

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 165  
Committee Substitute Favorable 5/5/21  
Third Edition Engrossed 5/6/21

Short Title: DOT Legislative Changes.-AB

(Public)

Sponsors:

Referred to:

March 1, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES TO LAWS, AS RECOMMENDED BY THE DEPARTMENT  
3 OF TRANSPORTATION.

4 The General Assembly of North Carolina enacts:

6 **PART I. DEPARTMENT OF TRANSPORTATION**

8 **MODIFY CAP ON CERTAIN PUBLIC PRIVATE PARTNERSHIPS**

9 **SECTION 1.** G.S. 136-18(39a)a. reads as rewritten:

10 "(39a) a. The Department of Transportation ~~or~~ and Turnpike Authority, as  
11 ~~applicable,~~ may enter into up to three agreements each with a private  
12 entity as provided under subdivision (39) of this section for which the  
13 provisions of this section apply."  
14

15 **MODIFY LIMIT ON FUNDS TO PAY MAP ACT SETTLEMENT COSTS**

16 **SECTION 2.(a)** Section 1.4(a) of S.L. 2019-251 reads as rewritten:

17 "**SECTION 1.4.(a)** Limitation on Funds to Pay Map Act Settlement Costs. – The  
18 Department of Transportation may use no more than ~~one hundred fifty million dollars~~  
19 ~~(\$150,000,000)~~ three hundred million dollars (\$300,000,000) each fiscal year to pay  
20 compensation for damages arising from the Department's recordation of a transportation corridor  
21 map under Article 2E of Chapter 136 of the General Statutes (Map Act). This limitation does not  
22 apply to the payment of compensation for Map Act damages arising from a Turnpike project. For  
23 purposes of this section, the term "Turnpike project" has the same meaning as in  
24 G.S. 136-89.181."

25 **SECTION 2.(b)** Section 1.4(a) of S.L. 2019-251, as amended by subsection (a) of  
26 this section, reads as rewritten:

27 "**SECTION 1.4.(a)** Limitation on Funds to Pay Map Act Settlement Costs. – The  
28 Department of Transportation may use no more than ~~three hundred million dollars~~  
29 ~~(\$300,000,000)~~ five million dollars (\$5,000,000) each fiscal year to pay compensation for  
30 damages arising from the Department's recordation of a transportation corridor map under Article  
31 2E of Chapter 136 of the General Statutes (Map Act). This limitation does not apply to the  
32 payment of compensation for Map Act damages arising from a Turnpike project. For purposes  
33 of this section, the term "Turnpike project" has the same meaning as in G.S. 136-89.181."

34 **SECTION 2.(c)** Subsection (a) of this section is effective when it becomes law.  
35 Subsection (b) of this section becomes effective July 1, 2022.



**REVISIONS TO HIGHWAY MAINTENANCE IMPROVEMENT PROGRAM****SECTION 3.** G.S. 143B-350(f)(4a) reads as rewritten:

"(4a) To approve a schedule of State highway maintenance projects and their anticipated cost. This schedule is designated the Highway Maintenance Improvement Program and is established in G.S. 136-44.3A. The Board shall publish the schedule on the Department's ~~Web site by April 1~~ website by June 1 of each year. The document that contains the Highway Maintenance Improvement Program shall include the anticipated funding sources for the improvement projects included in the Highway Maintenance Improvement Program, ~~a list of any changes made from the previous year's Highway Maintenance Improvement Program, and the reasons for the changes.~~ Program."

**SECTION 4.** G.S. 136-44.3A reads as rewritten:**"§ 136-44.3A. Highway Maintenance Improvement Program.**

(a) Definitions. – The following definitions apply in this Article:

- (1) ~~Cape seal treatment. — A chip seal treatment followed by a slurry seal treatment.~~
- (2) ~~Chip seal treatment. — A type of pavement preservation treatment applied to existing asphalt pavement. The treatment involves spraying an asphalt emulsion onto the roadway, applying a layer of aggregate chips, and rolling the chips into the emulsion. This term includes single, double, and triple chip seal treatments.~~
- (3) Highway Maintenance Improvement Program. – The schedule of State highway maintenance projects required under G.S. 143B-350(f)(4a).
- (4) Highway Maintenance Improvement Program Needs Assessment. – A report of the amount of funds ~~needed, the number of affected lane miles, and the percentage of the primary and secondary system roads that are rated to need a resurfacing or pavement preservation treatment within the Highway Maintenance Improvement Program's five year time period but are not programmed due to funding constraints.~~ needed and the quantity of work to be accomplished to meet and sustain the performance standards for the State highway system in each of the maintenance program categories.
- (5) ~~Microsurfacing treatment. — A type of pavement preservation treatment that involves mixing fine aggregate, asphalt emulsion, minerals, water, and a polymer additive, and applying the mixture to the roadway.~~
- (6) Pavement preservation treatment. – ~~Includes full width surface treatments used to extend or renew.~~ A pavement preservation treatment is a roadway improvement practice that improves roadway quality and extends or renews the pavement life. Types of pavement preservation treatment include hot-mixed asphalt overlays, cape seal treatment, chip seal treatment, microsurfacing, crack sealing, slurry seal, and fog seal.
- (7) Rehabilitation. – A contract resurfacing maintenance program that involves applying multiple layers of pavement that exceed two inches.
- (8) Resurfacing. – A contract resurfacing program that involves applying one layer that does not exceed two inches of pavement.
- (9) ~~Slurry seal treatment. — A type of pavement preservation treatment that involves mixing fine aggregate, asphalt emulsion, minerals, and water, and applying the mixture to the roadway.~~

1 (c) Highway Maintenance Improvement Program. – After the annual inspection of roads  
 2 within the State highway system, each highway division shall determine and report to the Chief  
 3 Engineer on (i) the need for rehabilitation, resurfacing, or pavement preservation treatments, (ii)  
 4 the need for bridge and general maintenance, and (iii) projected changes to the condition of  
 5 pavement on primary and secondary roads for each year over a five year period. The Chief  
 6 Engineer shall establish a five year priority list for each highway division based on the Chief  
 7 Engineer's estimate of need. In addition, the Chief Engineer shall establish a five year  
 8 improvement schedule, sorted by county, for rehabilitation, resurfacing, and pavement  
 9 preservation treatment activities. The schedule shall be based on the amount of funds  
 10 appropriated to the contract resurfacing program and the pavement preservation program in the  
 11 fiscal year preceding the issuance of the Highway Maintenance Improvement Program for all  
 12 five years of the Highway Maintenance Improvement Program. State funding for the Highway  
 13 Maintenance Improvement Program shall be limited to funds appropriated from the State  
 14 Highway Fund system, all of the following shall occur:

15 (1) The Chief Engineer shall establish the annual cost to meet and sustain the  
 16 performance standards for pavement, bridge, and general maintenance  
 17 activities for the State highway system.

18 (2) The Division Engineer for each highway division shall determine and report  
 19 to the Chief Engineer a five-year improvement schedule, sorted by county, for  
 20 pavement, bridge, and general maintenance activities within each highway  
 21 division. The schedule shall be based on the amount of funds appropriated to  
 22 the pavement, bridge, and general maintenance programs in the fiscal year  
 23 preceding the issuance of the Highway Maintenance Improvement Program  
 24 for all five years of the Highway Maintenance Improvement Program. State  
 25 funding for the Highway Maintenance Improvement Program shall be limited  
 26 to funds appropriated from the State Highway Fund.

27 ...

28 (g) Report. – The Department shall submit the Highway Maintenance Improvement  
 29 Program and Highway Maintenance Improvement Program Needs Assessment to the General  
 30 Assembly by ~~April 1~~ June 1 of each year. If the General Assembly is in session, the Department  
 31 shall report to the House of Representatives Appropriations Subcommittee on Transportation,  
 32 the Senate Appropriations Committee on Transportation, and the Fiscal Research Division. If the  
 33 General Assembly is not in session, the Department shall report to the Joint Legislative  
 34 Transportation Oversight Committee and the Fiscal Research Division."  
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## 36 EXEMPT PORTS AUTHORITY FROM STATUTORY REQUIREMENTS TO OBTAIN 37 CONSULTANT SERVICE CONTRACTS

38 SECTION 5. G.S. 143-64.24 is amended by adding a new subdivision to read:

39 "(9) The North Carolina State Ports Authority. The North Carolina State Ports  
 40 Authority may only contract to obtain the services of a consultant after the  
 41 proposed contract is approved by the Board of the North Carolina State Ports  
 42 Authority."  
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## 44 PART II. DIVISION OF MOTOR VEHICLES

### 45 INSURANCE COMPANIES TO SUBMIT POLICY NOTIFICATIONS TO DIVISION 46 ELECTRONICALLY

47 SECTION 6. G.S. 20-309.2(c) reads as rewritten:

48 "(c) Form of Notice. – Any insurer with twenty-five million dollars (\$25,000,000) or more  
 49 in annual vehicle insurance premium volume shall submit the notices required under this section  
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1 ~~by electronic means.~~ All other insurers ~~may~~ shall submit the notices required under this section  
2 by ~~either paper or electronic means.~~"

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4 **AUTHORIZE ONLINE RENEWALS FOR DMV ISSUED LICENSES, PERMITS,  
5 CERTIFICATES, AND REGISTRATIONS**

6 **SECTION 7.** Article 1 of Chapter 20 of the General Statutes is amended by adding  
7 a new section to read:

8 **"§ 20-4.04. Division authority to create electronic systems for renewals.**

9 (a) Authorization. – The Division is authorized to establish and maintain electronic  
10 systems and means for renewals of all licenses, permits, certificates, and registrations issued by  
11 the Division pursuant to this Chapter for the purposes of administrative efficiency and to  
12 modernize Division systems and practices. This authorization does not supersede or modify  
13 specific renewal authorizations set out in this Chapter.

14 (b) Reporting Requirement. – By December 31, 2021, and annually thereafter, the  
15 Division must report to the Joint Legislative Transportation Oversight Committee, the Fiscal  
16 Research Division, and Legislative Analysis Division any electronic system or means for renewal  
17 that has been implemented or is in the process of being implemented. This report shall also  
18 include any proposed legislative recommendations necessary as conforming changes to the  
19 General Statutes."

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21 **HANDICAPPED PLACARD ONLINE RENEWAL**

22 **SECTION 8.** G.S. 20-37.6(c1) reads as rewritten:

23 "(c1) Application and Renewal; Medical Certification. – The initial application for a  
24 distinguishing license plate, removable windshield placard, or temporary removable windshield  
25 placard shall be accompanied by a certification of a licensed physician, a licensed  
26 ophthalmologist, a licensed optometrist, a licensed physician assistant, a licensed nurse  
27 practitioner, or the Division of Services for the Blind that the applicant or person in the applicant's  
28 custody or care is handicapped or by a disability determination by the United States Department  
29 of Veterans Affairs that the applicant or person in the applicant's custody or care is handicapped.  
30 For an initial application for a temporary removable windshield placard only, the certification  
31 that the applicant is handicapped may be made by a licensed certified nurse midwife. The  
32 application for a temporary removable windshield placard shall contain additional certification  
33 to include the period of time the certifying authority determines the applicant will have the  
34 disability. Distinguishing license plates shall be renewed annually, but subsequent applications  
35 shall not require a medical certification that the applicant is handicapped, except that a registered  
36 owner that certified pursuant to subsection (b) of this section that the registered owner is the  
37 guardian or parent of a handicapped person must recertify every five years. Removable  
38 windshield placards shall be renewed every five years, and, except for a person certified as totally  
39 and permanently disabled at the time of the initial application or a prior renewal under this  
40 subsection, the renewal shall require a medical recertification that the person is handicapped;  
41 provided that a medical certification shall not be required to renew any placard that expires after  
42 the person to whom it is issued is 80 years of age. Temporary removable windshield placards  
43 shall expire no later than six months after issuance. The Division shall offer renewal of  
44 handicapped credentials in person and online on the Division's website."

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46 **DISQUALIFICATION FOR LIFE FROM DRIVING A CMV FOR CERTAIN  
47 CONVICTIONS OF SEVERE FORMS OF TRAFFICKING IN PERSONS**

48 **SECTION 9.** G.S. 20-17.4 is amended by adding a new subsection to read:

49 "(c2) Life. – A person shall be disqualified from driving a commercial motor vehicle for  
50 life, without the possibility of reinstatement, if convicted of a major disqualifying offense as  
51 defined in 49 C.F.R. § 383.51(b)(10)."

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**HATTERAS/OCRACOKE FERRY LEASE**

**SECTION 9.1.** Notwithstanding Article 8 of Chapter 143 of the General Statutes, G.S. 136-28.1, and any other provision of law to the contrary, the Department of Transportation, Ferry Division, shall lease a passenger ferry vessel for operation between Hatteras and Ocracoke. The term of the lease shall end no later than September 12, 2021. Of the funds appropriated in S.L. 2020-91 from the Highway Fund to the Department of Transportation, the sum of nine hundred forty-three thousand dollars (\$943,000) in nonrecurring funds shall be used by the Division to lease and operate the ferry.

**REIMBURSEMENT OF CARTERET COUNTY**

**SECTION 9.2.** Of the funds appropriated in S.L. 2020-91 from the Highway Fund to the Department of Transportation, the sum of sixty-two thousand nine hundred seventeen dollars (\$62,917) in nonrecurring funds shall be used to reimburse funds provided by Carteret County on behalf of Hyde County to fulfill the local match requirements for grant funds to dredge the Cedar Island ferry channel.

**DREDGING FUNDS**

**SECTION 9.3.** Of the funds appropriated in S.L. 2020-91 from the Highway Fund to the Department of Transportation, the sum of three hundred sixty-two thousand dollars (\$362,000) in nonrecurring funds shall be used for North Carolina coastal dredging.

**PART III. EFFECTIVE DATE**

**SECTION 10.** Except as otherwise provided, this act is effective when it becomes law.