

GENERAL ASSEMBLY OF NORTH CAROLINA

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HOUSE BILL 303\*  
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Short Title: Commercial Vehicle Safety/AB.

(Public)

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Sponsors:

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Referred to:

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March 4, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAWS RELATING TO COMMERCIAL VEHICLE  
3 HIGHWAY SAFETY AND WORK ZONE SAFETY.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 20-17.7. Commercial motor vehicle out-of-service fines authorized.**

8 The Commissioner may adopt rules implementing fines for violation of out-of-service  
9 criteria as defined in 49 C.F.R. § 390.5. These fines may not exceed the schedule of fines  
10 adopted by the Commercial Motor Vehicle Safety Alliance that is in effect on the date of  
11 the violations."

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

14 "**§ 20-138.2C. Possession of alcoholic beverages while operating a commercial motor**  
15 **vehicle.**

16 A person commits the offense of operating a commercial motor vehicle while  
17 possessing alcoholic beverages if the person drives a commercial motor vehicle, as

1 defined in G.S. 20-4.01(3d), upon any highway, any street, or any public vehicular area  
2 within the State while having an open or closed alcoholic beverage in the passenger area  
3 of the commercial motor vehicle. This section shall not apply to the driver of a  
4 commercial motor vehicle that is also an excursion passenger vehicle, a for-hire  
5 passenger vehicle, a common carrier of passengers, or a motor home, if the alcoholic  
6 beverage is in possession of a passenger or is in the passenger area of the vehicle."

7 Section 3. G.S. 20-141(j2) reads as rewritten:

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

20 A law enforcement officer issuing a citation for a violation of this section while in a  
21 highway work zone shall indicate the vehicle speed and speed limit posted in the work  
22 zone. Upon an individual's conviction of a violation of this section while in a highway  
23 work zone, the clerk of court shall report that the vehicle was in a work zone at the time  
24 of the violation, the vehicle speed, and the speed limit of the work zone to the Division of  
25 Motor Vehicles."

26 Section 4. G.S. 20-309(a) reads as rewritten:

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

32 An owner of a commercial motor vehicle, as defined in G.S. 20-4.01(3d), shall have  
33 financial responsibility for the operation of the motor vehicle as required by this section.  
34 The financial responsibility for a commercial motor vehicle shall be equal to that required  
35 in 49 C.F.R. §§ 387.3, 387.5, 387.7, and 387.11 for for-hire or private motor vehicles  
36 transporting property in interstate or intrastate commerce."

37 Section 4.1. G.S. 20-279.32 reads as rewritten:

38 "**§ 20-279.32. Exceptions.**

39 This Article does not apply to a motor vehicle registered under G.S. 20-382 ~~or G.S. 20-~~  
40 ~~382.1~~ by a for-hire motor carrier. This Article does not apply to any motor vehicle owned  
41 by the State of North Carolina, nor does it apply to the operator of a vehicle owned by the  
42 State of North Carolina who becomes involved in an accident while operating the state-  
43 owned vehicle if the Commissioner determines that the vehicle at the time of the accident

1 was probably being operated in the course of the operator's employment as an employee  
2 or officer of the State. This Article does not apply to any motor vehicle owned by a  
3 county or municipality of the State of North Carolina, nor does it apply to the operator of  
4 a vehicle owned by a county or municipality of the State of North Carolina who becomes  
5 involved in an accident while operating such vehicle in the course of the operator's  
6 employment as an employee or officer of the county or municipality. This Article does  
7 not apply to the operator of a vehicle owned by a political subdivision, other than a  
8 county or municipality, of the State of North Carolina who becomes involved in an  
9 accident while operating such vehicle if the Commissioner determines that the vehicle at  
10 the time of the accident was probably being operated in the course of the operator's  
11 employment as an employee or officer of the subdivision providing that the  
12 Commissioner finds that the political subdivision has waived any immunity it has with  
13 respect to such accidents and has in force an insurance policy or other method of  
14 satisfying claims which may arise out of the accident. This Article does not apply to any  
15 motor vehicle owned by the federal government, nor does it apply to the operator of a  
16 motor vehicle owned by the federal government who becomes involved in an accident  
17 while operating the government-owned vehicle if the Commissioner determines that the  
18 vehicle at the time of the accident was probably being operated in the course of the  
19 operator's employment as an employee or officer of the federal government."

20 Section 5. G.S. 20-140.3 reads as rewritten:

21 **"§ 20-140.3. Unlawful use of National System of Interstate and Defense Highways**  
22 **and other controlled-access highways.**

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

- 26 (1) To drive a vehicle over, upon, or across any curb, central dividing  
27 section or other separation or dividing line on said highways.
- 28 (2) To make a left turn or a semicircular or U-turn except through an  
29 opening provided for that purpose in the dividing curb, separation  
30 section, or line on said highways.
- 31 (3) To drive any vehicle except in the proper lane provided for that purpose  
32 and in the proper direction and to the right of the central dividing curb,  
33 separation section, or line on said highways.
- 34 (4) To drive a vehicle onto or from any controlled-access highway except at  
35 such entrances and exits as are established by public authority.
- 36 (5) To stop, park, or leave standing any vehicle, whether attended or  
37 unattended, on any part or portion of the right-of-way of said highways,  
38 except in the case of an emergency or as directed by a peace officer, or  
39 at designated parking areas.
- 40 (6) To fail to yield the right-of-way when entering the highway to any  
41 vehicle already travelling on the highway.
- 42 (7) Notwithstanding any other subdivision of this section, a ~~member of the~~  
43 State Highway Patrol law enforcement officer may cross the median of a

1 divided highway when he has reasonable grounds to believe that a  
2 felony is being or has been committed, has personal knowledge that a  
3 vehicle is being operated at a speed or in a manner which is likely to  
4 endanger persons or property, or the ~~patrol member officer~~ has  
5 reasonable grounds to believe that his presence is immediately required  
6 at a location which would necessitate his crossing a median of a divided  
7 highway for this purpose."

8 Section 6. G.S. 136-89.58 reads as rewritten:

9 **"§ 136-89.58. Unlawful use of National System of Interstate and Defense Highways**  
10 **and other controlled-access facilities.**

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

- 14 (1) To drive a vehicle over, upon or across any curb, central dividing  
15 section or other separation or dividing line on said highways.
- 16 (2) To make a left turn or a semicircular or U-turn except through an  
17 opening provided for that purpose in the dividing curb section,  
18 separation, or line on said highways.
- 19 (3) To drive any vehicle except in the proper lane provided for that purpose  
20 and in the proper direction and to the right of the central dividing curb,  
21 separation section, or line on said highways.
- 22 (4) To drive any vehicle into the main travel lanes or lanes of connecting  
23 ramps or interchanges except through an opening or connection  
24 provided for that purpose by the Department of Transportation.
- 25 (5) To stop, park, or leave standing any vehicle, whether attended or  
26 unattended, on any part or portion of the right-of-way of said highways,  
27 except in the case of an emergency or as directed by a peace officer, or  
28 as designated parking areas.
- 29 (6) To willfully damage, remove, climb, cross or breach any fence erected  
30 within the rights-of-way of said highways.
- 31 ~~(7) Notwithstanding any other subdivision of this section, a member of the~~  
32 ~~State Highway Patrol may cross the median of a divided highway when~~  
33 ~~he has reasonable grounds to believe that a felony is being or has been~~  
34 ~~committed, has personal knowledge that a vehicle is being operated at a~~  
35 ~~speed or in a manner which is likely to endanger persons or property, or~~  
36 ~~the patrol member has reasonable grounds to believe that his presence is~~  
37 ~~immediately required at a location which would necessitate his crossing~~  
38 ~~a median of a divided highway for this purpose.~~

39 Any person who violates any of the provisions of this section shall be guilty of a Class  
40 2 misdemeanor."

41 Section 7. G.S. 20-16(c) reads as rewritten:

42 "(c) The Division shall maintain a record of convictions of every person licensed or  
43 required to be licensed under the provisions of this Article as an operator and shall enter

1 therein records of all convictions of such persons for any violation of the motor vehicle  
 2 laws of this State and shall assign to the record of such person, as of the date of  
 3 commission of the offense, a number of points for every such conviction in accordance  
 4 with the following schedule of convictions and points, except that points shall not be  
 5 assessed for convictions resulting in suspensions or revocations under other provisions of  
 6 laws: Further, any points heretofore charged for violation of the motor vehicle inspection  
 7 laws shall not be considered by the Division of Motor Vehicles as a basis for suspension  
 8 or revocation of driver's license:

### 9 10 **SCHEDULE OF POINT VALUES**

11		
12	Passing stopped school bus	5
13	Reckless driving	4
14	Hit and run, property damage only	4
15	Following too close	4
16	Driving on wrong side of road	4
17	Illegal passing	4
18	Running through stop sign	3
19	Speeding in excess of 55 miles per hour	3
20	Failing to yield right-of-way	3
21	Running through red light	3
22	No driver's license or license expired more than one year	3
23	Failure to stop for siren	3
24	Driving through safety zone	3
25	No liability insurance	3
26	Failure to report accident where such report is required	3
27	Speeding in a school zone in excess of the posted school zone speed limit	3
28	All other moving violations	2
29	Littering pursuant to G.S. 14-399 when the littering involves the use of a motor	
30	vehicle	1

### 31 32 **SCHEDULE OF POINT VALUES FOR VIOLATIONS WHILE OPERATING A** 33 **COMMERCIAL MOTOR VEHICLE**

34		
35	<u>Passing stopped school bus</u>	<u>8</u>
36	<u>Rail-highway crossing violation</u>	<u>6</u>
37	<u>Reckless driving</u>	<u>5</u>
38	<u>Hit and run, property damage only</u>	<u>5</u>
39	<u>Following too close</u>	<u>5</u>
40	<u>Driving on wrong side of road</u>	<u>5</u>
41	<u>Illegal passing</u>	<u>5</u>
42	<u>Running through stop sign</u>	<u>4</u>
43	<u>Speeding in excess of 55 miles per hour</u>	<u>4</u>

1	<u>Failing to yield right-of-way</u>	<u>4</u>
2	<u>Running through red light</u>	<u>4</u>
3	<u>No driver's license or license expired more than one year</u>	<u>4</u>
4	<u>Failure to stop for siren</u>	<u>4</u>
5	<u>Driving through safety zone</u>	<u>4</u>
6	<u>No liability insurance</u>	<u>4</u>
7	<u>Failure to report accident where such report is required</u>	<u>4</u>
8	<u>Speeding in a school zone in excess of the posted school zone speed limit</u>	<u>4</u>
9	<u>Possessing alcoholic beverages in the</u>	
10	<u>passenger area of a commercial motor</u>	
11	<u>vehicle</u>	<u>4</u>
12	<u>All other moving violations</u>	<u>3</u>
13	<u>Littering pursuant to G.S. 14-399 when the littering involves the use of a motor</u>	
14	<u>vehicle</u>	<u>1</u>

15  
16 The above provisions of this subsection shall only apply to violations and convictions  
17 which take place within the State of North Carolina.

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

19	
20	Overloads
21	Over length
22	Over width
23	Over height
24	Illegal parking
25	Carrying concealed weapon
26	Improper plates
27	Improper registration
28	Improper muffler
29	<del>Public drunk within a vehicle</del>
30	<del>Possession of alcoholic beverages</del>
31	Improper display of license plates or dealers' tags
32	Unlawful display of emblems and insignia
33	Failure to display current inspection certificate.
34	

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

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

1 Whenever any licensee accumulates as many as seven points or accumulates as many  
2 as four points during a three-year period immediately following reinstatement of his  
3 license after a period of suspension or revocation, the Division may request the licensee  
4 to attend a conference regarding such licensee's driving record. The Division may also  
5 afford any licensee who has accumulated as many as seven points or any licensee who  
6 has accumulated as many as four points within a three-year period immediately following  
7 reinstatement of his license after a period of suspension or revocation an opportunity to  
8 attend a driver improvement clinic operated by the Division and, upon the successful  
9 completion of the course taken at the clinic, three points shall be deducted from the  
10 licensee's conviction record; provided, that only one deduction of points shall be made on  
11 behalf of any licensee within any five-year period.

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

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

18 In the discretion of the Division, a period of probation not to exceed one year may be  
19 substituted for suspension or for any unexpired period of suspension under subsections  
20 (a)(1) through (a)(10a) of this section. Any violation of probation during the probation  
21 period shall result in a suspension for the unexpired remainder of the suspension period.  
22 Any accumulation of three or more points under this subsection during a period of  
23 probation shall constitute a violation of the condition of probation."

24 Section 8. Chapter 20 of the General Statutes is amended by adding a new  
25 section to read:

26 "**§ 20-16A. Double penalties for offenses committed while operating a commercial**  
27 **motor vehicle.**

28 Any infraction or misdemeanor committed in violation of Chapter 20 while operating  
29 a commercial motor vehicle may be assessed double the amount of any fine or penalty  
30 authorized by statute."

31 Section 9. This act becomes effective December 1, 1999, and applies to  
32 violations occurring on or after that date.