

1 **SECTION 3.** G.S. 20-17.4 is amended by adding a new subsection to read:

2 "(c1) Life. – A person shall be disqualified from driving a commercial motor vehicle for
3 life, without the possibility of reinstatement, if that person has had a commercial drivers license
4 reinstated in the past and is convicted of another major disqualifying offense as defined in 49
5 C.F.R. § 383.51(b)."

6 **SECTION 4.** G.S. 20-36 reads as rewritten:

7 "**§ 20-36. Ten-year-old convictions not considered.**

8 Except for offenses occurring in a commercial motor vehicle, offenses by the holder of a
9 commercial drivers license involving noncommercial motor vehicle, or a second failure to
10 submit to a chemical test when charged with an implied-consent offense, as defined in
11 G.S. 20-16.2, that occurred while the person was driving a commercial motor vehicle, no
12 conviction of any other violation of the motor vehicle laws shall be considered by the Division
13 in determining whether any person's driving privilege shall be suspended or revoked or in
14 determining the appropriate period of suspension or revocation after 10 years has elapsed from
15 the date of that conviction."

16 **SECTION 5.** G.S. 20-37.12(d) reads as rewritten:

17 "(d) Any person who is not a resident of this State, who has been issued a commercial
18 drivers license by his state of residence, or who holds a valid Mexican Licencia Federal de
19 Conductor, who has that license in his immediate possession, whose privilege to drive any
20 motor vehicle is not suspended, revoked, or cancelled, and who has not been disqualified from
21 driving a commercial motor vehicle shall be permitted without further examination or licensure
22 by the Division to drive a commercial motor vehicle in this State."

23 **SECTION 6.** G.S. 20-37.19(b) reads as rewritten:

24 "(b) No employer shall knowingly allow, permit, or authorize a driver to drive a
25 commercial motor vehicle during any period:

- 26 (1) In which the driver has had his commercial driver license suspended,
27 revoked, or cancelled by any state, is currently disqualified from driving a
28 commercial vehicle, or is subject to an out-of-service order in any state; or
29 (2) In which the driver has more than one driver license.
30 (3) In which the driver, the commercial motor vehicle being operated, or the
31 motor carrier operation, is subject to an out-of-service order."

32 **SECTION 7.** G.S. 20-37.21(a) reads as rewritten:

33 "(a) Any person who drives a commercial motor vehicle in violation of G.S. 20-37.12
34 shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined not less than two
35 hundred fifty dollars (\$250.00) for a first offense and not less than five hundred dollars
36 (\$500.00) for a second or subsequent offense. In addition, ~~upon conviction,~~ the person shall be
37 subject to a civil penalty of ~~not less than one thousand one hundred dollars (\$1,100) for the first~~
38 ~~offense and not more than two thousand seven hundred fifty dollars (\$2,750) for a second or~~
39 ~~subsequent offense pursuant to the provisions of 49 C.F.R. § 383.53(b)."~~

40 **SECTION 8.** Sections 1, 2, and 5 of this act are effective when this act becomes
41 law. The remainder of this act becomes effective December 1, 2009, and applies to offenses
42 committed on or after that date.