



SENATE BILL 145: DOT/DMV Legislative Requests.

2017-2018 General Assembly

Committee:		Date:	July 19, 2018
Introduced by:		Prepared by:	Howard Marsilio Staff Attorney
Analysis of:	S.L. 2018-74		

OVERVIEW: *S.L. 2018-74 makes various changes to transportation laws, and includes:*

- *Amendments to the North Carolina Department of Transportation (NCDOT or Department) property acquisition and right-of-way claim report laws with related changes to the North Carolina Appraisers Act.*
- *Revisions to various NCDOT reporting requirements (Sections 2 through 4, and 6).*
- *Repeal of NCDOT's annual construction program.*
- *Elimination of the mailing requirement for rules and regulations related to motor vehicle dealers and manufacturers.*
- *Authorization for the Division of Motor Vehicles to waive the commercial drivers license knowledge and skills test for certain trained and experienced military drivers.*
- *Authorization for the Division of Motor Vehicles to share confidential driver medical records with other state and federal agencies for limited purposes.*
- *Registration plate clarifications, fee increases, and plate authorizations. (Sections 11 through 14, and 16).*
- *Exemption of firefighting or emergency equipment operators from the CDL requirement.*
- *Repeal of the unmarked police vehicle signage law.*
- *Clarifications to manufactured home security interest and improvement permit laws.*
- *Clarification to weigh in motion requirements related to ready-mixed concrete trucks.*

Section 2 of the act, amending DOT Report Program Requirements, became effective June 15, 2018, however, the reports must 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, becomes effective October 1, 2018. Sections 11 and 12, authorizing new special registration plates, becomes effective February 1, 2019. The remainder of the act became effective July 1, 2018.

Karen Cochrane-Brown
Director



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CURRENT LAW AND BILL ANALYSIS: This act makes the following changes to the State's transportation laws:

PART I. DEPARTMENT OF TRANSPORTATION CHANGES

Section 1. Amends a statutory provision enacted in last year's budget that exempts the North Carolina Department of Transportation from obtaining a property appraisal for proposed property acquisitions with an estimated value of \$40,000 or less. This section makes clarifying changes to the statute, including a change in terminology from "appraisal waiver valuation" to "right-of-way claim report". It also amends 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 requires the Department to post this information to the Department's performance dashboard instead.

Additionally, 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 makes this an annual requirement instead of quarterly.

Section 3. Deletes 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 not moved forward with the purchase of non-conforming signs, eliminating the need for this information. This section repeals 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 modifies the frequency and submittal date of the outsourcing report to align the two reports – both are now 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 repeals this program requirement.

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 amends the requirement to conform to a similar uncodified reporting requirement set out in session law. It also requires the report to be submitted on March 1 of each year, rather than tying the report date to the convening of session.

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 eliminates the mailing requirement and instead requires the Commissioner to make a copy available on the Division or Department website.

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Section 9. Authorizes 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 must certify and provide evidence that he or she meets all qualifications for the waiver.

Section 10. Authorizes 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. Authorizes 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 is 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 The Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of North Carolina and Jurisdiction, Inc.

Section 12. Authorizes the Division to produce an Alpha Phi Alpha Fraternity special registration plate. This is 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 is on a full color background. The fee for the plate is 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 Education Consortium of North Carolina, Inc. for scholarships to benefit African-American males attending accredited North Carolina colleges and universities.

Section 13. Increases 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. Increases 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.

Section 14.5. Clarifies that the minimum 500 application requirement for a full-color background special registration plate does not apply to the Order of the Long Leaf Pine plate.

PART IV. OTHER CHANGES

Section 15. Amends 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 amends the exemption to cover those vehicles when used to execute governmental functions including necessary maintenance, training, or required operation for official business.

Section 16. Repeals 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.

Section 16.3. Clarifies provisions of existing law defining owner and providing for perfection of security interests for manufactured homes.

Section 16.4. Clarifies that a current certificate of title for a manufactured home is not required for the determination of real property improvement costs, limited to purchase, transportation, and setup of a

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manufactured home, for issuance of county (Chapter 153A) or municipality (Chapter 160A) permits required by the State Building Code and any other State or local laws applicable to the work.

Section 16.5. Provides that trucks hauling ready-mixed concrete may be weighed by weigh in motion scales, but the vehicle or vehicle combination must be weighed static, allowing the drum to come to a complete stop.

Section 16.10. Amends a provision in S.L. 2018-5, Sec. 34.27, authorizing National/State Mottos license plates to conform the new plate specifications to existing plate requirements.

EFFECTIVE DATE: Section 2 of the act, amending DOT Report Program Requirements, became effective June 15, 2018, however, the reports must 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, becomes effective October 1, 2018. Sections 11 and 12, authorizing new special registration plates, becomes effective February 1, 2019. The remainder of the act became effective July 1, 2018.