

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1474\*  
Committee Substitute Favorable 6/22/98

Short Title: MV Technical Changes.

(Public)

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Sponsors:

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Referred to:

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May 25, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH  
3 FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-4.01(25a) reads as rewritten:

6 "(25a) Out of Service Order. — ~~A temporary prohibition against driving a~~  
7 ~~commercial motor vehicle.~~ A declaration that a driver, a commercial  
8 motor vehicle, or a motor carrier operation is out-of-service."

9 Section 2. G.S. 20-7(f) reads as rewritten:

10 "(f) Expiration and Temporary License. — The first drivers license the Division  
11 issues to a person expires on the person's fourth or subsequent birthday that occurs after  
12 the license is issued and on which the individual's age is evenly divisible by five, unless  
13 this subsection sets a different expiration date. The first drivers license the Division  
14 issues to a person who is at least 17 years old but is less than 18 years old expires on the  
15 person's twentieth birthday. The first drivers license the Division issues to a person who  
16 is at least 62 years old expires on the person's birthday in the fifth year after the license is  
17 issued, whether or not the person's age on that birthday is evenly divisible by five.

18 A drivers license that was issued by the Division and is renewed by the Division  
19 expires five years after the expiration date of the license that is renewed. A person may

1 apply to the Division to renew a license during the ~~60-day~~ 180-day period before the  
2 license expires. The Division may not accept an application for renewal made before the  
3 ~~60-day~~ 180-day period begins.

4 The Division may renew by mail a drivers license issued by the Division to a person  
5 who meets any of the following descriptions:

- 6 (1) Is serving on active duty in the armed forces of the United States and is  
7 stationed outside this State.
- 8 (2) Is a resident of this State and has been residing outside the State for at  
9 least 30 continuous days.

10 When renewing a license by mail, the Division may waive the examination that would  
11 otherwise be required for the renewal and may impose any conditions it finds advisable.  
12 A license renewed by mail is a temporary license that expires 60 days after the person to  
13 whom it is issued returns to this State."

14 Section 3. G.S. 20-17.4 reads as rewritten:

15 "**§ 20-17.4. Disqualification to drive a commercial motor vehicle.**

16 (a) One Year. – Any of the following disqualifies a person from driving a  
17 commercial motor vehicle for one year:

- 18 (1) A first conviction of G.S. 20-138.1, driving while impaired, that  
19 occurred while the person was driving a commercial motor vehicle.
- 20 (2) A first conviction of G.S. 20-138.2, driving a commercial motor vehicle  
21 while impaired.
- 22 (3) A first conviction of G.S. 20-166, hit and run, involving a commercial  
23 motor vehicle driven by the person.
- 24 (4) A first conviction of a felony in the commission of which a commercial  
25 motor vehicle was used.
- 26 (5) Refusal to submit to a chemical test when charged with an implied-  
27 consent offense, as defined in G.S. 20-16.2, that occurred while the  
28 person was driving a commercial motor vehicle.

29 (b) Modified Life. – A person who has been disqualified from driving a  
30 commercial motor vehicle for a conviction or refusal described in subsection (a) who, as  
31 the result of a separate incident, is subsequently convicted of an offense or commits an  
32 act requiring disqualification under subsection (a) is disqualified for life. The Division  
33 may adopt guidelines, including conditions, under which a disqualification for life under  
34 this subsection may be reduced to 10 years.

35 (c) Life. – A person is disqualified from driving a commercial motor vehicle for  
36 life if that person uses a commercial motor vehicle in the commission of any felony  
37 involving the manufacture, distribution, or dispensing of a controlled substance, or  
38 possession with intent to manufacture, distribute, or dispense a controlled substance.

39 (d) Less Than a Year. – A person is disqualified from driving a commercial motor  
40 vehicle for 60 days if that person is convicted of two serious traffic violations, or 120  
41 days if convicted of three or more serious traffic violations, committed in a commercial  
42 motor vehicle arising from separate incidents occurring within a three-year period.

1 (e) Three Years. – A person is disqualified from driving a commercial motor  
2 vehicle for three years if that person is convicted of an offense or commits an act  
3 requiring disqualification under subsection (a) and the offense or act occurred while the  
4 person was transporting a hazardous material that required the motor vehicle driven to be  
5 placarded.

6 (f) Revocation Period. – A person is disqualified from driving a commercial motor  
7 vehicle for the period during which the person's regular or commercial drivers license is  
8 revoked.

9 (g) Violation of Out-of-Service Order. – Any person convicted for violating an  
10 out-of-service order, except as described in subsection (h) of this section, shall be  
11 disqualified as follows:

12 (1) A person is disqualified from driving a commercial vehicle for a period  
13 of 90 days if convicted of a first violation of an out-of-service order.

14 (2) A person is disqualified for a period of one year if convicted of a second  
15 violation of an out-of-service order during any 10-year period, arising  
16 from separate incidents.

17 (3) A person is disqualified for a period of three years if convicted of a third  
18 or subsequent violation of an out-of-service order during any 10-year  
19 period, arising from separate incidents.

20 (h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and  
21 Passenger Offenses. – Any person convicted for violating an out-of-service order while  
22 transporting hazardous materials or while operating a commercial vehicle designed or  
23 used to transport more than 15 passengers, including the driver, shall be disqualified as  
24 follows:

25 (1) A person is disqualified for a period of 180 days if convicted of a first  
26 violation of an out-of-service order.

27 (2) A person is disqualified for a period of three years if convicted of a  
28 second or subsequent violation of an out-of-service order during any 10-  
29 year period, arising from separate incidents.

30 (i) Disqualification for Out-of-State Violations. – The Division shall withdraw the  
31 privilege to operate a commercial vehicle of any resident of this State upon receiving  
32 notice of the person's conviction in another state for an offense that, if committed in this  
33 State, would be grounds for disqualification. The period of disqualification shall be the  
34 same as if the offense occurred in this State.

35 (j) Disqualification of Persons Without Commercial Drivers Licenses. – Any  
36 person convicted of an offense that requires disqualification under this section, but who  
37 does not hold a commercial drivers license, shall be disqualified from operating a  
38 commercial vehicle in the same manner as if the person held a valid commercial drivers  
39 license."

40 Section 4. G.S. 20-37.12(b) reads as rewritten:

41 "(b) The out-of-service criteria as referred to in 49 C.F.R. §§392.5 and 395.13, as  
42 adopted by the Division, Subchapter B apply to a person who drives a commercial motor

1 vehicle. No person shall drive a commercial motor vehicle on the highways of this State  
 2 in violation of an out-of-service order."

3 Section 5. G.S. 20-37.16(c) reads as rewritten:

4 "(c) Endorsements. – The endorsements required to drive certain motor vehicles are  
 5 as follows:

<u>Endorsement</u>	<u>Vehicles That Can Be Driven</u>
H	<del>Vehicles carrying hazardous materials, other than tank vehicles</del> <u>Vehicles, regardless of size or class, except tank vehicles, when transporting hazardous materials that require the vehicle to be placarded</u>
M	Motorcycles
N	Tank vehicles not carrying hazardous materials
P	Vehicles carrying passengers
T	Double trailers

17 X Tank vehicles carrying hazardous materials.

18 To obtain an H or an X endorsement, an applicant must take a test. This requirement  
 19 applies when a person first obtains an H or an X endorsement and each time a person  
 20 renews an H or an X endorsement. An applicant who has an H or an X endorsement  
 21 issued by another state who applies for an H or an X endorsement must take a test unless  
 22 the person has passed a test that covers the information set out in 49 C.F.R. § 383.121  
 23 within the preceding two years."

24 Section 6. G.S. 20-115.1(b) reads as rewritten:

25 "(b) Motor vehicle combinations consisting of a semitrailer of not more than 53 feet  
 26 in length and a truck tractor may be operated on the interstate highways (except those  
 27 exempted by the United States Secretary of Transportation pursuant to 49 U.S.C. 2311(i))  
 28 and federal-aid primary system highways designated by the United States Secretary of  
 29 Transportation provided ~~that that~~:

30 (1) ~~any~~ Any semitrailer in excess of 48 feet in length shall not be permitted  
 31 ~~unless-unless~~:

- 32 a. ~~the~~ The distance between the kingpin of the trailer and the  
 33 rearmost ~~axle-axle~~, or a point midway between the two rear axles,  
 34 if the two rear axles are a tandem axle, does not exceed 41 feet;  
 35 ~~and-or~~
- 36 b. The semitrailer is used exclusively or primarily to transport  
 37 vehicles in connection with motorsports competition events, and  
 38 the distance between the kingpin of the trailer and the rearmost  
 39 axle, or a point midway between the two rear axles, if the two  
 40 rear axles are a tandem axle, does not exceed 46 feet; and

41 (2) ~~provided that any~~ Any semitrailer in excess of 48 feet is equipped with a rear  
 42 underride guard of substantial construction consisting of a continuous lateral beam  
 43 extending to within four inches of the lateral extremities of the semitrailer and located not

1 more than 30 inches from the surface as measured with the vehicle empty and on a level  
 2 surface."

3 Section 7. G.S. 20-116(d) reads as rewritten:

4 "(d) A single vehicle having two axles shall not exceed ~~35-40~~ feet in  
 5 length of extreme overall dimensions inclusive of front and rear bumpers. ~~Provided,~~  
 6 ~~however, a bus or motor home with two axles shall not exceed 40 feet in length overall of~~  
 7 ~~dimensions inclusive of front and rear bumpers.~~ A single vehicle having three axles shall not  
 8 exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.  
 9 Provided, ~~further,~~ however, trucks transporting unprocessed cotton from farm to gin shall  
 10 not exceed 48 feet in length overall of dimensions inclusive of front and rear bumpers. A  
 11 truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of  
 12 determining lawful length and license taxes."

13 Section 8. G.S. 20-118(b)(3) reads as rewritten:

14 "(3) The gross weight imposed upon the highway by any axle group of a  
 15 vehicle or combination of vehicles shall not exceed the maximum  
 16 weight given for the respective distance between the first and last axle  
 17 of the group of axles measured longitudinally to the nearest foot as set  
 18 forth in the following table:  
 19

Axles*	Distance						Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	38000											
5	38000											
6	38000											
7	38000											
8 or less	38000	38000										
more than 8		38000	42000									
9	39000	42500										
10	40000	43500										
11	44000											
12	45000	50000										
13	45500	50500										
14	46500	51500										
15	47000	52000										
16	48000	52500	58000									
17	48500	53500	58500									
18	49500	54000	59000									
19	50000	54500	60000									
20	51000	55500	60500	66000								
21	51500	56000	61000	66500								
22	52500	56500	61500	67000								
23	53000	57500	62500	68000								

1	24	54000	58000	63000	68500	74000
2	25	54500	58500	63500	69000	74500
3	26	55500	59500	64000	69500	75000
4	27	56000	60000	65000	70000	75500
5	28	57000	60500	65500	71000	76500
6	29	57500	61500	66000	71500	77000
7	30	58500	62000**	66500	72000	77500
8	31	59000	62500**	67500	72500	78000
9	32	60000	63500**	68000	73000	78500
10	33	64000**	68500	74000	79000	
11	34	64500**	69000	74500	80000	
12	35	65500**	70000	75000		
13	36	66000**	70500	75500		
14	37	66500**	71000	76000		
15	38	67500**	72000	77000		
16	39	68000	72500	77500		
17	40	68500	73000	78000		
18	41	69500	73500	78500		
19	42	70000	74000	79000		
20	43	70500	75000	80000		
21	44	71500	75500			
22	45	72000	76000			
23	46	72500	76500			
24	47	73500	77500			
25	48	74000	78000			
26	49	74500	78500			
27	50	75500	79000			
28	51	76000	80000			
29	52	76500				
30	53	77500				
31	54	78000				
32	55	78500				
33	56	79500				
34	57	80000				

35 \*Distance in Feet Between the Extremes of any Group of Two or More Consecutive  
 36 Axles.

37 \*\*See exception in G.S. 20-118(c)(1)."

38 Section 9. G.S. 20-118(c)(10) reads as rewritten:

39 "(10) Fully enclosed motor vehicles designed specifically for collecting,  
 40 compacting and hauling garbage from residences, or from garbage  
 41 dumpsters shall, when operating for those purposes, be allowed a single  
 42 axle weight not to exceed 23,500 pounds on the steering axle on  
 43 vehicles equipped with a boom, or on the rear axle on vehicles loaded

1 from the rear. This exemption shall not apply to vehicles operating on  
2 interstate highways, vehicles transporting hazardous waste as defined in  
3 G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1,  
4 low-level radioactive waste as defined in G.S. 104E-5(9a), or  
5 radioactive material as defined in G.S. 104E-5(14)."

6 Section 10. G.S. 20-217(a) reads as rewritten:

7 "(a) The driver of any vehicle upon approaching from any direction on the same  
8 ~~street or highway~~ street, highway, or public vehicular area any school bus (including  
9 privately owned buses transporting children and school buses transporting senior citizens  
10 under G.S. 115C-243), while the bus is displaying its mechanical stop signal or flashing  
11 red stoplights, and is stopped for the purpose of receiving or discharging passengers, shall  
12 bring his or her vehicle to a full stop before passing or attempting to pass the bus, and  
13 shall remain stopped until the mechanical stop signal has been withdrawn, the flashing  
14 red stoplights have been turned off, and the bus has moved on."

15 Section 11. G.S. 20-376(1) reads as rewritten:

16 "(1) Federal safety and hazardous materials regulations. – The federal motor  
17 carrier safety regulations contained in 49 C.F.R. Parts 170 through 190,  
18 382-382, and 390 through 398."

19 Section 12. G.S. 20-381 reads as rewritten:

20 "**§ 20-381. Specific powers and duties of Division applicable to motor carriers.**

21 The Division has the following powers and duties concerning motor carriers:

22 (1) To prescribe qualifications and maximum hours of service of drivers  
23 and their helpers.

24 (1a) To set safety standards for vehicles of motor carriers engaged in foreign,  
25 interstate, or intrastate commerce over the highways of this State and for  
26 the safe operation of these vehicles. The Division may stop, enter upon,  
27 and perform inspections of motor carriers' vehicles in operation to  
28 determine compliance with these standards and may conduct any  
29 investigations and tests it finds necessary to promote the safety of  
30 equipment and the safe operation on the highway of these vehicles.

31 (1b) To enforce this Article, rules adopted under this Article, and the federal  
32 safety and hazardous materials regulations.

33 (2) To enter the premises of a motor carrier to inspect a motor vehicle or  
34 any equipment used by the motor carrier in transporting passengers ~~for~~  
35 ~~property~~ or property.

36 (2a) To prohibit the use by a motor carrier of any motor vehicle or motor  
37 vehicle equipment the Division finds unsafe for use in the transportation  
38 of passengers or property on a highway. If an agent of the Division finds  
39 a motor vehicle of a motor carrier in actual use upon the highways in the  
40 transportation of passengers or property to be unsafe or any parts thereof  
41 or any equipment thereon to be unsafe and is of the opinion that further  
42 use of such vehicle, parts or equipment are imminently dangerous, the  
43 agent may require the operator thereof to discontinue its use and to

1 substitute therefor a safe vehicle, parts or equipment at the earliest  
2 possible time and place, having regard for both the convenience and the  
3 safety of the passengers or property. When an inspector or agent stops a  
4 motor vehicle on the highway, under authority of this section, and the  
5 motor vehicle is in operative condition and its further movement is not  
6 dangerous to the passengers or property or to the users of the highways,  
7 it shall be the duty of the inspector or agent to guide the vehicle to the  
8 nearest point of substitution or correction of the defect. Such agents or  
9 inspectors shall also have the right to stop any motor vehicle which is  
10 being used upon the public highways for the transportation of  
11 passengers or property by a motor carrier subject to the provisions of  
12 this Article and to eject therefrom any driver or operator who shall be  
13 operating or be in charge of such motor vehicle while under the  
14 influence of alcoholic ~~beverages~~-beverages or impairing substances. It  
15 shall be the duty of all inspectors and agents of the Division to make a  
16 written report, upon a form prescribed by the Division, of inspections of  
17 all motor equipment and a copy of each such written report, disclosing  
18 defects in such equipment, shall be served promptly upon the motor  
19 carrier operating the same, either in person by the inspector or agent or  
20 by mail. Such agents and inspectors shall also make and serve a similar  
21 written report in cases where a motor vehicle is operated in violation of  
22 this Chapter or, if the motor vehicle is subject to regulation by the North  
23 Carolina Utilities Commission, of Chapter 62 of the General Statutes.

- 24 (3) To relieve the highways of all undue burdens and safeguard traffic  
25 thereon by adopting and enforcing rules and orders designed and  
26 calculated to minimize the dangers attending transportation on the  
27 highways of all hazardous materials and other commodities."

28 Section 13. This act becomes effective December 1, 1998.