

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2012-85
SENATE BILL 895**

AN ACT TO AMEND STATUTES RELATED TO MOTORCYCLE LICENSES, TO DELAY THE IMPLEMENTATION OF TWO CHANGES TO DRIVERS LICENSES PENDING AN INFORMATION TECHNOLOGY SYSTEM UPGRADE, TO UPDATE CHAPTER 136 OF THE GENERAL STATUTES WITH THE TERM "CHIEF ENGINEER," WHICH REPLACES THE TERM "STATE HIGHWAY ADMINISTRATOR," AND TO AUTHORIZE RECIPROCITY AGREEMENTS FOR TOLL PAYMENTS BETWEEN THE NORTH CAROLINA TURNPIKE AUTHORITY AND OTHER TOLL AGENCIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(a1) and (a2) read as rewritten:

"(a1) Motorcycles and Mopeds. – To drive a motorcycle, a person shall have one of the following:

- (1) A full provisional license with a motorcycle learner's permit.
- (2) A regular drivers license with a motorcycle learner's permit.
- (3) A full provisional license with a motorcycle endorsement.
- (4) A regular drivers ~~license,~~ license with a motorcycle endorsement.

Subsection (a2) of this section sets forth the requirements for a motorcycle learner's permit. To obtain a motorcycle endorsement, a person shall pay the fee set in subsection (i) of this section. In addition, to obtain an endorsement, a person age 18 or older shall demonstrate competence to drive a motorcycle by passing a ~~written or oral~~ written or oral knowledge test concerning ~~motorcycles~~ motorcycles, and ~~by passing a road test, and a test or providing proof of successful completion of one of the following:~~

- (1) The North Carolina Motorcycle Safety Education Program Basic Rider Course or Experienced Rider Course.
- (2) Any course approved by the Commissioner consistent with the instruction provided through the Motorcycle Safety Instruction Program established under G.S. 115D-72.

A person less than 18 years of age shall demonstrate competence to drive a motorcycle by passing a ~~written or oral~~ written or oral knowledge test concerning motorcycles and providing proof of successful completion of one of the following:

- (1) ~~The Motorcycle Safety Foundation Basic Rider Course or Experienced Rider Course.~~
- (2) The North Carolina Motorcycle Safety Education Program Basic Rider Course or Experienced Rider Course.
- (3) Any course approved by the Commissioner consistent with the instruction provided through the Motorcycle Safety Instruction Program established under G.S. 115D-72.

A person less than 18 years of age with a motorcycle endorsement may not drive a motorcycle with a passenger.

Neither a drivers license nor a motorcycle endorsement is required to drive a moped.

(a2) Motorcycle Learner's Permit. – The following persons are eligible for a motorcycle learner's permit:

- (1) A person who is at least 16 years old but less than 18 years old and has a full provisional license issued by the Division.



- (2) A person who is at least 18 years old and has a license issued by the Division.

To obtain a motorcycle learner's permit, an applicant shall pass a vision test, a road sign test, and a ~~written knowledge~~ test specified by the Division. An applicant who is less than 18 years old shall successfully complete ~~the Motorcycle Safety Foundation Basic Rider Course or the North Carolina Motorcycle Safety Education Program Basic Rider Course~~ Course or any course approved by the Commissioner consistent with the instruction provided through the Motorcycle Safety Instruction Program established under G.S. 115D-72. A motorcycle learner's permit expires twelve months after it is issued and may be renewed for one additional six-month period. The holder of a motorcycle learner's permit may not drive a motorcycle with a passenger. The fee for a motorcycle learner's permit is the amount set in G.S. 20-7(l) for a learner's permit."

SECTION 2. Section 3 of S.L. 2011-35 reads as rewritten:

~~"SECTION 3. This act becomes effective when the Division of Motor Vehicles has completed the implementation of the Division's Next Generation Secure Driver License System or July 1, 2012, whichever occurs first, and applies to drivers licenses issued on or after that date.~~ on the later of the following dates and applies to drivers licenses issued on or after that date:

- (1) January 1, 2013.
(2) The first day of a month that is 30 days after the Commissioner of Motor Vehicles certifies to the Revisor of Statutes that the Division of Motor Vehicles has completed the implementation of the Division's Next Generation Secure Driver License System."

SECTION 3. Section 2 of S.L. 2011-228 reads as rewritten:

~~"SECTION 2. This act becomes effective July 1, 2012, and applies to endorsements issued for commercial drivers licenses on or after that date.~~ on the later of the following dates and applies to endorsements issued for commercial drivers licenses issued on or after that date:

- (1) January 1, 2013.
(2) The first day of a month that is 30 days after the Commissioner of Motor Vehicles certifies to the Revisor of Statutes that the Division of Motor Vehicles has completed the implementation of the Division's Next Generation Secure Driver License System."

SECTION 4. G.S. 136-4 reads as rewritten:

~~"§ 136-4. State Highway Administrator, Chief Engineer.~~

There shall be a ~~State Highway Administrator, Chief Engineer~~, who shall be a career official and who shall be the administrative officer of the Department of Transportation for highway matters. The ~~State Highway Administrator~~ Chief Engineer shall be appointed by the Secretary of Transportation and he may be removed at any time by the Secretary of Transportation. He shall be paid a salary to be set in accordance with Chapter 126 of the General Statutes, the State Personnel Act. The ~~State Highway Administrator~~ Chief Engineer shall have such powers and perform such duties as the Secretary of Transportation shall prescribe."

SECTION 5. G.S. 136-18.3(a) reads as rewritten:

"(a) The Department of Transportation is authorized to issue permits to counties and municipalities for the location of containers on rights-of-way of state-maintained highways for the collection of garbage. Such containers may be located on highway rights-of-way only when authorized in writing by the ~~State Highway Administrator~~ Chief Engineer in accordance with rules and regulations promulgated by the Department of Transportation. Such rules and regulations shall take into consideration the safety of travelers on the highway and the elimination of unsightly conditions and health hazards. Such containers shall not be located on fully controlled-access highways."

SECTION 6. G.S. 136-64.1(d) reads as rewritten:

"(d) The Department of Transportation shall have the discretion to deny any application submitted pursuant to this section, or it may grant a permit on any condition it deems warranted. The Department, however, shall consider the use of alternate routes available during flooding of the roads, and any inconvenience to the public or temporary loss of access to business, homes and property. The Department shall have the authority to promulgate regulations for the issuance of permits under this section and it may delegate the authority for the consideration, issuance or denial of such permits to the ~~State Highway Administrator~~ Chief

Engineer. Any applicant granted a permit pursuant to this section shall cause suitable markers to be installed on the secondary road to advise the general public of the intermittent closing of the road or roads involved. Such markers shall be located and approved by the ~~State Highway Administrator~~Chief Engineer."

SECTION 7. G.S. 136-89.59(1) reads as rewritten:

"(1) Thirty-day permits shall be issued without cost by the Highway Division Engineer. Permits shall be subject to revocation by the ~~State Highway Administrator~~Chief Engineer for violations of this section. The applicant must be a nonprofit organization showing a record of concern for automotive, highway, or driver safety."

SECTION 8. G.S. 136-89.194(f) reads as rewritten:

"§ 136-89.194. Laws applicable to the Authority; exceptions.

(f) Construction Claims. – G.S. 136-29 applies to the adjustment and resolution of Turnpike project construction claims. In applying G.S. 136-29 to the Turnpike Authority, references to the "Department of Transportation," the ~~'State Highway Administrator,'~~"Chief Engineer," and a "State highway" are considered references to the "Turnpike Authority," the "chief engineer of the Turnpike Authority," and a "Turnpike project."

SECTION 9. G.S. 136-89.183(a) is amended by adding a new subdivision to read as follows:

"§ 136-89.183. Powers of the Authority.

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article, including the following:

...
(19) To enter into reciprocal toll enforcement agreements with other toll agencies, as provided in G.S. 136-89.220."

SECTION 10. G.S. 136-89.217 reads as rewritten:

"§ 136-89.217. Vehicle registration renewal blocked for unpaid open road toll.

(a) Registration Block. – Failure of a person to pay an open road toll billed to the person under G.S. 136-89.214, any processing fee added under G.S. 136-89.215, and any civil penalty imposed under ~~G.S. 136-89.216~~G.S. 136-89.216, as well as any toll, processing fee, or civil penalty owed to another tolling jurisdiction with which the Authority has a valid reciprocal toll enforcement agreement under G.S. 136-89.220, is grounds under G.S. 20-54 to withhold the registration renewal of a motor vehicle registered in that person's name. The Authority must notify the Commissioner of Motor Vehicles of a person who owes a toll, a processing fee, or a civil penalty. When notified, the Commissioner of Motor Vehicles must withhold the registration renewal of any motor vehicle registered in that person's name.

(b) Repealed by S.L. 2010-133, s. 6, effective December 1, 2010."

SECTION 11. Part 2 of Article 6H of Chapter 136 of the General Statutes is amended by adding a new section to read as follows:

"§ 136-89.220. Reciprocal toll enforcement agreements.

The Authority may enter into reciprocal agreement with other tolling jurisdictions to enforce toll violations. Such an agreement shall provide that, when another toll agency certifies that the registered owner of a vehicle registered in this State has failed to pay a toll, processing fee, or civil penalty due to that toll agency, the unpaid toll, processing fee, or civil penalty may be enforced by the Authority placing a renewal block as if it were an unpaid toll, processing fee, or civil penalty owed to this State under G.S. 136-89.217. Such agreement shall only be enforceable, however, if all of the following are true:

- (1) The other toll agency has its own effective reciprocal procedure for toll violation enforcement and does, in fact, reciprocate in enforcing toll violations within this State by withholding the registration renewal of registered owners of motor vehicles from the state of the other toll agency.
- (2) The other toll agency provides due process and appeal protections to avoid the likelihood that a false, mistaken, or unjustified claim will be pursued against the owner of a vehicle registered in this State.
- (3) The owner of a vehicle registered in this State may present evidence to the other toll agency by mail or other means to invoke rights of due process without having to appear personally in the jurisdiction where the violation allegedly occurred.

(4) The reciprocal violation enforcement arrangement between the Authority and the other toll agency provides that each party shall charge the other for costs associated with registration holds in their respective jurisdictions."

SECTION 12. When the Division of Motor Vehicles has completed the implementation of the Division's Next Generation Secure Driver License System, the Commissioner of Motor Vehicles shall certify to the Revisor of Statutes that the Division of Motor Vehicles has completed the implementation. When making the certification, the Commissioner of Motor Vehicles shall reference S.L. 2011-35, S.L. 2011-228, and the session law number of this act.

SECTION 13. Section 1 of this act becomes effective July 1, 2012. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 20th day of June, 2012.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 4:44 p.m. this 26th day of June, 2012