

GENERAL ASSEMBLY OF NORTH CAROLINA  
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HOUSE BILL 1025\*  
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Short Title: DOT/DMV Changes.

(Public)

Sponsors:

Referred to:

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO (1) AUTHORIZE CONTINUANCES OF DIVISION OF MOTOR VEHICLES INSPECTION STATION VIOLATION CASES; (2) PROVIDE THAT AGRICULTURAL TOURISM SIGNS ON STATE HIGHWAYS ARE SUBJECT TO DEPARTMENT OF TRANSPORTATION LOCATION AND PLACEMENT RULES; (3) CHANGE THE DUE DATE FOR THE NORTH CAROLINA TURNPIKE AUTHORITY ANNUAL AUDIT REPORT TO OCTOBER; (4) REPEAL A REQUIREMENT THAT THE DEPARTMENT OF TRANSPORTATION ANNUALLY REPORT RIGHT TURN ON RED PEDESTRIAN CRASHES; (5) AMEND THE STATE DRIVERS LICENSE MATERIAL TECHNICAL STANDARDS; (6) APPLY ALTERNATE PRIORITIZATION CRITERIA UNDER THE STRATEGIC TRANSPORTATION INVESTMENTS ACT FORMULA TO FEDERAL AND STATE FUNDS USED FOR EMERGENCY REPAIR WORK; AND (7) REENACT THE AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN PRIVATE DEVELOPER CONTRACTS FOR IMPROVEMENTS TO THE STATE HIGHWAY SYSTEM, SUBJECT TO A LIMIT OF THE LESSER OF TEN PERCENT OR TWO HUNDRED FIFTY THOUSAND DOLLARS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO INSTALL AND OPERATE RAMP METERS, AND TO PROVIDE THAT VIOLATION OF A RAMP METER SIGNAL IS AN INFRACTION.

The General Assembly of North Carolina enacts:

**DMV INSPECTION STATION CASE CONTINUANCES**

**SECTION 1.** G.S. 20-183.8G reads as rewritten:

**"§ 20-183.8G. Administrative and judicial review.**

(a) Right to Hearing. – A person who applies for a license or registration under this Part or who has a license or registration issued under this Part has the right to a hearing when any of the following occurs:

- (1) The Division denies the person's application for a license or registration.
- (2) The Division delivers to the person a written statement of charges of a violation that could result in the suspension or revocation of the person's license.
- (3) The Division summarily suspends or revokes the person's license following review and authorization of the proposed adverse action by a judge.



1 (4) The Division assesses a civil penalty against the person.

2 (5) The Division issues a warning letter to the person.

3 (6) The Division cancels the person's registration.

4 (b) Hearing After Statement of Charges. – When a license holder receives a statement  
5 of charges of a violation that could result in the suspension or revocation of the person's  
6 license, the person can obtain a hearing by making a request for a hearing. The person must  
7 make the request to the Division within 10 days after receiving the statement of the charges. A  
8 person who does not request a hearing within this time limit waives the right to a hearing.

9 The Division must hold a hearing requested under this subsection within 30 days after  
10 receiving the ~~request~~request, unless the matter is continued for good cause. The hearing must  
11 be held at the location designated by the Division. Suspension or revocation of the license is  
12 stayed until a decision is made following the hearing.

13 If a person does not request a hearing within the time allowed for making the request, the  
14 proposed suspension or revocation becomes effective the day after the time for making the  
15 request ends. If a person requests a hearing but does not attend the hearing, the proposed  
16 suspension or revocation becomes effective the day after the date set for the hearing.

17 (c) Hearing After Summary Action. – When the Division summarily suspends a license  
18 issued under this Part after judicial review and authorization of the proposed action, the person  
19 whose license was suspended or revoked may obtain a hearing by filing with the Division a  
20 written request for a hearing. The request must be filed within 10 days after the person was  
21 notified of the summary action. The Division must hold a hearing requested under this  
22 subsection within 14 days after receiving the request.

23 (d) All Other Hearings. – When this section gives a person the right to a hearing and  
24 subsection (b) or (c) of this section does not apply to the hearing, the person may obtain a  
25 hearing by filing with the Division a written request for a hearing. The request must be filed  
26 within 10 days after the person receives written notice of the action for which a hearing is  
27 requested. The Division must hold a hearing within 90 days after the Division receives the  
28 ~~request~~request, unless the matter is continued for good cause.

29 (e) Review by Commissioner. – The Commissioner may conduct a hearing required  
30 under this section or may designate a person to conduct the hearing. When a person designated  
31 by the Commissioner holds a hearing and makes a decision, the person who requested the  
32 hearing has the right to request the Commissioner to review the decision. The procedure set by  
33 the Division governs the review by the Commissioner of a decision made by a person  
34 designated by the Commissioner.

35 (f) Decision. – Upon the Commissioner's review of a decision made after a hearing on  
36 the imposition of a monetary penalty against a motorist for an emissions violation or on a Type  
37 I, II, or III violation by a license holder, the Commissioner must uphold any monetary penalty,  
38 license suspension, license revocation, or warning required by G.S. 20-183.7A, G.S. 20-183.8A  
39 or G.S. 20-183.8B, respectively, if the decision is based on evidence presented at the hearing  
40 that supports the hearing officer's determination that the motorist or license holder committed  
41 the act for which the monetary penalty, license suspension, license revocation, or warning was  
42 imposed. Pursuant to the authority under G.S. 20-183.7A(c) and G.S. 20-183.8B(c), the  
43 Commissioner may order a suspension for a first occurrence Type I violation of a station to be  
44 stayed upon reasonable compliance terms to be determined by the Commissioner. Pursuant to  
45 the authority under G.S. 20-183.7A(d1) and G.S. 183.8B(c2), the Commissioner may order the  
46 suspensions against a license holder to run consecutively or concurrently. The Commissioner  
47 may uphold, dismiss, or modify a decision made after a hearing on any other action.

48 (g) Judicial Review. – Article 4 of Chapter 150B of the General Statutes governs  
49 judicial review of an administrative decision made under this section."  
50

## 51 AGRITOURISM SIGN LOCATION/DOT STANDARDS

1           **SECTION 2.** G.S. 106-22.5(a) reads as rewritten:

2           "(a) The Department of Agriculture and Consumer Services shall work with the  
3 Department of Transportation to provide directional signs on major highways at or in  
4 reasonable proximity to the nearest interchange ~~or within one mile~~ leading to an agricultural  
5 facility that promotes tourism by providing tours and on-site sales or samples of North Carolina  
6 agricultural products to area tourists. The Department shall follow the sign location and  
7 placement rules of the Department of Transportation's Tourist-Oriented Directional Signs and  
8 Logo Signs programs."

9  
10 **TURNPIKE AUTHORITY ANNUAL AUDIT DATE CHANGE**

11           **SECTION 3.** G.S. 136-89.193(b) reads as rewritten:

12           "(b) Annual Reports. – The Authority shall, promptly following the close of each fiscal  
13 year, submit an annual report of its activities for the preceding year to the Governor, the  
14 General Assembly, and the Department of Transportation. ~~Each report shall be accompanied by~~  
15 ~~an~~ In addition, an annual audit of its books and ~~accounts.~~ accounts shall be submitted to the  
16 Governor, the General Assembly, and the Department of Transportation when completed in  
17 October of each year."

18  
19 **REPEAL REPORT/RIGHT TURN ON RED**

20           **SECTION 4.** G.S. 20-158(b)(2)d. is repealed.

21  
22 **DRIVERS LICENSE MATERIAL TECHNICAL STANDARD**

23           **SECTION 5.** G.S. 20-7(n) reads as rewritten:

24           "(n) Format. – A drivers license issued by the Division must be tamperproof and must  
25 contain all of the following information:

- 26           (1) An identification of this State as the issuer of the license.  
27           (2) The license holder's full name.  
28           (3) The license holder's residence address.  
29           (4) ~~A color photograph, or a properly applied laser engraved picture on~~  
30 ~~polycarbonate material, of the license holder, taken by the Division.~~ A color  
31 photograph of the license holder applied to material that is measured by the  
32 industry standard of security and durability and is resistant to tampering and  
33 reproduction.  
34           (5) A physical description of the license holder, including sex, height, eye color,  
35 and hair color.  
36           (6) The license holder's date of birth.  
37           (7) An identifying number for the license holder assigned by the Division. The  
38 identifying number may not be the license holder's social security number.  
39           (8) Each class of motor vehicle the license holder is authorized to drive and any  
40 endorsements or restrictions that apply.  
41           (9) The license holder's signature.  
42           (10) The date the license was issued and the date the license expires.

43           The Commissioner shall ensure that applicants 21 years old or older are issued drivers  
44 licenses and special identification cards that are printed in a horizontal format. The  
45 Commissioner shall ensure that applicants under the age of 21 are issued drivers licenses and  
46 special identification cards that are printed in a vertical format, that distinguishes them from the  
47 horizontal format, for ease of identification of individuals under age 21 by members of  
48 industries that regulate controlled products that are sale restricted by age and law enforcement  
49 officers enforcing these laws.

50           At the request of an applicant for a drivers license, a license issued to the applicant must  
51 contain the applicant's race."

1  
2 **ALTERNATE CRITERIA FOR EMERGENCY REPAIR UNDER STRATEGIC**  
3 **TRANSPORTATION INVESTMENTS ACT**

4 **SECTION 6.** G.S. 136-189.11 is amended by adding a new subsection to read:

5 "(c1) Emergency Funds With Alternative Criteria. – The following funds, obligated in  
6 support of emergency repair work necessary to restore essential travel, minimize the extent of  
7 damage, or protect remaining facilities, as a result of events that occurred during a federal- or  
8 State-declared emergency that significantly damaged the State-maintained transportation  
9 system to the extent that safe passage is jeopardized, shall be subject to subsection (d) of this  
10 section but shall not be subject to the prioritization criteria set forth in that subsection:

11 (1) Federal or State funds obligated for repairs for which federal Emergency  
12 Relief Funds are available pursuant to 23 U.S.C. § 125.

13 (2) State funds obligated for repairs to damage occurring as a result of an event  
14 that is lawfully declared to be a federal or State emergency."

15  
16 **DOT PARTNERSHIP WITH PRIVATE DEVELOPERS**

17 **SECTION 7.** Section 2 of S.L. 2009-235 reads as rewritten:

18 **"SECTION 2.** This act is effective when it becomes law. This act shall expire on ~~December~~  
19 ~~31, 2014.~~December 31, 2016."

20  
21 **RAMP METER AUTHORIZED**

22 **SECTION 8.(a)** G.S. 20-4.01 is amended by adding a new subdivision to read:

23 "(32a) Ramp Meter. – A traffic control device that consists of a circular red and  
24 circular green display placed at a point along an interchange entrance ramp."

25 **SECTION 8.(b)** G.S. 20-158(c) is amended by adding a new subdivision to read:

26 "(6) When a ramp meter is displaying a circular red display, vehicles facing the  
27 red light must stop. When a ramp meter is displaying a circular green  
28 display, a vehicle may proceed for each lane of traffic facing the meter.  
29 When the display is dark or not emitting a red or green display, a vehicle  
30 may proceed without stopping. A violation of this subdivision is an  
31 infraction. No drivers license points or insurance surcharge shall be assessed  
32 as a result of a violation of this subdivision."

33 **SECTION 8.(c)** G.S. 20-4.01(32a) reads as rewritten:

34 "(32a)(32b) Recreational Vehicle. – A vehicular type unit primarily designed  
35 as temporary living quarters for recreational, camping, or travel use that  
36 either has its own motive power or is mounted on, or towed by, another  
37 vehicle. The basic entities are camping trailer, fifth-wheel travel trailer,  
38 motor home, travel trailer, and truck camper.

39 ...."

40 **SECTION 8.(d)** G.S. 20-4.01(32b) reads as rewritten:

41 "(32b)(32c) Regular Drivers License. – A license to drive a commercial  
42 motor vehicle that is exempt from the commercial drivers license  
43 requirements or a noncommercial motor vehicle."

44 **SECTION 8.(e)** G.S. 20-305(6)d.1.I reads as rewritten:

45 "I. Each new and unsold motor vehicle within the new  
46 motor vehicle dealer's inventory that has been  
47 acquired within 24 months of the effective date of the  
48 termination from the manufacturer or distributor or  
49 another same line-make dealer in the ordinary course  
50 of business, and which has not been substantially  
51 altered or damaged to the prejudice of the

1 manufacturer or distributor while in the new motor  
2 vehicle dealer's possession, and which has been driven  
3 less than 1,000 miles or, for purposes of a recreational  
4 vehicle motor home as defined in  
5 ~~G.S. 20-4.01(32a)a.~~, G.S. 20-4.01(32b)a., less than  
6 1,500 miles following the original date of delivery to  
7 the dealer, and for which no certificate of title has  
8 been issued. For purposes of this sub-subdivision, the  
9 term "ordinary course of business" shall include  
10 inventory transfers of all new, same line-make  
11 vehicles between affiliated dealerships, or otherwise  
12 between dealerships having common or interrelated  
13 ownership, provided that the transfer is not intended  
14 solely for the purpose of benefiting from the  
15 termination assistance described in this  
16 sub-subdivision."

17 **SECTION 8.(f)** G.S. 20-305(6)f. reads as rewritten:

18 "f. The provisions of sub-subdivision e. above shall not be applicable  
19 when the termination, nonrenewal, or cancellation of the franchise  
20 agreement by a new motor vehicle dealer is the result of the sale of  
21 assets or stock of the motor vehicle dealership. The provisions of  
22 sub-subdivisions d. and e. above shall not be applicable when the  
23 termination, nonrenewal, or cancellation of the franchise agreement  
24 is at the initiation of a new motor vehicle dealer of recreational  
25 vehicle motor homes, as defined in  
26 ~~G.S. 20-4.01(32a)a.~~, G.S. 20-4.01(32b)a., provided that at the time of  
27 the termination, nonrenewal, or cancellation, the recreational vehicle  
28 manufacturer or distributor has paid to the dealer all claims for  
29 warranty or recall work, including payments for labor, parts, and  
30 other expenses, which were submitted by the dealer 30 days or more  
31 prior to the date of termination, nonrenewal, or cancellation."  
32

33 **EFFECTIVE DATE**

34 **SECTION 9.** Section 1 of this act becomes effective October 1, 2014. Section 2  
35 through Section 7 are effective when this act becomes law. Section 8 of this act becomes  
36 effective December 1, 2014, and applies to offenses committed on or after that date. Except as  
37 otherwise provided, this act is effective when it becomes law.