

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 691

Short Title: Commercial Driver License.

(Public)

Sponsors: Senators Harris and Johnson of Cabarrus.

Referred to: Judiciary I.

March 30, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A COMMERCIAL DRIVER LICENSE SYSTEM; ENDORSEMENTS TO A COMMERCIAL DRIVER LICENSE; AND DISQUALIFYING OFFENSES FOR A COMMERCIAL DRIVER LICENSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01 reads as rewritten:

"§ 20-4.01. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

- (0.1) Alcohol. — ~~Ethyl~~ Any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.
- (0.2) Alcohol Concentration. – The concentration of alcohol in a person, expressed either as:
 - a. Grams of alcohol per 100 milliliters of blood; or
 - b. Grams of alcohol per 210 liters of breath.
- (1) Business District. – The territory prescribed as such by ordinance of the Board of Transportation.
- (2) Canceled. – As applied to drivers' licenses and permits, a declaration that a license or permit which was issued through error or fraud is void and terminated.
- (3) Repealed by Session Laws 1979, c. 667, s. 1, effective January 1, 1981.
- (3a) Chemical Analysis. – A test of the breath or blood of a person to determine his alcohol concentration, performed in accordance with

1 G.S. 20-139.1. The term 'chemical analysis' includes duplicate or
2 sequential analyses when necessary or desirable to insure the integrity
3 of test results.

4 (3b) Chemical Analyst. – A person granted a permit by the Department of
5 Human Resources under G.S. 20-139.1 to perform chemical analyses.

6 (3c) ~~" Commercial Motor Vehicle." – A vehicle: – (a) which requires the
7 driver to possess a valid Class A or Class B driver's license, or a
8 similar driver's license issued by another state; or (b) which is a school
9 bus, school activity bus, church bus, farm bus, ambulance, volunteer
10 transportation vehicle, activity bus operated for a nonprofit
11 organization when the activity bus is operated for a nonprofit purpose,
12 or a fire-fighting vehicle or combination of vehicles when operated by
13 any volunteer member of a municipal or rural fire department in the
14 performance of his duty~~Commercial Driver License. – A license issued
15 in accordance with the requirements of this Chapter to an individual
16 which authorizes that individual to drive a class of commercial motor
17 vehicle. A 'nonresident commercial driver license' is issued by a state
18 to an individual who resides in a foreign jurisdiction.

19 (3d) Commercial Motor Vehicle. – A motor vehicle designed or used to
20 transport passengers or property:

21 a. If the vehicle has a gross vehicle weight rating of 26,001 or
22 more pounds or a lesser rating as determined by federal or State
23 regulation;

24 b. If the vehicle is designed to transport 16 or more passengers,
25 including the driver; or

26 c. If the vehicle is transporting hazardous materials and is required
27 to be placarded in accordance with 49 C.F.R. part 172, subpart
28 F.

29 (4) Commissioner. – The Commissioner of Motor Vehicles.

30 (5) Dealer. – Every person engaged in the business of buying, selling,
31 distributing, or exchanging motor vehicles, trailers or semitrailers in
32 this State, having an established place of business in this State and
33 being subject to the tax levied by G.S. 105-89.

34 The terms 'motor vehicle dealer,' 'new motor vehicle dealer,' and 'used motor
35 vehicle dealer' shall have the meaning set forth in G.S. 20-286.

36 (5a) Disqualification. – A withdrawal of the privilege to drive a commercial
37 motor vehicle.

38 (6) Division. – The Division of Motor Vehicles acting directly or through
39 its duly authorized officers and agents.

40 (7) Driver. – The operator of a vehicle, as defined in subdivision (25). The
41 terms 'driver' and 'operator's and their cognates are synonymous.

42 (7a) Employer. – Any person who owns or leases a commercial motor
43 vehicle or assigns a person to drive a commercial motor vehicle.

- 1 (8) Essential Parts. – All integral and body parts of a vehicle of any type
2 required to be registered hereunder, the removal, alteration, or
3 substitution of which would tend to conceal the identity of the vehicle
4 or substantially alter its appearance, model, type, or mode of operation.
- 5 (9) Established Place of Business. – Except as provided in G.S. 20-286,
6 the place actually occupied by a dealer or manufacturer at which a
7 permanent business of bargaining, trading, and selling motor vehicles
8 is or will be carried on and at which the books, records, and files
9 necessary and incident to the conduct of the business of automobile
10 dealers or manufacturers shall be kept and maintained.
- 11 (10) Explosives. – Any chemical compound or mechanical mixture that is
12 commonly used or intended for the purpose of producing an explosion
13 and which contains any oxidizing and combustive units or other
14 ingredients in such proportions, quantities, or packing that an ignition
15 by fire, by friction, by concussion, by percussion, or by detonator of
16 any part of the compound or mixture may cause such a sudden
17 generation of highly heated gases that the resultant gaseous presses
18 [pressures] are capable of producing destructible effects on contiguous
19 objects or of destroying life or limb.
- 20 (11) Farm Tractor. – Every motor vehicle designed and used primarily as a
21 farm implement for drawing plows, mowing machines, and other
22 implements of husbandry.
- 23 (11a) Foreign Jurisdiction. – Any jurisdiction other than a state of the United
24 States.
- 25 (12) Foreign Vehicle. – Every vehicle of a type required to be registered
26 hereunder brought into this State from another state, territory, or
27 country, other than in the ordinary course of business, by or through a
28 manufacturer or dealer and not registered in this State.
- 29 (12a) ~~Gross Vehicle Weight Rating.~~ – ~~The gross vehicle weight is the value~~
30 ~~specified by the manufacturer(s) as the maximum loaded weight of a~~
31 ~~single or combination vehicle, or registered gross weight, whichever is~~
32 ~~greater or declared weight of the vehicle. If no weight is registered or~~
33 ~~declared, then the gross vehicle weight is the actual weight of the~~
34 ~~vehicle.~~The gross vehicle weight rating (GVWR) of a combination
35 vehicle is the GVWR of the power unit plus the GVWR of the towed
36 unit or units.
- 37 (12b) Hazardous Materials. – Materials as defined in Section 103 of the
38 Hazardous Materials Transportation Act (49 App. U.S.C. § 1801 et
39 seq.), as amended.
- 40 (13) Highway. – The entire width between property or right-of-way lines of
41 every way or place of whatever nature, when any part thereof is open
42 to the use of the public as a matter of right for the purposes of
43 vehicular traffic. The terms 'highway' and 'street' and their cognates
44 are synonymous.

- 1 (14) House Trailer. – Any trailer or semitrailer designed and equipped to
2 provide living or sleeping facilities and drawn by a motor vehicle.
- 3 (14a) Impairing Substance. – Alcohol, controlled substance under Chapter
4 90 of the General Statutes, any other drug or psychoactive substance
5 capable of impairing a person's physical or mental faculties, or any
6 combination of these substances.
- 7 (15) Implement of Husbandry. – Every vehicle which is designed for
8 agricultural purposes and used exclusively in the conduct of
9 agricultural operations.
- 10 (16) Intersection. – The area embraced within the prolongation of the lateral
11 curblines or, if none, then the lateral edge of roadway lines of two or
12 more highways which join one another at any angle whether or not one
13 such highway crosses the other.
14 Where a highway includes two roadways 30 feet or more apart,
15 then every crossing of each roadway of such divided highway
16 by an intersecting highway shall be regarded as a separate
17 intersection. In the event that such intersecting highway also
18 includes two roadways 30 feet or more apart, then every
19 crossing of two roadways of such highways shall be regarded as
20 a separate intersection.
- 21 (17) License. – Any driver's license or any other license or permit to
22 operate a motor vehicle issued under or granted by the laws of this
23 State including:
24 a. Any temporary license or learner's permit;
25 b. The privilege of any person to drive a motor vehicle whether or
26 not such person holds a valid license; and
27 c. Any nonresident's operating privilege.
- 28 (18) Local Authorities. – Every county, municipality, or other territorial
29 district with a local board or body having authority to adopt local
30 police regulations under the Constitution and laws of this State.
- 31 (19) Manufacturer. – Every person, resident, or nonresident of this State,
32 who manufactures or assembles motor vehicles.
- 33 (20) Manufacturer's Certificate. – A certification on a form approved by the
34 Division, signed by the manufacturer, indicating the name of the
35 person or dealer to whom the therein-described vehicle is transferred,
36 the date of transfer and that such vehicle is the first transfer of such
37 vehicle in ordinary trade and commerce. The description of the vehicle
38 shall include the make, model, year, type of body, identification
39 number or numbers, and such other information as the Division may
40 require.
- 41 (21) Metal Tire. – Every tire the surface of which in contact with the
42 highway is wholly or partly of metal or other hard, nonresilient
43 material.
- 44 (21a) Moped. – A type of passenger vehicle as defined in G.S. 20-4.01(27).

- 1 (22) Motorcycle. – A type of passenger vehicle as defined in G.S. 20-
2 4.01(27).
- 3 (23) Motor Vehicle. – Every vehicle which is self-propelled and every
4 vehicle designed to run upon the highways which is pulled by a self-
5 propelled vehicle. This shall not include mopeds as defined in G.S. 20-
6 4.01(27)d1.
- 7 (24) Nonresident. – Any person whose legal residence is in some state,
8 territory, or jurisdiction other than North Carolina or in a foreign
9 country.
- 10 (24a) Offense Involving Impaired Driving. – Any of the following offenses:
11 a. Impaired driving under G.S. 20-138.1.
12 b. Death by vehicle under G.S. 20-141.4 when conviction is based
13 upon impaired driving or a substantially equivalent offense
14 under previous law.
15 c. Second degree murder under G.S. 14-17 or involuntary
16 manslaughter under G.S. 14-18 when conviction is based upon
17 impaired driving or a substantially equivalent offense under
18 previous law.
19 d. An offense committed in another jurisdiction substantially
20 equivalent to the offenses in subparagraphs a through c.
21 e. A repealed or superseded offense substantially equivalent to
22 impaired driving, including offenses under former G.S. 20-138
23 or G.S. 20-139.
24 f. Impaired driving in a commercial motor vehicle under G.S. 20-
25 138.2, except that convictions of impaired driving under G.S.
26 20-138.1 and G.S. 20-138.2 arising out of the same transaction
27 shall be considered a single conviction of an offense involving
28 impaired driving for any purpose under this Chapter.
29 A conviction under former G.S. 20-140(c) is not an offense
30 involving impaired driving.
- 31 (25) Operator. – A person in actual physical control of a vehicle which is in
32 motion or which has the engine running. The terms ‘operator’ and
33 ‘driver’ and their cognates are synonymous.
- 34 (25a) Out of Service Order. – A temporary prohibition against driving a
35 commercial motor vehicle.
- 36 (26) Owner. – A person holding the legal title to a vehicle, or in the event a
37 vehicle is the subject of a chattel mortgage or an agreement for the
38 conditional sale or lease thereof or other like agreement, with the right
39 of purchase upon performance of the conditions stated in the
40 agreement, and with the immediate right of possession vested in the
41 mortgagor, conditional vendee or lessee, said mortgagor, conditional
42 vendee or lessee shall be deemed the owner for the purpose of this
43 Chapter. For the purposes of this Chapter, the lessee of a vehicle

- 1 owned by the government of the United States shall be considered the
2 owner of said vehicle.
- 3 (27) Passenger Vehicles. –
- 4 a. Excursion passenger vehicles. – Vehicles transporting persons
5 on sight-seeing or travel tours.
- 6 b. For hire passenger vehicles. – Vehicles transporting persons for
7 compensation. This classification shall not include vehicles
8 operated as ambulances; vehicles operated by the owner where
9 the costs of operation are shared by the passengers; vehicles
10 operated on behalf of any employer pursuant to a ridesharing
11 arrangement as defined in G.S. 136-44.21; vehicles transporting
12 students for the public school system under contract with the
13 State Board of Education or vehicles leased to the United States
14 of America or any of its agencies on a nonprofit basis; or
15 vehicles used for human service or volunteer transportation.
- 16 c. Common carriers of passengers. – Vehicles operated under a
17 franchise certificate issued by the Utilities Commission for
18 operation on the highways of this State between fixed termini or
19 over a regular route for the transportation of persons or property
20 for compensation.
- 21 d. Motorcycles. – Vehicles having a saddle for the use of the rider
22 and designed to travel on not more than three wheels in contact
23 with the ground, including motor scooters and motor-driven
24 bicycles, but excluding tractors and utility vehicles equipped
25 with an additional form of device designed to transport
26 property, three-wheeled vehicles while being used by law-
27 enforcement agencies and mopeds as defined in subdivision d1
28 of this subsection.
- 29 d1. Moped. – Vehicles having two or three wheels and operable
30 pedals and equipped with a motor which does not exceed 50
31 cubic centimeters piston displacement and cannot propel the
32 vehicle at a speed greater than 20 miles per hour on a level
33 surface.
- 34 e. U-drive-it passenger vehicles. – Vehicles rented or leased to be
35 operated by the lessee. This shall not include vehicles of nine-
36 passenger capacity or less which are leased for a term of one
37 year or more to the same person or vehicles leased or rented to
38 public school authorities for driver-training instruction.
- 39 f. Ambulances. – Vehicles equipped for transporting wounded,
40 injured, or sick persons.
- 41 g. Private passenger vehicles. – All other passenger vehicles not
42 included in the above definitions.

- 1 (28) Person. – Every individual, firm, partnership, association, corporation,
2 governmental agency, or combination thereof of whatsoever form or
3 character.
- 4 (29) Pneumatic Tire. – Every tire in which compressed air is designed to
5 support the load.
- 6 (30) Private Road or Driveway. – Every road or driveway not open to the
7 use of the public as a matter of right for the purpose of vehicular
8 traffic.
- 9 (31) Property-Hauling Vehicles. –
- 10 a. Exempt for-hire vehicles. – Vehicles used for the transportation
11 of property for hire but not licensed as common carriers or
12 contract carriers of property under franchise certificates or
13 permits issued by the Utilities Commission or by the Interstate
14 Commerce Commission; provided, that the term ‘for hire’ shall
15 include every arrangement by which the owner of a vehicle
16 uses, or permits such vehicle to be used, for the transportation
17 of the property of another for compensation, subject to the
18 following exemptions:
- 19 1. The transportation of farm crops or products, including
20 logs, bark, pulp, and tannic acid wood delivered from
21 farms and forest to the first or primary market, and the
22 transportation of wood chips from the place where wood
23 has been converted into chips to their first or primary
24 market.
 - 25 2. The transportation of perishable foods which are still
26 owned by the grower while being delivered to the first or
27 primary market by an operator who has not more than
28 one truck, truck-tractor, or trailer in a for-hire operation.
 - 29 3. The transportation of merchandise hauled for
30 neighborhood farmers incidentally and not as a regular
31 business in going to and from farms and primary
32 markets.
 - 33 4. The transportation of T.V.A. or A.A.A. phosphate and/or
34 agricultural limestone in bulk which is furnished as a
35 grant of aid under the United States Agricultural
36 Adjustment Administration.
 - 37 5. The transportation of fuel for the exclusive use of the
38 public schools of the State.
 - 39 6. Vehicles whose sole operation in carrying the property
40 of others is limited to the transportation of the United
41 States mail pursuant to a contract, or the extension or
42 renewal of such contract.

- 1 7. Vehicles leased for a term of one year or more to the
2 same person when used exclusively by such person in
3 transporting his own property.
- 4 b. Common carrier of property vehicles. – Vehicles used for the
5 transportation of property certified by the Utilities Commission
6 or the Interstate Commerce Commission as common carriers.
- 7 c. Private hauler vehicles. – Vehicles used for the transportation of
8 property not falling within one of the above-defined
9 classifications; provided, self-propelled vehicles equipped with
10 permanent living and sleeping facilities used for camping
11 activities shall be classified as private passenger vehicles.
- 12 d. Semitrailers. – Vehicles without motive power designed for
13 carrying property or persons and for being drawn by a motor
14 vehicle, and so constructed that part of their weight or their load
15 rests upon or is carried by the pulling vehicle.
- 16 e. Trailers. – Vehicles without motive power designed for carrying
17 property or persons wholly on their own structure and to be
18 drawn by a motor vehicle, including 'pole trailers' or a pair of
19 wheels used primarily to balance a load rather than for purposes
20 of transportation.
- 21 f. Contract carrier of property vehicles. – Vehicles used for the
22 transportation of property under a franchise permit of a
23 regulated contract carrier issued by the Utilities Commission or
24 the Interstate Commerce Commission.
- 25 (31a) Provisional Licensee. – A person under the age of 18 years.
- 26 (32) Public Vehicular Area. – Any area within the State of North Carolina
27 that is generally open to and used by the public for vehicular traffic,
28 including by way of illustration and not limitation any drive, driveway,
29 road, roadway, street, alley, or parking lot upon the grounds and
30 premises of:
- 31 a. Any public or private hospital, college, university, school,
32 orphanage, church, or any of the institutions, parks or other
33 facilities maintained and supported by the State of North
34 Carolina or any of its subdivisions; or
- 35 b. Any service station, drive-in theater, supermarket, store,
36 restaurant, or office building, or any other business, residential,
37 or municipal establishment providing parking space for
38 customers, patrons, or the public; or
- 39 c. Any property owned by the United States and subject to the
40 jurisdiction of the State of North Carolina. (The inclusion of
41 property owned by the United States in this definition shall not
42 limit assimilation of North Carolina law when applicable under
43 the provisions of Title 18, United States Code, section 13.)

1 The term 'public vehicular area' shall also include any beach area used by the public
2 for vehicular traffic as well as any road opened to vehicular traffic within or leading to a
3 subdivision for use by subdivision residents, their guests, and members of the public,
4 whether or not the subdivision roads have been offered for dedication to the public. The
5 term 'public vehicular area' shall not be construed to mean any private property not
6 generally open to and used by the public.

7 (33) (a) Flood Vehicle.-A motor vehicle that has been submerged or
8 partially submerged in water to the extent that damage to the body,
9 engine, transmission, or differential has occurred.

10 (b) Non-U.S.A. Vehicle.-A motor vehicle manufactured outside of
11 the United States and not intended by the manufacturer for sale
12 in the United States.

13 (c) Reconstructed Vehicle.-A motor vehicle of a type required to be
14 registered hereunder that has been materially altered from
15 original construction due to removal, addition or substitution of
16 new or used essential parts; and includes glider kits and custom
17 assembled vehicles.

18 (d) Salvage Motor Vehicle.-Any motor vehicle damaged by
19 collision or other occurrence to the extent that the cost of
20 repairs to the vehicle and rendering the vehicle safe for use on
21 the public streets and highways would exceed seventy-five
22 percent (75%) of its fair retail market value. Repairs shall
23 include the cost of parts and labor. Fair market retail values
24 shall be as found in the NADA pricing Guide Book or other
25 publications approved by the Commissioner.

26 (e) Salvage Rebuilt Vehicle.-A salvage vehicle that has been rebuilt
27 for title and registration.

28 (f) Junk Vehicle.-A motor vehicle which is incapable of operation
29 or use upon the highways and has no resale value except as a
30 source of parts or scrap, and shall not be titled or registered.

31 (33a) Relevant Time after the Driving. – Any time after the driving in which
32 the driver still has in his body alcohol consumed before or during the
33 driving.

34 (34) Resident. – Any person who resides within this State for other than a
35 temporary or transitory purpose for more than six months shall be
36 presumed to be a resident of this State; but absence from the State for
37 more than six months shall raise no presumption that the person is not
38 a resident of this State.

39 (35) Residential District. – The territory prescribed as such by ordinance of
40 the Department of Transportation.

41 (36) Revocation or Suspension. – Termination of a licensee's or permittee's
42 privilege to drive or termination of the registration of a vehicle for a
43 period of time stated in an order of revocation or suspension. The

- 1 terms 'revocation' or 'suspension' or a combination of both terms shall
2 be used synonymously.
- 3 (37) Road Tractors. – Vehicles designed and used for drawing other
4 vehicles upon the highway and not so constructed as to carry any part
5 of the load, either independently or as a part of the weight of the
6 vehicle so drawn.
- 7 (38) Roadway. – That portion of a highway improved, designed, or
8 ordinarily used for vehicular travel, exclusive of the shoulder. In the
9 event a highway includes two or more separate roadways the term
10 'roadway' as used herein shall refer to any such roadway separately but
11 not to all such roadways collectively.
- 12 (39) Safety Zone. – Traffic island or other space officially set aside within a
13 highway for the exclusive use of pedestrians and which is so plainly
14 marked or indicated by proper signs as to be plainly visible at all times
15 while set apart as a safety zone.
- 16 (40) Security Agreement. – Written agreement which reserves or creates a
17 security interest.
- 18 (41) Security Interest. – An interest in a vehicle reserved or created by
19 agreement and which secures payments or performance of an
20 obligation. The term includes but is not limited to the interest of a
21 chattel mortgagee, the interest of a vendor under a conditional sales
22 contract, the interest of a trustee under a chattel deed of trust, and the
23 interest of a lessor under a lease intended as security. A security
24 interest is 'perfected' when it is valid against third parties generally.
- 25 (41a) Serious Traffic Violation. – A conviction when operating a
26 commercial motor vehicle of:
- 27 (1) Excessive speeding, involving a single charge of any speed 15
28 miles per hour or more above the posted speed limit;
- 29 (2) Careless and reckless driving;
- 30 (3) Following the vehicle ahead too closely;
- 31 (4) Improper lane changes;
- 32 (5) A violation of any State or local law relating to motor vehicle
33 traffic control, other than a parking violation, arising in
34 connection with a fatal accident.
- 35 (42) Solid Tire. – Every tire of rubber or other resilient material which does
36 not depend upon compressed air for the support of the load.
- 37 (43) Specially Constructed Vehicles. – Vehicles of a type required to be
38 registered hereunder not originally constructed under a distinctive
39 name, make, model, or type by a generally recognized manufacturer of
40 vehicles and not materially altered from their original construction.
- 41 (44) Special Mobile Equipment. – Every truck, truck-tractor, industrial
42 truck, trailer, or semitrailer on which have been permanently attached
43 cranes, mills, well-boring apparatus, ditch-digging apparatus, air
44 compressors, electric welders, or any similar type apparatus or which

1 have been converted into living or office quarters, or other self-
2 propelled vehicles which were originally constructed in a similar
3 manner which are operated on the highway only for the purpose of
4 getting to and from a nonhighway job and not for the transportation of
5 persons or property or for hire. This shall also include trucks on which
6 special equipment has been mounted and used by American Legion or
7 Shrine Temples for parade purposes, trucks or vehicles privately
8 owned on which fire-fighting equipment has been mounted and which
9 are used only for fire-fighting purposes, and vehicles on which are
10 permanently mounted feed mixers, grinders, and mills although there
11 is also transported on the vehicle molasses or other similar type feed
12 additives for use in connection with the feed-mixing, grinding, or
13 milling process.

14 (45) State. – A state, territory, or possession of the United States, District of
15 Columbia, Commonwealth of Puerto Rico, or a province of Canada.

16 (46) Street. – A highway, as defined in subdivision (13). The terms
17 'highway' and 'street' and their cognates are synonymous.

18 (47) Suspension. – Termination of a licensee's or permittee's privilege to
19 drive or termination of the registration of a vehicle for a period of time
20 stated in an order of revocation or suspension. The terms 'revocation'
21 or 'suspension' or a combination of both terms shall be used
22 synonymously.

23 (48) Truck Tractors. – Vehicles designed and used primarily for drawing
24 other vehicles and not so constructed as to carry any load independent
25 of the vehicle so drawn.

26 (48a) Under the Influence of an Impairing Substance. – The state of a person
27 having his physical or mental faculties, or both, appreciably impaired
28 by an impairing substance.

29 (49) Vehicle. – Every device in, upon, or by which any person or property
30 is or may be transported or drawn upon a highway, excepting devices
31 moved by human power or used exclusively upon fixed rails or tracks;
32 provided, that for the purposes of this Chapter bicycles shall be
33 deemed vehicles and every rider of a bicycle upon a highway shall be
34 subject to the provisions of this Chapter applicable to the driver of a
35 vehicle except those which by their nature can have no application.
36 This term shall not include a device which is designed for and intended
37 to be used as a means of transportation for a person with a mobility
38 impairment, is suitable for use both inside and outside a building, and
39 whose maximum speed does not exceed 12 miles per hour when the
40 device is being operated by a person with a mobility impairment.

41 (50) Wreckers. – Vehicles with permanently attached cranes used to move
42 other vehicles; provided, that said wreckers shall be equipped with
43 adequate brakes for units being towed."

1 Sec. 2. Chapter 20 of the General Statutes is amended by adding a new
2 article to read.

3 **“ARTICLE 2C.**

4 **“COMMERCIAL DRIVER'S LICENSE ACT.**

5 **“§ 20-37.10. Title of Article.**

6 This Article may be cited as the Commercial Driver's License Act.

7 **“§ 20-37.11. Purpose.**

8 The purpose of this Article is to implement the federal Commercial Motor
9 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) and reduce or prevent
10 commercial motor vehicle accidents, fatalities, and injuries by:

11 (a) Permitting commercial drivers to hold one license;

12 (b) Disqualifying commercial drivers who have committed certain serious
13 traffic violations, or other specified offenses;

14 (c) Strengthening commercial driver licensing and testing standards.

15 To the extent that this Article conflicts with general driver licensing provisions,
16 this Article prevails. Where this Article is silent, the general driver licensing provisions
17 apply.

18 **“§ 20-37.12. Commercial driver license required.**

19 (a) On or after April 1, 1992, no person shall operate a commercial motor
20 vehicle on the highways of this State unless he has first been issued and is in immediate
21 possession of a commercial driver license with applicable endorsements valid for the
22 vehicle he is driving; provided, a person may operate a commercial motor vehicle after
23 being issued and while in possession of a commercial driver learner's permit and while
24 accompanied by the holder of a commercial driver license valid for the vehicle being
25 driven.

26 (b) No person may drive a commercial motor vehicle on the highways of this
27 State while his driving privilege is revoked, suspended, cancelled, subject to a
28 disqualification, or in violation of an out-of-service order.

29 (c) No person who drives a commercial motor vehicle shall have more than
30 one driver's license.

31 (d) Any person who is not a resident of this State, who has been issued a
32 commercial driver's license by his state of residence, who has that license in his
33 immediate possession, whose privilege to drive any motor vehicle is not suspended,
34 revoked, or cancelled, and who has not been disqualified from driving a commercial
35 motor vehicle, shall be permitted without further examination or licensure by the
36 Division to drive a commercial motor vehicle in this State.

37 (e) Any person who takes up residence in this State on a permanent basis is
38 exempt from the provisions of this section for 30 days from the date residence is
39 established if he is properly licensed to operate a commercial motor vehicle in the
40 jurisdiction of which he is a former resident. The Commissioner may establish by rule
41 the conditions under which the test requirements for a commercial driver's license may
42 be waived for any person applying for a license pursuant to this subsection.

43 **“§ 20-37.13. Commercial driving license qualification standards.**

44 (a) No person may be issued a commercial driver license unless he:

- 1 (1) Is a resident of this State;
- 2 (2) Is 21 years of age;
- 3 (3) Has passed a knowledge and skills test for driving a commercial motor
4 vehicle which complies with minimum federal standards established
5 by federal regulation enumerated in 49 CFR, part 383, subparts G and
6 H;
- 7 (4) Has satisfied all other requirements of the Commercial Motor Vehicle
8 Safety Act in addition to other requirements of this Chapter or federal
9 regulation.

10 The tests must be prescribed and conducted by the Division of Motor Vehicles.
11 Provided, a person who is at least 18 years of age may be issued a commercial driver
12 license if he is exempt from, or not subject to, the age requirements of the federal Motor
13 Carrier Safety Regulations contained in 49 CFR, part 391 as adopted by the Division.

14 (b) The Division may permit a person, including an agency of this or another
15 state, an employer, or an agency of local government to administer the skills test
16 specified by this section, provided:

- 17 (1) The test is the same as that administered by the Division; and
- 18 (2) The third party has entered into an agreement with the Division which
19 complies with the requirements of 49 CFR, part 383.75.

20 (c) Prior to April 1, 1992, the Division may waive the skills test for applicants
21 licensed at the time they apply for a commercial driver's license if:

- 22 (1) The applicant has not, and certifies that he has not, at any time during
23 the two years immediately preceding the date of application:
 - 24 a. Had more than one driver's license, except during the 10-day
25 period beginning on the date he is issued a driver's license, or
26 unless, prior to December 31, 1989, he was required to have
27 more than one license by a State law enacted prior to June 1,
28 1986;
 - 29 b. Had any driver's license or driving privilege suspended,
30 revoked, or cancelled;
 - 31 c. Had any convictions involving any kind of motor vehicle for
32 the offenses listed in G.S. 20-17; and
 - 33 d. Been convicted of a violation of State or local laws relating to
34 motor vehicle traffic control, other than a parking violation,
35 which violation arose in connection with any reportable traffic
36 accident; and

37 (2) The applicant certifies, and provides satisfactory evidence, that he is
38 regularly employed in a job requiring the operation of a commercial
39 motor vehicle, and he either:

- 40 a. Has previously taken and successfully completed a skills test
41 which was administered by a state with a classified licensing
42 and testing system and that test was behind the wheel in a
43 vehicle representative of the class and, if applicable, the type of

1 commercial motor vehicle for which the applicant seeks to be
2 licensed; or

3 b. Has operated for at least two years immediately preceding the
4 application date, a vehicle representative of the class and, if
5 applicable, the type of commercial motor vehicle for which the
6 applicant seeks to be licensed.

7 (d) A commercial driver license or learner's permit may not be issued to a
8 person while he is subject to a disqualification from driving a commercial motor
9 vehicle, or while his driver license is suspended, revoked, or cancelled in any state; nor
10 may a commercial driver license be issued by any other state unless he first surrenders
11 all other driver licenses, which must be returned to the issuing state(s) for cancellation.

12 (e) A commercial driver learner's permit may be issued to an individual who
13 holds a valid Class C driver license who has passed the necessary tests required for that
14 license. The permit is valid for a period not to exceed six months and may be renewed
15 or reissued only once within a two-year period.

16 **"§ 20-37.14. Nonresident commercial driver license.**

17 The Division may issue a nonresident commercial driver license (NRCDL) to a
18 resident of a foreign jurisdiction if the United States Secretary of Transportation has
19 determined that the commercial motor vehicle testing and licensing standards in the
20 foreign jurisdiction do not meet the testing standards established in 49 CFR, part 383.
21 The word 'Nonresident' must appear on the face of the NRCDL. An applicant must
22 surrender any NRCDL issued by another state. Prior to issuing a NRCDL, the Division
23 must establish the practical capability of revoking, suspending, or cancelling the
24 NRCDL and disqualifying that person with the same conditions applicable to the
25 commercial driver license issued to a resident of this State.

26 **"§ 20-37.15. Application for commercial driver license.**

27 (a) The application for a commercial driver license must include the
28 following:

- 29 (1) The full name, current mailing address and residence address of the
30 applicant;
- 31 (2) A physical description of the person including sex, height, eye and hair
32 color;
- 33 (3) Date of birth;
- 34 (4) The applicant's social security number;
- 35 (5) The applicant's signature;
- 36 (6) The applicant's color photograph;
- 37 (7) Certifications including those required by 49 CFR, part 383.71(a);
- 38 (8) A consent to release driving record information; and
- 39 (9) Any other information required by the Division.

40 The application must be accompanied by a nonrefundable application fee of
41 thirty dollars (\$30.00).

42 (b) When the holder of a commercial driver license changes his name,
43 mailing address or residence address, an application for a duplicate shall be made as
44 provided in G.S. 20-7.1 and a fee paid as provided in G.S. 20-14.

1 **"§ 20-37.16. Content of license; classifications and endorsements; fees.**

2 (a) The commercial driver license must be marked 'Commercial Driver
3 License' or 'CDL', and must, to the maximum extent practicable, be tamper proof. It
4 must include:

- 5 (1) The person's name and residential address;
- 6 (2) The person's color photograph;
- 7 (3) A physical description of the person including sex, height, eye color
8 and hair color;
- 9 (4) The person's date of birth;
- 10 (5) The person's social security number or any number or identifier
11 deemed appropriate by the Division;
- 12 (6) The person's signature;
- 13 (7) The class of commercial motor vehicle or vehicles which the person is
14 authorized to drive together with any endorsements or restrictions;
- 15 (8) The name of this State; and
- 16 (9) The dates between which the license is valid.

17 (b) Commercial driver licenses may be issued with the following
18 classifications, endorsements, and restrictions; the holder of a valid commercial driver
19 license may drive all vehicles in the class for which that license is issued, and all lesser
20 classes of vehicles except motorcycles. Vehicles which require an endorsement may
21 not be driven unless the proper endorsement appears on the license.

22 Class A - Any combination of vehicles with a gross vehicle weight rating
23 (GVWR) of 26,001 pounds or more, provided the GVWR of the vehicle(s) being towed
24 is in excess of 10,000 pounds.

25 Class B - Any single vehicle with a GVWR of 26,001 pounds or more, and any
26 such vehicle towing a vehicle not in excess of 10,000 pounds.

27 Class C - Any single vehicle with a GVWR of less than 26,001 pounds or any
28 such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds
29 comprising:

- 30 (1) Vehicles designed to transport 16 or more passengers, including the
31 driver; and
- 32 (2) Vehicles used in the transportation of hazardous materials which
33 requires the vehicle to be placarded under 49 CFR, part 172, subpart F.

34 (c) Endorsements and restrictions will be noted on the license when
35 appropriate in the following categories:

- 36 (1) 'H' - Authorizes the driver to drive a vehicle transporting hazardous
37 materials.
- 38 (2) 'K' - Restricts the driver to vehicles not equipped with airbrakes.
- 39 (3) 'T' - Authorizes driving double trailers.
- 40 (4) 'P' - Authorizes driving vehicles carrying passengers.
- 41 (5) 'N' - Authorizes driving tank vehicles.
- 42 (6) 'X' - Represents a combination of hazardous materials and tank vehicle
43 endorsements.
- 44 (7) 'M' - Authorizes driving a motorcycle.

1 (d) The fee for issuance of a Class A, B, or C commercial driver license is
2 fifty dollars (\$50.00). Any person applying for a special endorsement or renewal
3 thereof under subsection (c) of this section shall pay an additional five dollars (\$5.00)
4 for each endorsement.

5 (e) The requirements for a commercial driver license do not apply to vehicles
6 used for personal use such as recreational vehicles. A commercial driver license is
7 waived for the following classes of vehicles as permitted by regulation of the United
8 States Department of Transportation:

9 (1) Vehicles owned or operated by the Department of Defense, including
10 the national guard, while they are driven by active duty military
11 personnel, or members of the national guard when on active duty, in
12 the pursuit of military purposes;

13 (2) Any vehicle when used as firefighting or emergency equipment for the
14 purpose of preserving life or property or to execute emergency
15 governmental functions; and

16 (3) Farm vehicles that meet all of the following criteria:

17 a. Controlled and operated by the farmer and used exclusively for
18 farm use;

19 b. Used to transport either agricultural products, farm machinery,
20 farm supplies, both to or from a farm;

21 c. Not used in the operations of a common or contract motor
22 carrier; and

23 d. Used within 150 miles of the farmer's farm.

24 **"§ 20-37.17. Record check and notification of license issuance.**

25 Before issuing a commercial driver license, the Division must obtain driving
26 record information from the Commercial Driver License Information System (CDLIS),
27 the National Driver Register, and from each state in which the person has been licensed.

28 Within 10 days after issuing a commercial driver license, the Division must
29 notify CDLIS of the issuance of the commercial driver license, providing all
30 information necessary to ensure identification of the person.

31 **"§ 20-37.18. Notification required by driver.**

32 (a) Any driver holding a commercial driver license issued by this State who is
33 convicted of violating any State law or local ordinance relating to motor vehicle traffic
34 control in any other state, other than parking violations, must notify the Division in the
35 manner specified by the Division within 30 days of the date of the conviction.

36 (b) Any driver holding a commercial driver license issued by this State who is
37 convicted of violating any State law or local ordinance relating to motor vehicle traffic
38 control in this or any other state, other than parking violations, must notify his employer
39 in writing of the conviction within 30 days of the date of conviction.

40 (c) Any driver whose commercial driver license is suspended, revoked, or
41 cancelled by any state, or who loses the privilege to drive a commercial motor vehicle in
42 any state for any period, including being disqualified from driving a commercial motor
43 vehicle, or who is subject to an out-of-service order, must notify his employer of that

1 fact before the end of the business day following the day the driver received notice of
2 that fact.

3 (d) Any person who applies to be a commercial motor vehicle driver must
4 provide the employer, at the time of the application, with the following information for
5 the 10 years preceding the date of application:

6 (1) A list of the names and addresses of the applicant's previous employers
7 for which the applicant was a driver of a commercial motor vehicle.

8 (2) The dates between which the applicant drove for each employer; and

9 (3) The reason for leaving that employer.

10 The applicant must certify that all information furnished is true and complete. Any
11 employer may require an applicant to provide additional information.

12 **"§ 20-37.19. Employer responsibilities.**

13 (a) Each employer must require the applicant to provide the information
14 specified in G.S. 20-37.18(c).

15 (b) No employer may knowingly allow, permit, or authorize a driver to drive
16 a commercial motor vehicle during any period:

17 (1) In which the driver has had his or her commercial driver license
18 suspended, revoked, or cancelled by any state, is currently disqualified
19 from driving a commercial vehicle, or is subject to an out-of-service
20 order in any state; or

21 (2) In which the driver has more than one driver license.

22 **"§ 20-37.20. Notification of traffic convictions.**

23 Within 10 days after receiving a report of the conviction of any nonresident
24 holder of a commercial driver license for any violation of State law or local ordinance
25 relating to motor vehicle traffic control, other than parking violations, committed in a
26 commercial vehicle, the Division must notify the driver licensing authority in the
27 licensing state of the conviction.

28 **"§ 20-37.21. Penalties.**

29 (a) Any person who drives a commercial motor vehicle in violation of G.S.
30 20-37.12 shall be guilty of a misdemeanor and, upon conviction, shall be fined not less
31 than two hundred fifty dollars (\$250.00) for a first offense and not less than five
32 hundred dollars (\$500.00) for a second or subsequent offense.

33 (b) Any person who violates G.S. 20-37.18 shall have committed an
34 infraction and, upon being found responsible, shall pay a penalty of not less than one
35 hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

36 (c) Any employer who violates G.S. 20-37.19 shall have committed an
37 infraction and, upon being found responsible, shall pay a penalty of not less than five
38 hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000).

39 **"§ 20-37.22. Rule making authority.**

40 The Division may adopt any rules necessary to carry out the provisions of this
41 Article.

42 **"§ 20-37.23. Authority to enter agreements.**

43 The Commissioner shall have the authority to execute or make agreements,
44 arrangements, or declarations to carry out the provisions of this Article."

1 Sec. 3. Article 2 of Chapter 20 of the General Statutes is amended by adding
2 a new section to read:

3 **"§ 20-17.4. Disqualification and cancellation of a commercial driver license.**

4 (a) Any person is disqualified from driving a commercial motor vehicle for a
5 period of not less than one year if convicted of a first violation of:

- 6 (1) Driving a commercial motor vehicle while subject to an impairing
7 substance;
8 (2) Driving a commercial motor vehicle while the alcohol concentration of
9 the person's blood or breath is 0.04 or more;
10 (3) Knowingly and willfully leaving the scene of an accident involving a
11 commercial motor vehicle driven by the person;
12 (4) Using a commercial motor vehicle in the commission of any felony; or
13 (5) Refusal to submit to a chemical test to determine the driver's alcohol
14 concentration while driving a commercial motor vehicle.

15 If any of the above violations occurred while transporting a hazardous material
16 required to be placarded, the person is disqualified for a period of not less than three
17 years.

18 (b) A person is disqualified for life if convicted of two or more violations of
19 any of the offenses specified in subsection (a) of this section, or any combination of
20 those offenses, arising from two or more separate incidents. The Division may issue
21 regulations establishing guidelines, including conditions, under which a disqualification
22 for life under this paragraph may be reduced to 10 years.

23 (c) A person is disqualified from driving a commercial motor vehicle for life
24 who uses a commercial motor vehicle in the commission of any felony involving the
25 manufacture, distribution, or dispensing of a controlled substance, or possession with
26 intent to manufacture, distribute, or dispense a controlled substance.

27 (d) A person is disqualified from driving a commercial motor vehicle for a
28 period of not less than 60 days if convicted of two serious traffic violations, or 120 days
29 if convicted of three serious traffic violations, committed in a commercial motor vehicle
30 arising from separate incidents occurring within a three-year period.

31 (e) After suspending, revoking, or cancelling a commercial driver license, the
32 Division must update its records to reflect that action within 10 days. After suspending,
33 revoking, or cancelling a nonresident commercial driver's privileges, the Division must
34 forthwith notify the licensing authority of the State which issued the commercial driver
35 license or commercial driver instruction permit."

36 Sec. 4. G.S. 20-28 is amended by adding a new subsection to read:

37 "(c) Any person whose commercial driver license has been suspended or revoked
38 or who has been disqualified from operating a commercial motor vehicle as provided in
39 this Chapter who shall drive a commercial motor vehicle upon the highways or public
40 vehicular areas of this State while such license is under suspension, revocation, or
41 disqualification shall be guilty of a misdemeanor. Upon receipt of a record of a
42 violation of this section, the Division shall impose an additional disqualification period
43 equal to the period for which the driver was suspended, revoked, or disqualified when
44 he violated this section."

1 Sec. 5. G.S. 20-7(a) reads as rewritten:

2 "(a) Except as otherwise provided in this ~~Article~~Chapter, no person shall operate a
3 motor vehicle on a highway unless such person is a resident of this State and has first
4 been licensed by the Division under the provisions of this Article or Article 2C for the
5 type or class of vehicle being driven. Drivers' ~~Driver's~~ licenses shall be classified under
6 this Article as follows:

7 (1) Class 'A' which entitles a licensee to drive any vehicle or combination
8 of vehicles, ~~with a gross vehicle weight rating (GVWR) of 26,001~~
9 pounds or more, provided the GVWR of the vehicle(s) being towed
10 is/are in excess of 10,000 pounds and is/are exempt from Article 2C.
11 A Class A license entitles the licensee to operate Class B and C
12 vehicles except motorcycles, including all vehicles under Classes "B" or
13 "C."

14 (2) Class 'B' which entitles a licensee to drive a single vehicle weighing
15 ~~over 30,000 pounds gross vehicle weight, any such vehicle towing a~~
16 ~~vehicle weighing 10,000 pounds gross vehicle weight or less, a single~~
17 ~~vehicle designed to carry more than 12 passengers and all vehicles~~
18 ~~under Class "C."~~ with a GVWR of 26,001 pounds or more, any such
19 vehicle towing a single vehicle not in excess of 10,000 pounds and the
20 towed vehicle being exempt from Article 2C. A Class "B" B license
21 does not entitle the licensee to operate Class C vehicles except drive
22 a motorcycle.

23 (3) Class 'C' which entitles a licensee to drive a single vehicle weighing
24 ~~30,000 pounds gross vehicle weight or less; any such vehicle towing a~~
25 ~~vehicle weighing 10,000 pounds gross vehicle weight or less; a church~~
26 ~~bus, farm bus, volunteer transportation vehicle, or activity bus~~
27 ~~operated for a nonprofit organization when the activity bus is operated~~
28 ~~for a nonprofit purpose; and a fire fighting vehicle or combination of~~
29 ~~vehicles (regardless of gross vehicle weight) when operated by any~~
30 ~~volunteer member of a municipal or rural fire department in the~~
31 ~~performance of his duty.~~ with a GVWR of less than 26,001 pounds or
32 any such vehicle towing another vehicle with a GVWR not in excess
33 of 10,000 pounds, both of which are exempt from Article 2C. A Class
34 "C" C license does not entitle the licensee to drive a motorcycle. A
35 Class "C" license does not entitle the licensee to drive a vehicle
36 designed to carry more than 12 passengers unless this subsection or
37 G.S. 20-218(a) specifically entitles him to do so.

38 Any unusual vehicle shall be assigned by the Commissioner to the most appropriate
39 class under this subsection or Article 2C with suitable special restrictions if they appear
40 to be necessary.

41 Any person who takes up residence in this State on a permanent basis is exempt
42 from the provisions of this subsection for 30 days from the date that residence is
43 established, if he is properly licensed in the jurisdiction of which he is a former
44 resident."

1 Sec. 6. G.S. 20-218(a) reads as rewritten:

2 "(a) No person shall drive or operate a school bus over the public roads of North
3 Carolina while the same is occupied by children unless said person shall be fully
4 trained in the operation of motor vehicles, and shall furnish to the superintendent of the
5 schools of the county in which said bus shall be operated a certificate from any
6 representative duly designated by the Commissioner of Motor Vehicles, and the chief
7 mechanic in charge of school buses in said county showing that he has been examined
8 by a representative duly designated by the Commissioner of Motor Vehicles, and said
9 chief mechanic in charge of school buses in said county and that he is a fit and
10 competent person to operate or drive a school bus over the public roads of the State.
11 ~~Notwithstanding the provisions of G.S. 20-7(a)(3),~~ The driver of a school bus must be at
12 least 16-18 years of age and hold a driver's license of Class "A" A, "B" B, or "C" C
13 commercial driver license or a Class C driver license and a school bus driver's
14 certificate, if the vehicle is designed to transport 16 passengers or less including the
15 driver, and the driver of a school activity bus must hold a driver's license of Class "C" C
16 and a school bus driver's certificate or a driver's license of Class "A" A or Class "B" B."

17 Sec. 7. G.S. 20-9(a) reads as rewritten:

18 "(a) A Class 'C' license shall not be issued to any person under 16 years of age
19 and no Class "A" A, ~~or Class "B" B, or "C" C~~ commercial driver license shall be issued to
20 any person under 18-21 years of age except as provided in G.S. 20-37.13(a) and G.S. 20-
21 218(a). An endorsement to transport hazardous materials shall not be issued to any
22 person under 25 years of age."

23 Sec. 8. G.S. 20-10 reads as rewritten:

24 **"§ 20-10. Age limits for drivers of public passenger-carrying vehicles.**

25 It shall be unlawful for any person, whether licensed under this Article or not, who is
26 under the age of 18-21 years to drive a motor vehicle while in use as a public passenger-
27 carrying vehicle. For purposes of this section, an ambulance when operated for the
28 purpose of transporting persons who are sick, injured, or otherwise incapacitated shall
29 not be treated as a public passenger-carrying vehicle.

30 No person 14 years of age or under, whether licensed under this Article or not, shall
31 operate any road machine, farm tractor or motor driven implement of husbandry on any
32 highway within this State. Provided any person may operate a road machine, farm
33 tractor, or motor driven implement of husbandry upon a highway adjacent to or running
34 in front of the land upon which such person lives when said person is actually engaged
35 in farming operations."

36 Sec. 9. G.S. 20-30 is amended by adding a new subdivision to read:

37 "(8) To possess more than one commercial driver license. Any commercial driver
38 license other than the most recently issued is subject to immediate seizure by any law
39 enforcement officer or judicial official."

40 Sec. 10. G.S. 20-26(a) reads as rewritten:

41 "(a) The Division shall keep a record of test, proceedings and orders pertaining to
42 all driver's licenses granted, refused, suspended or revoked. The Division shall keep
43 records of convictions as defined in G.S. 20-24(c) occurring outside North Carolina
44 only for the offenses of exceeding a stated speed limit of 55 miles per hour or more by

1 more than 15 miles per hour, driving while license suspended or revoked, careless and
2 reckless driving, engaging in prearranged speed competition, engaging willfully in
3 speed competition, hit-and-run driving resulting in damage to property, unlawfully
4 passing a stopped school bus, illegal transportation of alcoholic beverages, and the
5 offenses included in G.S. 20-17. Provided, the Division shall also record convictions
6 for speeding in excess of 15 miles per hour over the posted speed limit occurring
7 outside of North Carolina if the vehicle involved is a commercial motor vehicle."

8 Sec. 11. G.S. 20-24(c) reads as rewritten:

9 "(c) ~~For the purposes of this Article-Chapter, the term 'conviction' shall mean a~~
10 ~~final conviction of a criminal offense or a determination that a person is responsible for an~~
11 ~~infraction~~ an unvacated adjudication of guilt, or a determination that a person has
12 violated or failed to comply with the law in a court of original jurisdiction or an
13 authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited
14 to secure the person's appearance in court; or a violation of a condition of release
15 without bail, regardless of whether or not the penalty is rebated, suspended, or probated.
16 ~~Also for the purpose of this Article an order of forfeiture of cash in the full amount of a bond~~
17 ~~required by Article 26 of Chapter 15A of the General Statutes, which forfeiture has not been~~
18 ~~vacated, shall be equivalent to a conviction.~~

19 In addition to the foregoing provisions and for the purpose of this Article, a third or
20 subsequent prayer for judgment continued within any five-year period shall be
21 considered as a final conviction and to this end all orders entering prayer for judgments
22 continued entered by the courts shall be reported to the Division of Motor Vehicles."

23 Sec. 12. G.S. 20-17(4) reads as rewritten:

24 "(4) ~~Failure to stop and render aid as required under the laws of this State in the~~
25 ~~event of a motor vehicle accident~~ in violation of G.S. 20-166(a) or (b)."

26 Sec. 13. This act shall become effective January 1, 1990.