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Short Title: Motor Vehicle Tech. Amendments/AB.

(Public)

Sponsors:

Referred to:

March 4, 1999

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

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01 is amended by adding a new subdivision to read:

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

Section 2. G.S. 20-4.01(12a) reads as rewritten:

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

1 Section 3. G.S. 20-4.01(33b) reads as rewritten:

2 "(33b) Reportable ~~Accident~~Crash. ~~—An accident or collision—A~~
3 crash involving a motor vehicle that results in ~~either one or more~~
4 of the following:

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

9 Section 4. G.S. 20-9(g)(1) reads as rewritten:

10 "(1) The Division may issue a license to any person who is afflicted with or
11 suffering from a physical or mental disability set out in subsection (e) of
12 this section who is otherwise qualified to obtain a license, provided such
13 person submits to the Division a certificate in the form prescribed in
14 subdivision (2). Until a license issued under this subdivision expires or
15 is revoked, the license continues in force as long as the licensee presents
16 to the Division ~~one year from the date of issuance of such license and at~~
17 ~~yearly intervals thereafter a certificate in the form prescribed in subdivision~~
18 ~~(2), provided the Commissioner may require the submission of such certificate~~
19 ~~at six month intervals where in his opinion public safety demands—a~~
20 certificate in the form prescribed in subdivision (2) of this subsection at
21 the intervals determined by the Division to be in the best interests of
22 public safety."

23 Section 5. G.S. 20-11(e) reads as rewritten:

24 "(e) Level 2 Restrictions. – A limited provisional license authorizes the license
25 holder to drive a specified type or class of motor vehicle only under the following
26 conditions:

- 27 (1) The license holder must be in possession of the license.
28 (2) The license holder may drive without supervision in any of the
29 following circumstances:
30 a. From 5:00 a.m. to ~~9:00 p.m.~~9:30 p.m.
31 b. When driving to or from work.
32 c. When driving to or from an activity of a volunteer fire
33 department, volunteer rescue squad, or volunteer emergency
34 medical service, if the driver is a member of the organization.
35 (3) The license holder may drive with supervision at any time. When the
36 license holder is driving with supervision, the supervising driver must
37 be seated beside the license holder in the front seat of the vehicle when
38 it is in motion. The supervising driver need not be the only other
39 occupant of the front seat, but must be the person seated next to the
40 license holder.
41 (4) Every person occupying the vehicle being driven by the license holder
42 must have a safety belt properly fastened about his or her body, or be

1 restrained by a child passenger restraint system as provided in G.S. 20-
2 137.1(a), when the vehicle is in motion."

3 Section 6. G.S. 20-11(k) reads as rewritten:

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

10 Section 7. G.S. 20-16(d) reads as rewritten:

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

37 Section 8. G.S. 20-19(d) reads as rewritten:

38 "(d) When a person's license is revoked under ~~subdivision (2) of G.S. 20-17~~ G.S. 20-
39 17(a)(2) and the person has another offense involving impaired driving for which he has
40 been convicted, which offense occurred within three years immediately preceding the
41 date of the offense for which his license is being revoked, the period of revocation is four
42 years, and this period may be reduced only as provided in this section. The Division may

1 conditionally restore the person's license after it has been revoked for at least two years
2 under this subsection if he provides the Division with satisfactory proof that:

3 (1) He has not in the period of revocation been convicted in North Carolina
4 or any other state or federal jurisdiction of a motor vehicle offense, an
5 alcoholic beverage control law offense, a drug law offense, or any other
6 criminal offense involving the possession or consumption of alcohol or
7 drugs; and

8 (2) He is not currently an excessive user of alcohol or drugs.

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

11 Section 9. G.S. 20-19(e) reads as rewritten:

12 "(e) When a person's license is revoked under ~~subdivision (2) of G.S. 20-17~~ G.S. 20-
13 17(a)(2) and the person has two or more previous offenses involving impaired driving for
14 which he has been convicted, and the most recent offense occurred within the five years
15 immediately preceding the date of the offense for which his license is being revoked, the
16 revocation is permanent. The Division may, however, conditionally restore the person's
17 license after it has been revoked for at least three years under this subsection if he
18 provides the Division with satisfactory proof that:

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

24 (2) He is not currently an excessive user of alcohol or drugs.

25 If the Division restores the person's license, it may place reasonable conditions or
26 restrictions on the person for any period up to three years from the date of restoration."

27 Section 10. G.S. 20-63(g) reads as rewritten:

28 "(g) Alteration, Disguise, or Concealment of Numbers. – Any operator of a motor
29 vehicle who shall willfully mutilate, bend, twist, cover or cause to be covered or partially
30 covered by any bumper, light, spare tire, tire rack, strap, or other device, or who shall
31 paint, enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or
32 portion of a registration plate or the figures or letters thereon, or who shall place or
33 deposit or cause to be placed or deposited any oil, grease, or other substance upon such
34 registration plates for the purpose of making dust adhere thereto, or who shall deface,
35 disfigure, change, or attempt to change any letter or figure thereon, or who shall display a
36 number plate in other than a horizontal upright position, or who shall cover any number
37 or sticker on a registration plate with any material that makes the number or sticker
38 illegible, shall be guilty of a Class 2 misdemeanor."

39 Section 11. G.S. 20-63 is amended by adding a new subsection that reads:

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

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

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

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

Section 14. G.S. 20-79.4(b)(27) reads as rewritten:

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

Section 15. G.S. 20-87(2) reads as rewritten:

"(2) U-Drive-It Passenger Vehicles. – U-drive-it passenger vehicles shall pay the following tax:

| | | |
|--------------|----------------------|---------|
| Motorcycles: | 1-passenger capacity | \$18.00 |
| | 2-passenger capacity | 22.00 |
| | 3-passenger capacity | 26.00 |

~~Automobiles: Forty one dollars (\$41.00) per year for each vehicle of fifteen passenger capacity or less, and vehicles of over fifteen passenger capacity shall be classified as buses and shall pay one dollar and forty cents (\$1.40) per hundred pounds empty weight of each vehicle.~~

| | |
|---------------------|-------------------------------|
| <u>Automobiles:</u> | <u>15 or fewer passengers</u> |
| | <u>\$41.00</u> |

| | |
|---------------|---|
| <u>Buses:</u> | <u>16 or more passengers</u> |
| | <u>\$ 1.40</u> |
| | <u>per hundred pounds of empty weight</u> |

| | |
|--|---------------------|
| <u>Trucks under 7,000 pounds that do not haul products for hire:</u> | <u>4,000 pounds</u> |
| | <u>\$41.50</u> |
| | <u>5,000 pounds</u> |
| | <u>\$51.00</u> |
| | <u>6,000 pounds</u> |
| | <u>\$61.00".</u> |

1 Section 16. G.S. 20-96 reads as rewritten:

2 "**§ 20-96. Collection of delinquent penalties and taxes. Detaining property-hauling**
3 **vehicles until penalties and taxes are collected.**

4 A law enforcement officer who discovers that a vehicle used for the transportation of
5 property is being operated on the highways and that the owner of the vehicle is more than
6 30 days overdue in paying any of the following may detain the vehicle:

- 7 (1) A penalty previously assessed under this Chapter against the owner for a
8 violation attributable to the failure of a vehicle to comply with this
9 Chapter.
10 (2) A tax or penalty previously assessed against the owner under Article
11 36B of Chapter 105 of the General Statutes.

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

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

- 15 (1) A property-hauling vehicle with an overload in violation of G.S. 20-
16 88(k) and G.S. 20-118.
17 (2) A property-hauling vehicle that does not have a proper registration plate
18 as required under G.S. 20-118.3.
19 (3) A property-hauling vehicle that is owned by a person liable for any
20 overload penalties or assessments due and unpaid for more than 30
21 days.
22 (4) A property-hauling vehicle that is owned by a person liable for any
23 taxes or penalties under Article 36B of Chapter 105 of the General
24 Statutes.

25 The officer may detain the vehicle until the delinquent penalties and taxes are paid
26 and, in the case of a vehicle that does not have the proper registration plate, until the
27 proper registration plate is secured.

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

33 Section 17. G.S. 20-166.1(h) reads as rewritten:

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

- 39 (1) The cause of the ~~accident.~~ crash.
40 (2) The conditions existing at the time of the ~~accident.~~ crash.
41 (3) The persons and vehicles involved.
42 (4) Whether the vehicle has been seized and is subject to forfeiture under
43 G.S. 20-28.2."

1 Section 18. G.S. 20-309(e) reads as rewritten:

2 "(e) Upon termination by cancellation or otherwise of an insurance policy provided
3 in subsection (b) of this section, the insurer shall notify the Division of ~~such termination;~~
4 the termination within 10 business days; provided, no cancellation notice is required if
5 the same insurer issues a new-replacement insurance policy complying with this Article at
6 the same time the insurer cancels or otherwise terminates the old policy, no lapse in
7 coverage results, and the insurer sends the certificate of insurance form for the new
8 policy to the Division. The insurer shall notify the Division of any new policy for
9 insurance within 10 working days of its issuance unless the new coverage is a
10 replacement insurance policy for a policy terminated by the same insurer. Any insurance
11 company with twenty-five million dollars (\$25,000,000) or more in annual vehicle
12 insurance premium volume must submit the notices required under this section by
13 electronic means. All other insurance companies may submit the notices required under
14 this section by either paper or electronic means.

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

- 20 (1) Certify to the Division that he had financial responsibility effective on
21 or prior to the date of such termination; or
22 (2) In the case of a lapse in financial responsibility, pay a fifty dollar
23 (\$50.00) civil penalty; and certify to the Division that he now has
24 financial responsibility effective on the date of certification, that he did
25 not operate the vehicle in question during the period of no financial
26 responsibility with the knowledge that there was no financial
27 responsibility, and that the vehicle in question was not involved in a
28 motor vehicle ~~accident~~-crash during the period of no financial
29 responsibility.

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

37 In no case shall any vehicle, the registration of which has been revoked for failure to
38 have financial responsibility, be reregistered in the name of the registered owner, spouse,
39 or any child of the spouse, or any child of such owner within less than 30 days after the
40 date of receipt of the registration plate by the Division of Motor Vehicles, except that a
41 spouse living separate and apart from the registered owner may register such vehicle
42 immediately in such spouse's name. Additionally, as a condition precedent to the
43 reregistration of the vehicle by the registered owner, spouse, or any child of the spouse,

1 or any child of such owner, except a spouse living separate and apart from the registered
2 owner, the payment of a restoration fee of fifty dollars (\$50.00) and the appropriate fee
3 for a new registration plate is required. Any person, firm or corporation failing to give
4 notice of termination shall be subject to a civil penalty of two hundred dollars (\$200.00)
5 to be assessed by the Commissioner of Insurance upon a finding by the Commissioner of
6 Insurance that good cause is not shown for such failure to give notice of termination to
7 the Division."

8 Section 19. G.S. 20-376 reads as rewritten:

9 **"§ 20-376. Definitions.**

10 The following definitions apply in this Article:

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

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

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

35 Section 21. G.S. 20-118(c)(5) reads as rewritten:

- 36 "(5) The light-traffic road limitations provided for pursuant to subdivision
37 (b)(4) of this section do not apply to a vehicle while that vehicle is
38 transporting only the following from its point of origin on a light-traffic
39 road to the nearest highway that is not a light-traffic road:
40 a. Processed or unprocessed seafood transported from boats or any
41 other point of origin to a processing plant or a point of further
42 distribution.

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

27 Section 22. The Division of Motor Vehicles shall develop a plan to improve
28 the system of collecting and maintaining proof of financial responsibility for newly
29 licensed drivers classified as inexperienced operators. The Division shall submit its
30 report to the Joint Legislative Transportation Oversight Committee by December 1, 1999.

31 Section 22.1. G.S. 20-183.8(b) reads as rewritten:

32 "(b) Defenses to Infractions. – Any of the following is a defense to a violation
33 under subsection (a) of this section:

- 34 (1) The vehicle was continuously out of State for at least the 30 days
35 preceding the date the inspection sticker expired and a current
36 inspection sticker was obtained within 10 days after the vehicle came
37 back to the State.
- 38 (2) The vehicle displays a dealer license plate or a transporter plate, the
39 dealer repossessed the vehicle or otherwise acquired the vehicle within
40 the last 10 days, and the vehicle is being driven from its place of
41 acquisition to the dealer's place of business or to an inspection station.
- 42 (3) Repealed by Session Laws 1997-29, s. 5.

1 (4) The charged infraction is described in subdivision (a)(1) of this section,
2 the vehicle is subject to a safety-only inspection, and the vehicle owner
3 establishes in court that the vehicle was inspected after the citation was
4 issued and within 30 days of the expiration date of the inspection sticker
5 that was on the vehicle when the citation was issued.

6 (5) The charged infraction is described in subdivision (a)(1) of this section,
7 the vehicle is subject to an emissions inspection, and the vehicle owner
8 establishes in court that the vehicle was inspected after the citation was
9 issued and within 10 days of the expiration date of the inspection sticker
10 that was on the vehicle when the citation was issued."

11 Section 23. Sections 5 and 6 of this act become effective July 1, 1999. Section
12 18 of this act becomes effective October 1, 2000. The remainder of this act becomes
13 effective October 1, 1999.