

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE BILL 471\*  
Committee Substitute Favorable 4/30/03**

Short Title: CDL Changes.

(Public)

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Sponsors:

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Referred to:

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March 13, 2003

A BILL TO BE ENTITLED

1 AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY  
2 ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF  
3 VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE  
4 LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW  
5 "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS  
6 RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION  
7 OVERSIGHT COMMITTEE.  
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 20-4.01(4a) reads as rewritten:

11 "(4a) Conviction. – A conviction for an offense committed in North Carolina  
12 or another state:

13 a. In-State. When referring to an offense committed in North  
14 Carolina, the term means any of the following:

- 15 1. A final conviction of a criminal offense, including a no  
16 contest plea.
- 17 2. A determination that a person is responsible for an  
18 infraction, including a no contest plea.
- 19 3. An unvacated forfeiture of cash in the full amount of a  
20 bond required by Article 26 of Chapter 15A of the  
21 General Statutes.
- 22 4. A third or subsequent prayer for judgment continued  
23 within any five-year period.
- 24 5. For the purpose of disqualification only, a prayer for  
25 judgment continued, when the offense occurs in a  
26 commercial vehicle or the offender holds a commercial  
27 drivers license.

28 b. Out-of-State. When referring to an offense committed outside  
29 North Carolina, the term means any of the following:

1. An unvacated adjudication of guilt.
2. A determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal.
3. An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court.
4. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

**SECTION 2.** G.S. 20-4.01(41a) reads as rewritten:

"(41a) Serious Traffic Violation. – A conviction of one of the following offenses when operating a commercial motor vehicle:

- a. Excessive speeding, involving a single charge of any speed 15 miles per hour or more above the posted speed limit.
- b. Careless and reckless driving.
- c. A violation of any State or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident.
- d. Improper or erratic lane changes.
- e. Following the vehicle ahead too closely.
- f. Driving a commercial motor vehicle without obtaining a commercial drivers license.
- g. Driving a commercial motor vehicle without a commercial drivers license in the driver's possession.
- h. Driving a commercial motor vehicle without the proper class of commercial drivers license or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported."

**SECTION 3.** G.S. 20-17.4 is amended by adding a new subsection to read:

"(k) Disqualification for Railroad Grade Crossing Offenses. – Any person convicted of violation of G.S. 20-142.1 through G.S. 20-142.5, when the driver is operating a commercial motor vehicle, shall be disqualified from driving a commercial motor vehicle as follows:

- (1) A person is disqualified for a period of 60 days if convicted of a first violation of a railroad grade crossing offense listed in this subsection.
- (2) A person is disqualified for a period of 120 days if convicted during any three-year period of a second violation of any combination of railroad grade crossing offenses listed in this subsection.
- (3) A person is disqualified for a period of one year if convicted during any three-year period of a third or subsequent violation of any combination of railroad grade crossing offenses listed in this subsection."

**SECTION 4.** G.S. 20-37.12 is amended by adding a new subsection to read:

1        "(f) A person shall not be convicted of failing to carry a commercial drivers  
 2 license if, by the date the person is required to appear in court for the violation, the  
 3 person produces to the court a commercial drivers license issued to the person that was  
 4 valid on the date of the offense."

5            **SECTION 5.** G.S. 20-37.16 reads as rewritten:

6        "**§ 20-37.16. Content of license; classifications and endorsements; fees.**

7        (a) A commercial drivers license must be marked "Commercial Drivers License"  
 8 or "CDL" and must contain the information required by G.S. 20-7 for a regular drivers  
 9 license.

10       (b) The classes of commercial drivers licenses are:

- 11           (1) Class A CDL – A Class A commercial drivers license authorizes the  
 12 holder to drive any Class A motor vehicle.
- 13           (2) Class B CDL – A Class B commercial drivers license authorizes the  
 14 holder to drive any Class B motor vehicle.
- 15           (3) Class C CDL – A Class C commercial drivers license authorizes the  
 16 holder to drive any Class C motor vehicle.

17       (c) Endorsements. – The endorsements required to drive certain motor vehicles  
 18 are as follows:

<u>Endorsement</u>	<u>Vehicles That Can Be Driven</u>
19           H	Vehicles, regardless of size or class, except tank 20 vehicles, when transporting hazardous materials 21 that require the vehicle to be placarded
22           M	Motorcycles
23           N	Tank vehicles not carrying hazardous materials
24           P	Vehicles carrying passengers
25           S	<u>School bus</u>
26           T	Double trailers
27           X	Tank vehicles carrying hazardous materials.

28       To obtain an H or an X endorsement, an applicant must take a test. This requirement  
 29 applies when a person first obtains an H or an X endorsement and each time a person  
 30 renews an H or an X endorsement. An applicant who has an H or an X endorsement  
 31 issued by another state who applies for an H or an X endorsement must take a test  
 32 unless the person has passed a test that covers the information set out in 49 C.F.R. §  
 33 383.121 within the preceding two years.

34       (d) The fee for a Class A, B, or C commercial drivers license is ten dollars  
 35 (\$10.00) for each year of the period for which the license is issued. The fee for each  
 36 endorsement is one dollar and twenty-five cents (\$1.25) for each year of the period for  
 37 which the endorsement is issued. The fees required under this section do not apply to a  
 38 ~~person whose license is restricted to driving a school bus or school activity bus or to~~  
 39 ~~employees of the Driver License Section of the Division who are designated by the~~  
 40 ~~Commissioner.~~

41       (e) The requirements for a commercial drivers license do not apply to vehicles  
 42 used for personal use such as recreational vehicles. A commercial drivers license is also  
 43

1 waived for the following classes of vehicles as permitted by regulation of the United  
2 States Department of Transportation:

- 3 (1) Vehicles owned or operated by the Department of Defense, including  
4 the National Guard, while they are driven by active duty military  
5 personnel, or members of the National Guard when on active duty, in  
6 the pursuit of military purposes.
- 7 (2) Any vehicle when used as firefighting or emergency equipment for the  
8 purpose of preserving life or property or to execute emergency  
9 governmental functions.
- 10 (3) A farm vehicle that meets all of the following criteria:
  - 11 a. Is controlled and operated by the farmer or the farmer's  
12 employee and used exclusively for farm use.
  - 13 b. Is used to transport either agricultural products, farm  
14 machinery, or farm supplies, both to or from a farm.
  - 15 c. Is not used in the operations of a for-hire motor carrier.
  - 16 d. Is used within 150 miles of the farmer's farm.

17 A farm vehicle includes a forestry vehicle that meets the listed criteria  
18 when applied to the forestry operation."

19 **SECTION 6.** G.S. 20-37.16 is amended by adding a new subsection to read:

20 "(c1) The test for an S endorsement may be waived by the Division for an applicant  
21 who is currently licensed, has experience driving a school bus, has a good driving  
22 record, and meets the requirements of this subsection. An applicant for a waiver under  
23 this subsection shall verify that, during the two-year period immediately prior to  
24 application for an S endorsement, the applicant met all of the following requirements:

- 25 (1) The applicant held a valid commercial drivers license with a passenger  
26 vehicle endorsement to operate a school bus representative of the  
27 group the applicant will be driving.
- 28 (2) The applicant did not have the applicant's drivers license or  
29 commercial drivers license suspended, revoked, or cancelled or the  
30 applicant was not disqualified from operating a commercial motor  
31 vehicle.
- 32 (3) The applicant was not convicted of a State law offense that  
33 corresponds to the list of disqualifying offenses in 49 C.F.R. §  
34 383.51(b) while operating a commercial motor vehicle or of any  
35 offense in a noncommercial motor vehicle that would be a  
36 disqualifying offense under 49 C.F.R. § 383.51(b) if committed in a  
37 commercial motor vehicle.
- 38 (4) The applicant was not convicted of more than one of the serious traffic  
39 violations listed and defined in G.S. 20-4.01(41a) while operating any  
40 type of motor vehicle.
- 41 (5) The applicant was not convicted of a violation of State or local law  
42 relating to motor vehicle traffic control, other than a parking violation,  
43 arising in connection with any traffic accident.

- 1           (6) The applicant was not convicted of any motor vehicle traffic violation  
2           that resulted in an accident.
- 3           (7) The applicant was regularly employed as a school bus driver, operated  
4           a school bus representative of the group the applicant seeks to drive,  
5           and provides evidence of that employment."

6           **SECTION 7.** Sections 3, 5, and 7 of this act become effective October 1,  
7           2003. Section 6 of this act becomes effective October 1, 2003, and expires September  
8           30, 2005. The remainder of this act becomes effective January 1, 2005.