



HOUSE BILL 1029: DOT/DMV Legislative Requests.

2017-2018 General Assembly

Committee:	House Transportation	Date:	June 5, 2018
Introduced by:	Reps. Torbett, Iler	Prepared by:	Wendy Ray Staff Attorney
Analysis of:	PCS to First Edition H1029-CSSUf-39		

OVERVIEW: *The PCS for House Bill 1029 would make changes to transportation laws, as recommended by the Joint Legislative Transportation Oversight Committee. It would also authorize two new special registration plates, increase the fees for two special registration plates, amend a commercial drivers license exemption for operators of firefighting and emergency equipment, and repeal a requirement that signs be erected on highways to notify drivers of unmarked police vehicles patrolling.*

[As introduced, this bill was identical to S744, as introduced by Sens. J. Davis, McInnis, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW AND BILL ANALYSIS: The Proposed Committee Substitute for House Bill 1029 would make the following changes to the State's transportation laws:

PART I. DEPARTMENT OF TRANSPORTATION CHANGES

Section 1 would amend a statutory provision enacted in last year's budget that exempts the Department from obtaining a property appraisal for proposed property acquisitions with an estimated value of \$40,000 or less. The Department was directed to develop a process for performing appraisal waiver valuations, in consultation with the North Carolina Appraisal Board, the North Carolina Chapter of the Appraisal Institute, and the North Carolina Association of Realtors, and to submit a report to the Joint Legislative Transportation Oversight Committee on the development of the newly authorized appraisal waiver valuation process. This section would make clarifying changes to the statute, including a change in terminology from "appraisal waiver valuation" to "right-of-way claim report". It would also amend the North Carolina Appraisers Act to specifically exempt a person preparing a right-of-way claim report from licensure as a real estate appraiser.

Section 2. Current law requires the Department to provide monthly reports to the General Assembly on citizen reports received under the DOT Report Program. This section would require the Department to post this information to the Department's performance dashboard instead.

Current law requires the Department to do quarterly tracking of variances from baseline unit prices set for transportation goods and make quarterly reports to the General Assembly. This section would make this an annual requirement instead of quarterly.

Section 3 would delete a reporting requirement related to a federal program that was never implemented. Current law requires the Department to submit a biennial report to the General Assembly on its off-premise sign regulatory program, which was intended to track progress on an initiative of the federal government to purchase and remove non-conforming signs. The federal program was never funded, so the State has

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not moved forward with the purchase of non-conforming signs, eliminating the need for this information. This section would repeal the reporting requirement.

Section 4. Current law requires the Department to submit an outsourcing report on payments made to private contractors for preconstruction activities to the General Assembly biannually. It also requires an annual project delivery report detailing progress for State Transportation Improvement Program projects. The outsourcing report is currently due by March 1 and September 1 of each year, and the project delivery report is due by March 1. This section would modify the frequency and submittal date of the outsourcing report to align the two reports – both would be annual reports due by March 1 of each year.

Section 5. G.S. 136-44.4 requires the Department to develop an annual construction program, to prioritize projects, and to report to the General Assembly. Since becoming effective, Article 14B of Chapter 136, Strategic Prioritization Funding Plan for Transportation Investments, includes and expands on the requirements of G.S. 136-44.4, so this section would repeal it.

Section 6. Current law requires the Department to report to the General Assembly on the previous fiscal year's costs and expenditures for construction and maintenance work. This section would amend the requirement to conform to a similar uncodified reporting requirement set out in session law. It would also require the report to be submitted on March 1 of each year, rather than tying the report date to the convening of session.

Section 7 would authorize the sale of malt beverages, unfortified wine, and fortified wine on passenger-only ferries.

PART II. DIVISION OF MOTOR VEHICLES CHANGES

Section 8. Current law authorizes the Commissioner of Motor Vehicles to make rules and regulations related to the regulation of motor vehicle dealers and manufacturers and requires that the Commissioner mail a copy of the rules to licensees 30 days prior to their effective date. This section would eliminate the mailing requirement and instead require the Commissioner to make a copy available on the Division or Department website.

Section 9 would authorize the Division to waive the commercial drivers license knowledge and skills test for certain trained and experienced military drivers, as allowed by the Federal Motor Carrier Safety Administration. The applicant would have to certify and provide evidence that he or she meets all qualifications for the waiver.

Section 10 would authorize the Division to share confidential driver medical records with other state and federal agencies for the purpose of determining the driver's ability to safely operate a commercial motor vehicle or to obtain a commercial drivers license.

PART III. SPECIAL REGISTRATION PLATES

Section 11 would authorize the Division to produce an Order of the Eastern Star Prince Hall Affiliated special registration plate. This organization has successfully completed the statutory plate development process. The fee for the plate would be the regular registration fee plus \$20, with the first \$10 going to the Special Registration Plate Account and the remaining \$10 to be transferred to the Grand Chapter Order of the Eastern Star, PHA.

Section 12 would authorize the Division to produce an Alpha Phi Alpha Fraternity special registration plate. This would be a reauthorization of a plate that was authorized previously but expired in 2016. This organization has now successfully completed the statutory plate development process. The plate would be on a full color background. The fee for the plate would be the regular registration fee plus \$30, with the first \$10 going to the Special Registration Plate Account and the remaining \$20 to be transferred to the

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Education Consortium of North Carolina, Inc. for scholarships to benefit African-American males attending accredited North Carolina colleges and universities.

Section 13 would increase the fee for Wildlife Resources special registration plates from \$20 to \$30, with \$10 going to the Special Registration Plate Account and the remaining \$20 to be transferred to the Wildlife Conservation Account established by G.S. 143-247.2, which may be used to manage or protect wildlife species that are endangered, to manage or protect nongame wildlife species, and to administer and enforce nongame wildlife programs.

Section 14 would increase the fee for the International Association of Fire Fighters special registration plate from \$10 to \$20, with the first \$10 going to the Special Registration Plate Account and the remaining \$10 to be transferred to the Professional Firefighters of North Carolina Charitable Fund.

PART IV. OTHER CHANGES

Section 15 would amend an existing exemption from commercial drivers license requirements for vehicles used as firefighting or emergency equipment for the purpose of preserving life or property or to execute emergency governmental functions. This section would amend the exemption to cover those vehicles when used to execute governmental functions including necessary maintenance, training, or required operation for official business.

Section 16 would repeal a requirement in State law that the Department of Transportation erect signs at all points where paved highways enter the State from adjacent states indicating that highways are patrolled by unmarked police vehicles. This requirement was originally enacted in 1957.

EFFECTIVE DATE: Section 2 of the act would be effective when it becomes law, except the monthly reports under the DOT Report Program would continue to be provided to the General Assembly until the performance dashboard is updated with the information. Section 9, authorizing a CDL exemption for certain military drivers, would become effective October 1, 2018. Sections 11 and 12, authorizing new special registration plates, would become effective February 1, 2019. The remainder of the act would become effective July 1, 2018.