

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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BILL DRAFT 2013-RWz-8 [v.2] (02/17)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:02:07 AM**

Short Title: Exclude Federal Lands Access Funds from STI.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO EXCLUDE FEDERAL LANDS ACCESS PROGRAM FUNDS FROM THE
STRATEGIC TRANSPORTATION INVESTMENTS ACT FORMULA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-189.11(b) reads as rewritten:

"(b) Funds Excluded From Formula. – The following funds are not subject to this section:

- (1) Federal congestion mitigation and air quality improvement program funds appropriated to the State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149.
- (2) Funds received through competitive awards or discretionary grants through federal appropriations either for local governments, transportation authorities, transit authorities, or the Department.
- (3) Funds received from the federal government that under federal law may only be used for Appalachian Development Highway System projects.
- (4) Funds used in repayment of "GARVEE" bonds related to Phase I of the Yadkin River Veterans Memorial Bridge project.
- (5) Funds committed to gap funding for toll roads funded with bonds issued pursuant to G.S. 136-176.
- (6) Funds obligated for projects in the State Transportation Improvement Program that are scheduled for construction as of October 1, 2013, in State fiscal year 2012-2013, 2013-2014, or 2014-2015.
- (7) Toll collections from a turnpike project under Article 6H of this Chapter and other revenue from the sale of the Authority's bonds or notes or project loans, in accordance with G.S. 136-89.192.
- (8) Toll collections from the State-maintained ferry system collected under the authority of G.S. 136-82.
- (9) Federal State Planning and Research Program funds (23 U.S.C. § 505) and Metropolitan Planning funds (23 U.S.C. §§ 104 and 134).
- (10) Federal Lands Access Program funds received by the State pursuant to 23 U.S.C. §204."

SECTION 2. This act is effective when it becomes law.



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BILL DRAFT 2013-RWz-9 [v.5] (02/17)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:02:49 AM**

Short Title: Alt. Criteria under STI for Emergency Repair.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO APPLY ALTERNATE PRIORITIZATION CRITERIA UNDER THE
3 STRATEGIC TRANSPORTATION INVESTMENTS ACT FORMULA TO FEDERAL
4 AND STATE FUNDS USED FOR EMERGENCY REPAIR WORK .

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 136-189.11 is amended by adding a new subsection to read:

7 (c1) Emergency Funds With Alternative Criteria.—The following funds, obligated in
8 support of emergency repair work necessary to restore essential travel, minimize the extent of
9 damage, or protect remaining facilities, as a result of events that occurred during a federal or
10 State declared emergency that significantly damaged the State maintained transportation system
11 to the extent that safe passage is jeopardized, shall be subject to subsection (d) of this section,
12 but shall not be subject to the prioritization criteria set forth in that subsection:

13 (1) Federal or State funds obligated for repairs for which federal Emergency
14 Relief Funds are available pursuant to 23 U.S.C. §125.

15 (2) State funds obligated for repairs to damage occurring as a result of an event
16 that is lawfully declared to be a federal or State emergency.

17 **SECTION 2.** This act is effective when it becomes law.



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BILL DRAFT 2013-RWz-10 [v.2] (02/17)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:03:22 AM**

Short Title: DOT Partnerships with Private Developers. (Public)

Sponsors: (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REENACT THE AUTHORIZATION FOR THE DEPARTMENT OF
3 TRANSPORTATION TO PARTICIPATE IN PRIVATE DEVELOPER CONTRACTS
4 FOR IMPROVEMENTS TO THE STATE HIGHWAY SYSTEM, SUBJECT TO A LIMIT
5 OF THE LESSER OF TEN PERCENT (10%) OR TWO HUNDRED FIFTY THOUSAND
6 DOLLARS (\$250,000).

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Section 2 of S.L. 2009-235 reads as rewritten:

9 "SECTION 2. This act is effective when it becomes law. This act shall expire on
10 ~~December 31, 2011.~~ December 31, 2016."

11 **SECTION 2.** This act is effective when it becomes law.



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BILL DRAFT 2013-RWz-11 [v.3] (02/17)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:04:08 AM**

Short Title: DOT Minority/Women Business Program. (Public)

Sponsors: (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND BY ONE YEAR THE DEPARTMENT OF TRANSPORTATION
3 DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESS
4 PROGRAM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 136-28.4(e) reads as rewritten:
7 "(e) This section expires ~~August 31, 2014.~~ August 31, 2015."

8 **SECTION 2.** This act is effective when it becomes law.



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BILL DRAFT 2013-RWz-12 [v.3] (02/17)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

3/7/2014 1:55:19 PM

Short Title: Drivers License Material Technical Standard.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATE DRIVERS LICENSE MATERIAL TECHNICAL
3 STANDARDS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 20-7(n) reads as rewritten:

6 "(n) Format. – A drivers license issued by the Division must be tamperproof and must
7 contain all of the following information:

8 (1) An identification of this State as the issuer of the license.

9 (2) The license holder's full name.

10 (3) The license holder's residence address.

11 (4) ~~A color photograph, or a properly applied laser engraved picture on~~
12 ~~polycarbonate material, of the license holder, taken by the Division. A color~~
13 or black and white photograph of the license holder applied to material that
14 is measured by the industry standard of security and durability and is
15 resistant to tampering and reproduction.

16 (5) A physical description of the license holder, including sex, height, eye color,
17 and hair color.

18 (6) The license holder's date of birth.

19 (7) An identifying number for the license holder assigned by the Division. The
20 identifying number may not be the license holder's social security number.

21 (8) Each class of motor vehicle the license holder is authorized to drive and any
22 endorsements or restrictions that apply.

23 (9) The license holder's signature.

24 (10) The date the license was issued and the date the license expires.

25 The Commissioner shall ensure that applicants 21 years old or older are issued drivers
26 licenses and special identification cards that are printed in a horizontal format. The
27 Commissioner shall ensure that applicants under the age of 21 are issued drivers licenses and
28 special identification cards that are printed in a vertical format, that distinguishes them from the
29 horizontal format, for ease of identification of individuals under age 21 by members of
30 industries that regulate controlled products that are sale restricted by age and law enforcement
31 officers enforcing these laws.

32 At the request of an applicant for a drivers license, a license issued to the applicant must
33 contain the applicant's race."

34 **SECTION 2.** This act is effective when it becomes law.



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BILL DRAFT 2013-RWz-13 [v.2] (02/17)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:05:06 AM

Short Title: Turnpike Authority Annual Audit Date Change.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO CHANGE THE DUE DATE FOR THE NORTH CAROLINA TURNPIKE
AUTHORITY ANNUAL AUDIT REPORT TO OCTOBER.

The General Assembly of North Carolina enacts:

"§ 136-89.193. Annual plan of work; annual and quarterly reports.

(a) Annual Plan of Work. – The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. – The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. ~~Each report shall be accompanied by an~~ The annual audit of its books and ~~accounts~~, accounts shall be submitted to the Governor, the General Assembly, and the Department of Transportation when completed in October of each year.

(c) Semiannual Reports. – The Authority shall submit semiannual reports to the Joint Legislative Transportation Oversight Committee, and more frequent reports if requested. The reports shall summarize the Authority's activities during the preceding six months, and shall contain any information about the Authority's activities that is requested by the Committee.

(d) Report Prior to Let of Contracts. – The Authority shall consult with and report to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations prior to the letting of any contract for Turnpike Project construction authorized under G.S. 136-183(a)(2).

(e) Repealed by Session Laws 2011-145, s. 28.35(a), effective July 1, 2011. "

SECTION 2. This act is effective when it becomes law.



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BILL DRAFT 2013-RWz-14 [v.2] (02/17)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:05:39 AM

Short Title: Agritourism Sign Location/DOT Standards.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT AGRICULTURAL TOURISM SIGNS ON STATE
HIGHWAYS ARE SUBJECT TO DEPARTMENT OF TRANSPORTATION LOCATION
AND PLACEMENT RULES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 106-22.5(a) reads as rewritten:

"(a) The Department of Agriculture and Consumer Services shall work with the Department of Transportation to provide directional signs on major highways at or in reasonable proximity to the nearest interchange ~~or within one mile~~ leading to an agricultural facility that promotes tourism by providing tours and on-site sales or samples of North Carolina agricultural products to area tourists. The Department shall follow the sign location and placement rules of the Department of Transportation's Tourist-Oriented Directional Signs and Logo Signs programs."

SECTION 2. This act is effective when it becomes law.



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BILL DRAFT 2013-RWz-16 [v.2] (02/18)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:07:54 AM**

Short Title: Repeal Report/Right Turn on Red. (Public)

Sponsors: (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL A REQUIREMENT THAT THE DEPARTMENT OF
3 TRANSPORTATION ANNUALLY REPORT RIGHT TURN ON RED PEDESTRIAN
4 CRASHES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-158(b)(2)d. is repealed.

7 **SECTION 2.** This act is effective when it becomes law.
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BILL DRAFT 2013-RWz-17 [v.2] (02/18)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:08:23 AM**

Short Title: MAP-21 Update/Rail Safety.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE A FEDERAL STATUTORY REFERENCE IN STATE LAW
3 CONCERNING STATE OVERSIGHT OF FIXED GUIDEWAY TRANSIT SYSTEM
4 SAFETY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 136-18(36) reads as rewritten:

7 "(36) To oversee the safety of fixed guideway transit systems in the State not
8 regulated by the Federal Railroad Administration, pursuant to the ~~Intermodal~~
9 ~~Surface Transportation Efficiency Act of 1991 (49 U.S.C. § 5330)~~ MAP-21,
10 the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141), and
11 any reauthorizations of or amendments to the Act. The Department shall
12 adopt rules in conformance with 49 U.S.C. §5329 and 49 U.S.C. § 5330
13 concerning its oversight of the safety of fixed guideway transit systems."

14 **SECTION 2.** This act is effective when it becomes law.



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BILL DRAFT 2013-RWz-19 [v.2] (02/18)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:09:54 AM**

Short Title: Single License Plate Renewal Sticker.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT DIRECT THE DIVISION OF MOTOR VEHICLES TO ISSUE A SINGLE
3 ANNUAL REGISTRATION RENEWAL STICKER FOR EACH VEHICLE
4 REGISTRATION PLATE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-66(c) reads as rewritten:

7 "(c) Renewal Stickers. – A single registration renewal sticker issued by the Division
8 must be displayed on the registration plate that it renews in the place prescribed by the
9 Commissioner and must indicate the period for which it ~~and the registration plate on which it is~~
10 ~~displayed are~~ is valid. Except where physical differences between a registration renewal sticker
11 and a registration plate render a provision of this Chapter inapplicable, the provisions of this
12 Chapter relating to registration plates apply to registration renewal stickers."

13 **SECTION 2.** This act becomes effective January 1, 2015.



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BILL DRAFT 2013-SUfz-2 [v.1] (03/07)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
3/7/2014 11:30:27 AM**

Short Title: DMV Conversion of Paper Titles. (Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CONVERT
PAPER TITLES TO ELECTRONIC LIENS AND TO CHARGE A FEE FOR EACH
CONVERSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-58.4A is amended by adding a new subsection to read:

"(l) The Division may convert an existing paper title to an electronic lien upon request of a primary lienholder. The Division is authorized to collect a fee not to exceed three dollars (\$3.00) for each conversion."

SECTION 2. This act is effective when it becomes law.



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GENERAL ASSEMBLY OF NORTH CAROLINA
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BILL DRAFT 2013-RWz-20 [v.4] (02/24)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:11:07 AM

Short Title: DMV Interlock Violation Hearing Site.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES HEARING ON A
LICENSE REVOCATION AS A RESULT OF AN IGNITION INTERLOCK
VIOLATION BE HELD IN THE LICENSEE'S COUNTY OF RESIDENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-17.8(j) reads as rewritten:

"(j) Right to Hearing Before Division; Issues. – If the person's license is revoked pursuant to subsection (g) of this section, before the effective date of the order issued under subsection (i) of this section, the person may request in writing a hearing before the Division. Except for the time referred to in G.S. 20-16.5, if the person shows to the satisfaction of the Division that the person's license was surrendered to the court and remained in the court's possession, then the Division shall credit the amount of time for which the license was in the possession of the court against the revocation period required by subsection (g) of this section. If the person properly requests a hearing, the person retains the person's license, unless it is revoked under some other provision of law, until the hearing is held, the person withdraws the request, or the person fails to appear at a scheduled hearing. The hearing officer may subpoena any witnesses or documents that the hearing officer deems necessary. The person may request the hearing officer to subpoena the charging officer, the chemical analyst, or both to appear at the hearing if the person makes the request in writing at least three days before the hearing. The person may subpoena any other witness whom the person deems necessary, and the provisions of G.S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas issued under the authority of this section. The hearing officer is authorized to administer oaths to witnesses appearing at the hearing. The hearing must be conducted in the county where the charge was brought, except when the evidence of the violation is an alcohol concentration report from an ignition interlock system, the hearing shall be conducted in the county where the person resides. ~~and~~ The hearing must be limited to consideration of whether:

- (1) The drivers license of the person had an ignition interlock requirement; and
- (2) The person:
 - a. Was driving a vehicle that was not equipped with a functioning ignition interlock system; or
 - b. Did not personally activate the ignition interlock system before driving the vehicle; or
 - c. Drove the vehicle in violation of an applicable alcohol concentration restriction prescribed by subdivision (b)(3) of this section.



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1 If the Division finds that the conditions specified in this subsection are
2 met, it must order the revocation sustained. If the Division finds that the
3 condition of subdivision (1) is not met, or that none of the conditions of
4 subdivision (2) are met, it must rescind the revocation. If the revocation is
5 sustained, the person must surrender the person's license immediately upon
6 notification by the Division. If the revocation is sustained, the person may
7 appeal the decision of the Division pursuant to G.S. 20-25."

8 **SECTION 2.** This act becomes effective October 1, 2014, and applies to hearings
9 requested on or after that date.

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BILL DRAFT 2013-RWz-21 [v.3] (02/21)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:12:02 AM

Short Title: DMV Inspection Station Case Continuances.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE CONTINUANCES OF DIVISION OF MOTOR VEHICLES
INSPECTION STATION VIOLATION CASES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-183.8G reads as rewritten:

"§ 20-183.8G. Administrative and judicial review.

(a) Right to Hearing. – A person who applies for a license or registration under this Part or who has a license or registration issued under this Part has the right to a hearing when any of the following occurs:

- (1) The Division denies the person's application for a license or registration.
- (2) The Division delivers to the person a written statement of charges of a violation that could result in the suspension or revocation of the person's license.
- (3) The Division summarily suspends or revokes the person's license following review and authorization of the proposed adverse action by a judge.
- (4) The Division assesses a civil penalty against the person.
- (5) The Division issues a warning letter to the person.
- (6) The Division cancels the person's registration.

(b) Hearing After Statement of Charges. – When a license holder receives a statement of charges of a violation that could result in the suspension or revocation of the person's license, the person can obtain a hearing by making a request for a hearing. The person must make the request to the Division within 10 days after receiving the statement of the charges. A person who does not request a hearing within this time limit waives the right to a hearing.

The Division must hold a hearing requested under this subsection within 30 days after receiving the request, ~~request, unless the matter is continued for good cause.~~ The hearing must be held at the location designated by the Division. Suspension or revocation of the license is stayed until a decision is made following the hearing.

If a person does not request a hearing within the time allowed for making the request, the proposed suspension or revocation becomes effective the day after the time for making the request ends. If a person requests a hearing but does not attend the hearing, the proposed suspension or revocation becomes effective the day after the date set for the hearing.

(c) Hearing After Summary Action. – When the Division summarily suspends a license issued under this Part after judicial review and authorization of the proposed action, the person whose license was suspended or revoked may obtain a hearing by filing with the Division a



1 written request for a hearing. The request must be filed within 10 days after the person was
2 notified of the summary action. The Division must hold a hearing requested under this
3 subsection within 14 days after receiving the request.

4 (d) All Other Hearings. – When this section gives a person the right to a hearing and
5 subsection (b) or (c) of this section does not apply to the hearing, the person may obtain a
6 hearing by filing with the Division a written request for a hearing. The request must be filed
7 within 10 days after the person receives written notice of the action for which a hearing is
8 requested. The Division must hold a hearing within 90 days after the Division receives the
9 ~~request.~~ request, unless the matter is continued for good cause.

10 (e) Review by Commissioner. – The Commissioner may conduct a hearing required
11 under this section or may designate a person to conduct the hearing. When a person designated
12 by the Commissioner holds a hearing and makes a decision, the person who requested the
13 hearing has the right to request the Commissioner to review the decision. The procedure set by
14 the Division governs the review by the Commissioner of a decision made by a person
15 designated by the Commissioner.

16 (f) Decision. – Upon the Commissioner's review of a decision made after a hearing on
17 the imposition of a monetary penalty against a motorist for an emissions violation or on a Type
18 I, II, or III violation by a license holder, the Commissioner must uphold any monetary penalty,
19 license suspension, license revocation, or warning required by G.S. 20-183.7A, G.S. 20-183.8A
20 or G.S. 20-183.8B, respectively, if the decision is based on evidence presented at the hearing
21 that supports the hearing officer's determination that the motorist or license holder committed
22 the act for which the monetary penalty, license suspension, license revocation, or warning was
23 imposed. Pursuant to the authority under G.S. 20-183.7A(c) and G.S. 20-183.8B(c), the
24 Commissioner may order a suspension for a first occurrence Type I violation of a station to be
25 stayed upon reasonable compliance terms to be determined by the Commissioner. Pursuant to
26 the authority under G.S. 20-183.7A(d1) and G.S. 183.8B(c2), the Commissioner may order the
27 suspensions against a license holder to run consecutively or concurrently. The Commissioner
28 may uphold, dismiss, or modify a decision made after a hearing on any other action.

29 (g) Judicial Review. – Article 4 of Chapter 150B of the General Statutes governs
30 judicial review of an administrative decision made under this section."

31 **SECTION 2.** This act becomes effective October 1, 2014.

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BILL DRAFT 2013-RWz-22 [v.2] (02/25)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:12:30 AM

Short Title: Service of Hearing Order/MV Dealer Licensee.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDE THAT NOTICE OF A SUSPENSION, REVOCATION, OR
3 NONRENEWAL OF A LICENSE UNDER THE MOTOR VEHICLE DEALERS AND
4 MANUFACTURERS LICENSING LAW SHALL BE GIVEN IN ACCORDANCE WITH
5 RULE 4 OF THE RULES OF CIVIL PROCEDURE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-296 reads as rewritten:

8 "**§ 20-296. Notice and hearing upon denial, suspension, revocation or refusal to renew**
9 **license.**

10 No license shall be suspended or revoked or denied, or renewal thereof refused, until a
11 written notice of the complaint made has been furnished to the licensee against whom the same
12 is directed, and a hearing thereon has been had before the Commissioner, or a person
13 designated by him. At least 10 days' written notice of the time and place of such hearing shall
14 be given to the licensee by certified mail with return receipt requested to his last known address
15 as shown on his license or other record of information in possession of the Division. At any
16 such hearing, the licensee shall have the right to be heard personally or by counsel. After
17 hearing, the Division shall have power to suspend, revoke or refuse to renew the license in
18 question. Immediate notice of any such action shall be given to the licensee in ~~the manner~~
19 ~~herein provided in the case of notices of hearing.~~ accordance with G.S. 1A-1, Rule 4."

20 **SECTION 2.** This act becomes effective October 1, 2014, and applies to notices
21 given on or after that date.



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BILL DRAFT 2013-RWz-23 [v.3] (02/25)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2014 11:13:18 AM

Short Title: DMV DL Medical Review Program Changes.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE CHANGES TO THE DIVISION OF MOTOR VEHICLES DRIVERS
LICENSE MEDICAL REVIEW PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-9 reads as rewritten:
"§ 20-9. What persons shall not be licensed.

...
(e) The Division shall not issue a driver's license to any person when in the opinion of the Division such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warnings or direction signs.

...
(g) The Division may issue a driver's license to any applicant covered by subsection (e) of this section under the following conditions:

- (1) The Division may issue a license to any person who is afflicted with or suffering from a physical or mental disability set out in subsection (e) of this section who is otherwise qualified to obtain a license, provided such person submits to the Division a certificate in the form prescribed in subdivision (2). Until a license issued under this subdivision expires or is revoked, the license continues in force as long as the licensee presents to the Division a certificate in the form prescribed in subdivision (2) of this subsection at the intervals determined by the Division to be in the best interests of public safety.
- (2) The Division shall not issue a license pursuant to this section unless the applicant has submitted to a physical examination by a physician or surgeon duly licensed to practice medicine in this State or in any other state of the United States and unless such examining physician or surgeon has completed and signed the certificate required by subdivision (1). Such certificate shall be devised by the Commissioner with the advice of qualified experts in the field of diagnosing and treating physical and mental disorders as he may select to assist him and shall be designed to elicit the maximum medical information necessary to aid in determining whether or not it would be a hazard to public safety to permit the applicant to operate a motor



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- vehicle, including, if such is the fact, the examining physician's statement that the applicant is under medication and treatment and that such person's physical or mental disability is controlled. The certificate shall contain a waiver of privilege and the recommendation of the examining physician to the Commissioner as to whether a license should be issued to the applicant.
- (3) The Commissioner is not bound by the recommendation of the examining physician but shall give fair consideration to such recommendation in exercising his discretion in acting upon the application, the criterion being whether or not, upon all the evidence, it appears that it is safe to permit the applicant to operate a motor vehicle. The burden of proof of such fact is upon the applicant. In deciding whether to issue or deny a license, the Commissioner may be guided by opinion of experts in the field of diagnosing and treating the specific physical or mental disorder suffered by an applicant and such experts may be compensated for their services on an equitable basis. The Commissioner may also take into consideration any other factors which bear on the issue of public safety.
- (4) Whenever a license is ~~denied~~ denied, cancelled, or restricted by the ~~Commissioner,~~ Commissioner based upon information received and reviewed in accordance with subdivisions (2) and (3) of this subsection, such denial the adverse action may be reviewed by a reviewing board upon written request of the applicant filed with the Division within 10 days after receipt of ~~such denial.~~ notice of the adverse action. The reviewing board shall consist of the Commissioner or his authorized representative and ~~four persons designated by the chairman of the Commission for Public Health.~~ two medical professionals, duly licensed to practice medicine in the State, selected by the Commissioner. The medical professionals selected by the Commissioner may be compensated for their services on an equitable basis, including reimbursement for ordinary and necessary travel expenses. The persons designated by the chairman of the Commission for Public Health shall be either members of the Commission for Public Health or physicians duly licensed to practice medicine in this State. The members so designated by the chairman of the Commission for Public Health shall receive the same per diem and expenses as provided by law for members of the Commission for Public Health, which per diem and expenses shall be charged to the same appropriation as per diems and expenses for members of the Commission for Public Health. The Commissioner or his authorized representative, ~~plus any two of the members designated by the chairman of the Commission for Public Health,~~ one of the medical professionals selected by the Commissioner, constitute a quorum. The procedure for hearings authorized by this section shall be as follows:
- a. Applicants shall be afforded an opportunity for hearing, after reasonable notice of not less than 10 days, before the review board established by subdivision (4). The notice shall be in writing and shall be delivered to the applicant in person or sent by certified mail, with return receipt requested. The notice shall state the time, place, and subject of the hearing. A request for a hearing shall not stay any adverse action affecting the applicant following the review specified in subdivisions (2) and (3) of the subsection, that the Division took in accordance with this subsection.
- b. The review board may compel the attendance of witnesses and the production of such books, records and papers as it desires at a

1 hearing authorized by the section. Upon request of an applicant, a
2 subpoena to compel the attendance of any witness or a subpoena
3 duces tecum to compel the production of any books, records, or
4 papers shall be issued by the board. Subpoenas shall be directed to
5 the sheriff of the county where the witness resides or is found and
6 shall be served and returned in the same manner as a subpoena in a
7 criminal case. Fees of the sheriff and witnesses shall be the same as
8 that allowed in the district court in cases before that court and shall
9 be paid in the same manner as other expenses of the Division of
10 Motor Vehicles are paid. In any case of disobedience or neglect of
11 any subpoena served on any person, or the refusal of any witness to
12 testify to any matters regarding which he may be lawfully
13 interrogated, the district court or superior court where such
14 disobedience, neglect or refusal occurs, or any judge thereof, on
15 application by the board, shall compel obedience or punish as for
16 contempt.

17 c. A hearing may be continued upon motion of the applicant for good
18 cause shown with approval of the board or upon order of the board.

19 d. The board shall pass upon the admissibility of evidence at a hearing
20 but the applicant affected may at the time object to the board's ruling,
21 and, if evidence offered by an applicant is rejected the party may
22 proffer the evidence, and such proffer shall be made a part of the
23 record. The board shall not be bound by common law or statutory
24 rules of evidence which prevail in courts of law or equity and may
25 admit and give probative value to evidence which possesses
26 probative value commonly accepted by reasonably prudent men in
27 the conduct of their affairs. They may exclude incompetent,
28 immaterial, irrelevant and unduly repetitious evidence. Uncontested
29 facts may be stipulated by agreement between an applicant and the
30 board and evidence relating thereto may be excluded. All evidence,
31 including records and documents in the possession of the Division of
32 Motor Vehicles or the board, of which the board desires to avail itself
33 shall be made a part of the record. Documentary evidence may be
34 received in the form of copies or excerpts, or by incorporation by
35 reference. The board shall prepare an official record, which shall
36 include testimony and exhibits. A record of the testimony and other
37 evidence submitted shall be taken, but it shall not be necessary to
38 transcribe shorthand notes or electronic recordings unless requested
39 for purposes of court review.

40 e. Every decision and order adverse to an applicant shall be in writing
41 or stated in the record and shall be accompanied by findings of fact
42 and conclusions of law. The findings of fact shall consist of a concise
43 statement of the board's conclusions on each contested issue of fact.
44 Counsel for applicant, or applicant, if he has no counsel, shall be
45 notified of the board's decision in person or by ~~registered~~ certified
46 mail with return receipt requested. In all other cases, a copy ~~A copy~~
47 of the board's decision with accompanying findings and conclusions
48 shall be delivered or mailed upon request to applicant's attorney of
49 record or to applicant, if he has no attorney.

50 f. Actions of the reviewing board are subject to judicial review as
51 provided under Chapter 150B of the General Statutes.

g. Repealed by Session Laws 1977, c. 840.

h. All records and evidence collected and compiled by the Division and the reviewing board shall not be considered public records within the meaning of Chapter [section] 132-1, and following, of the General Statutes of North Carolina and may be made available to the public only upon an order of a court of competent jurisdiction. All information furnished by or on behalf of an applicant under this section shall be without prejudice and shall be for the use of the Division, the reviewing board or the court in administering this section and shall not be used in any manner as evidence, or for any other purposes in any trial, civil or criminal."

SECTION 2. This act becomes effective October 1, 2014.