

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1474*

Short Title: MV Technical Changes.

(Public)

Sponsors: Representative McMahan.

Referred to: Transportation, if favorable, Judiciary II.

May 25, 1998

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH
FEDERAL LAW AND TO MAKE OTHER TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01(25a) reads as rewritten:

"(25a) Out of Service Order. —~~A temporary prohibition against driving a commercial motor vehicle.~~ A declaration that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service."

Section 2. G.S. 20-7(f) reads as rewritten:

"(f) Expiration and Temporary License. — The first drivers license the Division issues to a person expires on the person's fourth or subsequent birthday that occurs after the license is issued and on which the individual's age is evenly divisible by five, unless this subsection sets a different expiration date. The first drivers license the Division issues to a person who is at least 17 years old but is less than 18 years old expires on the person's twentieth birthday. The first drivers license the Division issues to a person who is at least 62 years old expires on the person's birthday in the fifth year after the license is issued, whether or not the person's age on that birthday is evenly divisible by five.

A drivers license that was issued by the Division and is renewed by the Division expires five years after the expiration date of the license that is renewed. A person may apply to the Division to renew a license during the ~~60-day~~ 180-day period before the

1 license expires. The Division may not accept an application for renewal made before the
2 ~~60-day~~ 180-day period begins.

3 The Division may renew by mail a drivers license issued by the Division to a person
4 who meets any of the following descriptions:

5 (1) Is serving on active duty in the armed forces of the United States and is
6 stationed outside this State.

7 (2) Is a resident of this State and has been residing outside the State for at
8 least 30 continuous days.

9 When renewing a license by mail, the Division may waive the examination that would
10 otherwise be required for the renewal and may impose any conditions it finds advisable.
11 A license renewed by mail is a temporary license that expires 60 days after the person to
12 whom it is issued returns to this State."

13 Section 3. G.S. 20-17.4 reads as rewritten:

14 **"§ 20-17.4. Disqualification to drive a commercial motor vehicle.**

15 (a) One Year. – Any of the following disqualifies a person from driving a
16 commercial motor vehicle for one year:

17 (1) A first conviction of G.S. 20-138.1, driving while impaired, that
18 occurred while the person was driving a commercial motor vehicle.

19 (2) A first conviction of G.S. 20-138.2, driving a commercial motor vehicle
20 while impaired.

21 (3) A first conviction of G.S. 20-166, hit and run, involving a commercial
22 motor vehicle driven by the person.

23 (4) A first conviction of a felony in the commission of which a commercial
24 motor vehicle was used.

25 (5) Refusal to submit to a chemical test when charged with an implied-
26 consent offense, as defined in G.S. 20-16.2, that occurred while the
27 person was driving a commercial motor vehicle.

28 (b) Modified Life. – A person who has been disqualified from driving a
29 commercial motor vehicle for a conviction or refusal described in subsection (a) who, as
30 the result of a separate incident, is subsequently convicted of an offense or commits an
31 act requiring disqualification under subsection (a) is disqualified for life. The Division
32 may adopt guidelines, including conditions, under which a disqualification for life under
33 this subsection may be reduced to 10 years.

34 (c) Life. – A person is disqualified from driving a commercial motor vehicle for
35 life if that person uses a commercial motor vehicle in the commission of any felony
36 involving the manufacture, distribution, or dispensing of a controlled substance, or
37 possession with intent to manufacture, distribute, or dispense a controlled substance.

38 (d) Less Than a Year. – A person is disqualified from driving a commercial motor
39 vehicle for 60 days if that person is convicted of two serious traffic violations, or 120
40 days if convicted of three or more serious traffic violations, committed in a commercial
41 motor vehicle arising from separate incidents occurring within a three-year period.

42 (e) Three Years. – A person is disqualified from driving a commercial motor
43 vehicle for three years if that person is convicted of an offense or commits an act

1 requiring disqualification under subsection (a) and the offense or act occurred while the
2 person was transporting a hazardous material that required the motor vehicle driven to be
3 placarded.

4 (f) Revocation Period. – A person is disqualified from driving a commercial motor
5 vehicle for the period during which the person's regular or commercial drivers license is
6 revoked.

7 (g) Violation of Out-of-Service Order. – Any person convicted for violating an
8 out-of-service order, except as described in subsection (h) of this section, shall be
9 disqualified as follows:

10 (1) A person is disqualified from driving a commercial vehicle for a period
11 of ninety days if convicted of a first violation of an out-of-service order.

12 (2) A person is disqualified for a period of one year if convicted of a second
13 violation of an out-of-service order during any ten year period, arising
14 from separate incidents.

15 (3) A person is disqualified for a period of three years if convicted of a third
16 or subsequent violation of an out-of-service order during any 10-year
17 period, arising from separate incidents.

18 (h) Violation of Out-of-Service Order; Special rule for hazardous materials and
19 passenger offenses. – Any person convicted for violating an out-of-service order while
20 transporting hazardous materials or while operating a commercial vehicle designed or
21 used to transport more than 15 passengers, including the driver, shall be disqualified as
22 follows:

23 (1) A person is disqualified for a period of 180 days if convicted of a first
24 violation of an out-of-service order.

25 (2) A person is disqualified for a period of three years if convicted of a
26 second or subsequent violation of an out-of-service order during any 10-
27 year period, arising from separate incidents.

28 (i) Disqualification for Out of State Violations. – The Division shall withdraw the
29 privilege to operate a commercial vehicle of any resident of this State upon receiving
30 notice of the person's conviction in another state for an offense that, if committed in this
31 State, would be grounds for disqualification. The period of disqualification shall be the
32 same as if the offense occurred in this State.

33 (j) Disqualification of Persons Without Commercial Drivers Licenses. – Any
34 person convicted of an offense that requires disqualification under this section, but who
35 does not hold a commercial drivers license, shall be disqualified from operating a
36 commercial vehicle in the same manner as if the person held a valid commercial drivers
37 license."

38 Section 4. G.S. 20-37.12(b) reads as rewritten:

39 "(b) The out-of-service criteria as referred to in 49 C.F.R. §§392.5 and 395.13, as
40 adopted by the Division, Subchapter B apply to a person who drives a commercial motor
41 vehicle. No person shall drive a commercial motor vehicle on the highways of this State
42 in violation of an out-of-service order."

43 Section 5. G.S. 20-37.16(c) reads as rewritten:

"(c) Endorsements. – The endorsements required to drive certain motor vehicles are as follows:

<u>Endorsement</u>	<u>Vehicles That Can Be Driven</u>
H	Vehicles carrying hazardous materials, other than tank vehicles <u>Vehicles, regardless of size or class, except tank vehicles, when transporting hazardous materials that require the vehicle to be placarded.</u>
M	Motorcycles
N	Tank vehicles not carrying hazardous materials
P	Vehicles carrying passengers
T	Double trailers
X	Tank vehicles carrying hazardous materials.

To obtain an H or an X endorsement, an applicant must take a test. This requirement applies when a person first obtains an H or an X endorsement and each time a person renews an H or an X endorsement. An applicant who has an H or an X endorsement issued by another state who applies for an H or an X endorsement must take a test unless the person has passed a test that covers the information set out in 49 C.F.R. § 383.121 within the preceding two years."

Section 6. G.S. 20-115.1(b) reads as rewritten:

"(b) Motor vehicle combinations consisting of a semitrailer of not more than 53 feet in length and a truck tractor may be operated on the interstate highways (except those exempted by the United States Secretary of Transportation pursuant to 49 U.S.C. 2311(i)) and federal-aid primary system highways designated by the United States Secretary of Transportation provided ~~that that~~:

(1) ~~any~~ Any semitrailer in excess of 48 feet in length shall not be permitted ~~unless~~ unless:

- a. ~~the~~ The distance between the kingpin of the trailer and the rearmost ~~axle axle~~, or a point midway between the two rear axles, if the two rear axles are a tandem axle, does not exceed 41 feet; ~~and or~~
- b. The semitrailer is used exclusively or primarily to transport vehicles in connection with motorsports competition events, and the distance between the kingpin of the trailer and the rearmost axle, or a point midway between the two rear axles, if the two rear axles are a tandem axle, does not exceed 46 feet; and

(2) ~~provided that any~~ Any semitrailer in excess of 48 feet is equipped with a rear underride guard of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than 30 inches from the surface as measured with the vehicle empty and on a level surface."

Section 7. G.S. 20-118(b)(3) reads as rewritten:

1 "(3) The gross weight imposed upon the highway by any axle group of a
 2 vehicle or combination of vehicles shall not exceed the maximum
 3 weight given for the respective distance between the first and last axle
 4 of the group of axles measured longitudinally to the nearest foot as set
 5 forth in the following table:
 6

Distance Between Axles*	Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	38000					
5	38000					
6	38000					
7	38000					
8 or less	38000	38000				
more than 8		38000	42000			
9	39000	42500				
10	40000	43500				
11	44000					
12	45000	50000				
13	45500	50500				
14	46500	51500				
15	47000	52000				
16	48000	52500	58000			
17	48500	53500	58500			
18	49500	54000	59000			
19	50000	54500	60000			
20	51000	55500	60500	66000		
21	51500	56000	61000	66500		
22	52500	56500	61500	67000		
23	53000	57500	62500	68000		
24	54000	58000	63000	68500	74000	
25	54500	58500	63500	69000	74500	
26	55500	59500	64000	69500	75000	
27	56000	60000	65000	70000	75500	
28	57000	60500	65500	71000	76500	
29	57500	61500	66000	71500	77000	
30	58500	62000**	66500	72000	77500	
31	59000	62500**	67500	72500	78000	
32	60000	63500**	68000	73000	78500	
33	64000**	68500	74000	79000		
34	64500**	69000	74500	80000		
35	65500**	70000	75000			
36	66000**	70500	75500			

1	37	66500**	71000	76000
2	38	67500**	72000	77000
3	39	68000	72500	77500
4	40	68500	73000	78000
5	41	69500	73500	78500
6	42	70000	74000	79000
7	43	70500	75000	80000
8	44	71500	75500	
9	45	72000	76000	
10	46	72500	76500	
11	47	73500	77500	
12	48	74000	78000	
13	49	74500	78500	
14	50	75500	79000	
15	51	76000	80000	
16	52	76500		
17	53	77500		
18	54	78000		
19	55	78500		
20	56	79500		
21	57	80000		

22 *Distance in Feet Between the Extremes of any Group of Two or More Consecutive
23 Axles.

24 **See exception in G.S. 20-118(c)(1)."

25 Section 8. G.S. 20-118(c)(10) reads as rewritten:

26 "(10) Fully enclosed motor vehicles designed specifically for collecting,
27 compacting and hauling garbage from residences, or from garbage
28 dumpsters shall, when operating for those purposes, be allowed a single
29 axle weight not to exceed 23,500 pounds on the steering axle on
30 vehicles equipped with a boom, or on the rear axle on vehicles loaded
31 from the rear. This exemption shall not apply to vehicles operating on
32 interstate highways, vehicles transporting hazardous waste as defined in
33 G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1,
34 low-level radioactive waste as defined in G.S. 104E-5(9a), or
35 radioactive material as defined in G.S. 104E-5(14)."

36 Section 9. G.S. 20-217(a) reads as rewritten:

37 "(a) The driver of any vehicle upon approaching from any direction on the same
38 ~~street or highway~~ street, highway, or public vehicular area any school bus (including
39 privately owned buses transporting children and school buses transporting senior citizens
40 under G.S. 115C-243), while the bus is displaying its mechanical stop signal or flashing
41 red stoplights, and is stopped for the purpose of receiving or discharging passengers, shall
42 bring his or her vehicle to a full stop before passing or attempting to pass the bus, and

1 shall remain stopped until the mechanical stop signal has been withdrawn, the flashing
2 red stoplights have been turned off, and the bus has moved on."

3 Section 10. G.S. 20-376(1) reads as rewritten:

4 "(1) Federal safety and hazardous materials regulations. – The federal motor
5 carrier safety regulations contained in 49 C.F.R. Parts 170 through 190,
6 382-382, and 390 through 398."

7 Section 11. G.S. 20-381 reads as rewritten:

8 **"§ 20-381. Specific powers and duties of Division applicable to motor carriers.**

9 The Division has the following powers and duties concerning motor carriers:

10 (1) To prescribe qualifications and maximum hours of service of drivers
11 and their helpers.

12 (1a) To set safety standards for vehicles of motor carriers engaged in foreign,
13 interstate, or intrastate commerce over the highways of this State and for
14 the safe operation of these vehicles. The Division may stop, enter upon,
15 and perform inspections of motor carriers' vehicles in operation to
16 determine compliance with these standards and may conduct any
17 investigations and tests it finds necessary to promote the safety of
18 equipment and the safe operation on the highway of these vehicles.

19 (1b) To enforce this Article, rules adopted under this Article, and the federal
20 safety and hazardous materials regulations.

21 (2) To enter the premises of a motor carrier to inspect a motor vehicle or
22 any equipment used by the motor carrier in transporting passengers ~~for~~
23 ~~property].~~ or property.

24 (2a) To prohibit the use by a motor carrier of any motor vehicle or motor
25 vehicle equipment the Division finds unsafe for use in the transportation
26 of passengers or property on a highway. If an agent of the Division finds
27 a motor vehicle of a motor carrier in actual use upon the highways in the
28 transportation of passengers or property to be unsafe or any parts thereof
29 or any equipment thereon to be unsafe and is of the opinion that further
30 use of such vehicle, parts or equipment are imminently dangerous, the
31 agent may require the operator thereof to discontinue its use and to
32 substitute therefor a safe vehicle, parts or equipment at the earliest
33 possible time and place, having regard for both the convenience and the
34 safety of the passengers or property. When an inspector or agent stops a
35 motor vehicle on the highway, under authority of this section, and the
36 motor vehicle is in operative condition and its further movement is not
37 dangerous to the passengers or property or to the users of the highways,
38 it shall be the duty of the inspector or agent to guide the vehicle to the
39 nearest point of substitution or correction of the defect. Such agents or
40 inspectors shall also have the right to stop any motor vehicle which is
41 being used upon the public highways for the transportation of
42 passengers or property by a motor carrier subject to the provisions of
43 this Article and to eject therefrom any driver or operator who shall be

1 operating or be in charge of such motor vehicle while under the
2 influence of alcoholic ~~beverages~~-beverages or impairing substances. It
3 shall be the duty of all inspectors and agents of the Division to make a
4 written report, upon a form prescribed by the Division, of inspections of
5 all motor equipment and a copy of each such written report, disclosing
6 defects in such equipment, shall be served promptly upon the motor
7 carrier operating the same, either in person by the inspector or agent or
8 by mail. Such agents and inspectors shall also make and serve a similar
9 written report in cases where a motor vehicle is operated in violation of
10 this Chapter or, if the motor vehicle is subject to regulation by the North
11 Carolina Utilities Commission, of Chapter 62 of the General Statutes.

- 12 (3) To relieve the highways of all undue burdens and safeguard traffic
13 thereon by adopting and enforcing rules and orders designed and
14 calculated to minimize the dangers attending transportation on the
15 highways of all hazardous materials and other commodities."

16 Section 12. This act becomes effective December 1, 1998.