



HOUSE BILL 165: DOT Legislative Changes.

2021-2022 General Assembly

Committee:	House Transportation. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 27, 2021
Introduced by:	Reps. B. Jones, Iler, Shepard	Prepared by:	Howard Marsilio
Analysis of:	PCS to First Edition H165-CSBG-1		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 165 would make various changes to the transportation laws of this State; and more specifically would:*

- *Modify the cap on certain public private partnerships.*
- *Expand allowable uses for Turnpike Project revenue.*
- *Repeal the Map Act claim settlement cap.*
- *Clarify and modify requirements under the Highway Maintenance Improvement Program.*
- *Exempt the State Ports Authority from certain statutory consultant service procurement requirements.*
- *Require all insurers to submit all motor vehicle liability policy notifications to the Division of Motor Vehicles (Division) electronically.*
- *Authorize the Division to establish online renewal systems for all licenses, permits, certificates, and registrations.*
- *Require the Division to offer in person and online renewals for handicapped credentials.*
- *Require the Division to disqualify persons from operating a Commercial Motor Vehicle for certain convictions of severe forms of Trafficking in Persons to comply with federal law.*
- *Require the Division to create and implement a pre-revocation review and automatic restoration process for certain drivers declared indigent.*

CURRENT LAW/BILL ANALYSIS: The Proposed Committee Substitute (PCS) for House Bill 165 would make various changes to the transportation laws of this State.

Section 1 – Currently, the Department has the authority to enter into partnership agreements with private entities, and others, to finance transportation infrastructure projects in this State. G.S. 136-18(39a) limits the Department and Turnpike Authority to a total of 3 partnership agreements for Turnpike Authority projects. This section would modify the cap on public private partnership agreements for Turnpike Authority projects so the Department of Transportation and the Turnpike Authority would be able to enter into up to 3 agreements each.

Section 1.5 – Article 6H of Chapter 136 sets out the laws that relate to the Turnpike Authority and Turnpike Projects. Current law limits the use of revenues derived from Turnpike Projects to certain costs associated with either the Project from which the revenue was derived or a contiguous toll facility. This

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

House PCS 165

Page 2

section would expand the use of revenue to certain costs associated with a different facility which has been approved by the Metropolitan Planning Organization (MPO) or Rural Planning Organization (RPO) of the area in which the Project from which the revenue was derived is located.

Section 2 – Section 1.4(a) of S.L. 2019-251 limited the Department to \$150M per fiscal year to pay compensation for damages for Map Act claims. This section would remove that limitation.

Sections 3 & 4 – The laws that relate to the Highway Maintenance Improvement Program include Department responsibilities, fund allocations, program limitations, and reporting requirements, for preservation, rehabilitation, and maintenance of roads within the State highway system. These sections would: (i) modify the reporting requirements and deadline for the Board of Transportation approved schedule of maintenance projects; and (ii) modify definitions, change the reporting deadline to the General Assembly, and reorganize Department and highway division responsibilities for various aspects of the Highway Maintenance Improvement Program.

Section 5 – Article 3C of Chapter 143 outlines the requirements for State agencies to obtain consultant services, and also includes the list of agencies exempted from these requirements (e.g. The General Assembly and the School of Government at UNC). This section would exempt the North Carolina State Ports Authority from the consultant services contracting requirements.

Section 6 – Current law requires insurers that provide motor vehicle liability policies to notify the Division of new/replacement policy issuance, and policy termination and reinstatements. An insurer with \$25M or more premium volume must submit notices electronically, but all others can submit paper or electronic notices. This section would require all insurers to submit all notices for these purposes electronically to the Division.

Section 7 – This section would authorize the Division to establish and maintain electronic system for renewals for all licenses, permits, certificates, and registrations issued by the Division for the purpose of administrative efficiency and modernizing Division systems, and would require the Division to submit an annual status report to the General Assembly along with proposed legislative recommendations of conforming changes to the General Statutes.

Section 8 – This section would require the Division to offer in-person and online handicap credential (distinguishing license plate & windshield placards) renewals.

Section 9 - Current law lists circumstances for which a person is disqualified from driving a commercial motor vehicle (CMV) for various spans of time. This section would modify the law to disqualify persons from operating a CMV for life based on a conviction of a felony involving a form of severe human trafficking that involves use of a CMV, as required by federal law.

Section 10 – Current law requires the Division to revoke a drivers license for failure to pay a fine, penalty, or court cost. This section would require the Division to provide a revoked driver an opportunity to request an indigency review by the Division. Upon a determination of indigency, the Division is required to restore the person's license. For a person not declared indigent, the revocation remains in effect until outstanding amounts owed are satisfied. This section would also: (i) require the Division to delete revocation orders and waive restoration fees for indigency restorations and persons paying outstanding amounts owed before the effective date of a revocation order; (ii) require the Division to accept restoration fees online and in-person; and (iii) require the Division to restore licenses automatically without further in-person transactions.

EFFECTIVE DATE: This act is effective when it becomes law.