



# HOUSE BILL 165: DOT Legislative Changes.

2021-2022 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	May 5, 2021
<b>Introduced by:</b>	Reps. B. Jones, Iler, Shepard	<b>Prepared by:</b>	Howard Marsilio
<b>Analysis of:</b>	Second Edition		Staff Attorney

**OVERVIEW:** *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.*
- *Modify 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.*

**CURRENT LAW/BILL ANALYSIS:** 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 2** – Section 1.4(a) of S.L. 2019-251 limited the Department to \$150 million per fiscal year to pay compensation for damages for Map Act claims. This section would modify the cap to a \$300 million limit from enactment through FY 2021/2022, and would reduce the cap to \$5 million from FY 2022/2023 onward.

**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

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

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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.

**EFFECTIVE DATE:** Section 2(a) would become effective when it becomes law. Section 2(b) would become effective July 1, 2022. The remainder of this act would become effective when it becomes law.