

NORTH CAROLINA GENERAL ASSEMBLY



JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

REPORT TO THE 2014 GENERAL ASSEMBLY OF NORTH CAROLINA

APRIL 4, 2014

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TRANSMITTAL LETTER


April 4, 2014

TO THE MEMBERS OF THE 2014 GENERAL ASSEMBLY:

The JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE respectfully submits the following report to the 2014 Session of the 2013 General Assembly, pursuant to G.S. 120-70.5.


Sen. Kathy Harrington, Co-Chair


Rep. Frank Iler, Co-Chair


Rep. John Torbett, Co-Chair

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COMMITTEE PROCEEDINGS

The Joint Legislative Transportation Oversight Committee met four times from September 2013 to April 2014. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library, or at the Committee's website.

September 10, 2013

The first meeting of the Joint Legislative Transportation Oversight Committee during the 2013-14 interim was held on September 10, 2013 at 9:00 am in Room 1228 of the Legislative Building. The Committee first heard an overview of S.L. 2013-817, Strategic Transportation Investments (STI), and associated technical corrections in S.L. 2013-410 from Committee staff.

Next, the Committee heard an NC DOT STI Implementation overview. Following this overview, the Committee heard an extensive overview of the STI prioritization process variables, methodologies, and weights. The presentations covered the following areas: highways; special regional and divisional weights; aviation; bicycle and pedestrian; ferries; public transportation; and rail. The Committee continued with DOT presentations concerning STI normalization; the MPO/RPO input process; and the Division Engineer scoring process. The Committee next received work group feedback. Following this, the Committee heard an NC DOT report on the transition from prioritization to programming under STI, and the proposed DOT implementation schedule. The Committee's final presentation was from Secretary Tony Tata and NC DOT Board Chair Edward Currin, who discussed their views on the STI implementation process. The Committee discussed the various STI formula methodologies that were presented, and requested a response from DOT at its next meeting in October.

October 4, 2013

The second meeting of the Joint Legislative Transportation Oversight Committee during the 2013-14 interim was held October 4, 2013 at 3:00 pm in Room 1228 of the Legislative Building. The Committee first heard an NC DOT response to the Committee's requests on STI methodology. This presentation included discussion of the Department's review process, alternate STI prioritization processes for rail accessibility; alternate investment strategy for highway projects in Divisions 1 & 4 and Divisions 2 & 3; revisions to highways criteria for accessibility/connectivity; normalization of cross-modal criteria and programming minimums; and local input point distribution. The Committee next heard NC DOT presentations on litigation impacts on the Bonner Bridge and Monroe Bypass projects; and on standards for public-private partnership agreements.

February 7, 2014

The third meeting of the Joint Legislative Transportation Oversight Committee during the 2013-14 interim was held February 7, 2014 at 9:00 am in Room 1228 of the Legislative Building. The Committee first heard three rail related presentations from NC DOT staff: a North Carolina rail system primer; a Piedmont improvement program status update and intercity rail funding outlook; and an update on implementation of the freight rail and rail crossing safety improvement fund. The Committee also heard an NC DOT update on implementation of the Strategic Transportation Investments Act; and finally, a presentation of NC DOT's proposed legislation for the 2014 session.

April 4, 2014

The fourth and final meeting of the Joint Legislative Transportation Oversight during the 2013-14 interim was held April 4, 2013 at 9:00 am in Room 1228 of the Legislative Building. Committee staff reviewed the legislative proposals from NC DOT, and voted to approve them as recommendations of the Committee to the 2014 session of the General Assembly. The Committee then heard several presentations from the NC DOT concerning the implementation of the Strategic Transportation Investments Act implementation. The presentations covered the topics of transition, quantitative scoring, Division Engineer methodology, and MPO/RPO methodology. Next, the Committee heard an NC DOT presentation on Life Cycle Cost Analysis. The Committee next heard a Committee staff update on federal transportation revenue; the NC Turnpike Authority annual report, and a North Carolina Railroad Company property report. The Committee approved this report, and adjourned.

RECOMMENDED LEGISLATION

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2013

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D

BILL DRAFT 2013-RWz-8 [v.3] (02/17)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/7/2014 2:14:02 PM

Short Title: Exclude Federal Lands Access Funds from STI. (Public)

Sponsors: (Primary Sponsor).

Referred to:

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

4 The General Assembly of North Carolina enacts:

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

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

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

- 1 (9) Federal State Planning and Research Program funds (23 U.S.C. § 505)
2 and Metropolitan Planning funds (23 U.S.C. §§ 104 and 134).
3 (10) Federal Lands Access Program funds received by the State pursuant to
4 23 U.S.C. §204."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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D

BILL DRAFT 2013-RWz-9 [v.6] (02/17)

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

4/7/2014 2:14:43 PM

Short Title: Alt. Criteria under STI for Emergency Repair. (Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO APPLY ALTERNATE PRIORITIZATION CRITERIA UNDER THE
STRATEGIC TRANSPORTATION INVESTMENTS ACT FORMULA TO
FEDERAL AND STATE FUNDS USED FOR EMERGENCY REPAIR WORK .

The General Assembly of North Carolina enacts:

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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BILL DRAFT 2013-RWz-10 [v.3] (02/17)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/7/2014 2:24:09 PM

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

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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D

BILL DRAFT 2013-RWz-11 [v.4] (02/17)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/7/2014 2:25:00 PM

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
3 TRANSPORTATION DISADVANTAGED MINORITY-OWNED AND WOMEN-
4 OWNED BUSINESS 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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D

BILL DRAFT 2013-RWz-12 [v.5] (02/17)

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

4/7/2014 2:26:12 PM

Short Title: Drivers License Material Technical Standard.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATE DRIVERS LICENSE MATERIAL TECHNICAL STANDARDS.

The General Assembly of North Carolina enacts:

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

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

- (1) An identification of this State as the issuer of the license.
- (2) The license holder's full name.
- (3) The license holder's residence address.
- (4) ~~A color photograph, or a properly applied laser engraved picture on polycarbonate material, of the license holder, taken by the Division. A~~
color photograph of the license holder applied to material that is measured by the industry standard of security and durability and is resistant to tampering and reproduction.
- (5) A physical description of the license holder, including sex, height, eye color, and hair color.
- (6) The license holder's date of birth.
- (7) An identifying number for the license holder assigned by the Division. The identifying number may not be the license holder's social security number.
- (8) Each class of motor vehicle the license holder is authorized to drive and any endorsements or restrictions that apply.
- (9) The license holder's signature.
- (10) The date the license was issued and the date the license expires.

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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D

BILL DRAFT 2013-RWz-13 [v.3] (02/17)

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

4/7/2014 2:26:49 PM

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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D

BILL DRAFT 2013-RWz-14 [v.3] (02/17)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/7/2014 2:27:53 PM

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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BILL DRAFT 2013-RWz-16 [v.4] (02/18)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/7/2014 2:28:39 PM

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
4 PEDESTRIAN 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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BILL DRAFT 2013-RWz-17 [v.3] (02/18)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/7/2014 2:29:45 PM

Short Title: MAP-21 Update/Rail Safety. (Public)

Sponsors: (Primary Sponsor).

Referred to:

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

The General Assembly of North Carolina enacts:

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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D

BILL DRAFT 2013-RWz-19 [v.3] (02/18)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/7/2014 2:30:22 PM

Short Title: Single License Plate Renewal Sticker. (Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT DIRECT THE DIVISION OF MOTOR VEHICLES TO ISSUE A SINGLE
ANNUAL REGISTRATION RENEWAL STICKER FOR EACH VEHICLE
REGISTRATION PLATE.

The General Assembly of North Carolina enacts:

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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D

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

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/7/2014 2:31:54 PM

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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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D

BILL DRAFT 2013-RWz-20 [v.5] (02/24)

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

4/7/2014 2:33:55 PM

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 driver's license of the person had an ignition interlock requirement;
and

(2) The person:

- 1 a. Was driving a vehicle that was not equipped with a functioning
2 ignition interlock system; or
3 b. Did not personally activate the ignition interlock system before
4 driving the vehicle; or
5 c. Drove the vehicle in violation of an applicable alcohol
6 concentration restriction prescribed by subdivision (b)(3) of this
7 section.

8 If the Division finds that the conditions specified in this subsection
9 are met, it must order the revocation sustained. If the Division finds
10 that the condition of subdivision (1) is not met, or that none of the
11 conditions of subdivision (2) are met, it must rescind the revocation. If
12 the revocation is sustained, the person must surrender the person's
13 license immediately upon notification by the Division. If the
14 revocation is sustained, the person may appeal the decision of the
15 Division pursuant to G.S. 20-25."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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D

BILL DRAFT 2013-RWz-21 [v.4] (02/21)

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

4/7/2014 2:34:20 PM

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

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

4 (c) Hearing After Summary Action. – When the Division summarily suspends a
5 license issued under this Part after judicial review and authorization of the proposed
6 action, the person whose license was suspended or revoked may obtain a hearing by
7 filing with the Division a written request for a hearing. The request must be filed within
8 10 days after the person was notified of the summary action. The Division must hold a
9 hearing requested under this subsection within 14 days after receiving the request.

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

16 (e) Review by Commissioner. – The Commissioner may conduct a hearing
17 required under this section or may designate a person to conduct the hearing. When a
18 person designated by the Commissioner holds a hearing and makes a decision, the
19 person who requested the hearing has the right to request the Commissioner to review
20 the decision. The procedure set by the Division governs the review by the
21 Commissioner of a decision made by a person designated by the Commissioner.

22 (f) Decision. – Upon the Commissioner's review of a decision made after a
23 hearing on the imposition of a monetary penalty against a motorist for an emissions
24 violation or on a Type I, II, or III violation by a license holder, the Commissioner must
25 uphold any monetary penalty, license suspension, license revocation, or warning
26 required by G.S. 20-183.7A, G.S. 20-183.8A or G.S. 20-183.8B, respectively, if the
27 decision is based on evidence presented at the hearing that supports the hearing officer's
28 determination that the motorist or license holder committed the act for which the
29 monetary penalty, license suspension, license revocation, or warning was imposed.
30 Pursuant to the authority under G.S. 20-183.7A(c) and G.S. 20-183.8B(c), the
31 Commissioner may order a suspension for a first occurrence Type I violation of a
32 station to be stayed upon reasonable compliance terms to be determined by the
33 Commissioner. Pursuant to the authority under G.S. 20-183.7A(d1) and G.S.
34 183.8B(c2), the Commissioner may order the suspensions against a license holder to run
35 consecutively or concurrently. The Commissioner may uphold, dismiss, or modify a
36 decision made after a hearing on any other action.

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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D

BILL DRAFT 2013-RWz-22 [v.3] (02/25)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/7/2014 2:34:54 PM

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

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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BILL DRAFT 2013-RWz-23 [v.4] (02/25)

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

4/7/2014 2:35:26 PM

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

1 treating physical and mental disorders as he may select to assist him
2 and shall be designed to elicit the maximum medical information
3 necessary to aid in determining whether or not it would be a hazard to
4 public safety to permit the applicant to operate a motor vehicle,
5 including, if such is the fact, the examining physician's statement that
6 the applicant is under medication and treatment and that such person's
7 physical or mental disability is controlled. The certificate shall contain
8 a waiver of privilege and the recommendation of the examining
9 physician to the Commissioner as to whether a license should be
10 issued to the applicant.

11 (3) The Commissioner is not bound by the recommendation of the
12 examining physician but shall give fair consideration to such
13 recommendation in exercising his discretion in acting upon the
14 application, the criterion being whether or not, upon all the evidence, it
15 appears that it is safe to permit the applicant to operate a motor
16 vehicle. The burden of proof of such fact is upon the applicant. In
17 deciding whether to issue or deny a license, the Commissioner may be
18 guided by opinion of experts in the field of diagnosing and treating the
19 specific physical or mental disorder suffered by an applicant and such
20 experts may be compensated for their services on an equitable basis.
21 The Commissioner may also take into consideration any other factors
22 which bear on the issue of public safety.

23 (4) Whenever a license is ~~denied~~ denied, cancelled, or restricted by the
24 ~~Commissioner,~~ Commissioner based upon information received and
25 reviewed in accordance with subdivisions (2) and (3) of this
26 subsection, such denial the adverse action may be reviewed by a
27 reviewing board upon written request of the applicant filed with the
28 Division within 10 days after receipt of ~~such denial.~~ notice of the
29 adverse action. The reviewing board shall consist of the Commissioner
30 or his authorized representative and ~~four persons designated by the~~
31 ~~chairman of the Commission for Public Health,~~ two medical
32 professionals, duly licensed to practice medicine in the State, selected
33 by the Commissioner. The medical professionals selected by the
34 Commissioner may be compensated for their services on an equitable
35 basis, including reimbursement for ordinary and necessary travel
36 expenses. The persons designated by the chairman of the Commission
37 for Public Health shall be either members of the Commission for
38 Public Health or physicians duly licensed to practice medicine in this
39 State. The members so designated by the chairman of the Commission
40 for Public Health shall receive the same per diem and expenses as
41 provided by law for members of the Commission for Public Health,
42 which per diem and expenses shall be charged to the same
43 appropriation as per diems and expenses for members of the
44 Commission for Public Health. ~~The Commissioner or his authorized~~
45 ~~representative, plus any two of the members designated by the~~
46 ~~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 hearing authorized by the section. Upon request of an applicant, a subpoena to compel the attendance of any witness or a subpoena duces tecum to compel the production of any books, records, or papers shall be issued by the board. Subpoenas shall be directed to the sheriff of the county where the witness resides or is found and shall be served and returned in the same manner as a subpoena in a criminal case. Fees of the sheriff and witnesses shall be the same as that allowed in the district court in cases before that court and shall be paid in the same manner as other expenses of the Division of Motor Vehicles are paid. In any case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, the district court or superior court where such disobedience, neglect or refusal occurs, or any judge thereof, on application by the board, shall compel obedience or punish as for contempt.
- c. A hearing may be continued upon motion of the applicant for good cause shown with approval of the board or upon order of the board.
- d. The board shall pass upon the admissibility of evidence at a hearing but the applicant affected may at the time object to the board's ruling, and, if evidence offered by an applicant is rejected the party may proffer the evidence, and such proffer shall be made a part of the record. The board shall not be bound by common law or statutory rules of evidence which prevail in courts of law or equity and may admit and give probative value to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. They may exclude incompetent, immaterial, irrelevant and unduly repetitious evidence. Uncontested facts may be stipulated by agreement between an applicant and the board and

1 evidence relating thereto may be excluded. All evidence,
2 including records and documents in the possession of the
3 Division of Motor Vehicles or the board, of which the board
4 desires to avail itself shall be made a part of the record.
5 Documentary evidence may be received in the form of copies or
6 excerpts, or by incorporation by reference. The board shall
7 prepare an official record, which shall include testimony and
8 exhibits. A record of the testimony and other evidence
9 submitted shall be taken, but it shall not be necessary to
10 transcribe shorthand notes or electronic recordings unless
11 requested for purposes of court review.

12 e. Every decision and order adverse to an applicant shall be in
13 writing or stated in the record and shall be accompanied by
14 findings of fact and conclusions of law. The findings of fact
15 shall consist of a concise statement of the board's conclusions
16 on each contested issue of fact. Counsel for applicant, or
17 applicant, if he has no counsel, shall be notified of the board's
18 decision in person or by ~~registered~~ certified mail with return
19 receipt requested. In all other cases, a copy ~~A copy~~ of the
20 board's decision with accompanying findings and conclusions
21 shall be delivered or mailed upon request to applicant's attorney
22 of record or to applicant, if he has no attorney.

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

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

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

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

SUMMARY OF RECOMMENDED LEGISLATION

Exclude Federal Lands Access Funds from STI.

This bill draft amends the Strategic Transportation Investment Act of 2013 (HB 817) to add an exclusion from the Act's Transportation Investment Strategy Formula. The bill draft excludes Federal Lands Access Program funds from the Formula. The State receives approximately \$2.5 million annually in Federal Lands Access Program Funds, for transportation-related projects on federal lands.

Effective Date: When it becomes law

Alt. Criteria under STI for Emergency Repair.

This bill draft amends the Strategic Transportation Investments Act of 2013 (HB 817) to provide that two types of funds obligated in support of emergency repair work will be subject to alternate prioritization criteria under the Act:

- Federal or State funds obligated for repairs for which federal Emergency Relief Funds are available.
- State funds obligated for repairs to damage occurring as a result of an event that is lawfully declared to be a federal or State emergency.

Effective Date: When it becomes law.

DOT Partnership with Private Developers.

This bill draft reenacts a 2009 law that authorized DOT to participate, in limited circumstances, in private developer contracts for State highway system engineering, design, or construction of improvements.

The Department's participation under this act is limited to the lesser of ten percent (10%) of the contract, or \$250,000.

DOT is required to annually report, not later than March 1, to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Transportation Oversight Committee on all agreements entered into between the Department and a private developer for participation in private engineering and construction contracts under this bill draft.

The authorization provided by this bill draft would expire December 31, 2016.

Effective date: When it becomes law.

DOT Minority/Women Business Program.

This bill draft extends for one year, to August 31, 2015, DOT's disadvantaged minority-owned and women-owned business contract participation goals program.

Effective Date: When it becomes law.

Drivers License Material Technical Standard.

This bill draft changes the material technical standards for State drivers' licenses to eliminate a requirement for use of "polycarbonate material", instead requiring use of material that is "measured by industry standards of security and durability, and is resistant to tampering and reproduction".

Effective Date: When it becomes law.

Turnpike Authority Annual Audit Date Change.

This bill draft changes the due date for the North Carolina Turnpike Authority Annual Audit Report. Current law requires the report to be submitted promptly following the close of the fiscal year. The bill draft changes the due date to October.

Effective Date: When it becomes law.

Agritourism Sign Location/DOT Standards.

This bill draft amends current law governing agritourism signs to require the Department of Agriculture to work with DOT on the placement of agritourism signs; removes the one-mile limit on placement; and instead requires agritourism sign placement to follow DOT tourist and logo sign rules, which allow placement up to five miles from agritourism sites.

Effective Date: When it becomes law.

Repeal Report/Right Turn on Red.

This bill draft repeals a requirement in current law that DOT annually report to the Joint Legislative Transportation Oversight Committee on right turn on red light crashes, including crashes involving pedestrians and person with disabilities.

Effective Date: When it becomes law.

MAP-21 Update/Rail Safety.

This bill draft amends existing State law authorizing DOT to oversee the safety of fixed guideway transit systems, to update a federal statutory reference.

Effective Date: When it becomes law.

Single License Plate Renewal Sticker.

This bill draft directs DMV to issue a single registration renewal sticker for vehicle registration plates.

Effective Date: January 1, 2015.

DMV Conversion of Paper Titles.

This bill draft authorizes the Division of Motor Vehicles to convert paper titles to electronic liens, and to charge a fee not to exceed \$3 for each conversion.

Effective Date: When it becomes law.

DMV Interlock Violation Hearing Site.

This bill draft amends the statute governing DMV hearings on a driver's license as a result of an ignition interlock violation. Under current law those hearings must be held in the county where the ignition interlock charge was brought. The bill draft changes current law in the case of a violation that is evidenced by an ignition interlock system report. In that case, the hearing would have to be conducted in the county where the person resides.

Effective Date: October 1, 2014, and applies to hearings requested on or after that date.

DMV Inspection Station Case Continuances.

This bill draft amends the Safety and Emissions Inspection Program laws to provide that DMV may grant a continuance for an inspection station related license violation hearing. Under current law, if a violation hearing is requested, DMV must hold the hearing within 30 days.

Effective Date: October 1, 2014.

Service of Hearing Order/MV Dealer Licensee.

This bill draft amends the Motor Vehicle Dealers and Manufacturers Licensing Law to provide that notice of license suspension, revocation, denial, or nonrenewal may be made in accordance with any of the notice methods authorized by Rule 4 of Rules of Civil Procedure, (which include personal delivery; and registered or certified mail, return receipt requested). Current law requires certified mail with return receipt requested.

Effective Date: October 1, 2014, applicable to notices given on or after that date.

DMV DL Medical Review Program Changes.

This bill draft makes several changes to DMV's Drivers License Medical Review Program:

- Clarifies that DMV's Medical Review Board may, upon request, review cancellations and restrictions to drivers licenses, in addition to denials;

- Reduces the Medical Review Board from 5 to 3 persons, and provides that the DMV Commissioner shall select the two medical professionals on the Board (current law-four selected by the Chairman of the Commission for Public Health).
- Clarifies that a request for a hearing before the Medical Review Board does not suspend any denial, cancellation, or restriction to a driver's license.
- Provides that an adverse decision of the Medical Review Board shall be delivered by certified mail (current law-registered mail).

Effective Date: October 1, 2014.

COMMITTEE MEMBERSHIP

2013-2014

President Pro Tempore of the Senate

Appointments:

Sen. Kathy Harrington (Co-Chair)
Sen. Warren Daniel
Sen. Joel D. M. Ford
Sen. Malcolm Graham
Sen. Rick Gunn
Sen. Ralph Hise
Sen. Neal Hunt
Sen. Wesley Meredith
Sen. Bill Rabon
Sen. Dan Soucek
Sen. Michael Walters

Speaker of the House of Representatives

Appointments:

Rep. Frank Iler (Co-Chair)
Rep. John Torbett (Co-Chair)
Rep. William Brawley
Rep. Rayne Brown
Rep. Becky Carney
Rep. Nelson Dollar
Rep. Charles Jeter
Rep. Chuck McGrady
Rep. Rodney W. Moore
Rep. Phil Shepard
Rep. Paul Tine

Advisory Members

Sen. Brent Jackson
Rep. Dana Bumgardner

COMMITTEE CHARGE/STATUTORY AUTHORITY

§ 120-70.51. Purpose and powers of Committee.

- (a) The Joint Legislative Transportation Oversight Committee may:
- (1) Review reports prepared by the Department of Transportation or any other agency of State government related, in any manner, to transportation, when those reports are required by any law.
 - (2) Monitor the funds deposited in and expenditures from the North Carolina Highway Trust Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation.
 - (3) Determine whether funds related, in any manner, to transportation are being spent in accordance with law.
 - (4) Determine whether any revisions are needed in the funding for a program for which funds in the Trust Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation may be used, including revisions needed to meet any statutory timetable or program.
 - (4a) Examine the importance of railroads and railroad infrastructure improvements to economic development in North Carolina, including improvements to short line railroads.
 - (4b) Study issues important to the future of passenger and freight rail service in North Carolina.
 - (4c) Determine methods to expedite property disputes between railroads and private landowners.
 - (4d) Study all aspects of the operation, structure, management, and long range plans of the North Carolina Railroad.
 - (5) Report to the General Assembly at the beginning of each regular session concerning its determinations of needed changes in the funding or operation of programs related, in any manner, to transportation.

These powers, which are enumerated by way of illustration, shall be liberally construed to provide for the maximum oversight by the Committee of all transportation matters in this State.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

Additional responsibility of Committee

Pursuant to G.S. 143B-350(n), the Committee has the opportunity to review proposed appointments to the Board of Transportation for 30 days prior to the appointments becoming effective.