

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 280
Committee Substitute Favorable 4/12/99

Short Title: Motor Vehicle Tech. Amendments/AB.

(Public)

Sponsors:

Referred to:

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER CHANGES TO THE
3 MOTOR VEHICLE LAWS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-4.01(33b) reads as rewritten:

6 "(33b) Reportable ~~Accident~~Crash. ~~—An accident or collision—A~~
7 crash involving a motor vehicle that results in ~~either one or more~~
8 of the following:

- 9 a. Death or injury of a human being.
10 b. Total property damage of one thousand dollars (\$1,000) or more,
11 or property damage of any amount to a vehicle seized pursuant to
12 G. S. 20-28.3."

13 Section 2. G.S. 20-4.01 is amended by adding a new subdivision to read:

14 "(4b) Crash. — Any event that results in injury or property damage attributable
15 directly to the motion of a motor vehicle or its load. The terms
16 collision, accident, and crash and their cognates are synonymous."

17 Section 3. G.S. 20-9(g)(1) reads as rewritten:

18 "(1) The Division may issue a license to any person who is afflicted with or
19 suffering from a physical or mental disability set out in subsection (e) of

1 this section who is otherwise qualified to obtain a license, provided such
2 person submits to the Division a certificate in the form prescribed in
3 subdivision (2). Until a license issued under this subdivision expires or
4 is revoked, the license continues in force as long as the licensee presents
5 to the Division ~~one year from the date of issuance of such license and at~~
6 ~~yearly intervals thereafter a certificate in the form prescribed in subdivision~~
7 ~~(2), provided the Commissioner may require the submission of such certificate~~
8 ~~at six-month intervals where in his opinion public safety demands. a~~
9 certificate in the form prescribed in subdivision (2) of this subsection at
10 the intervals determined by the Division to be in the best interests of
11 public safety."

12 Section 4. G.S. 20-16(d) reads as rewritten:

13 "(d) Upon suspending the license of any person as authorized in this section, the
14 Division shall immediately notify the licensee in writing and upon his request shall afford
15 him an opportunity for a hearing, not to exceed 60 days after receipt of the request, unless
16 a preliminary hearing was held before his license was suspended, ~~as early as practical within~~
17 ~~not to exceed 30 days after receipt of such request. The hearing shall be conducted in the district~~
18 ~~court district as defined in G.S. 7A-133 wherein the licensee resides. Hearings shall be rotated~~
19 ~~among all the counties within that district if the district contains more than one county unless the~~
20 ~~Division and the licensee agree that such hearing may be held in some other district, and such~~
21 ~~notice shall contain the provisions of this section printed thereon. suspended.~~ Upon such
22 hearing the duly authorized agents of the Division may administer oaths and may issue
23 subpoenas for the attendance of witnesses and the production of relevant books and
24 papers and may require a reexamination of the licensee. Upon such hearing the Division
25 shall either rescind its order of suspension, or good cause appearing therefor, may extend
26 the suspension of such license. Provided further upon such hearing, preliminary or
27 otherwise, involving subsections (a)(1) through (a)(10a) of this section, the Division may
28 for good cause appearing in its discretion substitute a period of probation not to exceed
29 one year for the suspension or for any unexpired period of suspension. Probation shall
30 mean any written agreement between the suspended driver and a duly authorized
31 representative of the Division and such period of probation shall not exceed one year, and
32 any violation of the probation agreement during the probation period shall result in a
33 suspension for the unexpired remainder of the suspension period. The authorized agents
34 of the Division shall have the same powers in connection with a preliminary hearing prior
35 to suspension as this subsection provided in connection with hearings held after
36 suspension. These agents shall also have the authority to take possession of a
37 surrendered license on behalf of the Division if the suspension is upheld and the licensee
38 requests that the suspension begin immediately."

39 Section 5. G.S. 20-63(g) reads as rewritten:

40 "(g) Alteration, Disguise, or Concealment of Numbers. – Any operator of a motor
41 vehicle who shall willfully mutilate, bend, twist, cover or cause to be covered or partially
42 covered by any bumper, light, spare tire, tire rack, strap, or other device, or who shall
43 paint, enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or

1 portion of a registration plate or the figures or letters thereon, or who shall place or
2 deposit or cause to be placed or deposited any oil, grease, or other substance upon such
3 registration plates for the purpose of making dust adhere thereto, or who shall deface,
4 disfigure, change, or attempt to change any letter or figure thereon, or who shall display a
5 number plate in other than a horizontal upright position, or who shall cover any number
6 or sticker on a registration plate with any material that makes the number or sticker
7 illegible, shall be guilty of a Class 2 misdemeanor."

8 Section 6. G.S. 20-63 is amended by adding a new subsection that reads:

9 "(i) Electronic Applications and Collections. – The Division is authorized to accept
10 electronic applications for the issuance of registration plates, registration certificates, and
11 certificates of title, and to electronically collect fees and penalties."

12 Section 7. G.S. 20-78(b) reads as rewritten:

13 "(b) The Division shall maintain a record of certificates of title ~~issued, maintaining at~~
14 ~~all times the records of the last two owners, issued by the Division for a period of 20 years.~~
15 After 20 years, the Division shall maintain a record of the last two owners.

16 The Commissioner is hereby authorized and empowered to provide for the
17 photographic or photostatic recording of certificate of title records in such manner as he
18 may deem expedient. The photographic or photostatic copies herein authorized shall be
19 sufficient as evidence in tracing of titles of the motor vehicles designated therein, and
20 shall also be admitted in evidence in all actions and proceedings to the same extent that
21 the originals would have been admitted."

22 Section 8. G.S. 20-79.4(a) reads as rewritten:

23 "(a) General. – Upon application and payment of the required registration fees, a
24 person may obtain from the Division a special registration plate for a motor vehicle
25 registered in that person's name if the person qualifies for the registration plate. A special
26 registration plate may not be issued for a vehicle registered under the International
27 Registration Plan. A special registration plate may be issued for a commercial vehicle
28 that is not registered under the International Registration Plan. A holder of a special
29 registration plate who becomes ineligible for the plate, for whatever reason, ~~must~~ shall
30 return the special plate within 30 days. On or after January 1, 2000, all special plates
31 shall require 1,000 applications prior to issuance of a new plate series by the Division."

32 Section 8.1. G.S. 20-79.4(b)(27) reads as rewritten:

33 "(27) Military Retiree. – Issuable to an individual who has retired from the
34 armed forces of the United States. The plate shall bear the word
35 "Retired" and the name and insignia of the branch of service from which
36 the individual retired. ~~The Division may not issue the plate authorized by~~
37 ~~this subdivision unless it receives at least 300 applications for the plate."~~

38 Section 9. G.S. 20-96 reads as rewritten:

39 "~~§ 20-96. Collection of delinquent penalties and taxes. Detaining property-hauling~~
40 vehicles until penalties and taxes are collected.

41 ~~A law enforcement officer who discovers that a vehicle used for the transportation of~~
42 ~~property is being operated on the highways and that the owner of the vehicle is more than~~
43 ~~30 days overdue in paying any of the following may detain the vehicle:~~

1 (1) ~~A penalty previously assessed under this Chapter against the owner for a~~
2 ~~violation attributable to the failure of a vehicle to comply with this~~
3 ~~Chapter.~~

4 (2) ~~A tax or penalty previously assessed against the owner under Article~~
5 ~~36B of Chapter 105 of the General Statutes.~~

6 ~~The officer may detain the vehicle until the delinquent penalties and taxes are paid.~~

7 (a) Authority to Detain Vehicles. – A law enforcement officer may seize and
8 detain the following property-hauling vehicle operating on the highways of the State:

9 (1) A property-hauling vehicle with an overload in violation of G.S. 20-
10 88(k) or G.S. 20-118, until the penalty is paid;

11 (2) A property-hauling vehicle that is equipped with improper registration
12 plates, until the proper plates are secured for the vehicle and the penalty
13 due under G.S. 20-118.3 is paid;

14 (3) A property-hauling vehicle that is owned by a person liable for any
15 overload penalties or assessments due and unpaid for more than 30
16 days; and

17 (4) A property hauling vehicle that is owned by a person liable for any taxes
18 or penalties under Article 36B of Chapter 105 of the General Statutes,
19 until the overdue penalties or taxes are paid.

20 (b) Storage; Liability. – When necessary, an officer who detains a vehicle under
21 this section may have the vehicle stored. The owner of a vehicle that is detained or stored
22 under this section is responsible for the care of any property being hauled by the vehicle
23 and for any storage charges. The State ~~is~~ shall not be liable for damage to the vehicle or
24 loss of the property being hauled."

25 Section 10. G.S. 20-166.1(h) reads as rewritten:

26 "(h) Forms. – The Division ~~must~~ shall provide forms or procedures for submitting
27 crash data to persons required to make reports under this section and the reports ~~must~~
28 shall be made ~~on the forms provided.~~ in a format approved by the Commissioner. ~~The~~
29 forms ~~must ask for the~~ The following information shall be included about a reportable
30 accident: ~~crash:~~

31 (1) The cause of the ~~accident.~~ crash.

32 (2) The conditions existing at the time of the ~~accident.~~ crash.

33 (3) The persons and vehicles involved.

34 (4) Whether the vehicle has been seized and is subject to forfeiture under
35 G.S. 20-28.2."

36 Section 11. G.S. 20-309(e) reads as rewritten:

37 "(e) Upon termination by cancellation or otherwise of an insurance policy provided
38 in subsection (b) of this section, the insurer shall electronically notify the Division of ~~such~~
39 termination; the termination within 10 business days; provided, no cancellation notice is
40 required if the same insurer issues a ~~new~~ replacement insurance policy complying with
41 this Article at the same time the insurer cancels or otherwise terminates the old policy, no
42 lapse in coverage results, and the insurer sends the certificate of insurance form for the
43 new policy to the Division. The insurer shall electronically notify the Division of any

1 new policy for insurance within 10 working days of its issuance; provided a new
2 coverage is not a replacement insurance policy for a policy terminated by the same
3 insurer.

4 The Division, upon receiving notice of ~~cancellation or termination of an owner's~~
5 ~~financial responsibility as required by this Article, a lapse in insurance coverage,~~ shall
6 notify ~~such the~~ owner of ~~such cancellation or termination, the lapse in coverage,~~ and ~~such~~
7 the owner shall, to retain the registration plate for the vehicle registered or required to be
8 registered, within 10 days from date of notice given by the Division either:

9 (1) Certify to the Division that he had financial responsibility effective on
10 or prior to the date of such termination; or

11 (2) In the case of a lapse in financial responsibility, pay a fifty dollar
12 (\$50.00) civil penalty; and certify to the Division that he now has
13 financial responsibility effective on the date of certification, that he did
14 not operate the vehicle in question during the period of no financial
15 responsibility with the knowledge that there was no financial
16 responsibility, and that the vehicle in question was not involved in a
17 motor vehicle ~~accident~~ crash during the period of no financial
18 responsibility.

19 Failure of the owner to certify that he has financial responsibility as herein required
20 shall be prima facie evidence that no financial responsibility exists with regard to the
21 vehicle concerned and unless the owner's registration plate has on or prior to the date of
22 termination of insurance been surrendered to the Division by surrender to an agent or
23 representative of the Division designated by the Commissioner, or depositing the same in
24 the United States mail, addressed to the Division of Motor Vehicles, Raleigh, North
25 Carolina, the Division shall revoke the vehicle's registration for 30 days.

26 In no case shall any vehicle, the registration of which has been revoked for failure to
27 have financial responsibility, be reregistered in the name of the registered owner, spouse,
28 or any child of the spouse, or any child of such owner within less than 30 days after the
29 date of receipt of the registration plate by the Division of Motor Vehicles, except that a
30 spouse living separate and apart from the registered owner may register such vehicle
31 immediately in such spouse's name. Additionally, as a condition precedent to the
32 reregistration of the vehicle by the registered owner, spouse, or any child of the spouse,
33 or any child of such owner, except a spouse living separate and apart from the registered
34 owner, the payment of a restoration fee of fifty dollars (\$50.00) and the appropriate fee
35 for a new registration plate is required. Any person, firm or corporation failing to give
36 notice of termination shall be subject to a civil penalty of two hundred dollars (\$200.00)
37 to be assessed by the Commissioner of Insurance upon a finding by the Commissioner of
38 Insurance that good cause is not shown for such failure to give notice of termination to
39 the Division.

40 Any insurance company with less than twenty-five million dollars (\$25,000,000) in
41 annual vehicle insurance premium volume may submit notices required under this section
42 by paper or electronic means."

43 Section 12. G.S. 20-376 reads as rewritten:

1 **"§ 20-376. Definitions.**

2 The following definitions apply in this Article:

- 3 (1) Federal safety and hazardous materials regulations. – The federal motor
4 carrier safety regulations contained in 49 C.F.R. Parts ~~170 through 190,~~
5 171 through 180, 382, and 390 through 398.
- 6 (2) Foreign commerce. – Commerce between any of the following:
7 a. A place in the United States and a place in a foreign country.
8 b. Places in the United States through any foreign country.
- 9 ~~(3) Interstate commerce. – Commerce between any of the following:~~
10 ~~a. A place in a state and a place in another state.~~
11 ~~b. Places in the same state through another state.~~
- 12 ~~(4) Intrastate commerce. – Commerce that is between points and over a~~
13 ~~route wholly within this State and is not part of a prior or subsequent~~
14 ~~movement to or from points outside of this State in interstate or foreign~~
15 ~~commerce.~~
- 16 (3) Interstate commerce. – As defined in 49 C.F.R. Part 390.5.
- 17 (4) Intrastate commerce. – As defined in 49 C.F.R. Part 390.5."

18 Section 13. G.S. 20-381(b) reads as rewritten:

19 "(b) The definitions set out in 49 Code of Federal Regulations § 171.8 apply to this
20 subsection. ~~Citations to the Code of Federal Regulations (CFR) in this subsection refer to the 1~~
21 ~~October 1997 Edition of the CFR.~~–The transportation of an agricultural product, other than
22 a Class 2 material, over local roads between fields of the same farm by a farmer operating
23 as an intrastate private motor carrier is exempt from the requirements of Parts 171
24 through 180 of 49 CFR as provided in 49 CFR § 173.5(a). The transportation of an
25 agricultural product to or from a farm within 150 miles of the farm by a farmer operating
26 as an intrastate private motor carrier is exempt from the requirements of Subparts G and
27 H of Part 172 of 49 CFR as provided in 49 CFR § 173.5(b)."

28 Section 14. G.S. 20-4.01(12a) reads as rewritten:

29 "(12a) Gross Vehicle Weight Rating (GVWR). – The value specified by the
30 manufacturer as the maximum loaded weight of a vehicle. The GVWR
31 of a combination vehicle is the GVWR of the power unit plus the
32 GVWR of the towed unit or units. When a vehicle is determined by an
33 enforcement officer to be structurally altered from the manufacturer's
34 original design, the license weight or the total weight of the vehicle or
35 combination of vehicles may be deemed as the GVWR for the purpose
36 of enforcing this Chapter."

37 Section 15. G.S. 20-118(c)(5) reads as rewritten:

38 "(5) The light-traffic road limitations provided for pursuant to subdivision
39 (b)(4) of this section do not apply to a vehicle while that vehicle is
40 transporting only the following from its point of origin on a light-traffic
41 road to the nearest highway that is not a light-traffic road:

- 1 a. Processed or unprocessed seafood transported from boats or any
- 2 other point of origin to a processing plant or a point of further
- 3 distribution.
- 4 b. Meats or agricultural crop products transported from a farm to
- 5 first market.
- 6 c. Forest products originating and transported from a farm or from
- 7 woodlands to first market without interruption or delay for
- 8 further packaging or processing after initiating transport.
- 9 d. Livestock or poultry transported from their point of origin to first
- 10 market.
- 11 e. Livestock by-products or poultry by-products transported from
- 12 their point of origin to a rendering plant.
- 13 f. Recyclable material transported from its point of origin to a
- 14 scrap-processing facility for processing. As used in this subpart,
- 15 the terms "~~recyclable~~" "recyclable material" and "processing" have
- 16 the same meaning as in G.S. 130A-290(a).
- 17 g. Garbage collected by the vehicle from residences or garbage
- 18 dumpsters if the vehicle is fully enclosed and is designed
- 19 specifically for collecting, compacting, and hauling garbage from
- 20 residences or from garbage dumpsters. As used in this subpart,
- 21 the term "garbage" does not include hazardous waste as defined in
- 22 G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-
- 23 167.1, low-level radioactive waste as defined in G.S. 104E-5, or
- 24 radioactive material as defined in G.S. 104E-5.
- 25 h. Treated sludge collected from a wastewater treatment facility.
- 26 i. Apples when transported from the orchard to the first processing
- 27 or packing point.
- 28 j. Trees grown as Christmas trees from the field, farm, stand, or
- 29 grove to first processing point."

30 Section 16. G.S. 20-87(2) reads as rewritten:

31 "(2) U-Drive-It Passenger Vehicles. – U-drive-it passenger vehicles shall

32 pay the following tax:

33	Motorcycles:	1-passenger capacity	\$18.00
34		2-passenger capacity	22.00
35		3-passenger capacity	26.00

36 ~~Automobiles: Forty one dollars (\$41.00) per year for each~~

37 ~~vehicle of fifteen passenger capacity or less, and vehicles of over~~

38 ~~fifteen passenger capacity shall be classified as buses and shall~~

39 ~~pay one dollar and forty cents (\$1.40) per hundred pounds empty~~

40 ~~weight of each vehicle.~~

41	<u>Automobiles:</u>	<u>15 or fewer</u>
42		<u>passengers</u>
43		<u>41.00</u>

1	<u>Buses:</u>		<u>16 or more</u>
2			<u>passengers</u>
3			<u>1.40</u>
4			<u>per hundred</u>
5			<u>pounds of</u>
6			<u>empty weight</u>
7	<u>Trucks:</u>	<u>Under 7,000 lbs. that</u>	
8		<u>do not haul products</u>	
9		<u>for-hire</u>	<u>41.50 (4,000</u>
10			<u>lbs.)</u>
11			<u>51.00 (5,000</u>
12			<u>lbs.)</u>
13			<u>61.00 (6,000</u>
14			<u>lbs.)</u> ".

15 Section 17. G.S. 20-19(d) reads as rewritten:

16 "(d) When a person's license is revoked under ~~subdivision (2) of G.S. 20-17~~ G.S. 20-
 17 17(a)(2) and the person has another offense involving impaired driving for which he has
 18 been convicted, which offense occurred within three years immediately preceding the
 19 date of the offense for which his license is being revoked, the period of revocation is four
 20 years, and this period may be reduced only as provided in this section. The Division may
 21 conditionally restore the person's license after it has been revoked for at least two years
 22 under this subsection if he provides the Division with satisfactory proof that:

- 23 (1) He has not in the period of revocation been convicted in North Carolina
 24 or any other state or federal jurisdiction of a motor vehicle offense, an
 25 alcoholic beverage control law offense, a drug law offense, or any other
 26 criminal offense involving the possession or consumption of alcohol or
 27 drugs; and
- 28 (2) He is not currently an excessive user of alcohol or drugs.

29 If the Division restores the person's license, it may place reasonable conditions or
 30 restrictions on the person for the duration of the original revocation period."

31 Section 18. G.S. 20-19(e) reads as rewritten:

32 "(e) When a person's license is revoked under ~~subdivision (2) of G.S. 20-17~~ G.S. 20-
 33 17(a)(2) and the person has two or more previous offenses involving impaired driving for
 34 which he has been convicted, and the most recent offense occurred within the five years
 35 immediately preceding the date of the offense for which his license is being revoked, the
 36 revocation is permanent. The Division may, however, conditionally restore the person's
 37 license after it has been revoked for at least three years under this subsection if he
 38 provides the Division with satisfactory proof that:

- 39 (1) In the three years immediately preceding the person's application for a
 40 restored license, he has not been convicted in North Carolina or in any
 41 other state or federal court of a motor vehicle offense, an alcohol
 42 beverage control law offense, a drug law offense, or any criminal
 43 offense involving the consumption of alcohol or drugs; and

1 (2) He is not currently an excessive user of alcohol or drugs.
2 If the Division restores the person's license, it may place reasonable conditions or
3 restrictions on the person for any period up to three years from the date of restoration."

4 Section 19. G.S. 20-11(k) reads as rewritten:

5 "(k) Supervising Driver. – A supervising driver ~~must~~ shall be a parent or guardian of
6 the permit holder or license holder or a responsible person approved by the parent or
7 guardian or the Division. A supervising driver ~~must~~ shall be a licensed driver who has
8 been licensed for at least five years. ~~A~~ At least one supervising driver ~~must~~ shall sign the
9 application for a permit or license. ~~Each permit or license issued pursuant to this section shall~~
10 ~~be limited to a maximum of two supervising drivers."~~

11 Section 20. The Division of Motor Vehicles shall develop a plan to improve
12 the system of collecting and maintaining proof of financial responsibility for newly
13 licensed drivers classified as inexperienced operators. The Division shall submit its
14 report to the Joint Legislative Transportation Oversight Committee by December 1, 1999.

15 Section 21. Section 11 of this act becomes effective October 1, 2000. Section
16 19 of this act becomes effective July 1, 1999. The remainder of this act becomes
17 effective October 1, 1999.