



# HOUSE BILL 1050: DOT/No Discrimination Against Motorcyclists.

2016-2017 General Assembly

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<b>Committee:</b>	House Transportation. If favorable, re-refer to Appropriations	<b>Date:</b>	May 23, 2016
<b>Introduced by:</b>	Rep. Torbett	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 1050 would prohibit the Department of Transportation from taking actions that discriminate against motorcyclists.*

**CURRENT LAW:** Current law. G.S. 136-18(5), authorizes DOT to "make rules, regulations and ordinances for the use of, and to police traffic on, the State highways".

**BILL ANALYSIS:** House Bill 1050:

- Prohibits DOT from taking any action<sup>1</sup> that discriminates<sup>2</sup>, or has the effect of discriminating, against a motorcyclist.
- Requires DOT, and any other owner or operator of a transportation facility funded in whole or in part by State or local funds, to make reasonable accommodations<sup>3</sup> for motorcycle parking at transportation facilities.
- Provides that the bill does not supersede any State or federal law that prohibits or imposes a requirement that applies only to a motorcyclist.
- Appropriates from the Highway Fund to the Department of Transportation \$10,000 in nonrecurring funds for the 2016-2017 fiscal year, to be used to fund costs incurred by the Department in implementing this act.

**EFFECTIVE DATE:** This act becomes effective July 1, 2016.

**BACKGROUND:** Similar legislation was enacted in South Carolina in 2014. (House Bill 3231, S.L. 2014-148)

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<sup>1</sup> **"Taking action"** is defined as formulating transportation policy, adopting rules, allocating funds, and planning, designing, constructing, equipping, operating, and maintaining transportation facilities.

<sup>2</sup> **"Discriminates"** is defined as any action that prohibits or imposes a requirement that applies only to a motorcyclist, and the principal purpose of the action is to restrict or inhibit the access of a motorcyclist to any highway, bridge, tunnel, or other transportation facility.

<sup>3</sup> **"Reasonable accommodations"** are defined to include sectioning portions of an existing parking space where the size configuration of the parking space does not meet building code requirements for full size motor vehicles. The term does not require structural or technological modification of parking structures constructed or substantially completed on or before July 1, 2016.

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