

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 503
Transportation Committee Substitute Adopted 5/4/95

Short Title: Allow Seasonal, Restricted CDL.

(Public)

Sponsors:

Referred to:

March 28, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE
3 RESTRICTED COMMERCIAL DRIVERS LICENSES TO SEASONAL DRIVERS
4 FOR CERTAIN FARM-RELATED SERVICES INDUSTRIES.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 2C of Chapter 20 of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 20-37.14A. Seasonal, restricted commercial drivers license.**

9 (a) License Scope. – A seasonal, restricted commercial drivers license authorizes
10 the holder of the license to drive, on behalf of the holder's employer, certain Class B and
11 Class C commercial motor vehicles during the season indicated on the license within 150
12 miles of the place of business of the holder's employer. The Class B and Class C
13 commercial motor vehicles to which the license applies are:

14 (1) Those that are not transporting hazardous materials.

15 (2) Those that are transporting any of the following hazardous materials and
16 are therefore required to be placarded in accordance with 49 C.F.R. Part
17 172, Subpart F:

18 a. Diesel fuel in quantities of 1,000 gallons or less.

- 1 b. Liquid fertilizers to be used as plant nutrients if the capacity of
2 the vehicle does not exceed 3,000 gallons.
3 c. Solid plant nutrients if they are not being transported with any
4 organic substance.

5 A seasonal, restricted commercial drivers license is valid for the period set by the
6 Commissioner. The period may not exceed 180 days in a 12-month period. The period
7 may consist of separate groupings of days as long as the total number of days in the
8 groupings does not exceed the limit set by this subsection.

9 (b) Qualifications. – To obtain a seasonal, restricted commercial drivers license, a
10 person must meet the following requirements:

- 11 (1) Have held a regular drivers license for at least two years.
12 (2) Be a seasonal employee of a custom harvester, a farm retail outlet, a
13 farm supplier, an agrichemical business, or a livestock feeder.
14 (3) Not had or done any of the following in the two years preceding the date
15 the person applies for the license:
16 a. Had more than one drivers license.
17 b. Had a drivers license suspended, revoked, or cancelled.
18 c. Had a conviction involving any kind of motor vehicle for an
19 offense listed in G.S. 20-17 or had a conviction for a
20 disqualifying offense listed in G.S. 20-17.4.
21 d. Had a conviction for a violation of State or local laws relating to
22 motor vehicle traffic control, other than a parking violation, that
23 arose in connection with a reportable accident.
24 e. Been determined to be at fault in a motor vehicle accident, as
25 reflected on a report of a law enforcement officer.
26 f. Refused to take a chemical test when charged with an implied
27 consent offense, as defined in G.S. 20-16.2.

28 (c) Application. – To obtain a seasonal, restricted commercial drivers license, an
29 applicant and the applicant's employer must complete an application form provided by
30 the Division. The employer must verify that the applicant is one of the employer's
31 employees and that the employer has financial responsibility for the commercial motor
32 vehicles the applicant would drive if the applicant receives the license.

33 (d) Tests. – The Division may waive the requirement of a skills test for an
34 applicant for a seasonal, restricted commercial drivers license. The Division may not
35 wave the requirement of a written test for an applicant for this license.

36 (e) License Format and Fee. – When the Division issues a seasonal, restricted
37 commercial drivers license to a person, it must mark the person's regular drivers license
38 to indicate that the person has qualified for a seasonal, restricted commercial drivers
39 license and issue a separate card that states the name and address of the person's
40 employer and the period during which the license is valid. The fee for issuing a seasonal,
41 restricted drivers license is ten dollars (\$10.00).

42 (f) Renewal. – A person who has a seasonal, restricted commercial drivers license
43 may renew the license without taking a written test or a skills test if the person has

1 maintained the good driving record required to obtain the license since the Division last
2 issued the license to the person.

3 (g) Other CDL Provisions. – The provisions of this Article that are not inconsistent
4 with this section apply to a license issued under this section."

5 Sec. 2. There is appropriated from the Highway Fund to the Division of Motor
6 Vehicles of the Department of Transportation the sum of eighty thousand dollars
7 (\$80,000) for fiscal year 1995-96 to implement this act.

8 Sec. 3. Section 1 of this act becomes effective January 1, 1996. The
9 remaining sections of this act become effective July 1, 1995.