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HOUSE BILL 1474*
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Short Title: MV Technical and Other Changes.

(Public)

Sponsors:

Referred to:

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.

1 A drivers license that was issued by the Division and is renewed by the Division
2 expires five years after the expiration date of the license that is renewed. A person may
3 apply to the Division to renew a license during the ~~60-day~~ 180-day period before the
4 license expires. The Division may not accept an application for renewal made before the
5 ~~60-day~~ 180-day period begins.

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

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

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

16 Section 2.1. G.S. 20-11(h) reads as rewritten:

17 "(h) ~~Out-of-State Exceptions.~~ Exception for persons 16 to 18 who have an
18 unrestricted out-of-state license. – A person who is at least 16 years old but less than 18
19 years old, who was a resident of another state and has an unrestricted drivers license
20 issued by that state, and who becomes a resident of this State may obtain one of the
21 following:

- 22 (1) A temporary permit, if the person has not completed a drivers education
23 program that meets the requirements of the Superintendent of Public
24 Instruction but is currently enrolled in a drivers education program that
25 meets these requirements. A temporary permit is valid for the period
26 specified in the permit and authorizes the holder of the permit to drive a
27 specified type or class of motor vehicle when in possession of the
28 permit, subject to any restrictions imposed by the Division concerning
29 time of driving, supervision, and passenger limitations. The period must
30 end within 10 days after the expected completion date of the drivers
31 education program in which the applicant is enrolled.
- 32 (2) A full provisional license, if the person has completed a drivers
33 education program that meets the requirements of the Superintendent of
34 Public Instruction, has held the license issued by the other state for at
35 least 12 months, and has not been convicted during the preceding six
36 months of a motor vehicle moving violation, a seat belt infraction, or an
37 offense committed in another jurisdiction that would be a motor vehicle
38 moving violation or seat belt infraction if committed in this State.
- 39 (3) A limited provisional license, if the person has completed a drivers
40 education program that meets the requirements of the Superintendent of
41 Public Instruction but either did not hold the license issued by the other
42 state for at least 12 months or was convicted during the preceding six
43 months of a motor vehicle moving violation, a seat belt infraction, or an

1 offense committed in another jurisdiction that would be a motor vehicle
2 moving violation or seat belt infraction if committed in this State."

3 Section 2.2. G.S. 20-11 is amended by adding a new subsection to read:

4 "(h1) Exception for persons 16 to 18 who have an out-of-state restricted license. – A
5 person who is at least 16 years old but less than 18 years old, who was a resident of
6 another state and has a restricted drivers license issued by that state, and who becomes a
7 resident of this State may obtain one of the following:

8 (1) A limited provisional license, if the person has completed a drivers
9 education program that meets the requirements of the Superintendent of
10 Public Instruction, held the restricted license issued by the other state
11 for at least twelve months, and whose parent or guardian certifies that
12 the person not been convicted during the preceding six months of a
13 motor vehicle moving violation, a seat belt infraction, or an offense
14 committed in another jurisdiction that would be a motor vehicle moving
15 violation or seat belt infraction if committed in this State.

16 (2) A limited learners permit, if person has completed a drivers education
17 program that meets the requirements of the Superintendent of Public
18 Instruction but either did not hold the restricted license issued by the
19 other state for at 12 months or was convicted during the preceding six
20 months of a motor vehicle moving violation, a seat belt infraction, or an
21 offense committed in another jurisdiction that would be a motor vehicle
22 moving violation or seat belt infraction if committed in this State. A
23 person who qualifies for a limited learners permit under this subdivision
24 and whose parent or guardian attests by affidavit that the person has not
25 been convicted of a moving violation in the preceding six months shall
26 be deemed to have held a limited learners permit in this State for each
27 month the person held a restricted license in another state."

28 Section 2.3. G.S. 20-11 is amended by adding a new subsection to read:

29 "(h2) Exception for persons age 15 who have an out-of-state unrestricted or
30 restricted license. – A person who is age 15, who was a resident of another state, has an
31 unrestricted or restricted drivers license issued by that state, and who becomes a resident
32 of this State may obtain a limited learners permit if the person has completed a drivers
33 education program that meets the requirements of the Superintendent of Public
34 Instruction. A person who qualifies for a limited learners permit under this subdivision
35 and whose parent or guardian attests by affidavit that the person has not been convicted
36 of a moving violation in the preceding six months shall be deemed to have held a limited
37 learners permit in this State for each month the person held an unrestricted or restricted
38 license in another state."

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

40 "**§ 20-17.4. Disqualification to drive a commercial motor vehicle.**

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

- 1 (1) A first conviction of G.S. 20-138.1, driving while impaired, that
2 occurred while the person was driving a commercial motor vehicle.
3 (2) A first conviction of G.S. 20-138.2, driving a commercial motor vehicle
4 while impaired.
5 (3) A first conviction of G.S. 20-166, hit and run, involving a commercial
6 motor vehicle driven by the person.
7 (4) A first conviction of a felony in the commission of which a commercial
8 motor vehicle was used.
9 (5) Refusal to submit to a chemical test when charged with an implied-
10 consent offense, as defined in G.S. 20-16.2, that occurred while the
11 person was driving a commercial motor vehicle.

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

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

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

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

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

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

- 37 (1) A person is disqualified from driving a commercial vehicle for a period
38 of 90 days if convicted of a first violation of an out-of-service order.
39 (2) A person is disqualified for a period of one year if convicted of a second
40 violation of an out-of-service order during any 10-year period, arising
41 from separate incidents.

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

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

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

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

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

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

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

"(b) The out-of-service criteria as referred to in 49 C.F.R. §§392.5 and 395.13, as adopted by the Division, Subchapter B apply to a person who drives a commercial motor vehicle. No person shall drive a commercial motor vehicle on the highways of this State in violation of an out-of-service order."

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

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

<u>Endorsement</u>	<u>Vehicles That Can Be Driven</u>
H	Vehicles carrying hazardous materials, other than tank vehicles <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

X Tank vehicles carrying hazardous materials.

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

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

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

13 (1) ~~any~~ Any semitrailer in excess of 48 feet in length shall not be permitted
14 ~~unless~~ unless:

15 a. ~~the~~ The distance between the kingpin of the trailer and the
16 rearmost ~~axle~~ axle, or a point midway between the two rear axles,
17 if the two rear axles are a tandem axle, does not exceed 41 feet;
18 and or

19 b. The semitrailer is used exclusively or primarily to transport
20 vehicles in connection with motorsports competition events, and
21 the distance between the kingpin of the trailer and the rearmost
22 axle, or a point midway between the two rear axles, if the two
23 rear axles are a tandem axle, does not exceed 46 feet; and

24 (2) ~~provided that any~~ Any semitrailer in excess of 48 feet is equipped with a
25 rear underride guard of substantial construction consisting of a
26 continuous lateral beam extending to within four inches of the lateral
27 extremities of the semitrailer and located not more than 30 inches from
28 the surface as measured with the vehicle empty and on a level surface."

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

30 "(d) A single vehicle having two axles shall not exceed ~~35~~ 40 feet in
31 length of extreme overall dimensions inclusive of front and rear bumpers. ~~Provided,~~
32 ~~however, a bus or motor home with two axles shall not exceed 40 feet in length overall of~~
33 ~~dimensions inclusive of front and rear bumpers.~~ A single vehicle having three axles shall not
34 exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.
35 Provided, ~~further,~~ ~~however,~~ trucks transporting unprocessed cotton from farm to gin shall
36 not exceed 48 feet in length overall of dimensions inclusive of front and rear bumpers. A
37 truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of
38 determining lawful length and license taxes."

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

40 "(3) The gross weight imposed upon the highway by any axle group of a
41 vehicle or combination of vehicles shall not exceed the maximum
42 weight given for the respective distance between the first and last axle

1 of the group of axles measured longitudinally to the nearest foot as set
 2 forth in the following table:

Axles*	Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	Distance 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		
24	54000	58000	63000	68500	74000	
25	54500	58500	63500	69000	74500	
26	55500	59500	64000	69500	75000	
27	56000	60000	65000	70000	75500	
28	57000	60500	65500	71000	76500	
29	57500	61500	66000	71500	77000	
30	58500	62000**	66500	72000	77500	
31	59000	62500**	67500	72500	78000	
32	60000	63500**	68000	73000	78500	
33	64000**	68500	74000	79000		
34	64500**	69000	74500	80000		
35	65500**	70000	75000			
36	66000**	70500	75500			
37	66500**	71000	76000			
38	67500**	72000	77000			
39	68000	72500	77500			

1	40	68500	73000 78000
2	41	69500	73500 78500
3	42	70000	74000 79000
4	43	70500	75000 80000
5	44	71500	75500
6	45	72000	76000
7	46	72500	76500
8	47	73500	77500
9	48	74000	78000
10	49	74500	78500
11	50	75500	79000
12	51	76000	80000
13	52	76500	
14	53	77500	
15	54	78000	
16	55	78500	
17	56	79500	
18	57	80000	

19 *Distance in Feet Between the Extremes of any Group of Two or More Consecutive
20 Axles.

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

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

23 "(10) Fully enclosed motor vehicles designed specifically for collecting,
24 compacting and hauling garbage from residences, or from garbage
25 dumpsters shall, when operating for those purposes, be allowed a single
26 axle weight not to exceed 23,500 pounds on the steering axle on
27 vehicles equipped with a boom, or on the rear axle on vehicles loaded
28 from the rear. This exemption shall not apply to vehicles operating on
29 interstate highways, vehicles transporting hazardous waste as defined in
30 G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1,
31 low-level radioactive waste as defined in G.S. 104E-5(9a), or
32 radioactive material as defined in G.S. 104E-5(14)."

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

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

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

1 "(1) Federal safety and hazardous materials regulations. – The federal motor
2 carrier safety regulations contained in 49 C.F.R. Parts 170 through 190,
3 382-382, and 390 through 398."

4 Section 11.1. G.S. 163-82.19 reads as rewritten:

5 **"§ 163-82.19. Voter registration at drivers license offices.**

6 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State
7 Board of Elections, modify its forms so that any eligible person who applies for original
8 issuance, renewal or correction of a drivers license, or special identification card issued
9 under G.S. 20-37.7 may, on a part of the form, complete an application to register to vote
10 or to update his registration if the voter has changed his address or moved from one
11 precinct to another or from one county to another. The person taking the application shall
12 ask if the applicant is a citizen of the United States. If the applicant states that the
13 applicant is not a citizen of the United States, or declines to answer the question, the
14 person taking the application shall inform the applicant that it is a felony for a person
15 who is not a citizen of the United States to apply to register to vote. Any person who
16 willfully and knowingly and with fraudulent intent gives false information on the
17 application is guilty of a Class I felony. The application shall state in clear language the
18 penalty for violation of this section. The necessary forms shall be prescribed by the State
19 Board of Elections. The form must ask for the previous voter registration address of the
20 voter, if any. If a previous address is listed, and it is not in the county of residence of the
21 applicant, the appropriate county board of elections shall treat the application as an
22 authorization to cancel the previous registration and also process it as such under the
23 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the
24 county where the voter applies to register, the application shall be processed as if it had
25 been submitted under G.S. 163-82.9.

26 Registration shall become effective as provided in G.S. 163-82.7. Applications to
27 register to vote accepted at a drivers license office under this section until the deadline
28 established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no
29 person who completes an application at that drivers license office shall be denied the vote
30 in that election for failure to apply earlier than that deadline.

31 All applications shall be forwarded by the Department of Transportation to the
32 appropriate board of elections not later than five business days after the date of
33 acceptance, according to rules which shall be promulgated by the State Board of
34 Elections."

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

36 **"§ 20-381. Specific powers and duties of Division applicable to motor carriers.**

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

38 (1) To prescribe qualifications and maximum hours of service of drivers
39 and their helpers.

40 (1a) To set safety standards for vehicles of motor carriers engaged in foreign,
41 interstate, or intrastate commerce over the highways of this State and for
42 the safe operation of these vehicles. The Division may stop, enter upon,
43 and perform inspections of motor carriers' vehicles in operation to

1 determine compliance with these standards and may conduct any
2 investigations and tests it finds necessary to promote the safety of
3 equipment and the safe operation on the highway of these vehicles.

4 (1b) To enforce this Article, rules adopted under this Article, and the federal
5 safety and hazardous materials regulations.

6 (2) To enter the premises of a motor carrier to inspect a motor vehicle or
7 any equipment used by the motor carrier in transporting passengers ~~{or~~
8 ~~property}~~ or property.

9 (2a) To prohibit the use by a motor carrier of any motor vehicle or motor
10 vehicle equipment the Division finds unsafe for use in the transportation
11 of passengers or property on a highway. If an agent of the Division finds
12 a motor vehicle of a motor carrier in actual use upon the highways in the
13 transportation of passengers or property to be unsafe or any parts thereof
14 or any equipment thereon to be unsafe and is of the opinion that further
15 use of such vehicle, parts or equipment are imminently dangerous, the
16 agent may require the operator thereof to discontinue its use and to
17 substitute therefor a safe vehicle, parts or equipment at the earliest
18 possible time and place, having regard for both the convenience and the
19 safety of the passengers or property. When an inspector or agent stops a
20 motor vehicle on the highway, under authority of this section, and the
21 motor vehicle is in operative condition and its further movement is not
22 dangerous to the passengers or property or to the users of the highways,
23 it shall be the duty of the inspector or agent to guide the vehicle to the
24 nearest point of substitution or correction of the defect. Such agents or
25 inspectors shall also have the right to stop any motor vehicle which is
26 being used upon the public highways for the transportation of
27 passengers or property by a motor carrier subject to the provisions of
28 this Article and to eject therefrom any driver or operator who shall be
29 operating or be in charge of such motor vehicle while under the
30 influence of alcoholic ~~beverages~~ beverages or impairing substances. It
31 shall be the duty of all inspectors and agents of the Division to make a
32 written report, upon a form prescribed by the Division, of inspections of
33 all motor equipment and a copy of each such written report, disclosing
34 defects in such equipment, shall be served promptly upon the motor
35 carrier operating the same, either in person by the inspector or agent or
36 by mail. Such agents and inspectors shall also make and serve a similar
37 written report in cases where a motor vehicle is operated in violation of
38 this Chapter or, if the motor vehicle is subject to regulation by the North
39 Carolina Utilities Commission, of Chapter 62 of the General Statutes.

40 (3) To relieve the highways of all undue burdens and safeguard traffic
41 thereon by adopting and enforcing rules and orders designed and
42 calculated to minimize the dangers attending transportation on the
43 highways of all hazardous materials and other commodities."

1 Section 13. This act becomes effective December 1, 1998. Sections 2.1, 2.2,
2 and 2.3 are effective when this act becomes law.