



SENATE BILL 3: DOT/DMV Changes.

2017-2018 General Assembly

Committee:	House Transportation	Date:	June 20, 2017
Introduced by:	Sens. Rabon, Harrington	Prepared by:	Giles Perry Staff Attorney
Analysis of:	PCS to Fourth Edition S3-CSRW-28		

OVERVIEW: *Senate Bill 3 (Proposed Committee Substitute) makes changes to State law related to DOT and DMV, as recommended by the Joint Legislative Transportation Oversight Committee.*

CURRENT LAW and BILL ANALYSIS:

PART I. Department of Transportation Changes

Section 1. This section codifies and makes modifications to DOT's existing residual property disposal procedures. Residual property must be sold by public sale and approved by the Board of Transportation except in the following circumstances:

- Properties located adjacent to controlled access projects that are landlocked may be sold to adjoining property owner by negotiation.
- Properties may be sold to State agencies or institutions by negotiation.
- Properties may be exchanged with a public utility company in consideration for property to be acquired for highway purposes from the utility.
- Properties with an area of one acre or less and a value of \$25,000 or less, and the highest and best use is for assemblage with adjacent property, may be sold to adjoining owner by negotiation.
- Properties with values of less than \$5,000 may be sold by negotiation without approval of the Governor and Council of State.
- Properties located outside the right-of-way for a project may be sold by negotiation to property owners and tenants displaced by the project.

Section 2. Reserved.

Section 3. This section repeals a requirement that the Department of Administration, Office of State Human Resources, Department of Transportation, and Department of Environmental Quality jointly develop and periodically update a plan to reduce vehicle miles traveled by State employees and private sector employees. The requirement was part of a State goal to reduce air pollution. There continues to be a State goal to replace light duty cars and trucks with alternative-fueled vehicles and to reduce State employee vehicle miles traveled in commuting without reducing total work hours or productivity.

PART II. Division of Motor Vehicles Changes

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Section 4. This section amends current law applicable to vehicle emissions inspections in certain counties by clarifying that fuel cell electric and plug-in electric vehicles with a gasoline engine component are subject to the requirement.

Section 5. This section modifies the process by which DMV determines whether to revoke the driver's license of a person who has been adjudicated incompetent.

- It provides that if a clerk of court, in any incompetency adjudication order under Chapter 35A of the General Statutes recommends that any person's driving privilege be revoked, DMV shall immediately revoke it.
- If the clerk of court, in the order, recommends that the person retain their driving privilege or makes no recommendation concerning the driving privilege, DMV must determine whether the person can retain their driving privilege, based upon an inquiry of the facts.
- Any revocation would be subject to review by the DMV Medical Review Board.

This section would become effective February 1, 2018, and apply to adjudications on or after that date.

Section 6. This section redesignates DMV License and Theft "inspectors" as "agents".

Section 7. This section restricts issuance of 10-day temporary license plates to no more than two per year per person.

This section would become effective January 1, 2018.

Section 8. In 2016, in House Bill 959, enacted as S.L. 2016-90, the General Assembly repealed the requirement for an owner to sign a motor vehicle registration card. This section makes a technical correction to the prior change, to repeal the requirement of "space for the owner's signature" on the registration card.

Section 9. This section authorizes remote renewal and conversion of a full provisional license to a regular Class C license, provides that a full provisional license expires on the 60th day after the holder's 21st birthday; and authorizes persons remotely renewing a license to update their address.

This section would become effective March 1, 2018.

Section 10. This section requires a motor vehicle dealer who issues a temporary registration plate to a purchaser to deliver the sales documents and fees to DMV within 20 days (10 working days under current law). G.S. 20-58.2 provides that a security interest is perfected as of the date of the execution of the agreement if the application for notation of a security interest is delivered to DMV within 20 days after the date of the security agreement. This section conforms the deadline dates for dealers with the date in G.S. 20-58.2.

This section would become effective when it becomes law.

Section 11. This section modifies the law governing special identification cards issued by DMV, to:

- Provide that special ID cards issued to persons under age 18 expire after five years; to persons over age 18 after 8 years; and to non-citizens who are legally present under authority issued by the United States government at the expiration of their authorized legal presence.
- Clarify that the fee (\$13) for a special identification card also applies to the renewal, unless the special ID card applicant is eligible for a fee exception.
- Authorize an application for a free special ID card by a person with a developmental disability to be made on a form approved by DMV.

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- Authorize remote renewal of special ID cards, in specified circumstances.
- Provide for central issuance and mailing of special ID cards.

This section becomes effective December 1, 2017.

Section 12. This section amends the law enforcement authority of officers and inspectors (renamed agents by Section 6) of DMV, to authorize them to enforce criminal laws "when they are responding to an emergency situation that (i) is occurring in their immediate vicinity and (ii) would likely result in bodily harm or loss of property without immediate intervention."

Section 13. This section repeals the Driver's License Technology Fund, which was established in 2001 to fund a driver license information verification system for ABC permittees. DMV reports the fund has a zero balance and is no longer in use.

Section 14. This section makes a technical correction to the definition of "motor vehicle" in the NC Motor Vehicle Reinsurance Facility statutes, to correct an error from the 2016 session in House Bill 959, S.L. 2016-90, in which the statute was inconsistently amended by two different sections of that bill.

Section 14.1. This section modifies the method used to determine the fair market value of vehicles seized for impaired driving or speeding to elude arrest, that are also wrecked vehicles, that are being sold to cover towing and storage costs. This section requires DMV to adopt a schedule of values based on a nationally recognized insurance adjuster formula for calculating the salvage value of a wrecked vehicles.

Section 14.2. This section modifies the procedure for sale to cover towing and storage charges of vehicles seized for impaired driving or speeding to elude arrest, to authorize sale of the motor vehicle after expiration of 90 days from the date of seizure.

PART III. Effective Date

Section 15. Except as otherwise provided, this act becomes effective July 1, 2017.