



Session 2021

FEDERAL REQUIREMENT CERTIFICATION

Authorized by G.S. 120-36.8

House Bill 165

Proposed Committee Substitute for Edition 3

Section 9

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

Bill Primary Sponsor(s): Representatives Jones; Iler; Shepard

Relevant Federal Law: P.L. 115-106; 49 U.S.C. 31311 & 31314;
49 CFR 383.51 et. seq.

☒ Required by or Necessary for Compliance with Federal Law

☐ Exceeds Federal Law

☒ Federal Funds Conditioned upon Passage of Law

☒ Implements Federal Law

SUMMARY OF BILL PROVISIONS ALLEGEDLY REQUIRED BY FEDERAL LEGISLATION

Section 9 of the Proposed Committee Substitute (PCS) for House Bill 165 would modify North Carolina law to disqualify persons from operating a commercial motor vehicle for certain convictions as required by federal law.

Current state law lists circumstances for which a person is disqualified from driving a CMV for various spans of time.

Section 9 of the PCS for House Bill 165 would modify North Carolina law to disqualify persons from operating a commercial motor vehicle (CMV) for life based on a conviction of a felony involving a form of severe human trafficking that involves use of a CMV, as required by federal law.

This section would become effective when it becomes law.

COMPLIANCE CONSIDERATIONS

The North Carolina Division of Motor Vehicles administers and implements the federal Commercial Motor Vehicle Safety Act of 1986, and for the purposes of licensing, regulates commercial motor vehicle drivers within the State.

P.L. 115-106, entitled the "No Human Trafficking on Our Roads Act" (Jan. 8, 2018), resulted in changes to 49 U.S.C. 31310(d) and 49 CFR 383.51 by adding the use of a CMV in committing a felony involving a severe form of human trafficking, as defined in federal law, as a basis for an individual to be disqualified from operating a CMV for life without the possibility of reinstatement.



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49 U.S.C. 31311 outlines the requirements for state compliance with changes such as these. These requirements include that states shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary of the United States Department of Transportation shall disqualify an individual under federal laws for CMV disqualification, to avoid having amounts withheld from federal funds apportionment to the non-compliant state under 49 U.S.C. 31314.

The North Carolina Department of Transportation must come into compliance with these laws and regulations by September 23, 2022.

TECHNICAL OR MECHANICAL CONSIDERATIONS

None

REVIEW AND APPROVAL

Prepared By:

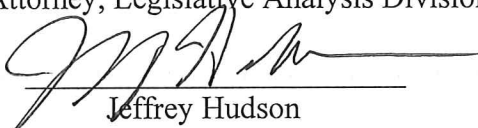

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9/20/2021

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9-20-21