

## **Summary of Bill Draft**

### **DOT Proposed Legislative Changes**

**2015-MLz-251 [v.11]**

#### **Joint Legislative Transportation Oversight Committee**

**April 4, 2016**

#### **PART I. DIVISION OF HIGHWAYS**

**Section 1.** Current law requires the Department of Transportation to consult with local governments affected by a planned transportation project before taking action. However, consultation is not required for small projects with a cost of \$150,000 or less. This section would increase that dollar amount from \$150,000 to \$250,000, exempting small projects with a cost of \$250,000 or less from the local consultation requirement.

**Section 2.** Current law authorizes DOT to allow placement on State ROW of utility lines operated by regulated public utilities or local governments. This section authorizes DOT to also allow placement of non-utility owned or operated communications or data transmission infrastructure on DOT right-of-way. This section also authorizes DOT to charge a one-time fee to defray the Department's administrative cost of reviewing encroachment submittals, payable upon initial application for the encroachment. This section also clarifies that no agreement for use of Department right-of-way shall abrogate the Department's ownership and control of the right of way. This section would become effective July 1, 2016.

#### **PART II. NORTH CAROLINA TURNPIKE AUTHORITY**

**Section 3.** Current law authorizes Turnpike Authority toll bills to be sent by first class mail. This section would authorize the Turnpike Authority to send bills for tolls via electronic mail, rather than by first-class mail, if the registered owner or person who had custody of the vehicle consents in writing.

**Section 4.** Current law requires the Turnpike Authority submit semi-annual reports, and more frequent reports if requested, on its activities to the Joint Legislative Transportation Oversight Committee. This section would repeal that requirement. The Authority would continue to be required by statute to submit annual reports on its activities to the General Assembly.

#### **PART III. DIVISION OF BICYCLE AND PEDESTRIAN TRANSPORTATION**

**Section 5** Current law requires that notice of State land restricted or removed from use by bicyclists be filed with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation. This section repeals that requirement. Also, this section repeals the requirement that the Division keep records of State lands open and available for use by bicyclists.

#### **PART IV. DIVISION OF MOTOR VEHICLES**

**Section 6** This section would amend State commercial driver's license laws to conform with federal requirements as follows:

- Delete a provision allowing the Division of Motor Vehicles to issue a restricted instruction permit to an applicant for certification as a school bus driver.
- Make commercial learner's permits valid for 180 days with no limit on renewal. Currently, permits are valid for 6 months but are limited to one renewal in a two-year period.
- Increase commercial driver's license disqualification periods for convictions of violating out-of-service orders, and require violations to be committed in a commercial motor vehicle.
- Establish statutory authority for the Division to issue intrastate medical waivers to individuals not able to meet federal medical qualification standards for commercial driver's license holders. The waiver would authorize intrastate operation of a commercial motor vehicle subject to regulation by the Division. This is current practice by the Division.

This section would become effective January 1, 2017, and apply to offenses committed on or after that date.

**Section 7.** Current law provides that the registration of a motor vehicle renewed by means of a renewal sticker expires at midnight on the last day of the month designated on the sticker. This section provides that the registration of a motor vehicle renewed by means other than a renewal sticker (typically a new registration plate) expires at midnight on February 15 of each year. This section would become effective October 1, 2016 and apply to registration renewals on or after that date.

**Section 8.** Current law provides that a temporary driving certificate is valid for 60 days for an applicant seeking a commercial driver's license and 20 days for an applicant seeking a non-commercial driver's license. In addition, current law prohibits the use of a temporary driving certificate for identification purposes. This section sets the period of validity for all temporary driving certificates at 60 days and allows a certificate to be used for identification purposes when conducting business with the DMV. This section would become effective January 1, 2017, and the change to period of validity applies to certificates issued on or after that date.

**Section 9** eliminates the current statutory requirement for sign and symbol testing when a person is renewing a driver's license remotely via the internet or at a DMV kiosk. Sign and symbol testing will still be required for initial issuance of a drivers' license, and for in-person, in-office renewal. This section would become effective October 1, 2016.

**Section 10** Current law authorizes DMV to send notice of vehicle registration renewal by e mail, if the customer has consented. This section (i) specifies that a person who has provided an e-mail address to DMV shall notify the Division of any change or discontinuance of that e-mail address within 30 after the change or discontinuance; (ii) clarifies current law limiting disclosure of personal information in DMV motor vehicle records to provide that e- mail addresses provided to DMV are personal information; and (iii) provides that instead of providing notice by personal delivery or United States mail, DMV may give notice for *any* DMV business by e-mail, if the person to be notified has consented to receiving notices via electronic means, and has provided the Division an e-mail address for receiving the notices. This section would become effective October 1, 2016.

**Section 11.** Current law requires DMV to inspect out-of-state vehicles that are 35 years or older prior to issuing an initial NC title for the vehicle. Section 11 changes the requirement to vehicles from the 1980 model year or older. This section would become effective January 1, 2017.

**Section 12.** Current law makes it an infraction for the owner of a registered motor vehicle to fail to sign their vehicle registration card with pen and ink upon receipt. This section repeals that requirement. This section would become effective December 1, 2016, and apply to registration cards issued on or after that date.

**Section 13** establishes a definition for "motor-driven bicycles." In addition, this section clarifies that the definition of "moped" includes mopeds powered by electricity or alternative fuel, but does not include motor-driven bicycles. This section would become effective December 1, 2016, and apply to offenses committed on or after that date.

**EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law.