificate of authority~~
14 ~~issued to the motor carrier by the United States Department of Transportation is proof~~
15 ~~that the motor carrier has insurance for its for hire motor vehicles.~~

16 ~~The motor carrier must keep a copy of the receipt in each of its for hire motor~~
17 ~~vehicles. The motor carrier may transfer the receipt from one for hire motor vehicle to~~
18 ~~another as long as the total number of for hire motor vehicles operated in any~~
19 ~~jurisdiction and in all jurisdictions does not exceed the number stated on the receipt.~~

20 ~~A motor carrier may operate more for hire motor vehicles in a jurisdiction than~~
21 ~~stated in its most recent annual application only if the motor carrier files another~~
22 ~~application with the Division and obtains a receipt stating the increased number. A~~
23 ~~motor carrier that obtains a receipt for an increased number of for hire motor vehicles~~
24 ~~must put a copy of the new receipt in each of its for hire motor vehicles. The new~~
25 ~~receipt replaces rather than supplements the previous receipt.~~ Transportation and shall
26 meet all insurance requirements.

27 (c) Insurance Verification for Nonregulated Motor Carriers. – A for-hire motor
28 carrier that operates a for-hire motor vehicle in interstate commerce in this State and is
29 exempt from regulation by the United States Department of Transportation must verify
30 to the Division that each for-hire motor vehicle the motor carrier operates in this State is
31 insured. ~~To do this, the motor carrier must obtain annually for each for hire motor~~
32 ~~vehicle a cab card approved by the Commissioner and a North Carolina identification~~
33 ~~stamp issued by the Division. To obtain an identification stamp, the motor carrier must~~
34 ~~apply annually to the Division during the application period for an identification stamp~~
35 ~~for each for hire motor vehicle the motor carrier intends to operate in this State during~~
36 ~~the next 12 month period beginning February 1.~~

37 ~~The motor carrier must place the identification stamp on the cab card and keep the~~
38 ~~cab card in the for hire motor vehicle for which it was issued. An identification stamp is~~
39 ~~issued for a specific for hire motor vehicle and is not transferable from one for hire~~
40 ~~motor vehicle to another.~~

41 ~~A motor carrier may operate in this State a for-hire motor vehicle for which it did~~
42 ~~not obtain an identification stamp during the most recent annual application period only~~
43 ~~if it obtains for that vehicle either a cab card and identification stamp or an emergency~~
44 ~~permit. A motor carrier may obtain an additional identification stamp after the close of~~

1 the annual application period by filing an application for it with the Division. An
 2 identification stamp issued after the close of the annual application period expires the
 3 same date as one issued during the annual application period.

4 A motor carrier may obtain an emergency permit by filing an application for it with
 5 the Division. An emergency permit allows the motor carrier to operate a for-hire motor
 6 vehicle in this State for a period not to exceed 10 days. ~~without a cab card and~~
 7 ~~identification stamp between the time the motor carrier has applied for an identification~~
 8 ~~stamp and the time the Division issues the identification stamp."~~

9 **SECTION 5.** G.S. 20-382.2(a)(2) is repealed.

10 **SECTION 6.** G.S. 20-385 reads as rewritten:

11 "**§ 20-385. Fee schedule.**

12 (a) Amounts. – Motor carriers regulated by the United States Department of
 13 Transportation shall pay fees in accordance with the established fee structure. The
 14 Division may also impose the following fees:

- | | | | |
|----|-----|---|--------------------------|
| 15 | (1) | Verification by a for hire motor carrier of insurance | |
| 16 | | for each for hire motor vehicle operated in this State | \$ 1.00 |
| 17 | (2) | Application by an intrastate motor carrier for a | |
| 18 | | certificate of exemption | 45.00 \$45.00 |
| 19 | (3) | Certification by an interstate motor carrier that it is | |
| 20 | | not regulated by the United States Department | |
| 21 | | of Transportation | 45.00 |
| 22 | (4) | Application by an interstate motor carrier for an | |
| 23 | | Emergency permit | 18.00 |

24 (b) ~~Reciprocal Agreements.~~ ~~The fee set in subdivision (a)(1) of this section~~
 25 ~~does not apply to the verification of insurance by an interstate motor carrier regulated by~~
 26 ~~the United States Department of Transportation if the Division had a reciprocal~~
 27 ~~agreement on November 15, 1991, with another state by which no fee is imposed. The~~
 28 ~~Division had reciprocal agreements as of that date with the following states: California,~~
 29 ~~Delaware, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri,~~
 30 ~~Nebraska, New Jersey, Pennsylvania, Texas, and Vermont."~~

31 **SECTION 7.** This act is effective when it becomes law.