

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-492
HOUSE BILL 769**

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

The General Assembly of North Carolina enacts:

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

"(l) ~~Disqualification for Testing Positive in a~~ Based on Drug or Alcohol Test. – Upon receipt of notice of a positive drug or alcohol test, or of refusal to participate in a drug or alcohol test, pursuant to G.S. 20-37.19(c), the Division ~~shall~~ must disqualify a ~~driver~~ CDL holder from operating a commercial motor vehicle until receipt of proof of successful completion of assessment and treatment by a substance abuse professional in accordance with 49 C.F.R. § 382.503."

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

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

SECTION 3. G.S. 20-382 reads as rewritten:

"§ 20-382. ~~Registration of for-hire interstate motor carriers and verification that their for-hire vehicles are insured.~~ For-hire motor carrier registration, insurance verification, and temporary trip permit authority.

(a) UCRA. – The Commissioner may enter into the Unified Carrier Registration Agreement (UCRA), established pursuant to Section 4305 of Public Law 109-73, and into agreements with jurisdictions participating in the UCRA to exchange information for any audit or enforcement activity required by the UCRA. Upon entry into the UCRA, the requirements set under the UCRA apply to the Division. If a requirement set under the UCRA conflicts with this section, the UCRA controls. Rules adopted to implement this section must ensure compliance with mandates of the Federal Motor Carrier Safety Administration and the United States Department of Transportation.

(a1) Carrier Registration. – A ~~for-hire~~ motor carrier may not operate a for-hire motor vehicle in interstate commerce in this State unless the motor carrier has complied with all of the following requirements:

(1) Registered its operations with ~~the Division by doing its~~ base state.

(1a) Done one of the following:

a. Filing ~~Filed~~ a copy of the certificate of authority issued to it by the United States Department of Transportation allowing it to ~~operate~~ transport regulated items in this State and any amendments to that authority.

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

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

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

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

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

~~A motor carrier may operate more for-hire motor vehicles in a jurisdiction than stated in its most recent annual application only if the motor carrier files another application with the Division and obtains a receipt stating the increased number. A motor carrier that obtains a receipt for an increased number of for-hire motor vehicles must put a copy of the new receipt in each of its for-hire motor vehicles. The new receipt replaces rather than supplements the previous receipt. Transportation must verify to the Division that each for-hire motor vehicle the motor carrier operates in this State is insured in accordance with the requirements set by the United States Department of Transportation. A motor carrier that operates a for-hire motor vehicle in interstate commerce in this State and is exempt from regulation by the United States Department of Transportation must verify to the Division that each for-hire motor vehicle the motor carrier operates in this State is insured in accordance with the requirements set by the North Carolina Utilities Commission.~~

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

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

~~A motor carrier may operate in this State a for-hire motor vehicle for which it did not obtain an identification stamp during the most recent annual application period only if it obtains for that vehicle either a cab card and identification stamp or an emergency permit. A motor carrier may obtain an additional identification stamp after the close of the annual application period by filing an application for it with the Division. An identification stamp issued after the close of the annual application period expires the same date as one issued during the annual application period.~~

A motor carrier that is not registered as required by this section may obtain an emergency trip permit by filing an application for it with the Division. An emergency trip permit allows the motor carrier to operate a for-hire motor vehicle in this State for a period not to exceed 10 days, without a cab card and identification stamp between the time the motor carrier has applied for an identification stamp and the time the Division issues the identification stamp."

SECTION 4. G.S. 20-382.2(a)(2) is repealed.

SECTION 5. G.S. 20-385 reads as rewritten:

"§ 20-385. Fee schedule.

(a) Amounts.— The fees listed in this section apply to a motor carrier. These fees are in addition to any fees required under the Unified Carrier Registration Agreement.

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|-----|---|--------------------|
| (1) | Verification by a for hire motor carrier of insurance for each for hire motor vehicle operated in this State | \$ 1.00 |
| (2) | Application by an intrastate motor carrier for a certificate of exemption | 45.00\$45.00 |
| (3) | Certification by an interstate motor carrier that it is not regulated by the United States Department of Transportation | 45.00 |
| (4) | Application by an interstate motor carrier for an <u>Emergency emergency trip permit</u> | 18.00 |

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

SECTION 6. If the Commissioner of Motor Vehicles enters into the Unified Carrier Registration Agreement, the Agreement must specify the date on which any fees required under the Agreement become effective in this State. The date must ensure adequate time to implement the fee provisions.

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

In the General Assembly read three times and ratified this the 2nd day of August, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:42 p.m. this 30th day of August, 2007