

NORTH CAROLINA GENERAL ASSEMBLY



JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

DRAFT
**REPORT TO THE
2017 SESSION
of the
2017 GENERAL ASSEMBLY
OF NORTH CAROLINA**

JANUARY 7, 2016

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TABLE OF CONTENTS

LETTER OF TRANSMITTAL	5
COMMITTEE PROCEEDINGS	7
FINDING AND RECOMMENDATIONS	8
APPENDICES	
<u>APPENDIX A</u>	
MEMBERSHIP OF THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE	26
<u>APPENDIX B</u>	
COMMITTEE CHARGE/STATUTORY AUTHORITY	27

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TRANSMITTAL LETTER

January 6, 2017

[\[Back to Top\]](#)

TO THE MEMBERS OF THE 2017 REGULAR SESSION
OF THE 2017 GENERAL ASSEMBLY

The **JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE**,
respectfully submits the following report to the 2017 Regular Session of the 2017
General Assembly.

Sen. William Rabon (Co-Chair)

Rep. Frank Iler (Co-Chair)

Rep. John Torbett (Co-Chair)

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COMMITTEE PROCEEDINGS

[\[Back to Top\]](#)

The Joint Legislative Transportation Oversight Committee met twice after the 2016 Regular Session. 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, and at the Committee's website: <http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=33>

October 7, 2016

The first meeting of the Committee following the 2016 regular session of the General Assembly was held October 7, 2016 at 9:00 a.m. in Room 1124/1224 of the Legislative Building. Senator Bill Rabon presided. The Committee heard the following presentations: (1) NCSIPA Capital Improvement Program Update, Alherd Kazura, Chief Financial Officer, North Carolina State Ports Authority; (2) Update on Map Act and Kirby Decision, Carr McLamb, General Counsel, NCDOT; (3) Consolidated Maintenance Allocations and Impact to Highway Divisions, Mike Holder, Chief Engineer, Division of Highways, NCDOT, and Tim Little, Division 4, Division Engineer, NCDOT; (4) Review of NCDOT Proposals for Statutory Changes in Long Session, Greg Perfetti, Director of Field Support, Division of Highways, NCDOT, Marci Wright, Director of Office of Civil Rights, NCDOT, Debra Collins, Director of Public Transportation Division, NCDOT, and Kelly Thomas, Commissioner, DMV.

January 6, 2017

The second meeting of the Committee following the 2016 regular session of the General Assembly was held January 6, 2017 at 9:00 a.m. in Room 1218/1327 of the Legislative Building. Rep. Frank Iler presided. The Committee heard the following presentations: (1) CCX "Carolina Connector" Intermodal Terminal Project Profile, Paul Worley, Director, Rail Division, NCDOT, and Christopher Smith, Director of Strategic Infrastructure Initiatives, CSX Transportation; (2) Biennial Report on Highway Maintenance Condition, Mike Holder, Chief Engineer, NCDOT; (3) Hurricane Matthew Update, Mike Holder, Chief Engineer, NCDOT; (4) Update on Prioritization 5.0 Workgroup, David Wasserman, Strategic Prioritization Office of Transportation (SPOT) and STIP Western Region Manager, NCDOT; and (5) Review of NCDOT Legislative Proposals, Committee staff.

Following these presentations, the Committee voted to approve this report, and adjourned.

FINDINGS AND RECOMMENDATIONS

[\[Back to Top\]](#)

The Committee recommends the attached draft legislation, Draft 2017-RWz-1, for consideration in the 2017 session of the General Assembly.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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BILL DRAFT 2017-RWz-1 [v.14] (09/22)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
12/07/2016 02:50:53 PM

Short Title: DOT/DMV Changes.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE CHANGES TO STATE LAW RELATED TO THE
DEPARTMENT OF TRANSPORTATION AND THE DIVISION OF MOTOR
VEHICLES.

The General Assembly of North Carolina enacts:

PART I. DEPARTMENT OF TRANSPORTATION CHANGES

DOT RESIDUE PROPERTY DISPOSAL

SECTION 1.(a) G.S. 136-19 is amended by adding a new subsection to read:
"(a) Remainder properties acquired in connection with acquisition of right of way
shall be disposed of as follows:

- (1) The sale of all residues will be by public sale except as hereinafter specified.
- (2) Residue properties sold by public sale may be sold by sealed bid, or by auction at the election of the Right of Way Branch. The sale of such properties must be advertised by at least one of the following methods:
 - a. Publication in a newspaper having general circulation in the county in which the property is situated.
 - b. On a Department of Transportation website.
 - c. By placement of a "For Sale" sign on the residue.
- (3) After opening bids or closing of auction, upset bids may be considered. The high bid shall be presented to the Board of Transportation at its next regular meeting after the date of the sale for rejection or acceptance. The Department of Transportation may reject all bids if the Department does not consider the bids to be in accord with the appraised or fair market value as determined by the Department.
- (4) Residue properties sold by public sale may also be sold by real estate brokers licensed in North Carolina at the election of the Chief Engineer. The highest offer to purchase shall be presented to the Board of Transportation at its next regular meeting after the acceptance of the offer to purchase. The Department of Transportation may reject all

1 offers to purchase if the Department does not consider them to be in
2 accord with the appraised or fair market value as determined by the
3 Department.

4 (5) Those residue properties located adjacent to controlled access projects
5 that are landlocked may be sold to the adjoining property owner by
6 negotiation rather than public sale for a consideration that is approved
7 by the Division Right of Way Agent and the Right of Way Unit
8 Manager.

9 (6) Residue properties may be sold to state agencies and institutions and
10 other governmental units by negotiation rather than public sale, and
11 may be donated provided their future use is for public purposes.

12 (7) Residue acquired in connection with highway purposes may be used
13 for the purpose of exchange with a public utility company in part or in
14 full consideration for property to be acquired for highway purposes
15 from the public utility company. Such exchanges shall be based on the
16 appraised values of the surplus property and the property to be
17 acquired for highway purposes. Residue property acquired in
18 connection with right of way for a project may be used for the purpose
19 of exchange in part or full consideration for right of way being
20 acquired from another property owner on the project. Such exchanges
21 shall be based on the appraised values of the residue property and the
22 right of way to be acquired.

23 (8) Residues which have an area of one acre or less and a value of
24 twenty-five thousand dollars (\$25,000) or less and the highest and best
25 use is for assemblage with adjacent property may be sold without
26 advertising by negotiations rather than public sale to an adjoining
27 owner. The Division Right of Way Agent together with an Area
28 Appraiser will determine the value of the residue. Factors such as the
29 after value as indicated in the original appraisal, sales of similar
30 properties, and sales of other residues, if any, in the area may be
31 considered in determining the value. After a value has been
32 established, the Division Right of Way Agent or their designee may
33 negotiate with the adjoining owners concerning the disposal of each
34 residue. The decision of the Division Right of Way Agent to accept
35 and complete a sale is final.

36 (9) The Manager of Right of Way shall dispose of residues with values of
37 less than five thousand dollars (\$5,000) as determined in in accordance
38 with subdivision (8) of this subsection, by executing and delivering on
39 behalf of the Department of Transportation, a quit claim deed to the
40 buyers of such residues, after the transactions are first approved by the
41 Board of Transportation. Conveyances of residues with values of less
42 than five thousand dollars (\$5,000) shall not require the approval of
43 the Governor and Council of State.

44 (10) Residue properties or portions of residue properties acquired in
45 connection with right of way for a project and located outside the right
46 of way for that project may be sold by negotiation rather than by

1 public sale to property owners and tenants who are displaced by the
2 project for relocation of the displacee. Such sales shall be based upon
3 the appraised value of the residue properties.

4 (11) Except as noted in this subsection, all sales of surplus lands, including
5 but not limited to surplus rights of way, residues, and uneconomic
6 remnants, require the approval of the Board of Transportation."

7 **SECTION 1.(b)** The Department of Transportation may adopt, amend, or
8 repeal rules to implement G.S. 136-19(a), as enacted by this section.

9
10 **SECTION 2.** Reserved

11
12 **EXTEND SUNSET FOR DOT MINORITY-OWNED/WOMEN-OWNED**
13 **BUSINESSES PROGRAM**

14 **SECTION 3.** G.S. 136-28.4(e) reads as rewritten:

15 "(e) This section expires August 31, 2017-2019."

16
17
18 **ELIMINATE ANNUAL REPORT ON REDUCING VEHICLE MILES**
19 **TRAVELED BY STATE EMPLOYEES**

20 **SECTION 4.** Subsections (d) and (e) of G.S. 143-215.107C are repealed.

21
22
23 **PART II. DIVISION OF MOTOR VEHICLES CHANGES**

24
25 **CLARIFY THAT HYBRID VEHICLES WITH EMISSIONS COMPONENTS**
26 **ARE SUBJECT TO EMISSIONS INSPECTIONS**

27 **SECTION 5.** G.S. 20-4.01 reads as rewritten:

28 "**§ 20-4.01. Definitions.**

29 Unless the context requires otherwise, the following definitions apply throughout
30 this Chapter to the defined words and phrases and their cognates:

31 ...

32 (12a) Fuel cell electric vehicle. – A four-wheeled motor vehicle that does not
33 have the ability to be propelled by a gasoline engine, and that meets
34 each of the following requirements:

- 35 a. Is made by a manufacturer primarily for use on public streets,
36 roads, and highways and meets National Highway Traffic
37 Safety Administration standards included in 49 C.F.R. § 571.
38 b. Has not been modified from original manufacturer
39 specifications with regard to power train or any manner of
40 powering the vehicle.
41 c. Uses hydrogen and a fuel cell to produce electricity on board to
42 power an electric motor to propel the vehicle.
43 d. Is rated at not more than 8,500 pounds unloaded gross vehicle
44 weight.
45 e. Has a maximum speed capability of at least 65 miles per hour.

46 ...

1 (28a) Plug-in electric vehicle. – A four-wheeled motor vehicle that does not
2 have the ability to be propelled by a gasoline engine, and that meets
3 each of the following requirements:

- 4 a. Is made by a manufacturer primarily for use on public streets,
5 roads, and highways and meets National Highway Traffic
6 Safety Administration standards included in 49 C.F.R. § 571.
7 b. Has not been modified from original manufacturer
8 specifications with regard to power train or any manner of
9 powering the vehicle.
10 c. Is rated at not more than 8,500 pounds unloaded gross vehicle
11 weight.
12 d. Has a maximum speed capability of at least 65 miles per hour.
13 e. Draws electricity from a battery that has all of the following
14 characteristics:
15 1. A capacity of not less than four kilowatt hours.
16 2. Capable of being recharged from an external source of
17 electricity.

18"

19
20 **MODIFY PROCESS BY WHICH DMV DETERMINES WHETHER TO REVOKE A**
21 **DRIVER'S LICENSE OF A PERSON WHO HAS BEEN ADJUDICATED**
22 **INCOMPETENT.**

23 **SECTION 6.(a)** G.S. 20-17.1(a) reads as rewritten:

24 "(a) The Commissioner, upon receipt of notice that any person has been legally
25 adjudicated incompetent or has been involuntarily committed to an institution for the
26 treatment of ~~alcoholism or drug addiction,~~ an alcohol abuse or substance abuse disorder,
27 shall forthwith make inquiry into the facts for the purpose of determining whether such
28 person is competent to operate a motor vehicle. ~~If a person has been adjudicated~~
29 ~~incompetent under Chapter 35A of the General Statutes, in making an inquiry into the~~
30 ~~facts, the Commissioner shall consider the clerk of court's recommendation regarding~~
31 ~~whether the incompetent person should be allowed to retain his or her driving privilege.~~
32 If a clerk of court, in any incompetency adjudication order under Chapter 35A of the
33 General Statutes, recommends that any person's driving privilege be revoked, the
34 Division shall immediately revoke such person's driving privilege. If the clerk of court,
35 in any such order, recommends that the person retain their driving privilege, or makes
36 no recommendation concerning their driving privilege, the Division shall determine
37 whether the person shall retain their driving privilege, based upon an inquiry of the
38 facts. Unless the Commissioner is satisfied that such person is competent to operate a
39 motor vehicle with safety to persons and property, ~~he the Commissioner~~ shall revoke
40 such person's driving privilege. ~~Provided that if such person requests, in writing, a~~
41 ~~hearing, he shall retain his license until after the hearing, and if the revocation is~~
42 ~~sustained after such hearing, the person whose driving privilege has been revoked under~~
43 ~~the provisions of this section, Any person whose driving privilege is revoked pursuant~~
44 to this subsection shall have the right to a review by the review board as provided in
45 G.S. 20-9(g)(4) upon written request filed with the Division."

46 **SECTION 6.(b)** This section becomes effective February 1, 2018, and
47 applies to adjudications on or after that date.

1
2 **REDESIGNATE DMV LICENSE AND THEFT INSPECTORS AS AGENTS**

3 **SECTION 7.(a)** G.S. 20-16.5(e) reads as rewritten:

4 "(e) Procedure if Report Filed with Judicial Official When Person Is Present. – If
5 a properly executed revocation report concerning a person is filed with a judicial official
6 when the person is present before that official, the judicial official shall, after
7 completing any other proceedings involving the person, determine whether there is
8 probable cause to believe that each of the conditions of subsection (b) has been met. If
9 he determines that there is such probable cause, he shall enter an order revoking the
10 person's driver's license for the period required in this subsection. The judicial official
11 shall order the person to surrender his license and if necessary may order a
12 law-enforcement officer to seize the license. The judicial official shall give the person a
13 copy of the revocation order. In addition to setting it out in the order the judicial official
14 shall personally inform the person of his right to a hearing as specified in subsection (g),
15 and that his license remains revoked pending the hearing. The revocation under this
16 subsection begins at the time the revocation order is issued and continues until the
17 person's license has been surrendered for the period specified in this subsection, and the
18 person has paid the applicable costs. The period of revocation is 30 days, if there are no
19 pending offenses for which the person's license had been or is revoked under this
20 section. If at the time of the current offense, the person has one or more pending
21 offenses for which his license had been or is revoked under this section, the revocation
22 shall remain in effect until a final judgment, including all appeals, has been entered for
23 the current offense and for all pending offenses. In no event, may the period of
24 revocation under this subsection be less than 30 days. If within five working days of the
25 effective date of the order, the person does not surrender his license or demonstrate that
26 he is not currently licensed, the clerk shall immediately issue a pick-up order. The
27 pick-up order shall be issued to a member of a local law-enforcement agency if the law
28 enforcement officer was employed by the agency at the time of the charge and the
29 person resides in or is present in the agency's territorial jurisdiction. In all other cases,
30 the pick-up order shall be issued to an officer or ~~inspector~~ agent of the Division. A
31 pick-up order issued pursuant to this section is to be served in accordance with
32 G.S. 20-29 as if the order had been issued by the Division."

33 **SECTION 7.(b)** G.S. 20-49 reads as rewritten:

34 **"§ 20-49. Police authority of Division.**

35 The Commissioner and such officers and ~~inspectors~~ agents of the Division as ~~he~~ the
36 Commissioner shall designate and all members of the Highway Patrol and law
37 enforcement officers of the Department of Public Safety shall have the power:

38"

39 **SECTION 7.(c)** G.S. 20-49.1 reads as rewritten:

40 **"§ 20-49.1. Supplemental police authority of Division ~~officers.~~ officers and agents.**

41 (a) In addition to the law enforcement authority granted in G.S. 20-49 or
42 elsewhere, the Commissioner and the officers and ~~inspectors~~ agents of the Division
43 whom the Commissioner designates have the authority to enforce criminal laws under
44 any of the following circumstances:

- 1 (1) When they have probable cause to believe that a person has committed
2 a criminal act in their presence and at the time of the violation they are
3 engaged in the enforcement of laws otherwise within their jurisdiction.
4 (2) When they are asked to provide temporary assistance by the head of a
5 State or local law enforcement agency or his designee and the request
6 is within the scope of the agency's subject matter jurisdiction.

7 While acting pursuant to this subsection, the Division officers and agents shall have
8 the same powers vested in law enforcement officers by statute or common law. When
9 acting pursuant to subdivision (2) of this subsection, the Division officers and agents
10 shall not be considered an officer, employee, or agent of the State or local law
11 enforcement agency or designee asking for temporary assistance. Nothing in this section
12 shall be construed to expand the Division officers' or agents' authority to initiate or
13 conduct an independent investigation into violations of criminal laws outside the scope
14 of their subject matter or territorial jurisdiction.

15 (b) In addition to the law enforcement authority granted in G.S. 20-49 or
16 elsewhere, the Commissioner and the officers and ~~inspectors~~ agents of the Division
17 whom the Commissioner designates have the authority to investigate drivers license
18 fraud and identity thefts related to drivers license fraud and to make arrests for these
19 offenses."

20 **SECTION 7.(d)** G.S. 20-53(e) reads as rewritten:

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

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

43 **SECTION 7.(e)** G.S. 20-108 reads as rewritten:

44 **"§ 20-108. Vehicles or component parts of vehicles without manufacturer's**
45 **numbers.**

46 ...

1 (b) The Commissioner and such officers and ~~inspectors~~ agents of the Division of
2 Motor Vehicles as he has designated may take and possess any motor vehicle or
3 component part if its engine number, vehicle identification number, or manufacturer's
4 serial number has been altered, changed, or obliterated or if such officer or agent has
5 probable cause to believe that the driver or person in charge of the motor vehicle or
6 component part has violated subsection (a) above. Any officer or agent who so takes
7 possession of a motor vehicle or component part shall immediately notify the Division
8 of Motor Vehicles and the rightful owner, if known. The notification shall contain a
9 description of the motor vehicle or component part and any other facts that may assist in
10 locating or establishing the rightful ownership thereof or in prosecuting any person for a
11 violation of the provisions of this Article.

12 (c) Within 15 days after seizure of a motor vehicle or component part pursuant to
13 this section, the Division shall send notice by certified mail to the person from whom
14 the property was seized and to all claimants to the property whose interest or title is in
15 the registration records in the Division of Motor Vehicles that the Division has taken
16 custody of the motor vehicle or component part. The notice shall also contain the
17 following information:

- 18 (1) The name and address of the person or persons from whom the motor
19 vehicle or component part was seized;
- 20 (2) A statement that the motor vehicle or component part has been seized
21 for investigation as provided in this section and that the motor vehicle
22 or component part will be released to the rightful owner:
 - 23 a. Upon a determination that the identification number has not
24 been altered, changed, or obliterated; or
 - 25 b. Upon presentation of satisfactory evidence of the ownership of
26 the motor vehicle or component part if no other person claims
27 an interest in it within 30 days of the date the notice is mailed.
28 Otherwise, a hearing regarding the disposition of the motor
29 vehicle or component part may take place in a court having
30 jurisdiction.
- 31 (3) The name and address of the officer or agent to whom evidence of
32 ownership of the motor vehicle or component part may be presented;
33 and
- 34 (4) A copy statement of the text contained in this section.

35 (d) Whenever a motor vehicle or component part comes into the custody of an
36 ~~officer~~, officer or agent, the Division of Motor Vehicles may commence a civil action in
37 the District Court in the county in which the motor vehicle or component part was
38 seized to determine whether the motor vehicle or component part should be destroyed,
39 sold, converted to the use of the Division or otherwise disposed of by an order of the
40 court. The Division shall give notice of the commencement of such an action to the
41 person from whom the motor vehicle or component part was seized and all claimants to
42 the property whose interest or title is in the registration records of the Division of Motor
43 Vehicles. Notice shall be by certified mail sent within 10 days after the filing of the
44 action. In addition, any possessor of a motor vehicle or component part described in this
45 section may commence a civil action under the provisions of this section, to which the

1 Division of Motor Vehicles may be made a party, to provide for the proper disposition
2 of the motor vehicle or component part.

3 ...

4 (j) An officer or agent taking into custody a motor vehicle or component part
5 under the provisions of this section is authorized to obtain necessary removal and
6 storage services, but shall incur no personal liability for such services. The person or
7 company so employed shall be entitled to reasonable compensation as a claimant under
8 (e), and shall not be deemed an unlawful possessor under (a)."

10 **LIMIT ISSUANCE OF 10-DAY TEMPORARY VEHICLE REGISTRATION** 11 **TAGS**

12 **SECTION 8.(a)** G.S. 20-50(b) reads as rewritten:

13 "(b) The Division may issue a temporary license plate for a vehicle. A temporary
14 license plate is valid for the period set by the Division. The period may not be less than
15 10 days nor more than 60 days. Except for a vehicle that is model year 1980 or older
16 and is being transported directly to or from a vehicle show or exhibition, the Division
17 shall not issue more than two 10-day temporary license plates to a person for a
18 particular vehicle during an annual registration period.

19 A person may obtain a temporary license plate for a vehicle by filing an application
20 with the Division and paying the required fee. An application must be filed on a form
21 provided by the Division.

22 The fee for a temporary license plate that is valid for 10 days is ten dollars (\$10.00).
23 The fee for a temporary license plate that is valid for more than 10 days is the amount
24 that would be required with an application for a license plate for the vehicle. If a person
25 obtains for a vehicle a temporary license plate that is valid for more than 10 days and
26 files an application for a license plate for that vehicle before the temporary license plate
27 expires, the person is not required to pay the fee that would otherwise be required for
28 the license plate.

29 A temporary license plate is subject to the following limitations and conditions:

- 30 (1) It may be issued only upon proper proof that the applicant has met the
31 applicable financial responsibility requirements.
- 32 (2) It expires on midnight of the day set for expiration.
- 33 (3) It may be used only on the vehicle for which issued and may not be
34 transferred, loaned, or assigned to another.
- 35 (4) If it is lost or stolen, the person who applied for it must notify the
36 Division.
- 37 (5) It may not be issued by a dealer.
- 38 (6) The provisions of G.S. 20-63, 20-71, 20-110 and 20-111 that apply to
39 license plates apply to temporary license plates insofar as possible."

40 **SECTION 8.(b)** This section becomes effective January 1, 2018, and applies
41 to applications received on or after that date.

43 **REMOVE SIGNATURE LINE FROM MOTOR VEHICLE REGISTRATION** 44 **CARD**

45 **SECTION 9.** G.S. 20-57(b) reads as rewritten:

1 "(b) The registration card shall be delivered to the owner and shall contain upon
2 the face thereof the name and address of the owner, ~~space for the owner's signature~~, the
3 registration number assigned to the vehicle, and a description of the vehicle as
4 determined by the Commissioner, provided that if there are more than two owners the
5 Division may show only two owners on the registration card and indicate that additional
6 owners exist by placing after the names listed "et al." An owner may obtain a copy of a
7 registration card issued in the owner's name by applying to the Division for a copy and
8 paying the fee set in G.S. 20-85."

9
10 **MODIFY CONTINUING EDUCATION REQUIREMENT FOR INDEPENDENT**
11 **MOTOR VEHICLE DEALERS**

12 **SECTION 10.(a)** G.S. 20-288(a1) reads as rewritten:

13 "(a1) A used motor vehicle dealer may obtain a license by filing an application, as
14 prescribed in subsection (a) of this section, and providing the following:

15 ...

- 16 (2) Proof that the applicant, within the last 12 months, has completed a
17 12-hour licensing course approved by the Division if the applicant is
18 seeking an initial license and a six-hour course approved by the
19 Division if the applicant is seeking a renewal license. The
20 requirements of this subdivision do not apply to a used motor vehicle
21 dealer the primary business of which is the sale of salvage vehicles on
22 behalf of insurers or to a manufactured home dealer licensed under
23 G.S. 143-143.11 who complies with the continuing education
24 requirements of G.S. 143-143.11B. The requirement of this
25 subdivision does not apply to ~~persons age 62 or older as of July 1,~~
26 ~~2002, who are seeking a renewal license.~~ any person who is seeking a
27 renewal license, who is age 60 or older, and who has been licensed for
28 at least 10 consecutive years beginning on or after the person's 50th
29 birthday. This subdivision also does not apply to an applicant who
30 holds a license as a new motor vehicle dealer as defined in
31 G.S. 20-286(13) and operates from an established showroom 20 miles
32 or less from the established showroom for which the applicant seeks a
33 used motor vehicle dealer license. An applicant who also holds a
34 license as a new motor vehicle dealer may designate a representative to
35 complete the licensing course required by this subdivision.

36 "

37 **SECTION 10.(b)** This section becomes effective January 1, 2018, and
38 applies to renewals on or after that date.

39
40 **ALLOW REMOTE CONVERSION OF CERTAIN FULL PROVISIONAL LICENSES**
41 **TO CLASS C LICENSES**

42 **SECTION 11.(a)** G.S. 20-7(f)(1) reads as rewritten:

- 43 "(1) Duration of license for persons under age 18. – A full provisional
44 license issued to a person under the age of 18 expires on the sixtieth
45 day following the person's twenty-first birthday."

46 **SECTION 11.(b)** G.S. 20-7(f)(6) reads as rewritten:

- 1 "(6) ~~Remote renewal~~renewal or conversion. – Subject to the following
- 2 requirements and limitations, the Division may offer remote renewal
- 3 of a drivers ~~license~~license, or remote conversion of a full provisional
- 4 license, issued by the Division:
- 5 a. Requirements. – To be eligible for remote renewal or
- 6 conversion under this subdivision, a person must meet all of the
- 7 following requirements:
- 8 1. The license holder (i) possesses a ~~valid, unexpired~~valid Class
- 9 C drivers license ~~that was issued when the person was at least~~
- 10 ~~18 years old~~or (ii) possesses a valid full provisional license
- 11 and is at least 18 years old at the time of the remote
- 12 conversion request.
- 13 2. The license holder's current license includes no restrictions
- 14 other than a restriction for corrective lenses.
- 15 3. The license holder attests, in a manner designated by the
- 16 Division, that (i) the license holder is a resident of the State
- 17 and currently resides at the address on the license to be
- 18 ~~renewed~~renewed or converted, (ii) the license holder's name
- 19 as it appears on the license to be renewed or converted has
- 20 not changed, and (iii) all other information required by the
- 21 Division for an in-person renewal under this Article has been
- 22 provided completely and truthfully. If the license holder does
- 23 not currently reside at the address on the license to be
- 24 renewed or converted, the license holder may comply with
- 25 the address requirement of this sub-sub-subdivision by
- 26 providing the address at which the license holder resides at
- 27 the time of the remote renewal or conversion request.
- 28 4. ~~The~~For a remote renewal, the most recent renewal was an
- 29 in-person renewal and not a remote renewal under this
- 30 subdivision.
- 31 5. The license holder is otherwise eligible for renewal or
- 32 conversion under this subsection.
- 33 b. Waiver of requirements. – When renewing or converting a
- 34 drivers license pursuant to this subdivision, the Division may
- 35 waive the examination and photograph that would otherwise be
- 36 required for the ~~renewal~~renewal or conversion.
- 37 c. Duration of remote ~~renewal~~renewal or conversion. – A
- 38 ~~renewed~~ drivers license issued to a person by remote renewal or
- 39 conversion under this subdivision expires according to the
- 40 following schedule:
- 41 1. For a person at least 18 years old but less than 66 years old,
- 42 on the birthday of the licensee in the eighth year after
- 43 issuance.
- 44 2. For a person at least 66 years old, on the birthday of the
- 45 licensee in the fifth year after issuance.
- 46 d. Rules. – The Division shall adopt rules to implement this
- 47 subdivision.
- 48 e. Federal law. – Nothing in this subdivision shall be construed to
- 49 supersede any more restrictive provisions for renewal or

1 conversion of drivers licenses prescribed by federal law or
2 regulation.

- 3 f. Definition. – For purposes of this subdivision, "remote renewal
4 or conversion" means renewal or conversion of a drivers license
5 or full provisional license by mail, telephone, electronic device,
6 or other secure means approved by the Commissioner."

7 **SECTION 11.(c)** Subsection (a) of this section becomes effective March 1,
8 2018, and applies to full provisional licenses issued on or after that date. The remainder
9 of this section becomes effective March 1, 2018.

10
11 **TEMPORARY REGISTRATION PLATES/EXTEND TIME LIMIT FOR DELIVERY**
12 **OF SALES DOCUMENTS**

13 **SECTION 12.(a)** G.S. 20-79.1(d)(3) reads as rewritten:

14 "(d) A dealer shall:

15 ...

- 16 (3) Within ~~40~~20 working days, mail or deliver the application and fees to
17 the Division or deliver the application and fees to a local license
18 agency for processing. Delivery need not be made if the contract for
19 sale has been rescinded in writing by all parties to the contract.

20 "

21 **SECTION 12.(b)** This section is effective when it becomes law, and applies
22 to sales made on or after that date.

23
24 **SECTION 13.** Reserved.

25
26 **SPECIAL IDENTIFICATION CARDS/MODIFY ISSUANCE PROCESS AND ALLOW**
27 **REMOTE RENEWAL**

28 **SECTION 14.(a)** G.S. 20-37.7 reads as rewritten:

29 **"§ 20-37.7. Special identification card.**

30 ...

31 (d) ~~Expiration and Fee.Duration. – A special~~Special identification card issued to
32 ~~a person for the first time under this section expires when a drivers license issued on the~~
33 ~~same day to that person would expire. A special identification card renewed under this~~
34 ~~section expires when a drivers license renewed by the card holder on the same day~~
35 ~~would expire.~~cards shall be issued and renewed pursuant to the provisions of this
36 subsection:

- 37 (1) Duration for Persons Under Age 18. – A special identification card
38 issued to or renewed by a person under the age of 18 expires on the
39 birthday of the holder in the fifth year after issuance.
40 (2) Duration for Persons Age 18 and Older. – A special identification card
41 issued to or renewed by a person at least 18 years old expires on the
42 birthday of the holder in the eighth year after issuance.
43 (3) Duration for Certain Other Drivers. – The durations listed in
44 subdivisions (1) and (2) of this subsection are valid unless the Division
45 determines that a special identification card of shorter duration should
46 be issued when the applicant holds valid documentation issued by, or
47 under the authority of, the United States government that demonstrates

1 the applicant's legal presence of limited duration in the United States.
2 In no event shall a special identification card of limited duration expire
3 later than the expiration of the authorization for the applicant's legal
4 presence in the United States.

5 (4) When to Renew. – A person may apply to the Division to renew a
6 special identification card during the 180-day period before the special
7 identification card expires. The Division may not accept an application
8 for renewal made before the 180-day period begins.

9 (d1) Fee. – The fee for a new or renewed special identification card is the same as
10 the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special
11 identification card issued to a resident of this State as follows:

12 ...
13 (7) The applicant has a developmental disability. To obtain a special
14 identification card without paying a fee pursuant to this subdivision, an
15 applicant must present a ~~letter from~~ letter, or a form approved by the
16 Division, signed by his or her primary care provider certifying that the
17 applicant has a developmental disability. For purposes of this
18 subdivision, the term "developmental disability" has the same meaning
19 as in G.S. 122C-3.

20 ...
21 (d2) Remote Renewal. – Subject to the following limitations and requirements, the
22 Division may offer remote renewal of a special identification card issued by the
23 Division:

24 (1) Requirements. – To be eligible for remote renewal under this
25 subsection, a person must meet all of the following requirements:

26 a. The special identification card holder possesses a valid special
27 identification card that was issued when the person was at least
28 18 years old.

29 b. The special identification card holder attests, in a manner
30 designated by the Division, that (i) the special identification
31 card holder is a resident of the State and currently resides at the
32 address on the special identification card to be renewed, (ii) the
33 special identification card holder's name as it appears on the
34 special identification card to be renewed has not changed, and
35 (iii) all other information required by the Division for an in
36 person renewal under this Article has been provided completely
37 and truthfully. If the special identification card holder does not
38 currently reside at the address on the special identification card
39 to be renewed, the special identification card holder may
40 comply with the address requirement of this sub-subdivision by
41 providing the address at which the special identification card
42 holder resides at the time of the remote renewal request.

43 c. The most recent renewal was an in-person renewal and not a
44 remote renewal under this subsection.

45 d. The special identification card holder is otherwise eligible for
46 renewal under this subsection.

1 (2) Definition. – For purposes of this subsection, "remote renewal" means
2 renewal of a special identification card by mail, telephone, electronic
3 device, or other secure means approved by the Commissioner.

4 ~~(d1)~~(d3) Severe Disability. – For a person who has a physician's letter certifying
5 that a severe disability causes the person to be homebound, the Division shall adopt
6 rules allowing for application for or renewal of a special photo identification card under
7 this section by means other than a personal appearance.

8 (d4) Special Identification Card to be Sent by Mail. – The Division shall issue to
9 the applicant a temporary identification certificate valid for 60 days. The temporary
10 identification certificate shall not be valid for identification purposes, except when
11 conducting business with the Division and not otherwise prohibited by federal law. The
12 Division shall produce the applicant's special identification card at a central location and
13 send it to the applicant by first-class mail at the residence address provided by the
14 applicant, unless the applicant is ineligible for mail delivery by the United States Postal
15 Service at the applicant's residence. If the United States Postal Service documents that it
16 does not deliver to the residential address provided by the applicant, and the Division
17 has verified the applicant's residential address by other means, the Division may mail
18 the special identification card to the post office box provided by the applicant.
19 Applicants whose only mailing address prior to July 1, 2008, was a post office box in
20 this State may continue to receive their license at that post office box, provided the
21 applicant's residential address has been verified by the Division.

22 "

23 **SECTION 14.(b)** G.S. 20-9.2(c) reads as rewritten:

24 "(c) This section does not apply to special identification cards issued pursuant to
25 ~~G.S. 20-37.7(d)(5) or (6)~~ subdivisions (5) or (6) of subsection (d1) of G.S. 20-37.7."

26 **SECTION 14.(c)** G.S. 163-275(13) reads as rewritten:

27 (13) For any person falsely to make or present any certificate or other paper
28 to qualify any person fraudulently as a voter, or to attempt thereby to
29 secure to any person the privilege of voting, including declarations
30 made under this Chapter, ~~G.S. 20-37.7(d)(5),~~
31 ~~20-37.7(d)(6), 20-37.7(d1)(5), 20-37.7(d1)(6),~~ 130A-93.1(c), and
32 161-10(a)(8)."

33 **SECTION 14.(d)** Subsections (b) and (c) of this section, and subsection (d2)
34 of G.S. 20-37.7, as enacted by subsection (a) of this section, become effective
35 December 1, 2017. The remainder of this section becomes effective December 1, 2017,
36 and applies to initial applications and renewals on or after that date.

37
38 **DMV OFFICERS/EXPAND LIST OF SITUATIONS WHERE POLICE AUTHORITY**
39 **MAY BE EXERCISED**

40 **SECTION 15.** G.S. 20-49.1(a) reads as rewritten:

41 "(a) In addition to the law enforcement authority granted in G.S. 20-49 or
42 elsewhere, the Commissioner and the officers and inspectors of the Division whom the
43 Commissioner designates have the authority to enforce criminal laws under any of the
44 following circumstances:

- 1 (1) When they have probable cause to believe that a person has committed
2 a criminal act in their presence and at the time of the violation they are
3 engaged in the enforcement of laws otherwise within their jurisdiction.
4 (2) When they are asked to provide temporary assistance by the head of a
5 State or local law enforcement agency or his designee and the request
6 is within the scope of the agency's subject matter jurisdiction.
7 (3) When they are responding to an emergency situation that (i) is
8 occurring in their immediate vicinity and (ii) would likely result in
9 bodily harm or loss of property without immediate intervention.

10 While acting pursuant to this subsection, the Division officers shall have the same
11 powers vested in law enforcement officers by statute or common law. When acting
12 pursuant to subdivision (2) of this subsection, the Division officers shall not be
13 considered an officer, employee, or agent of the State or local law enforcement agency
14 or designee asking for temporary assistance. Nothing in this section shall be construed
15 to expand the Division officers' authority to initiate or conduct an independent
16 investigation into violations of criminal laws outside the scope of their subject matter or
17 territorial jurisdiction."

18 19 **ELIMINATION OF DRIVERS LICENSE TECHNOLOGY FUND**

20 **SECTION 16.** G.S. 20-37.01 and G.S. 20-37.02(e) are repealed.

21 22 **MOTOR VEHICLE DEFINITION/TECHNICAL CORRECTION**

23 **SECTION 17.** G.S. 58-37-1(6) reads as rewritten:

- 24 "(6) "Motor vehicle" means every self-propelled vehicle that is designed
25 for use upon a highway, including trailers and semitrailers designed for
26 use with such vehicles (except traction engines, road rollers, farm
27 tractors, tractor cranes, power shovels, and well drillers). "Motor
28 vehicle" also means a motorcycle, as defined in G.S. 20-4.01(27)d.,
29 and a moped, as defined in ~~G.S. 20-4.01(27)d1., or G.S. 20-4.01(27)d1.~~
30 "Motor vehicle" does not mean an electric assisted bicycle, as defined
31 in G.S. 20-4.01(7a)."

32 33 **PART III. EFFECTIVE DATE**

34 **SECTION 18.** Except as otherwise provided, this act becomes effective July
35 1, 2017.

Summary of Bill Draft

Short title: DOT/DMV Changes

2017-RWz-1

PART I. Department of Transportation Changes

Section 1. This section codifies and makes modifications to DOT's existing residual property disposal procedures.

Section 2. Reserved.

Section 3. This section extends the sunset of DOT's minority-owned and women-owned business program from August 31, 2017 to August 31, 2019.

Section 4. This section repeals a requirement that the Department of Administration, Office of State Human Resources, Department of Transportation, and Department of Environmental Quality jointly develop and periodically update a plan to reduce vehicle miles traveled by State employees and private sector employees.

PART II. Division of Motor Vehicles Changes

Section 5. This section amends current law applicable to vehicle emissions inspections in certain counties by clarifying that fuel cell electric and plug-in electric vehicles with a gasoline engine component are subject to the requirement.

Section 6. This section modifies the process by which DMV determines whether to revoke the driver's license of a person who has been adjudicated incompetent. It provides that if a clerk of court, in any incompetency adjudication order under Chapter 35A of the General Statutes, recommends that any person's driving privilege be revoked, DMV shall immediately revoke it. If the clerk of court, in the order, recommends that the person retain their driving privilege or makes no recommendation concerning the driving privilege, DMV must determine whether the person can retain their driving privilege, based upon an inquiry of the facts. Any revocation would be subject to review by the DMV Medical Review Board.

This section would become effective February 1, 2018.

Section 7. This section redesignates DMV License and Theft "inspectors" as "agents".

Section 8. This section restricts issuance of 10-day temporary license plates to no more than two per year per person.

This section would become effective January 1, 2018.

Section 9. In 2016, in House Bill 959, enacted as S.L. 2016-90, the General Assembly repealed the requirement for an owner to sign a motor vehicle registration card. This section makes a

technical correction to the prior change, to repeal the requirement of "space for the owner's signature" on the registration card.

Section 10. This section modifies the continuing education requirements for independent motor vehicle dealers to exempt any person who is seeking a license renewal who is age 60 or older, and who has been licensed for at least 10 consecutive years beginning on or after their 50th birthday.

This section would become effective January 1, 2018.

Section 11. This section authorizes remote renewal and conversion of a full provisional license to a regular Class C license, provides that a full provisional license expire on the 60th day after the holder's 18th birthday; and authorizes persons remotely renewing a license to update their address.

This section would become effective March 1, 2018.

Section 12. This section requires a motor vehicle dealer who issues a temporary registration plate to a purchaser to deliver the sales documents and fees to DMV within 20 days (10 days under current law).

This section would become effective when it becomes law.

Section 13. Reserved.

Section 14. This section modifies the law governing special identification cards issued by DMV, to:

- provides that special ID cards issued to persons under age 18 expire after five years; to persons over age 18 after 8 years; and to non-citizens who are legally present under authority issued by the United States government at the expiration of their authorized legal presence.
- Clarifies that the fee for a special identification card also applies to the renewal, unless the special ID card applicant is eligible for a fee exception.
- Authorizes an application for a free special ID card by a person with a developmental disability be made on a form approved by DMV.
- Authorizes remote renewal of special ID cards, in specified circumstances.
- Provides for central issuance and mailing of special ID cards.

This section becomes effective December 1, 2017.

Section 15. This section amends the law enforcement authority of officers and inspectors (renamed agents by Section 7) of DMV, to authorize them to enforce criminal laws "when they are responding to an emergency situation that (i) is occurring in their immediate vicinity and (ii) would likely result in bodily harm or loss of property without immediate intervention."

Section 16. This section repeals the Driver's License Technology Fund, which was established in 2001 to fund a driver license information verification system for ABC permittees. DMV reports the fund has a zero balance and is no longer in use.

Section 17. This section makes a technical correction to the definition of "motor vehicle" in the NC Motor Vehicle Reinsurance Facility statutes, to correct an error from the 2016 session in House Bill 959, S.L. 2016-90, in which the statute was inconsistently amended by two different sections of that bill.

EFFECTIVE DATE: Except as otherwise provided, this act becomes effective July 1, 2017.

COMMITTEE MEMBERSHIP

[\[Back to Top\]](#)

2015-2016

President Pro Tempore of the Senate
Appointments:

Sen. William Rabon (Co-Chair)
Sen. Kathryn Harrington (Vice –Chair)

Sen. Warren Daniel
Sen. Joel Ford
Sen. Richard Gunn
Sen. Joyce Krawiec
Sen. Michael Lee
Sen. Paul Lowe
Sen. Wesley Meredith
Sen. Erica Smith-Ingram
Sen. Daniel Soucek

Sen. John Alexander (Advisory Member)

Speaker of the House of Representatives
Appointments:

Rep. Francis Iler (Co-Chair),
Rep. John Torbett (Co-Chair)

Rep. William Brawley
Rep. Dana Bumgardner
Rep. Becky Carney
Rep. Charles Jeter
Rep. Chuck McGrady
Rep. Rodney Moore
Rep. George Robinson
Rep. Phil Shepard
Rep. Paul Time

Rep. Joseph Dollar (Advisory Member)
Rep. Michele Presnell (Advisory Member)
Rep. Rena Turner (Advisory Member)
Rep. Lawrence Yarborough (Advisory Member)

Staff

Amna Cameron
Bryce Ball
Giles S. Perry
Wendy Graf Ray
Luke Gillenwater

COMMITTEE CHARGE/STATUTORY AUTHORITY

[\[Back to Top\]](#)

§ 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.

