

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

S

D

SENATE BILL 391
PROPOSED COMMITTEE SUBSTITUTE S391-PCS45415-SUF-13

Short Title: DOT Omnibus.

(Public)

Sponsors:

Referred to:

March 25, 2025

A BILL TO BE ENTITLED
AN ACT TO REVISE LAWS CONCERNING THE DEPARTMENT OF
TRANSPORTATION.

The General Assembly of North Carolina enacts:

**REGULATION OF DRIVERS EDUCATION OFFERED BY COMMERCIAL DRIVER
TRAINING SCHOOLS**

SECTION 1. G.S. 20-322 reads as rewritten:

"§ 20-322. Licenses for schools necessary; regulations as to requirements.

(a) No commercial driver training school shall be established nor any such existing school be continued on or after July 1, 1965, unless such school applies for and obtains from the Commissioner a license in the manner and form prescribed by the Commissioner.

(b) Regulations adopted by the Commissioner shall state the requirements for a school license, including requirements concerning location, equipment, courses of instruction, instructors, financial statements, schedule of fees and charges, character and reputation of the operators, insurance, bond or other security in such sum and with such provisions as the Commissioner deems necessary to protect adequately the interests of the public, and such other matters as the Commissioner may prescribe. ~~A driver education course offered to prepare an individual for a limited learner's permit or another provisional license must meet the requirements set in G.S. 115C-215 for the program of driver education offered in the public schools.~~

(c) Regulations adopted by the Commissioner for the course of instruction to be offered by commercial driver training schools to prepare an individual for a limited learner's permit or another provisional license must include, but are not limited to, the curriculum requirements in G.S. 115C-215(b).

(d) In addition to regulations adopted by the Commissioner under subsection (c) of this section, commercial driver training schools providing courses to prepare an individual for a limited learner's permit or another provisional license through the public schools must meet all requirements set in G.S. 115C-215 for the program of driver education offered in the public schools."

DEALER LICENSE RENEWAL FIX

SECTION 2. G.S. 20-288(b2) reads as rewritten:

"(b2) For a licensed dealer, ~~manufacturer, factory branch, distributor, distributor branch, or wholesaler applying for renewal, the death of a co-owner in the licensed business entity shall not be considered a change of ownership for purposes of licensure, as long as the business entity has no new co-owners or changes in structure of the business entity. The applicant~~ a change in



* S 3 9 1 - P C S 4 5 4 1 5 - S U F - 1 3 *

ownership is not grounds for denial, suspension, or revocation of a license, as long as any new owner is otherwise qualified for licensure and approved by the Division. The licensee shall be considered by the Division to be a continuing business for purposes of renewal and shall not be required to apply for a license as a new business."

CHANGE CASH BALANCE REQUIREMENT TO CASH ON HAND

SECTION 3. G.S. 143C-6-11 reads as rewritten:

"§ 143C-6-11. Highway appropriation.

...

(f) ~~Seven and One Half Percent (7.5%)~~ Cash Balance Required. – The Department of Transportation shall maintain an available cash balance at the end of each month to an amount equal to at least seven and one half percent (7.5%) a minimum of 45 days of the total appropriations for the current fiscal year from the Highway Fund and the Highway Trust Fund. In projecting cash balances in future years, the Department shall use the estimated cash flow as specified in the Current Operations Appropriation Act. No further transportation project contract commitment may be entered into that would cause the cash position to fall below this requirement. In the event this cash position is not maintained, no further transportation project contract commitments may be entered into until the cash balance has been regained. Provided the Department may modify or supplement transportation contract commitments for existing transportation projects that (i) result in a savings from the total estimated project cost of the existing commitment, based on a cost-savings analysis, or (ii) relate to the needs of an existing transportation project to continue. Any federal funds on hand shall not be considered as cash for the purposes of this subsection.

...

(k) The Department of Transportation shall do all of the following:

- (1) Utilize cash flow financing to the extent possible to fund transportation projects with the goal of reducing the combined average daily cash balance of the Highway Fund and the Highway Trust Fund to an amount equal to between ~~fifteen and twenty percent (15-20%)~~ 75 and 120 days of the total appropriations for the current fiscal year from those funds. In projecting cash balances in future years, the Department shall use the estimated cash flow as specified in the Current Operations Appropriation Act. Any federal funds on hand shall not be considered as cash for the purposes of this subsection. The target amount shall include an amount necessary to make all municipal-aid funding requirements of the Department.

...."

ELIMINATE TURNPIKE AUTHORITY REPORTING REQUIREMENTS

SECTION 4. G.S. 136-89.193 reads as rewritten:

"§ 136-89.193. ~~Annual plan of work; annual and quarterly reports report.~~

(a) ~~Annual Plan of Work.~~ The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. ~~This annual plan of work shall be subject to the concurrence of the Board of Transportation.~~

(b) ~~Annual Reports Report.~~ – The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding fiscal year and an annual audit of its books and accounts for the preceding fiscal year to the Governor, the General Assembly, and the Department of Transportation. The report and audit shall be submitted no later than October 31 of the fiscal year in which the report and audit are completed.

~~The North Carolina Turnpike Authority shall report to the Joint Legislative Transportation Oversight Committee on January 31, 2017, and in its annual report thereafter, the number of~~

~~one-time toll facility users who are charged more than fifty dollars (\$50.00) in processing fees imposed under G.S. 136-89.215 and civil penalties assessed under G.S. 136-89.216.~~

(c) Repealed by Session Laws 2016-90, s. 4, effective July 11, 2016.

(d) Report Prior to Let of Contracts. – The Authority shall consult with and report to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations prior to the letting of any contract for Turnpike Project construction authorized under G.S. 136-183(a)(2).

(e) Repealed by Session Laws 2011-145, s. 28.35(a), effective July 1, 2011."

TURNPIKE UNPAID TOLL NOTICE BY ELECTRONIC MAIL

SECTION 5. G.S. 136-89.214(a) reads as rewritten:

"(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling system and a toll for traveling on the project is not paid prior to travel or at the time of travel, the Authority must send a bill by first-class mail to the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as established under G.S. 136-89.212(b) for the amount of the unpaid toll; provided, however, that with the written consent of the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as set forth above, the Authority may send the bill via electronic mail to a designated electronic mail account or electronic mail account on file with any state Department of Motor Vehicles rather than by first-class mail. The Authority must send the bill within 90 days after the travel occurs, or within 90 days of receipt of a sworn affidavit submitted under G.S. 136-89.212(b) identifying the person who had care, custody, and control of the motor vehicle. If a bill is not sent within the required time, the Authority waives collection of the toll. The Authority must establish a billing period for unpaid open road tolls that is no shorter than 15 days. A bill for a billing period must include all unpaid tolls incurred by the same person during the billing period."

REMOVE LIMIT ON TURNPIKE PROJECTS

SECTION 6. G.S. 136-89.183(a)(2) reads as rewritten:

"(2) To study, plan, develop, and undertake preliminary design work on Turnpike Projects. At the conclusion of these activities, the Turnpike Authority is authorized to design, establish, purchase, construct, operate, and maintain ~~no more than eleven~~ projects, which shall ~~include~~ include, but not be limited to, the following:

a. Triangle Expressway, including segments also known as N.C. 540, Triangle Parkway, Phases 1 and 2 of Complete 540, and the Western Wake Freeway in Wake and Durham Counties. The described segments constitute one project.

b. Repealed by Session Laws 2013-183, s. 5.1, effective July 1, 2013.

c. Monroe Connector/Bypass.

d., e. Repealed by Session Laws 2013-183, s. 5.1, effective July 1, 2013.

f. Repealed by Session Laws 2008-225, s. 4, effective August 17, 2008.

Any other project proposed by the Authority in addition to the projects listed in this subdivision requires prior consultation with the Joint Legislative Commission on Governmental Operations pursuant to G.S. 120-76.1 no less than 180 days prior to initiating the process required by Article 7 of Chapter 159 of the General Statutes.

With the exception of the two projects set forth in sub subdivisions a. and c. of this subdivision, the Turnpike projects selected for construction by the Turnpike Authority, prior to the letting of a contract for the project, shall meet the following conditions: (i) two of the projects must be ranked in the top 35

based on total score on the Department produced list entitled "Mobility Fund Project Scores" dated June 6, 2012, and, in addition, may be subject to G.S. 136-18(39a); (ii) of the projects not ranked as provided in (i), one may be subject to G.S. 136-18(39a); (iii) the projects shall be included in any applicable locally adopted comprehensive transportation plans; (iv) the projects shall be shown in the current State Transportation Improvement Program; and (v) toll projects must be approved by all affected Metropolitan Planning Organizations and Rural Transportation Planning Organizations for tolling."

CLARIFY USE OF REVENUE FROM TURNPIKE PROJECTS

SECTION 7. G.S. 136-89.188(a) reads as rewritten:

"(a) Revenues derived from a Turnpike Project authorized under this Article shall be used only for the following costs associated with the Project from which the revenue was derived or a planned contiguous toll facility: facility identified in a transportation plan adopted by an affected Metropolitan Planning Organization:

- (1) Authority administration costs.
- (2) Development, right-of-way acquisition, design, construction, expansion, operation, maintenance, reconstruction, rehabilitation, and replacement costs.
- (3) Debt service on the Authority's revenue bonds or related purposes such as the establishment of debt service reserve funds.
- (4) Debt service, debt service reserve funds, and other financing costs related to any of the following:
 - a. A financing undertaken by a private entity under a partnership agreement with the entity for the Project.
 - b. Private activity bonds issued under law related to the Project.
 - c. Any federal or State loan, line of credit, or loan guarantee relating to the Project.
- (5) A return on investment of any private entity under a partnership agreement with the entity for the Project.
- (6) Any other uses granted to a private entity under a partnership agreement with the entity for the Project."

REVISIONS TO BRIDGE PROGRAM OUTSOURCING

SECTION 8. G.S. 136-76.2(c) reads as rewritten:

"(c) Outsourcing. – Except for the following activities, all projects funded under the bridge program established under subsection (a) of this section shall be outsourced to private contractors:

- (1) Inspection.
- (2) Pre-engineering.
- (3) Contract preparation.
- (4) Contract administration and oversight.
- (5) Planning activities.
- (6) Installation of culverts and structures described in subsection (b) of this section, but only in cases of emergency: section on low volume or non-outlet roads, with a cost of five hundred thousand dollars (\$500,000) or less per project.

EXEMPT FERRY DIVISION FROM TEMPORARY SOLUTIONS PROGRAM

SECTION 9. G.S. 126-6.3(a) reads as rewritten:

"(a) Use of Temporary Solutions Required for Cabinet Agencies. – Notwithstanding G.S. 126-5 or any other provision of law, all Cabinet agencies that utilize temporary employees to perform work that is not information technology-related shall employ them through the Temporary Solutions Program administered by the Office of State Human Resources (OSHR). Council of State agencies may use the Temporary Solutions Program in the discretion of the agency. The Department of Transportation, Ferry Division, is exempt from the required use of the Temporary Solutions Program when there is an established need for peak season hires or when the work requires a specific skill set beyond the scope of temporary employees."

MODIFY REPORT TO GENERAL ASSEMBLY

SECTION 10. G.S. 136-12 reads as rewritten:

"§ 136-12. Reports to General Assembly; Transportation Improvement Program submitted to members and staff of General Assembly.

(a) The Department of Transportation ~~shall~~ shall, on or before the tenth day after the convening of each regular session of the General Assembly, submit a full printed and detailed report to ~~the Joint Legislative Transportation Oversight Committee by March 1 of each year on how the previous fiscal year's funds for the General Assembly that includes the cost of maintenance and construction were allocated and expended. The work undertaken by the Department, receipts of license fees, disbursements of the Department, and other financial information relevant to illustrate the Department's financial condition during the previous fiscal year. For maintenance and construction work undertaken by the Department, the report shall also include expenditures of both State and federal funds and shall be in sufficient detail that the county can be identified. A full account of each road project shall be kept by and under the direction of the Department of Transportation or its representatives, to ascertain at any time the expenditures and the liabilities against all projects; also records of contracts and force account work. The account records, together with all supporting documents, shall be open at all times to the inspection of the Governor or road authorities of any county, or their authorized representatives, and copies thereof shall be furnished such officials upon request.~~

...."

AUTHORIZE ELECTRONIC PAYMENT TRANSACTION FEE FOR FERRIES

SECTION 11. G.S. 136-82 is amended by adding a new subsection to read:

"(b3) Transaction Fee Authorized for Electronic Payment. – When the Department of Transportation accepts electronic payment, as that term is defined in G.S. 147-86.20, for any toll or fee authorized under this Article, the Department may add a transaction fee to each electronic payment transaction to offset the service charge the Department pays for electronic payment service. The transaction fee authorized under this subsection shall not exceed two percent (2%) of the electronic payment."

CRIMINAL HISTORY CHECKS FOR DRIVERS PROVIDING TRANSPORTATION SERVICES TO CHILDREN PURSUANT TO CONTRACTS WITH LOCAL BOARDS OF EDUCATION

SECTION 12.(a) G.S. 115C-332 reads as rewritten:

"§ 115C-332. School personnel criminal history checks.

...

(b) ~~Each~~ Except as provided in subsection (j) of this section, each local board of education shall adopt a policy on whether and under what circumstances an applicant for a school personnel position shall be required to be checked for a criminal history before the applicant is offered an unconditional job. Each local board of education shall apply its policy uniformly in requiring applicants for school personnel positions to be checked for a criminal history. A local board of education that requires a criminal history check for an applicant may employ an applicant

1 conditionally while the board is checking the person's criminal history and making a decision
2 based on the results of the check.

3 A local board of education shall not require an applicant to pay for the criminal history check
4 authorized under this subsection.

5 ...

6 (j) Notwithstanding any provision of this section to the contrary, the following
7 provisions apply to a local board of education that contracts with a person under G.S. 115C-253
8 to provide transportation services to students:

9 (1) The local board of education shall require an individual to submit to a criminal
10 history check before allowing that individual to act as a driver pursuant to a
11 contract under G.S. 115C-253. The local board of education may satisfy this
12 requirement by requesting and receiving a previously completed criminal
13 history check from another local board of education as provided in subsection
14 (k) of this section.

15 (2) The local board of education shall share the results of the criminal history
16 check with another local board of education upon request of the other local
17 board of education as provided in subsection (k) of this section.

18 (3) If allowed under federal law, the local board of education may delegate any
19 of the duties under subsection (d) of this section to another person.

20 (4) The local board of education may require the individual to pay for a criminal
21 history check or fingerprinting authorized under this section.

22 (k) Upon request of a local board of education, another local board of education that
23 previously conducted a criminal history check under this section shall confirm, on a form
24 developed by the State Bureau of Investigation, whether any disqualifying offenses were reported
25 in the results of the criminal history check, provided all of the following conditions are satisfied:

26 (1) The previous criminal history check was conducted no more than three years
27 prior to the date of the request under this subsection.

28 (2) The individual who is the subject of the criminal history check has provided
29 written consent for the release of information on a form provided by the State
30 Bureau of Investigation that includes language that authorizes the disclosure
31 of criminal history results between local school boards for the purpose of
32 complying with employment or contracting requirements in a public school
33 unit.

34 (3) The local board of education requesting the results of the criminal history
35 check under this subsection submits its request using a form provided by the
36 State Bureau of Investigation that identifies the individual who is the subject
37 of the criminal history check and confirms that the information is being sought
38 for the purpose of meeting employment or contracting requirements in a
39 public school unit."

40 **SECTION 12.(b)** This section is effective when it becomes law and applies to
41 contracts for transportation services for students beginning with the 2025-2026 school year.

42 43 **AUTHORIZE USE OF ELECTRONIC SPEED-MEASURING SYSTEMS TO DETECT** 44 **SPEED LIMIT VIOLATIONS IN SCHOOL ZONES**

45 **SECTION 13.(a)** Chapter 160A of the General Statutes is amended by adding a new
46 section to read:

47 **"§ 160A-300.4. Use of electronic speed-measuring systems to enforce speed limits in school** 48 **zones.**

49 (a) An electronic speed-measuring system is a mobile or fixed device consisting of an
50 automated traffic camera and sensor capable of measuring speed and producing one or more
51 digital photographs of a motor vehicle violating a posted speed limit.

1 (b) An electronic speed-measuring system shall be approved, calibrated, and tested for
2 accuracy in accordance with G.S. 8-50.4.

3 (c) Any electronic speed-measuring system installed or in use on a street or highway shall
4 be identified by appropriate advance warning signs conspicuously posted not more than 1,000
5 feet from the location of an electronic speed-measuring system. Signs shall comply with
6 G.S. 136-30. An electronic speed-measuring system installed on Department of Transportation
7 right-of-way must be approved by the Department. No approval for use of Department
8 right-of-way under this subsection shall abrogate the Department's ownership and control of the
9 right-of-way. The Department may adopt policies and rules necessary to implement this
10 subsection.

11 (d) A municipality may adopt ordinances for the civil enforcement of G.S. 20-141.1 by
12 means of an electronic speed-measuring system. Notwithstanding the provisions of
13 G.S. 20-141.1 and G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to
14 this section, a violation of G.S. 20-141.1 detected by an electronic speed-measuring system shall
15 not be an infraction if a citation is issued in accordance with this subsection. An ordinance
16 authorized by this subsection shall provide that:

17 (1) The owner of a vehicle shall be responsible for a violation unless the owner
18 can furnish evidence that the vehicle was, at the time of the violation, in the
19 care, custody, or control of another person. Notification of the violation shall
20 be given in the form of a citation issued to the owner of the vehicle no more
21 than 60 days after the date of the violation. The owner of the vehicle shall not
22 be responsible for the violation if the owner of the vehicle furnishes, within
23 30 days of notification of the violation, to the officials or agents of the
24 municipality that issued the citation either of the following:

25 a. An affidavit stating the name and address of the person or company
26 who leased, rented, or otherwise had the care, custody, or control of
27 the vehicle at the time of the violation. If the owner provides an
28 affidavit under this sub-subdivision, the identified person or company
29 may be issued a citation complying with the requirements of
30 subdivision (3) of this subsection.

31 b. An affidavit stating that the vehicle involved was, at the time of the
32 violation, stolen or in the care, custody, or control of some person who
33 did not have permission of the owner to use the vehicle.

34 (2) A violation detected by an electronic speed-measuring system shall be deemed
35 a noncriminal violation for which a civil penalty of two hundred fifty dollars
36 (\$250.00) shall be assessed and for which no points authorized by
37 G.S. 20-16(c) or G.S. 58-36-65 shall be assigned to the owner or driver of the
38 vehicle.

39 (3) The citation shall contain all of the following:

40 a. The recorded image of the vehicle speeding.

41 b. The vehicle registration number and state of issuance.

42 c. The date, time, and location of the violation.

43 d. The recorded speed.

44 e. A copy of a certificate sworn to or affirmed by a sworn law
45 enforcement officer authorized to enforce the speed limit in the
46 applicable school zone stating that, based upon inspection of
47 photographically recorded images, the owner's vehicle was operated
48 in violation of G.S. 20-141.1.

49 f. The process for paying the civil penalty or contesting responsibility
50 for the violation.

(4) The citation shall be processed by officials or agents of the municipality and shall be served by any method permitted for service of process pursuant to G.S. 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure, or by first-class mail to the address of the registered owner of the vehicle. If the owner fails to pay the civil penalty or to respond to the citation within 30 days of receiving the citation, the owner waives the right to contest responsibility for the violation and is subject to an additional penalty not to exceed fifty dollars (\$50.00). The municipality may establish procedures for the collection of these penalties and may recover the penalties by civil action in the nature of debt.

(5) The municipality shall provide a nonjudicial administrative hearing process to review contested citations or penalties issued or assessed under this section. If the decision is adverse to the person contesting the citation, the decision shall contain instructions explaining the manner and the time within which the decision may be appealed. A person may appeal the decision to the district court in the county where the violation occurred within 30 days of notification of a final decision by the municipality. Enforcement of an adverse decision shall be stayed pending the outcome of a timely appeal.

(6) If the registered owner of a motor vehicle who receives a citation fails to pay a penalty imposed under this section when due, the Division of Motor Vehicles shall refuse to register the motor vehicle in accordance with G.S. 20-54(14). The municipality shall coordinate and establish procedures for providing appropriate notice to the Division of Motor Vehicles.

(e) A municipality, local board of education, and law enforcement agency may enter into a local agreement pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes that is necessary and proper to effectuate the purpose of this section. Any agreement entered into pursuant to this subsection may include provisions on cost-sharing and reimbursement to which the municipality, local board of education, or law enforcement agency freely and voluntarily agree for the purposes of effectuating this section."

SECTION 13.(b) Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-246.1. Use of electronic speed-measuring systems to enforce speed limits in school zones.

(a) An electronic speed-measuring system is a mobile or fixed device consisting of an automated traffic camera and sensor capable of measuring speed and producing one or more digital photographs of a motor vehicle violating a posted speed limit.

(b) An electronic speed-measuring system shall be approved, calibrated, and tested for accuracy in accordance with G.S. 8-50.4.

(c) Any electronic speed-measuring system installed or in use on a street or highway shall be identified by appropriate advance warning signs conspicuously posted not more than 1,000 feet from the location of an electronic speed-measuring system. Signs shall comply with G.S. 136-30. An electronic speed-measuring system installed on Department of Transportation right-of-way must be approved by the Department. No approval for use of Department right-of-way under this subsection shall abrogate the Department's ownership and control of the right-of-way. The Department may adopt policies and rules necessary to implement this subsection.

(d) A county may adopt ordinances for the civil enforcement of G.S. 20-141.1 by means of an electronic speed-measuring system. Notwithstanding the provisions of G.S. 20-141.1 and G.S. 20-176, in the event that a county adopts an ordinance pursuant to this section, a violation of G.S. 20-141.1 detected by an electronic speed-measuring system shall not be an infraction if

1 a citation is issued in accordance with this subsection. An ordinance authorized by this subsection
2 shall provide that:

3 (1) The owner of a vehicle shall be responsible for a violation unless the owner
4 can furnish evidence that the vehicle was, at the time of the violation, in the
5 care, custody, or control of another person. Notification of the violation shall
6 be given in the form of a citation issued to the owner of the vehicle no more
7 than 60 days after the date of the violation. The owner of the vehicle shall not
8 be responsible for the violation if the owner of the vehicle furnishes, within
9 30 days of notification of the violation, to the officials or agents of the county
10 that issued the citation either of the following:

11 a. An affidavit stating the name and address of the person or company
12 who leased, rented, or otherwise had the care, custody, or control of
13 the vehicle at the time of the violation. If the owner provides an
14 affidavit under this sub-subdivision, the identified person or company
15 may be issued a citation for the violation complying with the
16 requirements of subdivision (3) of this subsection.

17 b. An affidavit stating that the vehicle involved was, at the time of the
18 violation, stolen or in the care, custody, or control of some person who
19 did not have permission of the owner to use the vehicle.

20 (2) A violation detected by an electronic speed-measuring system shall be deemed
21 a noncriminal violation for which a civil penalty of two hundred fifty dollars
22 (\$250.00) shall be assessed and for which no points authorized by
23 G.S. 20-16(c) or G.S. 58-36-65 shall be assigned to the owner or driver of the
24 vehicle.

25 (3) The citation shall contain all of the following:

26 a. The recorded image of the vehicle speeding.

27 b. The vehicle registration number and state of issuance.

28 c. The date, time, and location of the violation.

29 d. The recorded speed.

30 e. A copy of a certificate sworn to or affirmed by a sworn law
31 enforcement officer authorized to enforce the speed limit in the
32 applicable school zone stating that, based upon inspection of
33 photographically recorded images, the owner's vehicle was operated
34 in violation of G.S. 20-141.1.

35 f. The process for paying the civil penalty or contesting responsibility
36 for the violation.

37 (4) The citation shall be processed by officials or agents of the county and shall
38 be served by any method permitted for service of process pursuant to
39 G.S. 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure, or by
40 first-class mail to the address of the registered owner of the vehicle. If the
41 owner fails to pay the civil penalty or to respond to the citation within 30 days
42 of receiving the citation, the owner waives the right to contest responsibility
43 for the violation and is subject to an additional penalty not to exceed fifty
44 dollars (\$50.00). The county may establish procedures for the collection of
45 these penalties and may recover the penalties by civil action in the nature of
46 debt.

47 (5) The county shall provide a nonjudicial administrative hearing process to
48 review contested citations or penalties issued or assessed under this section. If
49 the decision is adverse to the person contesting the citation, the decision shall
50 contain instructions explaining the manner and the time within which the
51 decision may be appealed. A person may appeal the decision to the district

1 court in the county where the violation occurred within 30 days of notification
2 of a final decision by the municipality. Enforcement of an adverse decision
3 shall be stayed pending the outcome of a timely appeal.

4 (6) If the registered owner of a motor vehicle who receives a citation fails to pay
5 a penalty imposed under this section when due, the Division of Motor
6 Vehicles shall refuse to register the motor vehicle in accordance with
7 G.S. 20-54(14). The county shall coordinate and establish procedures for
8 providing appropriate notice to the Division of Motor Vehicles.

9 (e) A county, local board of education, and law enforcement agency may enter into a
10 local agreement pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes that is
11 necessary and proper to effectuate the purpose of this section. Any agreement entered into
12 pursuant to this subsection may include provisions on cost-sharing and reimbursement to which
13 the county, local board of education, or law enforcement agency freely and voluntarily agree for
14 the purposes of effectuating this section."

15 **SECTION 13.(c)** Chapter 8 of the General Statutes is amended by adding a new
16 section to read:

17 **"§ 8-50.4. Results of electronic speed-measuring instruments to enforce speed limits in**
18 **school zones; admissibility.**

19 (a) The results of the use of an electronic speed-measuring system as described in
20 G.S. 160A-300.4 and G.S. 153A-246.1 shall be admissible as evidence in nonjudicial
21 administrative hearings held pursuant to G.S. 160A-300.4(d)(5) or G.S. 153A-246.1(d)(5).

22 (b) Notwithstanding the provisions of subsection (a) of this section, the results of an
23 electronic speed-measuring system are not admissible unless all of the following are established:

24 (1) The electronic speed-measuring system employed was approved for use by
25 the North Carolina Criminal Justice Education and Training Standards
26 Commission and the Secretary of Public Safety pursuant to G.S. 17C-6.

27 (2) The electronic speed-measuring system was calibrated and tested for accuracy
28 in accordance with the standards established by the North Carolina Criminal
29 Justice Education and Training Standards Commission and the Secretary of
30 Public Safety for that particular system.

31 (c) All electronic speed-measuring systems shall be calibrated and tested in accordance
32 with standards established by the North Carolina Criminal Justice Education and Training
33 Standards Commission and the Secretary of Public Safety. A written certificate by a technician
34 certified by the North Carolina Criminal Justice Education and Training Standards Commission
35 showing that a test was made within the required testing period and that the system was accurate
36 shall be competent and prima facie evidence of those facts in a nonjudicial administrative hearing
37 held pursuant to G.S. 160A-300.4(d)(5) or G.S. 153A-246.1(d)(5).

38 (d) In every nonjudicial administrative hearing held pursuant to G.S. 160A-300.4(d)(5)
39 or G.S. 153A-246.1(d)(5), where the results of an electronic speed-measuring system are sought
40 to be admitted, notice shall be taken of the rules approving the electronic speed-measuring system
41 and the procedures for calibration or testing for accuracy of the system."

42 **SECTION 13.(d)** G.S. 17C-6(a) reads as rewritten:

43 "(a) In addition to powers conferred upon the Commission elsewhere in this Article, the
44 Commission shall have the following powers, which shall be enforceable through its rules and
45 regulations, certification procedures, or the provisions of G.S. 17C-10:

46 ...

47 (13b) In conjunction with the Secretary of Public Safety, approve use of specific
48 models and types of electronic speed-measuring systems as described in
49 G.S. 160A-300.4(a) and G.S. 153A-246.1(a) and establish standards for
50 calibration and testing for accuracy of each approved system.

51"

SECTION 13.(e) G.S. 20-54 reads as rewritten:

"§ 20-54. Authority for refusing registration or certificate of title.

The Division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

...

(14) The Division has been notified (i) pursuant to G.S. 153A-246.1(d)(6) that the owner of the vehicle has failed to pay any penalty imposed under G.S. 153A-246.1 or (ii) pursuant to G.S. 160A-300.4(d)(6) that the owner of the vehicle has failed to pay any penalty imposed under G.S. 160A-300.4."

SECTION 13.(f) This section becomes effective October 1, 2025.

CODIFY LIMITS OF EXISTING RIGHTS-OF-WAY AND EASEMENTS MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION TO PROVIDE CLARITY AND CONSISTENCY FOR PERSONS IMPACTED BY PREVIOUS PROPERTY TRANSACTIONS THAT WERE NOT DOCUMENTED OR RECORDED IN ACCORDANCE WITH CURRENT REQUIREMENTS

SECTION 14.(a) Article 2A of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-44.18. Define boundaries of certain rights-of-way and easements.

(a) Right-of-Way Boundaries. – Notwithstanding any provision of law to the contrary, for any roadway for which the Department has responsibility for maintenance, but there is no instrument of conveyance describing the boundaries of the right-of-way, the boundary of the right-of-way shall be defined according to the typical maintenance limits that are Department practice.

(b) Easement Boundaries. – Notwithstanding any provision of law to the contrary, for any roadway for which the Department has responsibility for maintenance, but there is no instrument of conveyance describing the boundaries of the easement, the boundary of the easement shall be defined according to the typical maintenance limits that are Department practice.

(c) Conditions Imposed on Developers. – If the Department, as a condition of granting a permit, requires a developer to construct offsite improvements, and by constructing offsite improvements there is a need for the developer to acquire a right-of-way or easement and the developer is unable to do so, the Department shall coordinate with the developer to revise the development or development access such that no additional right-of-way or easement is needed. The Department shall comply with the requirement set forth in this subsection within a reasonable amount of time after the developer provides evidence to the Department that the developer made a good-faith effort to acquire the required right-of-way or easement. For purposes of this subsection, the term "good faith effort" includes providing a copy of a certified letter to all affected property owners and all responses received from those property owners.

(d) Construction. – Nothing in this section shall be construed as allowing (i) the Department to require a Hold Harmless declaration from a developer or (ii) the Department to take any action that would constitute a taking of property in violation of the Constitution of this State or of the United States."

SECTION 14.(b) By October 1, 2025, the Department of Transportation shall submit a report to the Joint Legislative Transportation Oversight Committee (i) describing the maintenance limits used by the Department in G.S. 136-44.18, as enacted by subsection (a) of this section, and (ii) recommending any additional legislative changes that may further aid in defining the boundaries of rights-of-way and easements subject to G.S. 136-44.18.

SECTION 14.(c) The Department of Transportation shall adopt rules, or amend their rules, consistent with the provisions of this section. The Department may use the procedure set forth in G.S. 150B-21.1 to adopt or amend any rules as required under this section.

1 **SECTION 14.(d)** This section becomes effective July 1, 2025.

2
3 **NO MOWING IN RIGHT-OF-WAY WHEN PLACEMENT OF POLITICAL SIGNS IS**
4 **PERMITTED OR DURING THE MONTH OF MAY**

5 **SECTION 15.(a)** G.S. 136-32(b) reads as rewritten:

6 "(b) Compliant Political Signs Permitted. – During the period beginning on the 30th day
7 before the beginning date of early voting under G.S. 163-166.40 and ending on the 10th day after
8 the primary or election day, persons may place political signs in the right-of-way of the State
9 highway system as provided in this section. Signs must be placed in compliance with subsection
10 (d) of this section and must be removed by the end of the period prescribed in this subsection.
11 Any political sign remaining in the right-of-way of the State highway system more than 30 days
12 after the end of the period prescribed in this subsection shall be deemed unlawfully placed and
13 abandoned property, and a person may remove and dispose of such political sign without penalty.
14 The Department of Transportation shall not schedule mowing in any right-of-way in which the
15 placement of political signs is permitted under this section during the period prescribed in this
16 subsection."

17 **SECTION 15.(b)** G.S. 136-28.12 reads as rewritten:

18 **"§ 136-28.12. Litter removal coordinated with mowing of highway rights-of-way.**

19 (a) For State-maintained roads, the Department of Transportation shall coordinate litter
20 removal and mowing as follows:

- 21 (1) If the highway right-of-way to be mowed is part of the primary road system,
22 the Department shall schedule the removal of litter before the right-of-way is
23 mowed.
24 (2) If the highway right-of-way to be mowed is part of the secondary road system,
25 the Department shall schedule, to the extent practicable, the removal of litter
26 before the right-of-way is mowed.
27 (3) The Department shall not schedule mowing of highway rights-of-way during
28 the month of May.

29 (b) The Department shall require as a term of any contract to mow or remove litter that
30 the contracting party agree to the provisions in subsection (a) of this section."

31
32 **MODIFY CAP ON CERTAIN PUBLIC-PRIVATE PARTNERSHIPS**

33 **SECTION 16.** G.S. 136-18(39a)a. reads as rewritten:

34 "(39a)a. The Department of Transportation ~~or and~~ Turnpike Authority, ~~as~~
35 ~~applicable, Authority~~ may enter into up to ~~three-six~~ agreements with a private
36 entity as provided under subdivision (39) of this section for which the
37 provisions of this section apply."

38
39 **TRUCKS IN LEFT LANE**

40 **SECTION 17.(a)** G.S. 20-146 is amended by adding a new subsection to read:

41 "(f) Except when entering or exiting the highway or avoiding a hazard or to pass, a motor
42 vehicle having a gross vehicle weight rating (GVWR) of 26,001 pounds or more shall not operate
43 in the left most lane of a controlled-access highway with six or more lanes."

44 **SECTION 17.(b)** This section becomes effective December 1, 2025, and applies to
45 offenses committed on or after that date.

46
47 **IMPOSE TEMPORARY MORATORIUM ON THE EXPIRATION OF CERTAIN**
48 **CLASS C DRIVERS LICENSES**

49 **SECTION 18.(a)** The General Assembly finds that there is a backlog of drivers
50 unable to renew their drivers licenses in person. It is the intent of this section to eliminate that
51 backlog.

SECTION 18.(b) Notwithstanding G.S. 20-7, or any other State law to the contrary, a Class C regular drivers license shall remain valid for purposes of establishing the license holder's driving privilege for a period of up to two years after its expiration. This section shall not apply to any drivers license that is currently canceled, revoked, or suspended.

SECTION 18.(c) The Joint Legislative Transportation Oversight Committee shall review any studies or audits conducted or commissioned by, or any recommendations made by, the Committee, the North Carolina Department of Transportation, or the Office of the State Auditor to address staffing shortages, employee retention, outdated technology, and any other structural or systemic issues that are contributing to excessive wait times and delays at the Division of Motor Vehicles. The Committee shall report its findings, together with any recommended legislation, to the 2026 Regular Session of the 2025 General Assembly.

SECTION 18.(d) This section is effective when it becomes law and applies to Class C regular drivers licenses that expire on or after that date. This section expires December 31, 2027.

USE AND STUDY OF NATIVE PLANTS

SECTION 20.(a) G.S. 136-133.1(e) reads as rewritten:

"(e) Removal of trees and vegetation of any age, including complete removal, except for native dogwoods, shall be permitted within the cut or removal zone established in subsection (a) of this section if the applicant for the selective vegetation removal permit, in lieu of compliance with subsection (d) of this section, agrees to submit to the Department a plan for beautification and replanting related to the site for which the vegetation permit request is made. The Department shall develop rules for compensatory replanting, including the criteria for determining which sites qualify for replanting, and shall, in consultation with the applicant and local government representatives, determine which sites must be replanted, and the types of plants and trees to be replanted. ~~replanted. replanted, in accordance with G.S. 136-18(9).~~ The replanting and maintenance shall be conducted by the applicant or his or her agents in accordance with the rules adopted by the Department. If the conditions detailed in this subsection are agreed to by the applicant and approved by the Department, there shall be no reimbursement to the Department under G.S. 136-93.2 for removal of trees that existed at the time the outdoor sign was erected, nor shall the applicant be required to remove two nonconforming outdoor advertising signs for removal of existing trees at the site."

SECTION 20.(b) The Department of Transportation and the Department of Natural and Cultural Resources, in consultation with North Carolina State University and North Carolina Agricultural and Technical State University, shall study and develop (i) a list of native grasses, plants, and seeds appropriate for use in place of nonnative turf grasses and nonnative grasses, plants, and seeds used for the purpose of soil and slope stabilization for erosion control and (ii) a list of high-threat invasive plant species and a plan for removing existing invasive plant species from State parks and highway rights-of-way. The Department of Transportation and the Department of Natural and Cultural Resources shall provide a report on the study and development of the lists and plan to the 2026 Regular Session of the 2025 General Assembly upon its convening.

INCREASE MAXIMUM ALLOWABLE NUMBER OF WINDOW TINTING MEDICAL EXCEPTION PERMITS

SECTION 21. G.S. 20-127(f) reads as rewritten:

"(f) Medical Exception. – A person who suffers from a medical condition that causes the person to be photosensitive to visible light may obtain a medical exception permit. To obtain a permit, an applicant shall apply in writing to the Drivers Medical Evaluation Program and have his or her doctor complete the required medical evaluation form provided by the Division. The permit shall be valid for five years from the date of issue, unless a shorter time is directed by the

Drivers Medical Evaluation Program. The renewal shall require a medical recertification that the person continues to suffer from a medical condition requiring tinting.

A person may receive no more than ~~two~~ four medical exception permits that are valid at any one time. A permit issued under this subsection shall specify the vehicle to which it applies, the windows that may be tinted, and the permitted levels of tinting. The permit shall be carried in the vehicle to which it applies when the vehicle is driven on a highway.

The Division shall give a person who receives a medical exception permit a sticker to place on the lower left-hand corner of the rear window of the vehicle to which it applies. The sticker shall be designed to give prospective purchasers of the vehicle notice that the windows of the vehicle do not meet the requirements of G.S. 20-127(b), and shall be placed between the window and the tinting when the tinting is installed. The Division shall adopt rules regarding the specifications of the medical exception sticker. Failure to display the sticker is an infraction punishable by a two hundred dollar (\$200.00) fine."

ELIMINATE REQUIRED INSPECTION OF WINDOW TINT AND REQUIRE DRIVERS WITH TINTED WINDOWS TO ROLL WINDOW DOWN ON APPROACH OF LAW ENFORCEMENT

SECTION 22.(a) G.S. 20-183.3(a) reads as rewritten:

"(a) Safety. – A safety inspection of a motor vehicle consists of an inspection of the following equipment to determine if the vehicle has the equipment required by Part 9 of Article 3 of this Chapter and if the equipment is in a safe operating condition:

...

(5) ~~Windows and windshield wipers, as required by G.S. 20-127. To determine if a vehicle window meets the window tinting restrictions, a safety inspection mechanic must first determine, based on use of an automotive film check card or knowledge of window tinting techniques, if after factory tint has been applied to the window. If after factory tint has been applied, the mechanic must use a light meter approved by the Commissioner to determine if the window meets the window tinting restrictions.~~ Windshield wipers, as required by G.S. 20-127(a).

...."

SECTION 22.(b) G.S. 20-183.7(a) reads as rewritten:

"(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance of an electronic inspection authorization, the fee must be collected. The following fees apply to an inspection of a vehicle and the issuance of an electronic inspection authorization:

| <u>Type</u> | <u>Inspection</u> | <u>Authorization</u> |
|----------------------|-------------------|----------------------|
| Safety Only | \$12.75 | \$.85 |
| Emissions and Safety | 23.75 | 6.25. |

The fee for performing an inspection of a vehicle applies when an inspection is performed, regardless of whether the vehicle passes the inspection. The fee for an electronic inspection authorization applies when an electronic inspection authorization is issued to a vehicle. ~~The fee for inspecting after factory tinted windows shall be ten dollars (\$10.00), and the fee applies only to an inspection performed with a light meter after a safety inspection mechanic determined that the window had after factory tint. A safety inspection mechanic shall not inspect an after factory tinted window of a vehicle for which the Division has issued a medical exception permit pursuant to G.S. 20-127(f).~~

A vehicle that is inspected at an inspection station and fails the inspection is entitled to be reinspected at the same station at any time within 60 days of the failed inspection without paying another inspection fee.

The inspection fee for an emissions and safety inspection set out in this subsection is the maximum amount that an inspection station or an inspection mechanic may charge for an

emissions and safety inspection of a vehicle. An inspection station or an inspection mechanic may charge the maximum amount or any lesser amount for an emissions and safety inspection of a vehicle. The inspection fee for a safety only inspection set out in this subsection may not be increased or decreased. The authorization fees set out in this subsection may not be increased or decreased."

SECTION 22.(c) G.S. 20-183.7B(b)(9)o. and G.S. 20-183.7B(c)(7)o. are repealed.

SECTION 22.(d) G.S. 20-127 is amended by adding a new subsection to read:

"(g) The driver of a vehicle with tinted windows shall roll down the driver side window upon the approach of a law enforcement officer. If the officer approaches from the passenger side, the driver shall roll down the passenger window."

SECTION 22.(e) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

PROGRESSIVE DESIGN-BUILD DELIVERY METHOD PILOT PROGRAM MODIFICATIONS

SECTION 23. Section 2(a) of S.L. 2024-15 reads as rewritten:

"**SECTION 2.(a)** Definition. – For purposes of this section, the term "Progressive Design-Build" means a project delivery method that uses a ~~stepped, or progressive~~ qualifications based, ~~based~~ selection process, followed by a progression to a contract price. The Progressive Design-Build Team is selected ~~exclusively based~~ on qualifications, with or without consideration of schedule or costs, and delivers the project in two distinct phases with two or more separate contracts. The Progressive Design-Build Team is initially under contract for preconstruction activities, including developing preliminary designs, performing constructability reviews, and developing construction schedules and pricing. If the Department of Transportation and the Progressive Design-Build Team reach agreement on a ~~guaranteed maximum~~ construction cost, the Department of Transportation and the Progressive Design-Build Team will execute ~~a second contract~~ one or more contracts for completion of the preliminary designs and construction of the project."

EFFECTIVE DATE

SECTION 24. Except as otherwise provided, this act is effective when it becomes law.