

# Transportation

See full summary documents for additional detail

## **H256 - Handicapped Parking/Veterans Plate. (SL 2016-25)**

S.L. 2016-25 allows a vehicle displaying a partially disabled veteran plate to park in designated handicapped parking spaces. It also allows a person to meet the certification and recertification requirements for a handicapped license plate or placard with a disability determination from the U.S. Department of Veterans Affairs.

This act became effective June 22, 2106.

## **H357 - Chemical Analysis Reports/District Court. (SL 2016-10)**

S.L. 2016-10 amends the procedures governing the admissibility of chemical analysis test results into evidence.

This act becomes effective October 1, 2016, and applies to trials commencing on or after that date.

## **H464 - Regional Transportation Authority Revisions. (SL 2016-54)**

S.L. 2016-54 makes changes to the regional transportation authority statute governing PART, the Piedmont Authority for Regional Transportation.

This act became effective August 1, 2016.

## **H523 - Drivers License Designation/American Indian. (SL 2016-75)**

S.L. 2016-75 directs the Division of Motor Vehicles to use the specific designation "AI" for American Indian driver's license applicants who request to have race designated on their drivers' licenses.

This act becomes effective October 1, 2016, and applies to drivers' licenses issued or renewed on or after that date.

## **H594 - Motor Vehicle Dealer Document Retention/Inspection/Format. (SL 2016-74)**

S.L. 2016-74 makes changes to the law governing motor vehicle dealer record retention.

This act became effective June 30, 2016.

## **H870 - Certificate of Title/Manufactured Home Changes. (SL 2016-59)**

S.L. 2016-59 clarifies the procedure for renewing, releasing, and canceling security interests on the certificate of title for a manufactured home, and revises the cost calculation used in determining whether a lien agent must be appointed for leased real property being improved by the installation of a manufactured home.

This act has various effective dates. Please see the full summary for more detail.

## **H959 - Department of Transportation Proposed Legislative Changes. (SL 2016-90)**

S.L. 2016-90, as amended by Secs. 35.20(g) and 35.21(c) of S.L. 2016-94, makes various changes to the transportation and motor vehicles laws of the State, as follows:

### Department of Transportation (DOT) Related Changes

- Exempts small DOT projects with a cost of \$250,000 or less from the local consultation requirement.
- Authorizes DOT to also allow placement of non-utility owned or operated communications or data transmission infrastructure on DOT right-of-way, and directs DOT to study the issue of administrative fees for encroachments.
- Modifies weight limits applicable to metal commodities and steel coils, and extends certain federal weight exemptions to the State's highways.
- Delays the sunset of a law authorizing DOT to participate, in limited circumstances, in private developer contracts for State highway system engineering, design, or construction of improvements.

### Turnpike Authority Related Changes

- Authorizes the Turnpike Authority to send bills for tolls via electronic mail, if the registered owner consents.
- Requires the Authority to report the number of one-time toll facility users who are charged more than \$50 in penalties and fees to the Joint Legislative Transportation Oversight Committee by January 31, 2017, and in its annual report thereafter.

### Bicycle Related Changes

- Repeals a requirement for DOT to maintain certain off-road cycling records.
- Requires bicycles to have a red rear light or that the operator wear reflective clothing when operating at night.
- Authorizes the passing of a slower moving bicycle or moped, even where passing is otherwise prohibited, in certain circumstances.
- Increases the penalties for unsafe traffic movements that cause injury to bicycles.
- Clarifies the required hand signals for bicycle turning and stopping.

### Division of Motor Vehicles (DMV) Related Changes

- Amends State commercial driver's license laws to conform with federal requirements.
- Provides that the registration of a motor vehicle renewed by means other than a renewal sticker expires at midnight on February 15 of each year.
- Sets the period of validity for all temporary driving certificates at 60 days, and allows a certificate to be used for identification purposes when conducting business with the DMV.
- Eliminates the requirement for sign and symbol and vision testing when a person is renewing a driver's license remotely via the internet or at a DMV kiosk.
- Makes changes to the law governing DMV notices sent by e-mail.
- Requires DMV to provide an option for indicating ownership by joint tenancy with right of survivorship on applications for registration and certificate of title.
- Amends the applicability of the requirement for DMV to inspect out-of-state vehicles such that the requirements apply only to 1980 model year or older vehicles.
- Repeals the requirement for the owner of a registered motor vehicle to sign their vehicle registration card.
- Revises the definition of an auticycle to include vehicles without an airbag, and with partially enclosed seating within the definition.
- Authorizes moped liability insurers to cede moped liability insurance coverage to the North Carolina Reinsurance Facility.
- Defines "electric assisted bicycles," and exempts them from the definition of motor vehicles.
- Clarifies the definition of moped to include mopeds powered by electricity or alternative fuel, but does not include motor-driven bicycles or electric assisted bicycles.
- Allows use of dealer plates by employees of independent dealers, and by immediate family members of independent dealers and their employees.
- Provides that law enforcement may provide an uncertified copy of an accident report to an insurance agent or driver upon being provided with evidence that a certified copy of the accident report has been requested from DMV and the applicable fee has been paid.

#### Unmanned Aircraft Change

- Changes the authorized minimum age for operation of a commercial unmanned aircraft system from age 17 to age 16, the same age as authorized under recently adopted federal rules.

#### Map Act Related Changes

- Clarifies how Map Act-related litigation damages and costs will be funded.
- Places a one-year moratorium on the filing of any new transportation corridor official maps.
- Rescinds all adopted transportation corridor official maps.
- Changes the rate of interest that DOT must pay on condemnation-related judgments, from 8%, to the prime lending rate at the time of the taking, not to exceed 8%.
- Directs DOT to study the development of a process that equitably balances the interest of the State in protecting proposed transportation corridors from development, the property rights of affected landowners, and the taxpayers of the State.

This act became effective July 11, 2106, and several provisions have different effective dates. Please see the full summary for more detail.

**H1030 - 2016 Appropriations Act.**

**Sec. 14.21: Catalog of Wetlands and Stream Mitigation Credits.. (SL 2016-94)**

Sec. 14.21 of S.L. 2016-94 directs the Division of Mitigation Services of the Department of Environmental Quality, with the assistance of the Department of Transportation, to catalog all wetland and stream mitigation credits in State ownership. The Division must provide the catalog to the Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Joint Legislative Transportation Oversight Committee by December 31, 2016.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 24.1: State Board of Elections/Access to Division of Motor Vehicles Records. (SL 2016-94)**

Sec. 24.1 of S.L. 2016-94 authorizes the Division of Motor Vehicles to release signatures from driver's license or special identification card records to the State Chief Information Officer or the State Board of Elections, and to release photographs to the State Board of Elections.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.1: Stabilization of Funding for the Ferry System/Priority Boarding. (SL 2016-94)**

Sec. 35.1 of S.L. 2016-94 continues ferry tolling on currently tolled routes and, except for the new Hatteras-Ocracoke passenger route, prohibits future tolling of currently untolled routes. In addition, this section establishes recurring funding for vessel replacements and funds the initiation of the Hatteras-Ocracoke passenger service. Lastly, this section authorizes the Ferry Division to charge \$150 for priority boarding for vehicles providing commercial goods and services.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.5: Increase Department of Transportation Bid Threshold and Report. (SL 2016-94)**

Sec. 35.5 of S.L. 2016-94 increases the amount that a project can be let after advertising from \$2.5 million to \$5 million. In addition, this section requires the Department of Transportation to report to the House and Senate Transportation Appropriations Committees on the impact to small businesses.

This section became effective July 1, 2016, and applies to bids solicited on or after that date.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.6: Revise Bidding Process. (SL 2016-94)**

Sec. 35.6 of S.L. 2016-94 increases the transparency of the Department of Transportation (DOT) bidding process and provides for uniform timeframes across DOT divisions to post bids, publish bid results, and disclose bid cost estimates.

This section became effective July 1, 2016, and applies to bids solicited on or after that date.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.7: Adjust Unpaved Roads Funding Expenditures. (SL 2016-94)**

Sec. 35.7 of S.L. 2016-94 adjusts the unpaved roads funding program by directing the Department of Transportation to expend 50% of the funds equally across the 14 Highway Divisions for the paving of unpaved secondary roads within the respective Division based on the prioritized scores within the Division. The remaining 50% will continue to be awarded based on the statewide prioritization program.

This section became effective July 1, 2016, and applies to funds allocated on or after that date.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.9: Study/Off-Highway Parking for Tractor-Trailers and Semi-Trailers. (SL 2016-94)**

Sec. 35.9 of S.L. 2016-94 requires The Department of Transportation, the Department of Public Safety, and the Department of Commerce, in consultation with the North Carolina Trucking Association, to study ways to provide additional off-highway parking to tractor-trailers and semi-trailers.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.11: Department of Transportation/Report on Recommendations for Revising Method for Measuring Outsourcing of Preconstruction Activities . (SL 2016-94)**

Sec. 35.11 of S.L. 2016-94 directs the Department of Transportation to report on how it will measure the amount of preconstruction activities outsourced once these functions are consolidated into construction projects led by the 14 Highway Divisions.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.12: Repeal Light Rail Funding Cap. (SL 2016-94)**

Sec. 35.12 of S.L. 2016-94 removes a \$500,000 cap on State expenditures for Strategic Transportation Investments Act-eligible light rail projects, requires previously submitted light rail projects to be resubmitted under the next round of prioritization (Prioritization 5.0), and sets maximum State funding for light rail and commuter rail transit projects at 10% of the total project cost.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.13: Repeal Sunset on Late Fee for Motor Vehicle Registrations. (SL 2016-94)**

Sec. 35.13 of S.L. 2016-94 eliminates the December 31, 2017, repeal date of the late fee for motor vehicle registrations.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.16: Permanent Registration Plates for Certain Transit Providers. (SL 2016-94)**

Sec. 35.16 of S.L. 2016-94 authorizes the Division of Motor Vehicles to issue permanent registration plates for public transportation services that are recipients of the Federal Transit Administration's formula grant funds.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.18: Lease and Conveyance of Murphy Branch Rail Line. (SL 2016-94)**

Sec. 35.18 of S.L. 2016-94 authorizes the disposal or revitalization of the rail-banked corridor between the Towns of Andrews and Murphy, North Carolina, according to certain determinations and financial participation.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.20: Revisions to Division of Motor Vehicles Medical Review Program. (SL 2016-94)**

Sec. 35.20 of S.L. 2016-94 modifies the Division of Motor Vehicles (DMV) Medical Review Program to (i) allow for driver's license issuance in advance of the submission of a signed certificate of physical examination by a health care provider, (ii) stay a restriction upon receipt of a hearing request if DMV concludes that continuance of unrestricted driving doesn't constitute a threat to public safety, and (iii) make conforming changes.

This section became effective July 1, 2016, and applies to drivers licenses issued or renewed on or after that date and hearings requested on or after that date.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.21: Revisions/Freight Rail and Rail Crossing Safety Improvement Fund and Short-Line Railroad Assistance. (SL 2016-94)**

Sec. 35.21 of S.L. 2016-94 authorizes grant funding for projects on short-line railroad corridors without active freight rail service, and clarifies that State-funded improvements to rail lines and corridors may span bordering State boundaries to connect to the national system.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.22: Department of Transportation/Implementation of Reduction Plan. (SL 2016-94)**

Sec. 35.22 of S.L. 2016-94 directs the Department of Transportation to enact its Restructuring Plan as scheduled.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.23: Prohibit Chip Seal Treatment on Subdivision Streets. (SL 2016-94)**

Sec. 35.23 of S.L. 2016-94 allows the Department of Transportation the option of using a chip seal with a fog seal top coat in lieu of resurfacing on subdivision streets.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.24: Consolidate Maintenance Accounts. (SL 2016-94)**

Sec. 35.24 of S.L. 2016-94 consolidates the following Department of Transportation-related accounts into one account: the Primary Maintenance Account, the Secondary Maintenance Account, and the Reserve for General Maintenance.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.25: Crash Reporting Program Maintenance. (SL 2016-94)**

Sec. 35.25 of S.L. 2016-94 directs the Division of Motor Vehicles (DMV) to procure an information technology system for its Crash Reporting Program by October 31, 2016, and requires DMV to report in subsequent years on the implementation and resulting impacts.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 35.26: Department of Transportation/Clarify Authority of Chief and Division Engineers. (SL 2016-94)**

Sec. 35.26 of S.L. 2016-94 consolidates responsibility and oversight over all stages of a Department of Transportation construction project under the Chief Engineer, and directs the Chief Engineer to develop and implement a policy for delegating certain authority to the 14 Highway Division Engineers. The Chief Engineer must report a detailed summary of the policy developed pursuant to this section to the Joint Legislative Transportation Oversight Committee by December 15, 2016.

This section became effective July 1, 2016.

**H1033 - Identification Card Fee Waiver/Disability. (SL 2016-80)**

S.L. 2016-80 adds persons who have developmental disabilities to the list of persons for whom the \$13 application fee to obtain a special identification card is waived.

This act becomes effective October 1, 2016, and applies to special identification cards issued on or after that date.

## **H1044 - Law Enforcement Omnibus Bill. (SL 2016-87)**

S.L. 2016-87 does all of the following:

- Creates a "Blue Alert System" to aid in the apprehension of a person suspected of killing or inflicting serious bodily injury upon a law enforcement officer.
- Permits the designee of the head or chief of a law enforcement agency to request confiscated firearms to be turned over to the law enforcement agency for official use, sale, trade, or exchange.
- Modifies the description of cognitive impairments that trigger a Silver Alert for missing persons.
- Authorizes the Division of Motor Vehicles to refuse vehicle registration for failure to pay civil penalties and fees incurred for violating size, weight, construction, and equipment restrictions. This provision becomes effective October 1, 2016, and applies to violations committed on or after that date.
- Expands the definition of "emergency" under the North Carolina Emergency Management Act.
- Permits the Samarqand Academy to sell merchandise and services to the public.
- Provides that persons hired by a State agency, department or university in a forensic scientist position and who are required to complete formal training before assuming their forensic scientist duties must be employed for 24 consecutive months in order to become career State employees.

Except as otherwise provided, this act became effective July 11, 2016.

## **S791 - License Plate Agency Commission Contractor Rate Revision and Study. (SL 2016-120)**

S.L. 2016-120 does the following:

- Effective October 1, 2016, directs the Division of Motor Vehicles (DMV) to study the issues with incorrect inspection stops on vehicles and the cumbersome process by which data on federal vehicle inspections is entered into the system. DMV must submit its findings and recommendations to the Joint Legislative Transportation Oversight Committee by December 1, 2017.
- Effective October 1, 2016, compensates a license plate agency commission contractor for the removal of an incorrect inspection stop on a vehicle at a rate of \$1.30 per transaction.
- Provides that the \$1.30 transaction fee is subject to quadrennial increase for inflation.

Except as otherwise provided, this act became effective July 28, 2016.