

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1474*
Committee Substitute Favorable 6/22/98
Committee Substitute #2 Favorable 7/7/98

Short Title: MV Technical and Other Changes.

(Public)

Sponsors:

Referred to:

May 25, 1998

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH
FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01(25a) reads as rewritten:

"(25a) Out of Service Order. —~~A temporary prohibition against driving a commercial motor vehicle.~~ A declaration that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service."

Section 2. G.S. 20-7(f) reads as rewritten:

"(f) Expiration and Temporary License. — The first drivers license the Division issues to a person expires on the person's fourth or subsequent birthday that occurs after the license is issued and on which the individual's age is evenly divisible by five, unless this subsection sets a different expiration date. The first drivers license the Division issues to a person who is at least 17 years old but is less than 18 years old expires on the person's twentieth birthday. The first drivers license the Division issues to a person who is at least 62 years old expires on the person's birthday in the fifth year after the license is issued, whether or not the person's age on that birthday is evenly divisible by five.

1 A drivers license that was issued by the Division and is renewed by the Division
2 expires five years after the expiration date of the license that is renewed. A person may
3 apply to the Division to renew a license during the ~~60-day~~ 180-day period before the
4 license expires. The Division may not accept an application for renewal made before the
5 ~~60-day~~ 180-day period begins.

6 The Division may renew by mail a drivers license issued by the Division to a person
7 who meets any of the following descriptions:

- 8 (1) Is serving on active duty in the armed forces of the United States and is
9 stationed outside this State.
- 10 (2) Is a resident of this State and has been residing outside the State for at
11 least 30 continuous days.

12 When renewing a license by mail, the Division may waive the examination that would
13 otherwise be required for the renewal and may impose any conditions it finds advisable.
14 A license renewed by mail is a temporary license that expires 60 days after the person to
15 whom it is issued returns to this State."

16 Section 3. G.S. 20-17.4 reads as rewritten:

17 **"§ 20-17.4. Disqualification to drive a commercial motor vehicle.**

18 (a) One Year. – Any of the following disqualifies a person from driving a
19 commercial motor vehicle for one year:

- 20 (1) A first conviction of G.S. 20-138.1, driving while impaired, that
21 occurred while the person was driving a commercial motor vehicle.
- 22 (2) A first conviction of G.S. 20-138.2, driving a commercial motor vehicle
23 while impaired.
- 24 (3) A first conviction of G.S. 20-166, hit and run, involving a commercial
25 motor vehicle driven by the person.
- 26 (4) A first conviction of a felony in the commission of which a commercial
27 motor vehicle was used.
- 28 (5) Refusal to submit to a chemical test when charged with an implied-
29 consent offense, as defined in G.S. 20-16.2, that occurred while the
30 person was driving a commercial motor vehicle.

31 (b) Modified Life. – A person who has been disqualified from driving a
32 commercial motor vehicle for a conviction or refusal described in subsection (a) who, as
33 the result of a separate incident, is subsequently convicted of an offense or commits an
34 act requiring disqualification under subsection (a) is disqualified for life. The Division
35 may adopt guidelines, including conditions, under which a disqualification for life under
36 this subsection may be reduced to 10 years.

37 (c) Life. – A person is disqualified from driving a commercial motor vehicle for
38 life if that person uses a commercial motor vehicle in the commission of any felony
39 involving the manufacture, distribution, or dispensing of a controlled substance, or
40 possession with intent to manufacture, distribute, or dispense a controlled substance.

41 (d) Less Than a Year. – A person is disqualified from driving a commercial motor
42 vehicle for 60 days if that person is convicted of two serious traffic violations, or 120

1 days if convicted of three or more serious traffic violations, committed in a commercial
2 motor vehicle arising from separate incidents occurring within a three-year period.

3 (e) Three Years. – A person is disqualified from driving a commercial motor
4 vehicle for three years if that person is convicted of an offense or commits an act
5 requiring disqualification under subsection (a) and the offense or act occurred while the
6 person was transporting a hazardous material that required the motor vehicle driven to be
7 placarded.

8 (f) Revocation Period. – A person is disqualified from driving a commercial motor
9 vehicle for the period during which the person's regular or commercial drivers license is
10 revoked.

11 (g) Violation of Out-of-Service Order. – Any person convicted for violating an
12 out-of-service order, except as described in subsection (h) of this section, shall be
13 disqualified as follows:

14 (1) A person is disqualified from driving a commercial vehicle for a period
15 of 90 days if convicted of a first violation of an out-of-service order.

16 (2) A person is disqualified for a period of one year if convicted of a second
17 violation of an out-of-service order during any 10-year period, arising
18 from separate incidents.

19 (3) A person is disqualified for a period of three years if convicted of a third
20 or subsequent violation of an out-of-service order during any 10-year
21 period, arising from separate incidents.

22 (h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and
23 Passenger Offenses. – Any person convicted for violating an out-of-service order while
24 transporting hazardous materials or while operating a commercial vehicle designed or
25 used to transport more than 15 passengers, including the driver, shall be disqualified as
26 follows:

27 (1) A person is disqualified for a period of 180 days if convicted of a first
28 violation of an out-of-service order.

29 (2) A person is disqualified for a period of three years if convicted of a
30 second or subsequent violation of an out-of-service order during any 10-
31 year period, arising from separate incidents.

32 (i) Disqualification for Out-of-State Violations. – The Division shall withdraw the
33 privilege to operate a commercial vehicle of any resident of this State upon receiving
34 notice of the person's conviction in another state for an offense that, if committed in this
35 State, would be grounds for disqualification. The period of disqualification shall be the
36 same as if the offense occurred in this State.

37 (j) Disqualification of Persons Without Commercial Drivers Licenses. – Any
38 person convicted of an offense that requires disqualification under this section, but who
39 does not hold a commercial drivers license, shall be disqualified from operating a
40 commercial vehicle in the same manner as if the person held a valid commercial drivers
41 license."

42 Section 4. G.S. 20-37.12(b) reads as rewritten:

"(b) The out-of-service criteria as referred to in 49 C.F.R. §§392.5 and 395.13, as adopted by the Division, Subchapter B apply to a person who drives a commercial motor vehicle. No person shall drive a commercial motor vehicle on the highways of this State in violation of an out-of-service order."

Section 5. G.S. 20-37.16(c) reads as rewritten:

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

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

X Tank vehicles carrying hazardous materials.

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

Section 6. G.S. 20-115.1(b) reads as rewritten:

"(b) Motor vehicle combinations consisting of a semitrailer of not more than 53 feet in length and a truck tractor may be operated on the interstate highways (except those exempted by the United States Secretary of Transportation pursuant to 49 U.S.C. 2311(i)) and federal-aid primary system highways designated by the United States Secretary of Transportation provided ~~that that~~:

(1) ~~any~~ Any semitrailer in excess of 48 feet in length shall not be permitted ~~unless unless~~:

a. ~~the~~ The distance between the kingpin of the trailer and the rearmost ~~axle axle~~, or a point midway between the two rear axles, if the two rear axles are a tandem axle, does not exceed 41 feet; ~~and or~~

b. The semitrailer is used exclusively or primarily to transport vehicles in connection with motorsports competition events, and the distance between the kingpin of the trailer and the rearmost axle, or a point midway between the two rear axles, if the two rear axles are a tandem axle, does not exceed 46 feet; and

(2) ~~provided that any~~ Any semitrailer in excess of 48 feet is equipped with a rear underride guard of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than 30 inches from the surface as measured with the vehicle empty and on a level surface."

Section 7. G.S. 20-116(d) reads as rewritten:

"(d) A single vehicle having two axles shall not exceed ~~35-40~~ 40 feet in length of extreme overall dimensions inclusive of front and rear bumpers. ~~Provided, however, a bus or motor home with two axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers.~~ A single vehicle having three axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear bumpers. Provided, ~~further, however,~~ trucks transporting unprocessed cotton from farm to gin shall not exceed 48 feet in length overall of dimensions inclusive of front and rear bumpers. A truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of determining lawful length and license taxes."

Section 8. G.S. 20-118(b)(3) reads as rewritten:

"(3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Axles*	Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	38000					
5	38000					
6	38000					
7	38000					
8 or less	38000	38000				
more than 8		38000	42000			
9	39000	42500				
10	40000	43500				
11	44000					
12	45000	50000				
13	45500	50500				
14	46500	51500				
15	47000	52000				
16	48000	52500	58000			
17	48500	53500	58500			
18	49500	54000	59000			
19	50000	54500	60000			
20	51000	55500	60500	66000		

1	21	51500	56000	61000	66500	
2	22	52500	56500	61500	67000	
3	23	53000	57500	62500	68000	
4	24	54000	58000	63000	68500	74000
5	25	54500	58500	63500	69000	74500
6	26	55500	59500	64000	69500	75000
7	27	56000	60000	65000	70000	75500
8	28	57000	60500	65500	71000	76500
9	29	57500	61500	66000	71500	77000
10	30	58500	62000**	66500	72000	77500
11	31	59000	62500**	67500	72500	78000
12	32	60000	63500**	68000	73000	78500
13	33	64000**	68500	74000	79000	
14	34	64500**	69000	74500	80000	
15	35	65500**	70000	75000		
16	36	66000**	70500	75500		
17	37	66500**	71000	76000		
18	38	67500**	72000	77000		
19	39	68000	72500	77500		
20	40	68500	73000	78000		
21	41	69500	73500	78500		
22	42	70000	74000	79000		
23	43	70500	75000	80000		
24	44	71500	75500			
25	45	72000	76000			
26	46	72500	76500			
27	47	73500	77500			
28	48	74000	78000			
29	49	74500	78500			
30	50	75500	79000			
31	51	76000	80000			
32	52	76500				
33	53	77500				
34	54	78000				
35	55	78500				
36	56	79500				
37	57	80000				

38 *Distance in Feet Between the Extremes of any Group of Two or More Consecutive
39 Axles.

40 **See exception in G.S. 20-118(c)(1)."

41 Section 9. G.S. 20-118(c)(10) reads as rewritten:

42 "(10) Fully enclosed motor vehicles designed specifically for collecting,
43 compacting and hauling garbage from residences, or from garbage

1 dumpsters shall, when operating for those purposes, be allowed a single
2 axle weight not to exceed 23,500 pounds on the steering axle on
3 vehicles equipped with a boom, or on the rear axle on vehicles loaded
4 from the rear. This exemption shall not apply to vehicles operating on
5 interstate highways, vehicles transporting hazardous waste as defined in
6 G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1,
7 low-level radioactive waste as defined in G.S. 104E-5(9a), or
8 radioactive material as defined in G.S. 104E-5(14)."

9 Section 10. G.S. 20-217(a) reads as rewritten:

10 "(a) The driver of any vehicle upon approaching from any direction on the same
11 ~~street or highway~~ street, highway, or public vehicular area any school bus (including
12 privately owned buses transporting children and school buses transporting senior citizens
13 under G.S. 115C-243), while the bus is displaying its mechanical stop signal or flashing
14 red stoplights, and is stopped for the purpose of receiving or discharging passengers, shall
15 bring ~~his~~ the vehicle to a full stop before passing or attempting to pass the bus, and shall
16 remain stopped until the mechanical stop signal has been withdrawn, the flashing red
17 stoplights have been turned off, and the bus has moved on."

18 Section 11. G.S. 20-376(1) reads as rewritten:

19 "(1) Federal safety and hazardous materials regulations. – The federal motor
20 carrier safety regulations contained in 49 C.F.R. Parts 170 through 190,
21 ~~382-382,~~ and 390 through 398."

22 Section 12. G.S. 20-381 reads as rewritten:

23 **"§ 20-381. Specific powers and duties of Division applicable to motor carriers.**

24 The Division has the following powers and duties concerning motor carriers:

25 (1) To prescribe qualifications and maximum hours of service of drivers
26 and their helpers.

27 (1a) To set safety standards for vehicles of motor carriers engaged in foreign,
28 interstate, or intrastate commerce over the highways of this State and for
29 the safe operation of these vehicles. The Division may stop, enter upon,
30 and perform inspections of motor carriers' vehicles in operation to
31 determine compliance with these standards and may conduct any
32 investigations and tests it finds necessary to promote the safety of
33 equipment and the safe operation on the highway of these vehicles.

34 (1b) To enforce this Article, rules adopted under this Article, and the federal
35 safety and hazardous materials regulations.

36 (2) To enter the premises of a motor carrier to inspect a motor vehicle or
37 any equipment used by the motor carrier in transporting passengers ~~{or~~
38 ~~property}~~ or property.

39 (2a) To prohibit the use by a motor carrier of any motor vehicle or motor
40 vehicle equipment the Division finds unsafe for use in the transportation
41 of passengers or property on a highway. If an agent of the Division finds
42 a motor vehicle of a motor carrier in actual use upon the highways in the
43 transportation of passengers or property to be unsafe or any parts thereof

1 or any equipment thereon to be unsafe and is of the opinion that further
2 use of such vehicle, parts or equipment are imminently dangerous, the
3 agent may require the operator thereof to discontinue its use and to
4 substitute therefor a safe vehicle, parts or equipment at the earliest
5 possible time and place, having regard for both the convenience and the
6 safety of the passengers or property. When an inspector or agent stops a
7 motor vehicle on the highway, under authority of this section, and the
8 motor vehicle is in operative condition and its further movement is not
9 dangerous to the passengers or property or to the users of the highways,
10 it shall be the duty of the inspector or agent to guide the vehicle to the
11 nearest point of substitution or correction of the defect. Such agents or
12 inspectors shall also have the right to stop any motor vehicle which is
13 being used upon the public highways for the transportation of
14 passengers or property by a motor carrier subject to the provisions of
15 this Article and to eject therefrom any driver or operator who shall be
16 operating or be in charge of such motor vehicle while under the
17 influence of alcoholic ~~beverages~~ beverages or impairing substances. It
18 shall be the duty of all inspectors and agents of the Division to make a
19 written report, upon a form prescribed by the Division, of inspections of
20 all motor equipment and a copy of each such written report, disclosing
21 defects in such equipment, shall be served promptly upon the motor
22 carrier operating the same, either in person by the inspector or agent or
23 by mail. Such agents and inspectors shall also make and serve a similar
24 written report in cases where a motor vehicle is operated in violation of
25 this Chapter or, if the motor vehicle is subject to regulation by the North
26 Carolina Utilities Commission, of Chapter 62 of the General Statutes.

- 27 (3) To relieve the highways of all undue burdens and safeguard traffic
28 thereon by adopting and enforcing rules and orders designed and
29 calculated to minimize the dangers attending transportation on the
30 highways of all hazardous materials and other commodities."

31 Section 13. This act becomes effective December 1, 1998.