

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 959*

Short Title: DOT Proposed Legislative Changes. (Public)

Sponsors: Representatives Iler and Torbett (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation

April 26, 2016

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION LAWS OF THE
STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION
OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

PART I. DIVISION OF HIGHWAYS

SMALL TRANSPORTATION PROJECTS/LOCAL CONSULTATION

SECTION 1. G.S. 136-11.1 reads as rewritten:

"§ 136-11.1. **Local consultation on transportation projects.**

Prior to any action of the Board on a transportation project, the Department shall inform all municipalities and counties affected by a planned transportation project and request each affected municipality or county to submit within 45 days a written resolution expressing their views on the project. A municipality or county may designate a Transportation Advisory Committee to submit its response to the Department's request for a resolution. Upon receipt of a written resolution from all affected municipalities and counties or their designees, or the expiration of the 45-day period, whichever occurs first, the Board may take action. The Department and the Board shall consider, but shall not be bound by, the views of the affected municipalities and counties on each transportation project. The failure of a county or municipality to express its views within the time provided shall not prevent the Department or the Board from taking action. The Department shall not be required to send notice under this section if it has already received a written resolution from the affected county or municipality on the planned transportation project. "Action of the Board", as used in this section, means approval by the Board of: the Transportation Improvement Program and amendments to the Transportation Improvement Program; the Secondary Roads Paving Program and amendments to the Secondary Roads Paving Program; and individual applications for access and public service road projects, contingency projects, small urban projects, and spot safety projects that exceed ~~one~~two hundred fifty thousand dollars ~~(\$150,000)~~(\$250,000). The 45-day notification provision may be waived upon a finding by the Secretary of Transportation that emergency action is required. Such findings must be reported to the Joint Legislative Transportation Oversight Committee."

BROADBAND AND FIBER OPTIC IN DOT RIGHT-OF-WAY/FEES

SECTION 2.(a) G.S. 136-18(2) reads as rewritten:

"§ 136-18. **Powers of Department of Transportation.**



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1 The said Department of Transportation is vested with the following powers:

- 2 ...
- 3 (2) Related to right-of-way:
- 4 a. To take over and assume exclusive control for the benefit of the State of
5 any existing county or township ~~roads, and roads.~~
- 6 b. ~~to~~ To locate and acquire rights-of-way for any new roads that may be
7 necessary for a State highway ~~system, and system.~~
- 8 c. ~~subject~~ Subject to the provisions of G.S. 136-19.5(a) and ~~(b) also (b), to~~
9 locate and acquire such additional rights-of-way as may be necessary for
10 the present or future relocation or initial location, above or below
11 ground, ~~of of:~~
- 12 1. ~~telephone, Telephone,~~ telegraph, distributed antenna systems
13 (DAS), broadband communications, electric and other lines, as
14 well as gas, water, sewerage, oil and other pipelines, to be
15 operated by public utilities as defined in G.S. 62-3(23) and
16 which are regulated under Chapter 62 of the General Statutes, or
17 by municipalities, counties, any entity created by one or more
18 political subdivisions for the purpose of supplying any such
19 utility services, electric membership corporations, telephone
20 membership corporations, or any combination ~~thereof, thereof;~~
21 and
- 22 2. Nonutility owned or operated communications or data
23 transmission infrastructure.
- 24 The Department retains with full power to widen, relocate, change or
25 alter the grade or location thereof, or alter the location or configuration
26 of such lines or systems above or below ground, and ground. No
27 agreement for use of Department right-of-way under this
28 sub-subdivision shall abrogate the Department's ownership and control
29 of the right-of-way. The Department is authorized to adopt policies and
30 rules necessary to implement the provisions of this sub-subdivision. The
31 Department is authorized to charge a one-time fee to defray the
32 Department's administrative cost of reviewing encroachment submittals,
33 payable upon initial application for the encroachment.
- 34 d. ~~to~~ To change or relocate any existing roads that the Department of
35 Transportation may now own or may ~~acquire; acquire.~~
- 36 e. ~~to~~ To acquire by gift, purchase, or otherwise, any road or highway, or
37 tract of land or other property whatsoever that may be necessary for a
38 State transportation system and adjacent utility ~~rights-of-way;~~
39 rights-of-way.
- 40 f. Provided, all changes or alterations authorized by this subdivision shall
41 be subject to the provisions of G.S. 136-54 to 136-63, to the extent that
42 said sections are ~~applicable; applicable.~~
- 43 e. Provided, that nothing in this Chapter shall be construed to authorize or
44 permit the Department of Transportation to allow or pay anything to any
45 county, township, city or town, or to any board of commissioners or
46 governing body thereof, for any existing road or part of any road
47 heretofore constructed by any such county, township, city or town,
48 unless a contract has already been entered into with the Department of
49 Transportation."

50 **SECTION 2.(b)** This section becomes effective July 1, 2016.

51

PART II. NORTH CAROLINA TURNPIKE AUTHORITY**ALLOW ELECTRONIC BILLING FOR TOLLS**

SECTION 3. G.S. 136-89.214(a) reads as rewritten:

"(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling system and a toll for traveling on the project is not paid prior to travel or at the time of travel, the Authority must send a bill by first-class mail to the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as established under G.S. 136-89.212(b) for the amount of the unpaid toll, provided, however, that with the written consent of the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as set forth above, the Authority may send the bill via electronic mail to a designated electronic mail account rather than by first-class mail. The Authority must send the bill within 90 days after the travel occurs, or within 90 days of receipt of a sworn affidavit submitted under G.S. 136-89.212(b) identifying the person who had care, custody, and control of the motor vehicle. If a bill is not sent within the required time, the Authority waives collection of the toll. The Authority must establish a billing period for unpaid open road tolls that is no shorter than 15 days. A bill for a billing period must include all unpaid tolls incurred by the same person during the billing period."

REPEAL NCTA SEMIANNUAL REPORTS TO JLTOC

SECTION 4. G.S. 136-89.193(c) is repealed.

PART III. DIVISION OF BICYCLE AND PEDESTRIAN TRANSPORTATION**REPEAL REQUIREMENT TO MAINTAIN OFF-ROAD CYCLING RECORDS**

SECTION 5. G.S. 143B-135.100 reads as rewritten:

"§ 143B-135.100. Use of State land for bicycling; creation of trails by volunteers.

...

(b) Notwithstanding the provisions of subsection (a) of this section, any land may be restricted or removed from use by bicyclists if it is determined by the State, an agency of the State, or the holder of land purchased or leased with State funds that the use would cause substantial harm to the land or the environment or that the use would violate another State or federal law. Before restricting or removing land from use by bicyclists, the State, the agency of the State, or the holder of the land purchased or leased with State funds must show why the lands should not be open for use by bicyclists. Local cycling groups or organizations shall be notified of the intent to restrict or remove the land from use by bicyclists and provided an opportunity to show why cycling should be allowed on the land. ~~Notice of any land restricted or removed from use by bicyclists pursuant to this subsection shall be filed with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation.~~

~~(e) The Division of Bicycle and Pedestrian Transportation of the Department of Transportation shall keep a record of all lands made open and available for use by bicyclists pursuant to this section and shall make the information available to the public upon request.~~

...

(e) Notwithstanding any other provision of this section, any hiking, walking, or use of bicycles on game lands administered by the Wildlife Resources Commission shall be restricted to roads and trails designated for vehicular use. Hiking, walking, or bicycle use by persons not hunting shall be restricted to days closed to hunting. The Wildlife Resources Commission may restrict the use of bicycles on game lands where necessary to protect sensitive wildlife habitat or species ~~and shall file notice of any restrictions with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation.~~ species."

PART IV. DIVISION OF MOTOR VEHICLES**COMMERCIAL DRIVERS LICENSE CHANGES****SECTION 6.(a)** G.S. 20-7(m) reads as rewritten:

"(m) Instruction Permit. – The Division upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or a lesser period to any of the following applicants:

(1) An applicant who is less than 18 years old and is enrolled in a drivers education program that is approved by the State Superintendent of Public Instruction and is offered at a public high school, a nonpublic secondary school, or a licensed drivers training school.

(2) ~~An applicant for certification under G.S. 20-218 as a school bus driver.~~

A restricted instruction permit authorizes the holder of the permit to drive a specified type or class of motor vehicle when in possession of the permit, subject to any restrictions imposed by the Division. The restrictions the Division may impose on a permit include restrictions to designated areas and highways and restrictions prohibiting operation except when an approved instructor is occupying a seat beside the permittee. A restricted instruction permit is not required to have a distinguishing number or a picture of the person to whom the permit is issued."

SECTION 6.(b) G.S. 20-37.13(e) reads as rewritten:

"(e) A commercial ~~driver~~ learner's permit may be issued to an individual who holds a regular Class C drivers license and has passed the knowledge test for the class and type of commercial motor vehicle the individual will be driving. The permit is valid for a period not to exceed ~~six months and may be renewed or reissued only once within a two-year period.~~ 180 days. The fee for a commercial driver learner's permit is the same as the fee set by G.S. 20-7 for a regular learner's permit. ~~G.S. 20-7(m) governs the issuance of a restricted instruction permit for a prospective school bus driver.~~"

SECTION 6.(c) G.S. 20-17.4(g) reads as rewritten:

"(g) Violation of Out-of-Service Order. – Any person holding a commercial learner's permit or commercial drivers license or required to have a commercial learner's permit or commercial drivers license convicted for violating an out-of-service order, except as described in subsection (h) of this section, shall be disqualified as follows:

(1) A person is disqualified from driving a commercial vehicle for a period of ~~90 days no less than 180 days and no more than one year~~ if convicted of a first violation of an out-of-service ~~order.~~ order while operating a commercial motor vehicle.

(2) A person is disqualified for a period of ~~one year no less than two years and no more than five years~~ if convicted of a second violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents.

(3) A person is disqualified for a period of ~~three years no less than three years and no more than five years~~ if convicted of a third or subsequent violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents."

SECTION 6.(d) G.S. 20-17.4(h) reads as rewritten:

"(h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and Passenger Offenses. – Any person holding a commercial learner's permit or commercial drivers license or required to have a commercial learner's permit or commercial drivers license convicted for violating an out-of-service order while transporting hazardous ~~materials~~ materials, as defined in 49 C.F.R. § 383.5, or while operating a commercial vehicle designed or used to transport ~~more than 15 passengers,~~ 16 or more passengers, including the driver, shall be disqualified as follows:

- 1 (1) A person is disqualified for a period of ~~180 days~~ no less than 180 days and no
 2 more than two years if convicted of a first violation of an out-of-service
 3 ~~order~~ order while operating a commercial motor vehicle.
 4 (2) A person is disqualified for a period of ~~three years~~ no less than three years and
 5 no more than five years if convicted of a second or subsequent violation of an
 6 out-of-service order while operating a commercial motor vehicle during any
 7 10-year period, arising from separate incidents.
 8 (3) A person is disqualified for a period of no less than three years and no more
 9 than five years if convicted of a third or subsequent violation of an
 10 out-of-service order while operating a commercial motor vehicle during any
 11 10-year period, arising from separate incidents."

12 **SECTION 6.(e)** Article 2C of Chapter 20 of the General Statutes is amended by
 13 adding the following new section to read:

14 **"§ 20-37.13A. Medical qualifications standards; waiver for intrastate drivers.**

15 (a) Medical Qualifications Standards Applicable to Commercial Drivers. – All commercial
 16 drivers license holders and applicants for commercial drivers licenses must meet the medical
 17 qualifications standards set forth in 49 C.F.R. § 391.41.

18 (b) Intrastate Medical Waiver. – Any person unable to meet the standards in 49 C.F.R. §
 19 391.41, as adopted by the Division, may apply for a medical waiver that, if approved, will
 20 authorize intrastate operation of a commercial motor vehicle. Applications for the medical waiver
 21 must be submitted to the Division in writing. Waivers may be granted for no more than two years.

22 (c) Intrastate Operation Subject to Waiver. – Any person granted an intrastate commercial
 23 drivers license medical waiver is permitted to maintain a commercial drivers license and operate a
 24 commercial motor vehicle in intrastate commerce subject to the following conditions:

- 25 (1) The commercial drivers license must display a restriction to signify it is only
 26 valid for intrastate operation.
 27 (2) The holder of the license must submit to medical recertification at intervals set
 28 by the Division.
 29 (3) The holder of the license must timely submit all documentation required by the
 30 Division.
 31 (4) Failure to meet any condition within the time period allowed will result in an
 32 automatic downgrade of the license holder's commercial drivers license to a
 33 Class C regular drivers license."

34 **SECTION 6.(f)** This section becomes effective January 1, 2017, and applies to
 35 offenses committed on or after that date.

36
 37 **EXTEND REGISTRATION PERIOD FOR CERTAIN PLATES**

38 **SECTION 7.(a)** G.S. 20-66 is amended by adding a new subsection to read:

39 "(g1) Expiration of Registration by Other Means. – The registration of a vehicle renewed by
 40 means of a new registration plate expires at midnight on February 15 of each year."

41 **SECTION 7.(b)** This section becomes effective October 1, 2016, and applies to
 42 registration renewals on or after that date.

43
 44 **TEMPORARY DRIVING CERTIFICATE/USE AND UNIFORMITY**

45 **SECTION 8.(a)** G.S. 20-7(f)(5) reads as rewritten:

46 "(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
 47 pursuant to the provisions of this subsection:

- 48 ...
 49 (5) License to be sent by mail. – The Division shall issue to the applicant a
 50 temporary driving certificate valid for ~~20 days, and 60 days for a commercial~~
 51 ~~drivers license,~~ days, unless the applicant is applying for renewal by mail under

1 subdivision (4) of this subsection. The temporary driving certificate shall be
2 valid for driving purposes ~~only~~ and shall not be valid for identification
3 ~~purposes~~ purposes, except when conducting business with the Division and not
4 otherwise prohibited by federal law. The Division shall produce the applicant's
5 drivers license at a central location and send it to the applicant by first-class
6 mail at the residence address provided by the applicant, unless the applicant is
7 ineligible for mail delivery by the United States Postal Service at the applicant's
8 residence. If the United States Postal Service documents that it does not deliver
9 to the residential address provided by the applicant, and the Division has
10 verified the applicant's residential address by other means, the Division may
11 mail the drivers license to the post office box provided by the applicant.
12 Applicants whose only mailing address prior to July 1, 2008, was a post office
13 box in this State may continue to receive their license at that post office box,
14 provided the applicant's residential address has been verified by the Division."

15 **SECTION 8.(b)** This section becomes effective January 1, 2017. The extended period
16 of validity applies to temporary driving certificates issued on or after that date.

17 18 **DMV DRIVERS LICENSE TESTING REQUIREMENTS/REMOTE RENEWAL**

19 **SECTION 9.(a)** G.S. 20-7(c) reads as rewritten:

20 "(c) Tests. – To demonstrate physical and mental ability, a person must pass an
21 examination. The examination may include road tests, vision tests, oral tests, and, in the case of
22 literate applicants, written tests, as the Division may require. The tests must ensure that an
23 applicant recognizes the handicapped international symbol of access, as defined in G.S. 20-37.5.
24 The Division may not require a person who applies to renew a license that has not expired to take
25 a written test or a road test unless one or more of the following applies:

- 26 (1) The person has been convicted of a traffic violation since the person's license
27 was last issued.
- 28 (2) The applicant suffers from a mental or physical condition that impairs the
29 person's ability to drive a motor vehicle.

30 The Division shall require sign and symbol testing upon initial issuance of a license. The
31 Division shall require vision testing as a part of in-person, in-office renewals of a license.

32 The Division may not require a person who is at least 60 years old to parallel park a motor
33 vehicle as part of a road test. A person shall not use an autocycle to complete a road test under this
34 subsection."

35 **SECTION 9.(b)** This section becomes effective October 1, 2016.

36 37 **DMV/ELECTRONIC NOTICE**

38 **SECTION 10.(a)** G.S. 20-7.1 reads as rewritten:

39 **"§ 20-7.1. Notice of change of address or name.**

40 (a) Address. – A person whose address changes from the address stated on a drivers
41 license must notify the Division of the change within 60 days after the change occurs. If the
42 person's address changed because the person moved, the person must obtain a duplicate license
43 within that time limit stating the new address. A person who does not move but whose address
44 changes due to governmental action may not be charged with violating this subsection. A person
45 who has provided an e-mail or electronic address to the Division pursuant to G.S. 20-48(a) shall
46 notify the Division of any change or discontinuance of that e-mail or electronic address within 30
47 days after the change or discontinuance.

48 (b) Name. – A person whose name changes from the name stated on a drivers license must
49 notify the Division of the change within 60 days after the change occurs and obtain a duplicate
50 drivers license stating the new name.

51 (c) Fee. – G.S. 20-14 sets the fee for a duplicate license."

1 **SECTION 10.(b)** G.S. 20-43.1 reads as rewritten:

2 "**§ 20-43.1. Disclosure of personal information in motor vehicle records.**

3 (a) The Division shall disclose personal information contained in motor vehicle records in
4 accordance with the federal Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§
5 2721, et seq.

6 (b) As authorized in 18 U.S.C. § 2721, the Division shall not disclose personal information
7 for the purposes specified in 18 U.S.C. § 2721(b)(11).

8 (c) The Division shall not disclose personal information for the purposes specified in 18
9 U.S.C. § 2721(b)(12) unless the Division receives prior written permission from the person about
10 whom the information is requested.

11 (d) As authorized in 18 U.S.C. § 2721, the Division may disclose personal information to
12 federally designated organ procurement organizations and eye banks operating in this State for the
13 purpose of identifying individuals who have indicated an intent to be an organ donor. Personal
14 information authorized under this subsection is limited to the individual's first, middle, and last
15 name, date of birth, address, sex, county of residence, and drivers license number. Employees of
16 the Division who provide access to or disclosure of information in good-faith compliance with this
17 subsection are not liable in damages for access to or disclosure of the information.

18 (e) As authorized in 18 U.S.C. § 2721, the Division may also provide copies of partial
19 crash report data collected pursuant to G.S. 20-166.1, partial driver license data kept pursuant to
20 G.S. 20-26(a), and partial vehicle registration application data collected pursuant to G.S. 20-52 in
21 bulk form to persons, private companies, or other entities, for uses other than official, upon
22 payment of a fee of three cents (3¢) per individual record. The Division shall not furnish such data
23 except upon execution by the recipient of a written agreement to comply with the Driver's Privacy
24 Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq. The information released to
25 persons, private companies, or other entities, for uses other than official, pursuant to this
26 subsection, shall not be a public record pursuant to Chapter 132 of the General Statutes.

27 (f) E-mail addresses or other electronic addresses provided to the Division are personal
28 information for purposes of this section and shall only be disclosed in accordance with this
29 section."

30 **SECTION 10.(c)** G.S. 20-48 reads as rewritten:

31 "**§ 20-48. Giving of notice.**

32 (a) Whenever the Division is authorized or required to give any notice under this Chapter
33 or other law regulating the operation of vehicles, unless a different method of giving such notice is
34 otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to
35 the person to be so notified or by deposit in the United States mail of such notice in an envelope
36 with postage prepaid, addressed to such person at his address as shown by the records of the
37 Division. The giving of notice by mail is complete upon the expiration of four days after such
38 deposit of such notice. In lieu of providing notice by personal delivery or United States mail, the
39 Division may give notice under this Chapter by e-mail or other electronic means, if the person to
40 be notified has consented to receiving notices via electronic means and has provided the Division
41 an e-mail address or other like electronic address for receiving the notices. Proof of the giving of
42 notice in ~~either any~~ such manner pursuant to this section may be made by a notation in the records
43 of the Division that the notice was sent to a particular ~~address-address, physical or electronic,~~ and
44 the purpose of the notice. A certified copy of the Division's records may be sent by the Police
45 Information Network, facsimile, or other electronic means. A copy of the Division's records sent
46 under the authority of this section is admissible as evidence in any court or administrative agency
47 and is sufficient evidence to discharge the burden of the person presenting the record that notice
48 was sent to the person named in the record, at the physical or electronic address indicated in the
49 record, and for the purpose indicated in the record. There is no requirement that the actual notice
50 or letter be produced.

1 (a1) A person who consents to electronic notification pursuant to this section shall notify
2 the Division of any change or discontinuance of any e-mail or electronic address provided to the
3 Division in accordance with the provisions of this section and G.S. 20-7.1(a). Upon the failure of a
4 person to notify the Division of any change or discontinuance of an electronic notification
5 pursuant to this section, any notices sent to the original or discontinued electronic address shall be
6 deemed to have been received by the person and a copy of the Division's records sent under the
7 authority of this section is sufficient evidence that notice was sent to the person named in the
8 record, at the physical or electronic address indicated in the record, and for the purpose indicated
9 in the record.

10 (b) Notwithstanding any other provision of this Chapter at any time notice is now required
11 by registered mail with return receipt requested, certified mail with return receipt requested may
12 be used in lieu thereof and shall constitute valid notice to the same extent and degree as notice by
13 registered mail with return receipt requested.

14 (c) The Commissioner shall appoint such agents of the Division as may be needed to serve
15 revocation notices required by this Chapter. The fee for service of a notice shall be fifty dollars
16 (\$50.00)."

17 **SECTION 10.(d)** This section becomes effective October 1, 2016.

18 **DMV/INSPECTION OF PRE-1981 MOTOR VEHICLES/TITLING**

19 **SECTION 11.(a)** G.S. 20-53(e) reads as rewritten:

20 "(e) No title shall be issued to an initial applicant for (i) out-of-state vehicles that are ~~35~~
21 1980 model ~~years-old-year~~ or older or (ii) a specially constructed vehicle prior to the completion of
22 a vehicle verification conducted by the License and Theft Bureau of the Division of Motor
23 Vehicles. These verifications shall be conducted as soon as practical. For an out-of-state vehicle
24 that is ~~35-1980~~ model ~~years-old-year~~ or older, this inspection shall consist of verifying the public
25 vehicle identification number to ensure that it matches the vehicle and ownership documents. No
26 covert vehicle identification numbers are to be examined on an out-of-state vehicle ~~35-1980~~ model
27 ~~years-year~~ or older unless the inspector develops probable cause to believe that the ownership
28 documents or public vehicle identification number presented does not match the vehicle being
29 examined. However, upon such application and the submission of any required documentation, the
30 Division shall be authorized to register the vehicle pending the completion of the verification of
31 the vehicle. The registration shall be valid for one year but shall not be renewed unless and until
32 the vehicle examination has been completed.

33 If an inspection and verification is not conducted by the License and Theft Bureau of the
34 Division of Motor Vehicles within 15 days after receiving a request for such and the inspector has
35 no probable cause to believe that the ownership documents or public vehicle identification number
36 presented does not match the vehicle being examined, the vehicle shall be deemed to have
37 satisfied all inspection and verification requirements and title shall issue to the owner within 15
38 days thereafter. If an inspection and verification is timely performed and the vehicle passes the
39 inspection and verification, title shall issue to the owner within 15 days of the date of the
40 inspection." 41

42 **SECTION 11.(b)** This section becomes effective January 1, 2017.

43 **REPEAL SIGNATURE REQUIREMENT/REGISTRATION CARD**

44 **SECTION 12.(a)** G.S. 20-57(c) reads as rewritten:

45 "(c) ~~Every owner upon receipt of a registration card, shall write his signature thereon with~~
46 ~~pen and ink in the space provided.~~ Every such registration card shall at all times be carried in the
47 vehicle to which it refers or in the vehicle to which transfer is being effected, as provided by
48 G.S. 20-64 at the time of its operation, and such registration card shall be displayed upon demand
49 of any peace officer or any officer of the Division: Provided, however, any person charged with
50 failing to so carry such registration card shall not be convicted if he produces in court a
51

1 registration card theretofore issued to him and valid at the time of his arrest: Provided further, that
2 in case of a transfer of a license plate from one vehicle to another under the provisions of
3 G.S. 20-72, evidence of application for transfer shall be carried in the vehicle in lieu of the
4 registration card."

5 **SECTION 12.(b)** G.S. 20-176(a1)(2) is repealed.

6 **SECTION 12.(c)** This section becomes effective December 1, 2016, and applies to
7 registration cards issued on or after that date.

8
9 **AMEND "MOPED" DEFINITION**

10 **SECTION 13.(a)** G.S. 20-4.01(27) reads as rewritten:

11 "(27) Passenger Vehicles. –

12 ...

13 c2. Motor-driven bicycle. – A vehicle with two or three wheels, a steering
14 handle, one or two saddle seats, pedals, and a motor that cannot propel
15 the vehicle at a speed greater than 20 miles per hour on a level surface.

16 d. Motorcycles. – Vehicles having a saddle for the use of the rider and
17 designed to travel on not more than three wheels in contact with the
18 ground, including autocycles, motor scooters, and motor-driven
19 bicycles, but excluding tractors and utility vehicles equipped with an
20 additional form of device designed to transport property, three-wheeled
21 vehicles while being used by law-enforcement agencies and mopeds as
22 defined in subdivision d1 of this subsection.

23 d1. Moped. – ~~Defined in G.S. 105-164.3-A~~ A vehicle, other than a
24 motor-driven bicycle, that has two or three wheels, no external shifting
25 device, and a motor that does not exceed 50 cubic centimeters piston
26 displacement and cannot propel the vehicle at a speed greater than 30
27 miles per hour on a level surface. The motor may be powered by
28 electricity, alternative fuel, motor fuel, or a combination of each.

29"

30 **SECTION 13.(b)** G.S. 20-4.01(23) reads as rewritten:

31 "(23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle
32 designed to run upon the highways which is pulled by a self-propelled vehicle.
33 Except as specifically provided otherwise, this term shall not include mopeds as
34 ~~defined in G.S. 20-4.01(27)d1~~ or motor-driven bicycles."

35 **SECTION 13.(c)** G.S. 20-4.01(21a) is repealed.

36 **SECTION 13.(d)** This section becomes effective December 1, 2016, and applies to
37 offenses committed on or after that date.

38
39 **PART V. EFFECTIVE DATE**

40 **SECTION 14.** Except as otherwise provided, this act is effective when it becomes
41 law.