

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

**H**

**3**

**HOUSE BILL 471\***  
**Committee Substitute Favorable 4/30/03**  
**Committee Substitute #2 Favorable 6/9/03**

Short Title: CDL Changes/Moped Tag.

(Public)

---

Sponsors:

---

Referred to:

---

March 13, 2003

A BILL TO BE ENTITLED

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

10 The General Assembly of North Carolina enacts:

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

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

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

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

- 1                   b.     Out-of-State. When referring to an offense committed outside  
2                   North Carolina, the term means any of the following:  
3                   1.     An unvacated adjudication of guilt.  
4                   2.     A determination that a person has violated or failed to  
5                   comply with the law in a court of original jurisdiction or  
6                   an authorized administrative tribunal.  
7                   3.     An unvacated forfeiture of bail or collateral deposited to  
8                   secure the person's appearance in court.  
9                   4.     A violation of a condition of release without bail,  
10                  regardless of whether or not the penalty is rebated,  
11                  suspended, or probated."

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

13               "(41a) Serious Traffic Violation. – A conviction of one of the following  
14               offenses when operating a commercial motor vehicle:

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

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

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

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

1           **SECTION 4.** G.S. 20-37.12 is amended by adding a new subsection to read:  
 2           "(f) A person shall not be convicted of failing to carry a commercial drivers  
 3 license if, by the date the person is required to appear in court for the violation, the  
 4 person produces to the court a commercial drivers license issued to the person that was  
 5 valid on the date of the offense."

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

7           "**§ 20-37.16. Content of license; classifications and endorsements; fees.**

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

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

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

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

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

30          To obtain an H or an X endorsement, an applicant must take a test. This requirement  
 31 applies when a person first obtains an H or an X endorsement and each time a person  
 32 renews an H or an X endorsement. An applicant who has an H or an X endorsement  
 33 issued by another state who applies for an H or an X endorsement must take a test  
 34 unless the person has passed a test that covers the information set out in 49 C.F.R. §  
 35 383.121 within the preceding two years.

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

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

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.** Article 3 of Chapter 20 of the General Statutes is amended by  
7 adding a new Part to read:

8                               "Part 3B. Moped Identification Tags.

9           "§ 20-71.6. Moped identification tags.

10          (a) Tags Required. – Every moped, as defined in G.S. 105-164.3 and operated in  
11 the State, shall display a permanent identification tag. The tag must display information  
12 for identification and enforcement purposes and be approved by the Commissioner.

13          (b) Duties of Moped Dealer. – A moped dealer shall attach the approved tag to  
14 each moped sold by the dealer in this State. The moped dealer may collect a one-time  
15 only fee not exceeding twenty-five dollars (\$25.00) from the purchaser of the new or  
16 used moped. Moped dealers shall make an effort to promote awareness of the tag  
17 requirement.

18          (c) Violations. – A moped dealer who fails to attach a tag to a moped at the time  
19 of sale or a person who operates a moped upon the public highways and streets of this  
20 State without displaying the tag is guilty of a Class 3 misdemeanor."

21           **SECTION 8.** Sections 3, 5, 7, and 8 of this act become effective October 1,  
22 2003. Section 6 of this act becomes effective October 1, 2003, and expires September  
23 30, 2005. The remainder of this act becomes effective January 1, 2005.