

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 303*

Short Title: Commercial Vehicle Safety/AB.

(Public)

Sponsors: Representatives Saunders; Bridgeman, Cole, Cox, Dedmon, Goodwin, Hill, Insko, McLawhorn, Melton, Mosley, Russell, Smith, and Warren.

Referred to: Judiciary IV.

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS RELATING TO COMMERCIAL VEHICLE
HIGHWAY SAFETY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-17.7. Commercial motor vehicle out-of-service fines authorized.

The Commissioner may adopt fines for out-of-service criteria as defined in C.F.R. Part 390.5. These fines may not exceed the schedule of fines adopted by the Commercial Motor Vehicle Safety Alliance that is in effect on the date of the violations."

Section 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-169.1. Electronic monitor devices of traffic law enforcement authorized.

The Department of Transportation may use electronic monitoring devices for the enforcement of traffic laws."

Section 3. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-138.2C. Possession of alcoholic beverages while operating a commercial motor vehicle.

1 A person commits the offense of operating a commercial motor vehicle while
2 possessing alcoholic beverages if the person drives a commercial motor vehicle, as
3 defined in G.S. 20-4.01(3d) upon any highway, any street, or any public vehicular area
4 within the State while having alcoholic beverages in the passenger area of the
5 commercial vehicle."

6 Section 4. G.S. 20-141(j2) reads as rewritten:

7 "(j2) A person who ~~drives a motor vehicle in a highway work zone at a speed~~
8 ~~greater than the speed limit set and posted under G.S. 20-141 is responsible for an~~
9 ~~infraction~~ of is convicted of or found to be responsible for "Speeding in a Highway
10 Work Zone" ~~and~~ shall be required to pay a penalty of not less than one hundred dollars
11 (\$100.00), but not more than two hundred fifty dollars (\$250.00). This penalty shall be
12 imposed in addition to those penalties established in G.S. 20-141. A "highway work
13 zone" is the area between the first sign that informs motorists of the existence of a work
14 zone on a highway and the last sign that informs motorists of the end of the work zone.
15 This subsection applies only if a sign posted at the beginning of the highway work zone
16 states the penalty for speeding in the work zone. The Secretary shall ensure that work
17 zones shall only be posted with penalty signs if the Secretary determines, after
18 engineering review, that the posting is necessary to ensure the safety of the traveling
19 public due to a hazardous condition.

20 A law enforcement officer issuing a citation for speeding in a highway work zone
21 shall indicate the vehicle speed and speed limit posed in the work zone. Upon an
22 individual's conviction of speeding in a highway work zone, the clerk of court shall report
23 the violation, the vehicle speed, and the speed limit of the work zone to the Division of
24 Motor Vehicles."

25 Section 5. G.S. 20-309(a) reads as rewritten:

26 "(a) No ~~self-propelled~~ motor vehicle shall be registered in this State unless the owner
27 at the time of registration has financial responsibility for the operation of such motor
28 vehicle, as provided in this Article. The owner of each motor vehicle registered in this
29 State shall maintain financial responsibility continuously throughout the period of
30 registration.

31 An owner of a commercial motor vehicle, as defined in C.F.R. Part 390, shall have
32 financial responsibility for the operation of the motor vehicle as required by this section.
33 The financial responsibility for a commercial motor vehicle shall be equal to that required
34 in C.F.R. 387.3, 387.5, 387.7, and 387.11 for for-hire or private motor vehicles
35 transporting property in interstate or intrastate commerce."

36 Section 6. G.S. 20-140.3 reads as rewritten:

37 **"§ 20-140.3. Unlawful use of National System of Interstate and Defense Highways**
38 **and other controlled-access highways.**

39 On those sections of highways which are or become a part of the National System of
40 Interstate and Defense Highways and other controlled-access highways, it shall be
41 unlawful for any person:

42 (1) To drive a vehicle over, upon, or across any curb, central dividing
43 section or other separation or dividing line on said highways.

- 1 (2) To make a left turn or a semicircular or U-turn except through an
2 opening provided for that purpose in the dividing curb, separation
3 section, or line on said highways.
- 4 (3) To drive any vehicle except in the proper lane provided for that purpose
5 and in the proper direction and to the right of the central dividing curb,
6 separation section, or line on said highways.
- 7 (4) To drive a vehicle onto or from any controlled-access highway except at
8 such entrances and exits as are established by public authority.
- 9 (5) To stop, park, or leave standing any vehicle, whether attended or
10 unattended, on any part or portion of the right-of-way of said highways,
11 except in the case of an emergency or as directed by a peace officer, or
12 at designated parking areas.
- 13 (6) To fail to yield the right-of-way when entering the highway to any
14 vehicle already travelling on the highway.
- 15 (7) Notwithstanding any other subdivision of this section, a ~~member of the~~
16 ~~State Highway Patrol~~ law enforcement officer may cross the median of a
17 divided highway when he has reasonable grounds to believe that a
18 felony is being or has been committed, has personal knowledge that a
19 vehicle is being operated at a speed or in a manner which is likely to
20 endanger persons or property, or the ~~patrol member~~ officer has
21 reasonable grounds to believe that his presence is immediately required
22 at a location which would necessitate his crossing a median of a divided
23 highway for this purpose."

24 Section 7. G.S. 136-89.56 reads as rewritten:

25 **"§ 136-89.58. Unlawful use of National System of Interstate and Defense Highways**
26 **and other controlled-access facilities.**

27 On those sections of highways which are or become a part of the National System of
28 Interstate and Defense Highways and other controlled-access facilities it shall be
29 unlawful for any person:

- 30 (1) To drive a vehicle over, upon or across any curb, central dividing
31 section or other separation or dividing line on said highways.
- 32 (2) To make a left turn or a semicircular or U-turn except through an
33 opening provided for that purpose in the dividing curb section,
34 separation, or line on said highways.
- 35 (3) To drive any vehicle except in the proper lane provided for that purpose
36 and in the proper direction and to the right of the central dividing curb,
37 separation section, or line on said highways.
- 38 (4) To drive any vehicle into the main travel lanes or lanes of connecting
39 ramps or interchanges except through an opening or connection
40 provided for that purpose by the Department of Transportation.
- 41 (5) To stop, park, or leave standing any vehicle, whether attended or
42 unattended, on any part or portion of the right-of-way of said highways,

1 except in the case of an emergency or as directed by a peace officer, or
 2 as designated parking areas.

3 (6) To willfully damage, remove, climb, cross or breach any fence erected
 4 within the rights-of-way of said highways.

5 ~~(7) Notwithstanding any other subdivision of this section, a member of the~~
 6 ~~State Highway Patrol may cross the median of a divided highway when~~
 7 ~~he has reasonable grounds to believe that a felony is being or has been~~
 8 ~~committed, has personal knowledge that a vehicle is being operated at a~~
 9 ~~speed or in a manner which is likely to endanger persons or property, or~~
 10 ~~the patrol member has reasonable grounds to believe that his presence is~~
 11 ~~immediately required at a location which would necessitate his crossing~~
 12 ~~a median of a divided highway for this purpose.~~

13 Any person who violates any of the provisions of this section shall be guilty of a Class
 14 2 misdemeanor."

15 Section 8. G.S. 20-16(c) reads as rewritten:

16 "(c) The Division shall maintain a record of convictions of every person licensed or
 17 required to be licensed under the provisions of this Article as an operator and shall enter
 18 therein records of all convictions of such persons for any violation of the motor vehicle
 19 laws of this State and shall assign to the record of such person, as of the date of
 20 commission of the offense, a number of points for every such conviction in accordance
 21 with the following schedule of convictions and points, except that points shall not be
 22 assessed for convictions resulting in suspensions or revocations under other provisions of
 23 laws: Further, any points heretofore charged for violation of the motor vehicle inspection
 24 laws shall not be considered by the Division of Motor Vehicles as a basis for suspension
 25 or revocation of driver's license:

26
 27 **SCHEDULE OF POINT VALUES**

28

29	Passing stopped school bus	5
30	Reckless driving	4
31	Hit and run, property damage only	4
32	Following too close	4
33	Driving on wrong side of road	4
34	Illegal passing	4
35	Running through stop sign	3
36	Speeding in excess of 55 miles per hour	3
37	Failing to yield right-of-way	3
38	Running through red light	3
39	No driver's license or license expired more than one year	3
40	Failure to stop for siren	3
41	Driving through safety zone	3
42	No liability insurance	3
43	Failure to report accident where such report is required	3

- 1 Speeding in a school zone in excess of the posted school zone speed limit 3
2 All other moving violations 2
3 Littering pursuant to G.S. 14-399 when the littering involves the use of a motor
4 vehicle 1
5

6 **SCHEDULE OF POINT VALUES FOR VIOLATIONS WHILE OPERATING A**
7 **COMMERCIAL MOTOR VEHICLE**
8

- 9 Passing stopped school bus 8
10 Reckless driving 5
11 Hit and run, property damage only 5
12 Following too close 5
13 Driving on wrong side of road 5
14 Illegal passing 5
15 Running through stop sign 4
16 Speeding in excess of 55 miles per hour 4
17 Failing to yield right-of-way 4
18 Running through red light 4
19 No driver's license or license expired more than one year 4
20 Failure to stop for siren 4
21 Driving through safety zone 4
22 No liability insurance 4
23 Failure to report accident where such report is required 4
24 Speeding in a school zone in excess of the posted school zone speed limit 4
25 Possessing alcoholic beverages in the
26 passenger area of a commercial motor
27 vehicle 4
28 All other moving violations 3
29 Littering pursuant to G.S. 14-399 when the littering involves the use of a motor
30 vehicle 1
31

32 The above provisions of this subsection shall only apply to violations and convictions
33 which take place within the State of North Carolina.

34 No points shall be assessed for conviction of the following offenses:
35

- 36 Overloads
37 Over length
38 Over width
39 Over height
40 Illegal parking
41 Carrying concealed weapon
42 Improper plates
43 Improper registration

1 Improper muffler
2 Public drunk within a vehicle
3 Possession of alcoholic beverages
4 Improper display of license plates or dealers' tags
5 Unlawful display of emblems and insignia
6 Failure to display current inspection certificate.
7

8 In case of the conviction of a licensee of two or more traffic offenses committed on a
9 single occasion, such licensee shall be assessed points for one offense only and if the
10 offenses involved have a different point value, such licensee shall be assessed for the
11 offense having the greater point value.

12 Upon the restoration of the license or driving privilege of such person whose license
13 or driving privilege has been suspended or revoked because of conviction for a traffic
14 offense, any points that might previously have been accumulated in the driver's record
15 shall be cancelled.

16 Whenever any licensee accumulates as many as seven points or accumulates as many
17 as four points during a three-year period immediately following reinstatement of his
18 license after a period of suspension or revocation, the Division may request the licensee
19 to attend a conference regarding such licensee's driving record. The Division may also
20 afford any licensee who has accumulated as many as seven points or any licensee who
21 has accumulated as many as four points within a three-year period immediately following
22 reinstatement of his license after a period of suspension or revocation an opportunity to
23 attend a driver improvement clinic operated by the Division and, upon the successful
24 completion of the course taken at the clinic, three points shall be deducted from the
25 licensee's conviction record; provided, that only one deduction of points shall be made on
26 behalf of any licensee within any five-year period.

27 When a license is suspended under the point system provided for herein, the first such
28 suspension shall be for not more than 60 days; the second such suspension shall not
29 exceed six months and any subsequent suspension shall not exceed one year.

30 Whenever the driver's license of any person is subject to suspension under this
31 subsection and at the same time also subject to suspension or revocation under other
32 provisions of laws, such suspensions or revocations shall run concurrently.

33 In the discretion of the Division, a period of probation not to exceed one year may be
34 substituted for suspension or for any unexpired period of suspension under subsections
35 (a)(1) through (a)(10a) of this section. Any violation of probation during the probation
36 period shall result in a suspension for the unexpired remainder of the suspension period.
37 Any accumulation of three or more points under this subsection during a period of
38 probation shall constitute a violation of the condition of probation."

39 Section 9. Chapter 20 of the General Statutes is amended by adding a new
40 section to read:

41 **"§ 20-16A. Double fines for offenses committed while operating a commercial**
42 **vehicle.**

1 Any infraction or misdemeanor committed while operating a commercial motor
2 vehicle shall be assessed double the amount of any fine required by statute."

3 Section 10. This act becomes effective December 1, 1999.