

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 750  
House Committee Substitute Favorable 6/14/11  
Third Edition Engrossed 6/15/11

Short Title: Omnibus Transportation Act.

(Public)

Sponsors:

Referred to:

April 20, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE STATE'S LAWS PERTAINING TO TRANSPORTATION.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 20-7(s) reads as rewritten:

5 "(s) Notwithstanding the requirements of subsection (b1) of this section that an applicant  
6 present a valid social security number, the Division shall issue a drivers license of limited  
7 duration, under subsection (f) of this section, to an applicant present in the United States who  
8 holds valid documentation issued by, or under the authority of, the United States government  
9 that demonstrates the applicant's legal presence of limited duration in the United States if the  
10 applicant presents that valid documentation and meets all other requirements for a license of  
11 limited duration. Notwithstanding the requirements of subsection (n) of this section addressing  
12 background colors and borders, a drivers license of limited duration issued under this section  
13 shall bear a distinguishing mark or other designation on the face of the license clearly denoting  
14 the limited duration of the license."

15 SECTION 2. G.S. 20-51(6) reads as rewritten:

16 "(6) Any trailer or semitrailer attached to and drawn by a properly licensed motor  
17 vehicle when used by a farmer, his tenant, agent, or employee in transporting  
18 unginned cotton, peanuts, soybeans, corn, hay, tobacco, silage, cucumbers,  
19 potatoes, all vegetables, fruits, greenhouse and nursery plants and flowers,  
20 Christmas trees, livestock, live poultry, animal waste, herbicides, fungicides,  
21 seeds, fertilizers or chemicals purchased or owned by the farmer or tenant  
22 for personal use in implementing husbandry, irrigation pipes, loaders, or  
23 equipment owned by the farmer or tenant from place to place on the same  
24 farm, from one farm to another, from farm to gin, from farm to dryer, or  
25 from farm to market, and when not operated on a for-hire basis. The term  
26 "transporting" as used herein shall include the actual hauling of said products  
27 and all unloaded travel in connection therewith."

28 SECTION 3. G.S. 20-51 is amended by adding a new subdivision to read:

29 "(17) A header trailer when transported to or from a dealer, or after a sale or  
30 repairs, to the farm or another dealership."

31 SECTION 4. G.S. 20-88 is amended by adding a new subsection to read:

32 "(m) Any vehicle weighing greater than the limits found in G.S. 20-118(b), as authorized  
33 by G.S. 20-118(c)(12), (c)(14), and (c)(15), must be registered for the maximum weight  
34 allowed for the vehicle configuration as listed in G.S. 20-118(b). A vehicle driven in violation  
35 of this subsection is subject to the axle group penalties set in G.S. 20-118(e). The penalties



1 apply to the amount by which the vehicle's maximum gross weight as listed in G.S. 20-118(b)  
2 exceeds its declared weight."

3 **SECTION 5.** G.S. 20-118(c) reads as rewritten:

4 "(c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

5 ...

6 (5) The light-traffic road limitations provided for pursuant to subdivision (b)(4)  
7 of this section do not apply to a vehicle while that vehicle is transporting  
8 only the following from its point of origin on a light-traffic road to either one  
9 of the two nearest highways that is not a light-traffic road. If that vehicle's  
10 point of origin is a non-light-traffic road and that road is blocked by  
11 light-traffic roads from all directions and is not contiguous with other  
12 non-light-traffic roads, then the road at point of origin is treated as a  
13 light-traffic road for purposes of this subdivision:

- 14 a. Processed or unprocessed seafood transported from boats or any  
15 other point of origin to a processing plant or a point of further  
16 distribution.
- 17 b. ~~Meats~~ Meats, live poultry, or agricultural crop products transported  
18 from a farm to a processing plant or first-market.
- 19 c. Forest products originating and transported from a farm or from  
20 woodlands to ~~first~~ market without interruption or delay for further  
21 packaging or processing after initiating transport.
- 22 d. Livestock or live poultry transported from their point of origin to a  
23 processing plant or ~~first~~ market.
- 24 e. Livestock by-products or poultry by-products transported from their  
25 point of origin to a rendering plant.
- 26 f. Recyclable material transported from its point of origin to a  
27 scrap-processing facility for processing. As used in this subpart, the  
28 terms "recyclable material" and "processing" have the same meaning  
29 as in G.S. 130A-290(a).
- 30 g. Garbage collected by the vehicle from residences or garbage  
31 dumpsters if the vehicle is fully enclosed and is designed specifically  
32 for collecting, compacting, and hauling garbage from residences or  
33 from garbage dumpsters. As used in this subpart, the term "garbage"  
34 does not include hazardous waste as defined in G.S. 130A-290(a),  
35 spent nuclear fuel regulated under G.S. 20-167.1, low-level  
36 radioactive waste as defined in G.S. 104E-5, or radioactive material  
37 as defined in G.S. 104E-5.
- 38 h. Treated sludge collected from a wastewater treatment facility.
- 39 i. Apples when transported from the orchard to the first processing or  
40 packing point.
- 41 j. Trees grown as Christmas trees from the field, farm, stand, or  
42 ~~grove~~ grove, and other forest products, including chips and bark, to  
43 first-a processing point.
- 44 k. Water, fertilizer, herbicides, fungicides, seeds, fuel, and animal waste  
45 transported to or from a farm by a farm vehicle as defined in  
46 G.S. 20-37.16(e)(3).

47 ...

48 (12) Subsections (b) and (e) of this section do not apply to a vehicle that meets all  
49 of the conditions set out below:

- 1 a. ~~Is hauling agricultural crops from the farm where the crop is grown~~
- 2 ~~to any market~~ transporting an item listed in sub-subdivisions(c)(5)b.,
- 3 d., i., j., or k. within 150 miles of ~~that the farm.~~
- 4 b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
- 5 b1. Does not operate on an interstate highway or exceed any posted
- 6 bridge weight limits during transportation or hauling of agricultural
- 7 products.
- 8 c. Does not exceed a single-axle weight of 22,000 pounds, a
- 9 tandem-axle weight of 42,000 pounds, or a gross weight of 90,000
- 10 pounds.
- 11 ~~d. Is registered pursuant to G.S. 20-88 for the maximum weight allowed~~
- 12 ~~for the vehicle configuration as listed in subsection (b) of this~~
- 13 ~~section.~~
- 14 ...
- 15 (14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all
- 16 of the conditions below, but all other enforcement provisions of this Article
- 17 remain applicable:
- 18 a. Is hauling aggregates from a distribution yard or a State-permitted
- 19 production site located within a North Carolina county contiguous to
- 20 the North Carolina State border to a destination in another state
- 21 adjacent to that county as verified by a weight ticket in the driver's
- 22 possession and available for inspection by enforcement personnel.
- 23 b. Does not operate on an interstate highway or exceed any posted
- 24 bridge weight limits.
- 25 c. Does not exceed 69,850 pounds gross vehicle weight and 53,850
- 26 pounds per axle grouping for tri-axle vehicles. For purposes of this
- 27 subsection, a tri-axle vehicle is a single power unit vehicle with a
- 28 three consecutive axle group on which the respective distance
- 29 between any two consecutive axles of the group, measured
- 30 longitudinally center to center to the nearest foot, does not exceed
- 31 eight feet. For purposes of this subsection, the tolerance provisions of
- 32 subsection (h) of this section do not apply, and vehicles must be
- 33 licensed in accordance with G.S. 20-88.
- 34 d. Repealed by Session Laws 2001-487, s. 10, effective December 16,
- 35 2001.
- 36 ~~e. Is registered pursuant to G.S. 20-88 for the maximum weight allowed~~
- 37 ~~for the vehicle configuration as listed in subsection (b) of this~~
- 38 ~~section.~~
- 39 (15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle
- 40 combination that meets all of the conditions below, but all other enforcement
- 41 provisions of this Article remain applicable:
- 42 a. Is hauling wood residuals, including wood chips, sawdust, mulch, or
- 43 tree bark from any site; is hauling raw logs to first market; is
- 44 transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings
- 45 from a site that does not have a certified scale for weighing the
- 46 vehicle; or is hauling animal waste products from the animal waste
- 47 storage site to a farm or field.
- 48 b. Does not operate on an interstate highway, a posted light-traffic road,
- 49 except as provided by subdivision (c)(5) of this section, or exceed
- 50 any posted bridge weight limits.

- 1 c. Does not exceed a maximum gross weight 4,000 pounds in excess of  
 2 what is allowed in subsection (b) of this section.  
 3 d. Does not exceed a single-axle weight of more than 22,000 pounds  
 4 and a tandem-axle weight of more than 42,000 pounds.  
 5 e. ~~Is registered pursuant to G.S. 20-88 for the maximum weight allowed  
 6 for the vehicle configuration as listed in subsection (b) of this  
 7 section.~~

8 ...  
 9 (17) Subsections (b) and (e) of this section do not apply to a vehicle that meets all  
 10 of the conditions below, but all other enforcement provisions of this Article  
 11 remain applicable:

- 12 a. Is hauling agriculture crops from farm to first market.  
 13 b. Does not operate on an interstate highway or exceed any posted  
 14 bridge weight limits.  
 15 c. Consists of a two axle vehicle that does not exceed a maximum gross  
 16 weight of 37,000 pounds, a maximum single axle weight of no more  
 17 than 27,000 pounds, with a length of at least 14 feet between the  
 18 center of axle one and the center of axle two of the vehicle. For  
 19 purposes of this subdivision, no additional weight tolerances as found  
 20 in this section shall apply for gross weight, single axle weight, and  
 21 the tolerance allowed by subsection (h) of this section shall not  
 22 apply."

23 **SECTION 6.** G.S. 20-127 reads as rewritten:

24 **"§ 20-127. Windows and windshield wipers.**

25 ...  
 26 (b) Window Tinting Restrictions. – A window of a vehicle that is operated on a  
 27 highway or a public vehicular area shall comply with this subsection. The windshield of the  
 28 vehicle may be tinted only along the top of the windshield and the tinting may not extend more  
 29 than five inches below the top of the windshield or below the AS1 line of the windshield,  
 30 whichever measurement is longer. Provided, however, an untinted clear film which does not  
 31 obstruct vision but which reduces or eliminates ultraviolet radiation from entering a vehicle  
 32 may be applied to the windshield. Any other window of the vehicle may be tinted in  
 33 accordance with the following restrictions:

- 34 (1) The total light transmission of the tinted window shall be at least thirty-five  
 35 percent (35%). A vehicle window that, by use of a light meter approved by  
 36 the Commissioner, measures a total light transmission of more than  
 37 thirty-two percent (32%) is conclusively presumed to meet this restriction.  
 38 (2) The light reflectance of the tinted window shall be twenty percent (20%) or  
 39 less.  
 40 (3) Tinted film or another material used to tint the window shall be nonreflective  
 41 and shall not be red, yellow, or amber.

42 (b1) Notwithstanding subsection (b) of this section, a window of a vehicle that is  
 43 operated on a public street or highway and which is subject to the provisions of Part 393 of  
 44 Title 49 of the Code of Federal Regulations shall comply with the provisions of that Part.

45 (c) Tinting Exceptions. – The window tinting restrictions in subsection (b) of this  
 46 section apply without exception to the windshield of a vehicle. The window tinting restrictions  
 47 in subdivisions (b)(1) and (b)(2) of this section do not apply to any of the following vehicle  
 48 windows:

- 49 (1) A window of an excursion passenger vehicle, as defined in  
 50 G.S. 20-4.01(27)a.  
 51 (2) ~~A window of a for-hire passenger vehicle, as defined in G.S. 20-4.01(27)b.~~

- 1           (3) ~~A window of a common carrier of passengers, as defined in~~  
2           ~~G.S. 20-4.01(27)e.~~
- 3           (4) A window of a motor home, as defined in G.S. 20-4.01(27)d2.
- 4           (5) A window of an ambulance, as defined in G.S. 20-4.01(27)f.
- 5           (6) The rear window of a property-hauling vehicle, as defined in  
6           G.S. 20-4.01(31).
- 7           (7) A window of a limousine.
- 8           (8) A window of a law enforcement vehicle.
- 9           (9) A window of a multipurpose vehicle that is behind the driver of the vehicle.  
10          A multipurpose vehicle is a passenger vehicle that is designed to carry 10 or  
11          fewer passengers and either is constructed on a truck chassis or has special  
12          features designed for occasional off-road operation. A minivan and a pickup  
13          truck are multipurpose vehicles.
- 14          (10) A window of a vehicle that is registered in another state and meets the  
15          requirements of the state in which it is registered.
- 16          (11) A window of a vehicle for which the Division has issued a medical  
17          exception permit under subsection (f) of this section.

18          ...."

19          **SECTION 7.** G.S. 20-137.4A is amended by adding a new subsection to read:

20          "(a1) Motor Carrier Offense. – It shall be unlawful for any person to operate a  
21          commercial motor vehicle subject to Part 390 or 392 of Title 49 of the Code of Federal  
22          Regulations on a public street or highway or public vehicular area while using a mobile  
23          telephone or other electronic device in violation of those Parts. Nothing in this subsection shall  
24          be construed to prohibit the use of hands-free technology."

25          **SECTION 8.** G.S. 20-383 reads as rewritten:

26          "**§ 20-383. Inspectors and officers given enforcement authority.**

27          Only designated ~~inspectors and officers~~ inspectors, officers, and personnel of the  
28          Department of Crime Control and Public Safety shall have the authority to enforce the  
29          provisions of this Article and provisions of Chapter 62 applicable to motor transportation, and  
30          they are empowered to make complaint for the issue of appropriate warrants, informations,  
31          presentments or other lawful process for the enforcement and prosecution of violations of the  
32          transportation laws against all offenders, whether they be regulated motor carriers or not, and to  
33          appear in court or before the North Carolina Utilities Commission and offer evidence at the  
34          trial pursuant to such processes."

35          **SECTION 9.** G.S. 136-28.5 is amended by adding a new subsection to read:

36          "(c) Notwithstanding G.S. 132-1, bids and documents submitted in response to an  
37          advertisement or request for proposal under this Chapter shall not be public record until the  
38          Department issues a decision to award or not to award the contract."

39          **SECTION 10.** G.S. 136-89.213(a) reads as rewritten:

40          "**§ 136-89.213. Administration of tolls and requirements for open road tolls.**

41          (a) Administration. – The Authority is responsible for collecting tolls on Turnpike  
42          projects. In exercising its authority under G.S. 136-89.183 to perform or procure services  
43          required by the Authority, the Authority may contract with one or more providers to perform  
44          part or all of the collection functions and may enter into agreements to exchange information  
45          that identifies motor vehicles and their owners with one or more of the following entities: the  
46          Division of Motor Vehicles of the Department of Transportation, another state, another toll  
47          operator, or a toll collection-related organization.

48          (a1) Identifying information obtained by the Authority through an agreement is not a  
49          public record and is subject to the disclosure limitations in 18 U.S.C. § 2721, the federal  
50          Driver's Privacy Protection Act. The Authority shall maintain the confidentiality of all  
51          information relating to electronic toll collection, including, but not limited to, personal

1 information, financial information, transactions and transaction history, and information related  
2 to the collection of a toll or user fee, including, but not limited to, photographs or other  
3 recorded images or automatic vehicle identification or driver account information generated by  
4 radio-frequency identification or other electronic means. Notwithstanding the provisions of this  
5 section:

6 (1) The account holder may examine his own account information, and the  
7 Authority may use the account information for purposes of collecting and  
8 enforcing tolls.

9 (2) A party, by authority of a proper court order, may inspect and examine  
10 confidential account information."

11 **SECTION 11.** Section 1 of S.L. 2011-71 reads as rewritten:

12 **"SECTION 1.** G.S. 20-118(c) is amended by adding a new subdivision to read:

13 '(16) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle  
14 combination that meets all of the conditions below, but all other enforcement  
15 provisions of this Article remain applicable:

16 a. Is hauling unhardened ready-mixed concrete.

17 b. Does not operate on an interstate highway or a posted light-traffic  
18 road or exceed any posted bridge weight limits.

19 c. Has a single steer axle weight of no more than 22,000 pounds and a  
20 tandem-axle weight of no more than 46,000 pounds.

21 d. Does not exceed a maximum gross weight of 66,000 pounds on a  
22 three-axle vehicle with a length of at least 21 feet between the center  
23 of axle one and the center of axle three.

24 e. Does not exceed a maximum gross weight of 72,600 pounds on a  
25 four-axle vehicle with a length of at least 36 feet between the center  
26 of axle one and the center of axle four. The four-axle vehicle shall  
27 have a maximum gross weight of 66,000 pounds on axles one, two,  
28 and three with a length of at least 21 feet between the center of axle  
29 one and the center of axle three.

30 f. For purposes of this subdivision, no additional weight allowances as  
31 found in this section shall apply for gross weight, single steer axle  
32 weight, and tandem-axle weight, and the tolerance allowed by  
33 subsection (h) of this section shall not apply."

34 **SECTION 12.** Notwithstanding 19A NCAC 02D .0607(e)(3), the Department of  
35 Transportation may permit sealed ship containers as nondivisible loads as allowed by Federal  
36 Highway Administration policy. All Department of Transportation permitting rules applied to  
37 other nondivisible loads shall also apply to sealed ship containers.

38 **SECTION 13.** The Department of Transportation shall initiate the process to  
39 conform the North Carolina Administrative Code to this act by striking the words "not to  
40 exceed 94,500 pounds" from the first sentence of 19A NCAC 02D .0607(e)(3).

41 **SECTION 14.** The Department of Transportation shall not expend any funds to,  
42 regardless of the fund sources, and shall not erect, construct, build, or otherwise place a  
43 median, barrier, or other construct on that portion of U.S. Highway 70 between a point located  
44 1,050 feet West of the intersection of U.S. Highway 258 South and the intersection of NC  
45 Highway 58 South that in any way limits, reduces, blocks, or by any other means reduces the  
46 current level of ingress and egress to businesses located on that portion of U.S. Highway 70  
47 which are currently accessible from U.S. Highway 70.

48 **SECTION 15.** Until authorized by an act of the General Assembly, the Department  
49 of Transportation shall not expend any funds to, regardless of the fund sources, and shall not  
50 erect, construct, build, or otherwise place a median, barrier, or other construct on any of the  
51 following locations that in any way limits, reduces, blocks, or by any other means reduces the

1 current level of ingress and egress to businesses located on that portion of U.S. Highway 64  
2 between Third Street in Asheboro and the intersection of U.S. Highway 64 and Salisbury  
3 Street.

4           **SECTION 17.** Section 9 of this act becomes effective July 1, 2011, and applies to  
5 bids and documents submitted for advertisements and requests for proposal that are advertised  
6 or requested on or after that date. Section 1 of this act becomes effective August 1, 2011, and  
7 applies to drivers licenses issued on or after that date. Sections 2, 3, 4, 5, 6, and 7 of this act  
8 become effective December 1, 2011, and apply to offenses committed on or after that date. The  
9 remainder of this act is effective when it becomes law.