

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 280

Short Title: Motor Vehicle Tech. Amendments/AB.

(Public)

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Sponsors: Representatives Cole; and Justus.

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Referred to: Transportation, if favorable, Finance.

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March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO MAKE TECHNICAL AMENDMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01(33b) reads as rewritten:

"(33b) Reportable ~~Accident.~~Crash. —~~An accident or collision—A~~crash involving a motor vehicle that results in ~~either one or more~~ of the following:

a. Death or injury of a human being.

b. Total property damage of one thousand dollars (\$1,000) or more, or property damage of any amount to a vehicle seized pursuant to G. S. 20-28.3."

Section 2. G.S. 20-4.01 is amended by adding a new subdivision to read:

"(4b) Crash. — Any event that results in injury or property damage attributable directly to the motion of a motor vehicle or its load. The terms collision, accident, and crash and their cognates are synonymous."

Section 3. G.S. 20-9(g)(1) reads as rewritten:

"(1) The Division may issue a license to any person who is afflicted with or suffering from a physical or mental disability set out in subsection (e) of this section who is otherwise qualified to obtain a license, provided such

1 person submits to the Division a certificate in the form prescribed in  
2 subdivision (2). Until a license issued under this subdivision expires or  
3 is revoked, the license continues in force as long as the licensee presents  
4 to the Division ~~one year from the date of issuance of such license and at~~  
5 ~~yearly intervals thereafter a certificate in the form prescribed in subdivision~~  
6 ~~(2), provided the Commissioner may require the submission of such certificate~~  
7 ~~at six month intervals where in his opinion public safety demands. a~~  
8 certificate in the form prescribed in subdivision (2) of this subsection at  
9 the intervals determined by the Division to be in the best interests of  
10 public safety."

11 Section 4. G.S. 20-16(d) reads as rewritten:

12 "(d) Upon suspending the license of any person as authorized in this section, the  
13 Division shall immediately notify the licensee in writing and upon his request shall afford  
14 him an opportunity for a hearing, not to exceed 60 days after receipt of the request, unless  
15 a preliminary hearing was held before his license was suspended, as early as practical within  
16 not to exceed 30 days after receipt of such request. The hearing shall be conducted in the district  
17 court district as defined in G.S. 7A-133 wherein the licensee resides. Hearings shall be rotated  
18 among all the counties within that district if the district contains more than one county unless the  
19 Division and the licensee agree that such hearing may be held in some other district, and such  
20 notice shall contain the provisions of this section printed thereon. suspended. Upon such  
21 hearing the duly authorized agents of the Division may administer oaths and may issue  
22 subpoenas for the attendance of witnesses and the production of relevant books and  
23 papers and may require a reexamination of the licensee. Upon such hearing the Division  
24 shall either rescind its order of suspension, or good cause appearing therefor, may extend  
25 the suspension of such license. Provided further upon such hearing, preliminary or  
26 otherwise, involving subsections (a)(1) through (a)(10a) of this section, the Division may  
27 for good cause appearing in its discretion substitute a period of probation not to exceed  
28 one year for the suspension or for any unexpired period of suspension. Probation shall  
29 mean any written agreement between the suspended driver and a duly authorized  
30 representative of the Division and such period of probation shall not exceed one year, and  
31 any violation of the probation agreement during the probation period shall result in a  
32 suspension for the unexpired remainder of the suspension period. The authorized agents  
33 of the Division shall have the same powers in connection with a preliminary hearing prior  
34 to suspension as this subsection provided in connection with hearings held after  
35 suspension. These agents shall also have the authority to take possession of a  
36 surrendered license on behalf of the Division if the suspension is upheld and the licensee  
37 requests that the suspension begin immediately."

38 Section 5. G.S. 20-16.2(d) reads as rewritten:

39 "(d) Consequences of Refusal; Right to Hearing before Division; Issues. – Upon  
40 receipt of a properly executed affidavit required by subsection (c), the Division ~~must~~ shall  
41 expeditiously notify the person charged that the person's license to drive is revoked for 12  
42 months, effective on the ~~tenth~~ twentieth calendar day after the mailing of the revocation  
43 order unless, before the effective date of the order, the person requests in writing a

1 hearing before the Division. Except for the time referred to in G.S. 20-16.5, if the person  
2 shows to the satisfaction of the Division that his or her license was surrendered to the  
3 court, and remained in the court's possession, then the Division shall credit the amount of  
4 time for which the license was in the possession of the court against the 12-month  
5 revocation period required by this subsection. If the person properly requests a hearing,  
6 the person retains his or her license, unless it is revoked under some other provision of  
7 law, until the hearing is held, the person withdraws the request, or the person fails to  
8 appear at a scheduled hearing. The hearing officer may subpoena any witnesses or  
9 documents that the hearing officer deems necessary. The person may request the hearing  
10 officer to subpoena the charging officer, the chemical analyst, or both to appear at the  
11 hearing if the person makes the request in writing at least three days before the hearing.  
12 The person may subpoena any other witness whom the person deems necessary, and the  
13 provisions of G.S. 1A-1, Rule 45, apply to the issuance and service of all subpoenas  
14 issued under the authority of this section. The hearing officer is authorized to administer  
15 oaths to witnesses appearing at the hearing. The hearing ~~must~~ shall be conducted in the  
16 county where the charge was brought, and ~~must~~ shall be limited to consideration of  
17 whether:

- 18 (1) The person was charged with an implied-consent offense;
- 19 (2) The charging officer had reasonable grounds to believe that the person  
20 had committed an implied-consent offense;
- 21 (3) The implied-consent offense charged involved death or critical injury to  
22 another person, if this allegation is in the affidavit;
- 23 (4) The person was notified of his or her rights as required by subsection  
24 (a); and
- 25 (5) The person willfully refused to submit to a chemical analysis upon the  
26 request of the charging officer.

27 If the Division finds that the conditions specified in this subsection are met, it ~~must~~ shall  
28 order the revocation sustained. If the Division finds that any of the conditions (1), (2),  
29 (4), or (5) is not met, it ~~must~~ shall rescind the revocation. If it finds that condition (3) is  
30 alleged in the affidavit but is not met, it ~~must~~ shall order the revocation sustained if that is  
31 the only condition that is not met; in this instance subsection (d1) does not apply to that  
32 revocation. If the revocation is sustained, the person ~~must~~ shall surrender his or her  
33 license immediately upon notification by the Division."

34 Section 6. G.S. 20-63 is amended by adding a new subsection that reads:

35 "(i) Nothing in this section shall prohibit the issuance of registration plates,  
36 registration certificates, and certificates of title through electronic application or issuance  
37 or shall prohibit the collection of fees and penalties electronically."

38 Section 7. G.S. 20-78(b) reads as rewritten:

39 "(b) The Division shall maintain a record of certificates of title ~~issued, maintaining at~~  
40 ~~all times the records of the last two owners.~~ issued by the Division for a period of 20 years.

41 The Commissioner is hereby authorized and empowered to provide for the  
42 photographic or photostatic recording of certificate of title records in such manner as he  
43 may deem expedient. The photographic or photostatic copies herein authorized shall be

1 sufficient as evidence in tracing of titles of the motor vehicles designated therein, and  
2 shall also be admitted in evidence in all actions and proceedings to the same extent that  
3 the originals would have been admitted."

4 Section 8. G.S. 20-79.4(a) reads as rewritten:

5 "(a) General. – Upon application and payment of the required registration fees, a  
6 person may obtain from the Division a special registration plate for a motor vehicle  
7 registered in that person's name if the person qualifies for the registration plate. A special  
8 registration plate may not be issued for a vehicle registered under the International  
9 Registration Plan. A special registration plate may be issued for a commercial vehicle  
10 that is not registered under the International Registration Plan. A holder of a special  
11 registration plate who becomes ineligible for the plate, for whatever reason, ~~must~~ shall  
12 return the special plate within 30 days. On or after January 1, 1999, all special plates  
13 shall require 1,000 applications prior to issuance of a new plate series by the Division."

14 Section 9. G.S. 20-96 reads as rewritten:

15 "**§ 20-96. Collection of delinquent penalties and taxes.**

16 A law enforcement officer who discovers ~~that a vehicle used for the transportation of~~  
17 ~~property is being operated on the highways and that the owner of the vehicle is more than~~  
18 ~~30 days overdue in paying any of the following may detain the vehicle:~~

19 (1) ~~A penalty previously assessed under this Chapter against the owner for a~~  
20 ~~violation attributable to the failure of a vehicle to comply with this~~  
21 ~~Chapter.~~

22 (2) ~~A tax or penalty previously assessed against the owner under Article~~  
23 ~~36B of Chapter 105 of the General Statutes.~~

24 a property-hauling vehicle being operated on the highways with an overload in violation  
25 of G.S. 20-88(k) or G.S. 20-118, or which is equipped with improper registration plates,  
26 or the owner of which is liable for any overload penalties or assessments due and unpaid  
27 for more than 30 days, or in violation of the provisions of Article 36B of Chapter 105 of  
28 the General Statutes, may seize the property-hauling vehicle and hold it until the overload  
29 has been removed or proper registration plates have been secured for the vehicle and the  
30 penalties owed under this section and G.S. 20-118(e), G.S. 20-118.3, and under Article  
31 36B of Chapter 105 of the General Statutes have been paid.

32 ~~The officer may detain the vehicle until the delinquent penalties and taxes are paid. When~~  
33 ~~necessary, an officer who detains a vehicle under this section may have the vehicle~~  
34 ~~stored. The owner of a vehicle that is detained or stored under this section is responsible~~  
35 ~~for the care of any property being hauled by the vehicle and for any storage charges. The~~  
36 ~~State is~~ shall not be liable for damage to the vehicle or loss of the property being hauled."

37 Section 10. G.S. 20-166.1(h) reads as rewritten:

38 "(h) Forms. – The Division ~~must~~ shall provide forms or procedures for submitting  
39 crash data to persons required to make reports under this section and the reports ~~must~~  
40 shall be made on the forms provided in a format approved by the Commissioner. The  
41 ~~forms must ask for the~~ The following information shall be included about a reportable  
42 ~~accident:~~ crash:

43 (1) The cause of the ~~accident:~~ crash.

- 1           (2)    The conditions existing at the time of the ~~accident~~-crash.
- 2           (3)    The persons and vehicles involved.
- 3           (4)    Whether the vehicle has been seized and is subject to forfeiture under
- 4                G.S. 20-28.2."

5           Section 11. G.S. 20-309(e) reads as rewritten:

6           "(e)    Upon termination by cancellation or otherwise of an insurance policy provided  
7 in subsection (b) of this section, the insurer shall electronically notify the Division of ~~such~~  
8 ~~termination~~; the termination within three working days; provided, no cancellation notice is  
9 required if the same insurer issues a ~~new~~-replacement insurance policy complying with  
10 this Article at the same time the insurer cancels or otherwise terminates the old policy, no  
11 lapse in coverage results, and the insurer sends the certificate of insurance form for the  
12 new policy to the Division. The insurer shall electronically notify the Division of any  
13 new policy for insurance within three working days; provided a new coverage is not a  
14 replacement insurance policy for a policy terminated by the same insurer.

15           The Division, upon receiving notice of ~~cancellation or termination of an owner's~~  
16 ~~financial responsibility as required by this Article, a lapse in insurance coverage,~~ shall  
17 notify ~~such the owner of such cancellation or termination, the lapse in coverage,~~ and ~~such~~  
18 the owner shall, to retain the registration plate for the vehicle registered or required to be  
19 registered, within 10 days from date of notice given by the Division either:

- 20           (1)    Certify to the Division that he had financial responsibility effective on  
21                or prior to the date of such termination; or
- 22           (2)    In the case of a lapse in financial responsibility, pay a fifty dollar  
23                (\$50.00) civil penalty; and certify to the Division that he now has  
24                financial responsibility effective on the date of certification, that he did  
25                not operate the vehicle in question during the period of no financial  
26                responsibility with the knowledge that there was no financial  
27                responsibility, and that the vehicle in question was not involved in a  
28                motor vehicle ~~accident~~-crash during the period of no financial  
29                responsibility.

30           Failure of the owner to certify that he has financial responsibility as herein required  
31 shall be prima facie evidence that no financial responsibility exists with regard to the  
32 vehicle concerned and unless the owner's registration plate has on or prior to the date of  
33 termination of insurance been surrendered to the Division by surrender to an agent or  
34 representative of the Division designated by the Commissioner, or depositing the same in  
35 the United States mail, addressed to the Division of Motor Vehicles, Raleigh, North  
36 Carolina, the Division shall revoke the vehicle's registration for 30 days.

37           In no case shall any vehicle, the registration of which has been revoked for failure to  
38 have financial responsibility, be reregistered in the name of the registered owner, spouse,  
39 or any child of the spouse, or any child of such owner within less than 30 days after the  
40 date of receipt of the registration plate by the Division of Motor Vehicles, except that a  
41 spouse living separate and apart from the registered owner may register such vehicle  
42 immediately in such spouse's name. Additionally, as a condition precedent to the  
43 reregistration of the vehicle by the registered owner, spouse, or any child of the spouse,

1 or any child of such owner, except a spouse living separate and apart from the registered  
2 owner, the payment of a restoration fee of fifty dollars (\$50.00) and the appropriate fee  
3 for a new registration plate is required. Any person, firm or corporation failing to give  
4 notice of termination shall be subject to a civil penalty of two hundred dollars (\$200.00)  
5 to be assessed by the Commissioner of Insurance upon a finding by the Commissioner of  
6 Insurance that good cause is not shown for such failure to give notice of termination to  
7 the Division."

8 Section 12. G.S. 20-376 reads as rewritten:

9 **"§ 20-376. Definitions.**

10 The following definitions apply in this Article:

- 11 (1) Federal safety and hazardous materials regulations. – The federal motor  
12 carrier safety regulations contained in 49 C.F.R. Parts ~~170 through 190,~~  
13 171 through 185, 382, and 390 through 398–397.
- 14 (2) ~~Foreign commerce.—Commerce between any of the following:~~  
15 a. ~~A place in the United States and a place in a foreign country.~~  
16 b. ~~Places in the United States through any foreign country.~~
- 17 (3) ~~Interstate commerce.—Commerce between any of the following:~~  
18 a. ~~A place in a state and a place in another state.~~  
19 b. ~~Places in the same state through another state.~~
- 20 (4) ~~Intrastate commerce.—Commerce that is between points and over a~~  
21 ~~route wholly within this State and is not part of a prior or subsequent~~  
22 ~~movement to or from points outside of this State in interstate or foreign~~  
23 ~~commerce.~~
- 24 (2) Interstate commerce and intrastate commerce shall have the same  
25 definitions as set forth in 49 C.F.R. Part 390.5."

26 Section 13. G.S. 20-381(b) reads as rewritten:

27 "(b) The definitions set out in 49 Code of Federal Regulations § 171.8 apply to this  
28 subsection. Citations to the Code of Federal Regulations (CFR) in this subsection refer to the 1  
29 ~~October 1997 Edition of the CFR.~~—The transportation of an agricultural product, other than  
30 a Class 2 material, over local roads between fields of the same farm by a farmer operating  
31 as an intrastate private motor carrier is exempt from the requirements of Parts 171  
32 through 180 of 49 CFR as provided in 49 CFR § 173.5(a). The transportation of an  
33 agricultural product to or from a farm within 150 miles of the farm by a farmer operating  
34 as an intrastate private motor carrier is exempt from the requirements of Subparts G and  
35 H of Part 172 of 49 CFR as provided in 49 CFR § 173.5(b)."

36 Section 14. G.S. 20-4.01(12a) reads as rewritten:

37 "(12a) Gross Vehicle Weight Rating (GVWR). – The value specified by the  
38 manufacturer as the maximum loaded weight of a vehicle. The GVWR  
39 of a combination vehicle is the GVWR of the power unit plus the  
40 GVWR of the towed unit or units. When a vehicle is determined by an  
41 enforcement officer to be structurally altered from the manufacturer's  
42 original design, the license weight or the total weight of the vehicle or

combination of vehicles may be deemed as the GVWR for the purpose of enforcing this Chapter."

Section 15. G.S. 20-118(c)(5) reads as rewritten:

"(5) The light-traffic road limitations provided for pursuant to subdivision (b)(4) of this section do not apply to a vehicle while that vehicle is transporting only the following from its point of origin on a light-traffic road to the nearest highway that is not a light-traffic road:

- a. Processed or unprocessed seafood transported from boats or any other point of origin to a processing plant or a point of further distribution.
- b. Meats or agricultural crop products transported from a farm to first market.
- c. Forest products originating and transported from a farm or from woodlands to first market without interruption or delay for further packaging or processing after initiating transport.
- d. Livestock or poultry transported from their point of origin to first market.
- e. Livestock by-products or poultry by-products transported from their point of origin to a rendering plant.
- f. Recyclable material transported from its point of origin to a scrap-processing facility for processing. As used in this subpart, the terms "~~recyclable~~" "recyclable material" and "processing" have the same meaning as in G.S. 130A-290(a).
- g. Garbage collected by the vehicle from residences or garbage dumpsters if the vehicle is fully enclosed and is designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters. As used in this subpart, the term "garbage" does not include hazardous waste as defined in G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5, or radioactive material as defined in G.S. 104E-5.
- h. Treated sludge collected from a wastewater treatment facility.
- i. Apples when transported from the orchard to the first processing or packing point.
- j. Trees grown as Christmas trees from the field, farm, stand, or grove to first processing point."

Section 16. G.S. 20-87(2) reads as rewritten:

"(2) U-Drive-It Passenger Vehicles. – U-drive-it passenger vehicles shall pay the following tax:

Motorcycles:	1-passenger capacity	\$18.00
	2-passenger capacity	22.00
	3-passenger capacity	26.00

Automobiles: ~~Forty one dollars (\$41.00) per year for each vehicle of fifteen passenger capacity or less, and vehicles of over fifteen passenger capacity shall be classified as buses and shall pay one dollar and forty cents (\$1.40) per hundred pounds empty weight of each vehicle.~~

<u>Automobiles:</u>	<u>15 or fewer passengers</u> <u>41.00</u>
<u>Bus:</u>	<u>16 or more passengers</u> <u>1.40 per hundred pounds of empty weight</u>
<u>Trucks:</u>	<u>Under 7,000 that do not haul products for hire</u> <u>41.50 (4,000 lbs.)</u> <u>51.00 (5,000 lbs.)</u> <u>61.00 (6,000 lbs.)".</u>

Section 17. G.S. 20-19(d) reads as rewritten:

"(d) When a person's license is revoked under ~~subdivision (2) of G.S. 20-17~~ G.S. 20-17(a)(2) and the person has another offense involving impaired driving for which he has been convicted, which offense occurred within three years immediately preceding the date of the offense for which his license is being revoked, the period of revocation is four years, and this period may be reduced only as provided in this section. The Division may conditionally restore the person's license after it has been revoked for at least two years under this subsection if he provides the Division with satisfactory proof that:

- (1) He has not in the period of revocation been convicted in North Carolina or any other state or federal jurisdiction of a motor vehicle offense, an alcoholic beverage control law offense, a drug law offense, or any other criminal offense involving the possession or consumption of alcohol or drugs; and
- (2) He is not currently an excessive user of alcohol or drugs.

If the Division restores the person's license, it may place reasonable conditions or restrictions on the person for the duration of the original revocation period."

Section 18. G.S. 20-19(e) reads as rewritten:

"(e) When a person's license is revoked under ~~subdivision (2) of G.S. 20-17~~ G.S. 20-17(a)(2) and the person has two or more previous offenses involving impaired driving for which he has been convicted, and the most recent offense occurred within the five years immediately preceding the date of the offense for which his license is being revoked, the revocation is permanent. The Division may, however, conditionally restore the person's



1 license after it has been revoked for at least three years under this subsection if he  
2 provides the Division with satisfactory proof that:

3           (1) In the three years immediately preceding the person's application for a  
4           restored license, he has not been convicted in North Carolina or in any  
5           other state or federal court of a motor vehicle offense, an alcohol  
6           beverage control law offense, a drug law offense, or any criminal  
7           offense involving the consumption of alcohol or drugs; and

8           (2) He is not currently an excessive user of alcohol or drugs.

9 If the Division restores the person's license, it may place reasonable conditions or  
10 restrictions on the person for any period up to three years from the date of restoration."

11           Section 19. This act becomes effective October 1, 1999.