

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1729*
Committee Substitute Favorable 5/27/10
Committee Substitute #2 Favorable 6/9/10
Committee Substitute #3 Favorable 6/16/10
Senate Transportation Committee Substitute Adopted 6/24/10
Senate Finance Committee Substitute Adopted 7/1/10
Seventh Edition Engrossed 7/6/10

Short Title: Motor Vehicles Law Changes.

(Public)

Sponsors:

Referred to:

May 17, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE LAWS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 20-7(f) reads as rewritten:

5 "(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
6 pursuant to the provisions of this subsection:

7 (1) Duration of license for persons under age 18. – A full provisional license
8 issued to a person under the age of 18 expires on the person's twenty-first
9 birthday.

10 (2) Duration of original license for persons at least 18 years of age or older. – A
11 drivers license issued to a person at least 18 years old but less than 54 years
12 old expires on the birthday of the licensee in the eighth year after issuance.
13 A drivers license issued to a person at least 54 years old expires on the
14 birthday of the licensee in the fifth year after issuance. A commercial drivers
15 license expires on the birthday of the licensee in the fifth year after issuance.
16 A commercial drivers license that has a vehicles carrying passengers (P) and
17 school bus (S) endorsement issued pursuant to G.S. 20-37.16 ~~shall expire on~~
18 ~~the birth date of the licensee three years after the date of~~ expires on the
19 birthday of the licensee in the third year after issuance, if the licensee is
20 certified to drive a school bus in North Carolina.

21 (2a) Duration of renewed licenses. – A renewed drivers license that was issued
22 by the Division to a person at least 18 years old but less than 54 years old
23 expires eight years after the expiration date of the license that is renewed. A
24 renewed drivers license that was issued by the Division to a person at least
25 54 years old expires five years after the expiration date of the license that is
26 renewed. A renewed commercial drivers license expires five years after the
27 expiration date of the license that is renewed.

28 (3) Duration of license for certain other drivers. – The durations listed in
29 subdivisions (1), (2) and (2a) of this subsection are valid unless the Division
30 determines that a license of shorter duration should be issued when the
31 applicant holds valid documentation issued by, or under the authority of, the



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1 United States government that demonstrates the applicant's legal presence of
2 limited duration in the United States. In no event shall a license of limited
3 duration expire later than the expiration of the authorization for the
4 applicant's legal presence in the United States.

5 (3a) When to renew. – A person may apply to the Division to renew a license
6 during the 180-day period before the license expires. The Division may not
7 accept an application for renewal made before the 180-day period begins.

8 (3b) Renewal for certain members of the Armed Forces and reserve components
9 of the Armed Forces.

10 a. The Division may renew a drivers license, without limitation on the
11 period of time before the license expires, if the person applying for
12 renewal is a member of the Armed Forces or of a reserve component
13 of the Armed Forces of the United States and provides orders that
14 place the member on active duty and duty station outside this State.

15 b. A person who is a member of a reserve component of the Armed
16 Forces of the United States whose license bears an expiration date
17 that occurred while the person was on active duty outside this State
18 shall be considered to have a valid license until 60 days after the date
19 of release from active duty upon showing proof of the release date,
20 unless the license was rescinded, revoked, or otherwise invalidated
21 under some other provision of law. Notwithstanding the provisions of
22 this sub-subdivision, no license shall be considered valid more than
23 18 months after the date of expiration.

24 (4) Renewal by mail. – The Division may renew by mail a drivers license issued
25 by the Division to a person who meets any of the following descriptions:

26 a. Is a member of the Armed Forces or a reserve component of the
27 Armed Forces of the United States serving on active duty and is
28 stationed outside this State.

29 b. Is a resident of this State and has been residing outside the State for
30 at least 30 continuous days.

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

36 (5) License to be sent by mail. – The Division shall issue to the applicant a
37 temporary driving certificate valid for 20 days, unless the applicant is
38 applying for renewal by mail under subdivision (4) of this subsection. The
39 temporary driving certificate shall be valid for driving purposes only and
40 shall not be valid for identification purposes. The Division shall produce the
41 applicant's drivers license at a central location and send it to the applicant by
42 first-class mail at the residence address provided by the applicant, unless the
43 applicant is ineligible for mail delivery by the United States Postal Service at
44 the applicant's residence. If the United States Postal Service documents that
45 it does not deliver to the residential address provided by the applicant, and
46 the Division has verified the applicant's residential address by other means,
47 the Division may mail the drivers license to the post office box provided by
48 the applicant. Applicants whose only mailing address prior to July 1, 2008,
49 was a post office box in this State may continue to receive their license at
50 that post office box, provided the applicant's residential address has been
51 verified by the Division."

SECTION 2. G.S. 20-63(b) reads as rewritten:

"(b) Every license plate ~~shall have displayed upon it~~ must display the registration number assigned to the vehicle for which it is issued, the name of the State of North Carolina, which may be abbreviated, and the year number for which it is issued or the date of expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for 7,000 pounds through 26,000 pounds must bear the word ~~"weighted".~~ "weighted," unless the plate is a special registration plate authorized in G.S. 20-79.4.

Except as otherwise provided in this subsection, a registration plate issued by the Division for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less shall be a "First in Flight" plate. A "First in Flight" plate shall have the words "First in Flight" printed at the top of the plate above all other letters and numerals. The background of the plate shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane flying slightly upward and to the right. The following special registration plates do not have to be a "First in Flight" plate. The design of the plates that are not "First in Flight" plates must be approved by the Division and the State Highway Patrol for clarity and ease of identification.

- (1) Friends of the Great Smoky Mountains National Park.
- (2) Rocky Mountain Elk Foundation.
- (3) Blue Ridge Parkway Foundation.
- (4) Friends of the Appalachian Trail.
- (5) NC Coastal Federation.
- (6) In God We Trust.
- (7) Stock Car Racing Theme.
- (8) Buddy Pelletier Surfing Foundation.
- (9) Guilford Battleground Company.
- (10) National Wild Turkey Federation.
- (11) North Carolina Aquarium Society.
- (12) First in Forestry.
- (13) North Carolina Wildlife Habitat Foundation.
- (14) NC Trout Unlimited.
- (15) Ducks Unlimited.
- (16) Lung Cancer Research.
- (17) NC State Parks.
- (18) Support Our Troops.
- (19) US Equine Rescue League.
- (20) Fox Hunting.
- (21) Back Country Horsemen of North Carolina.
- (22) Hospice Care.
- (23) Home Care and Hospice.
- (24) NC Tennis Foundation.
- (25) AIDS Awareness."

SECTION 3. G.S. 20-63(g) reads as rewritten:

"(g) Alteration, Disguise, or Concealment of Numbers. – Any operator of a motor vehicle who shall willfully mutilate, bend, twist, cover or cause to be covered or partially covered by any bumper, light, spare tire, tire rack, strap, or other device, or who shall paint, enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or portion of a registration plate or the figures or letters thereon, or who shall place or deposit or cause to be placed or deposited any oil, grease, or other substance upon such registration plates for the purpose of making dust adhere thereto, or who shall deface, disfigure, change, or attempt to

1 change any letter or figure thereon, or who shall display a number plate in other than a
 2 horizontal upright position, shall be guilty of a Class 2 misdemeanor. Any operator of a motor
 3 vehicle who shall willfully cover or cause to be covered any part or portion of a registration
 4 plate or the figures or letters thereon by any device designed or intended to prevent or interfere
 5 with the taking of a clear photograph of a registration plate by a traffic control or toll collection
 6 system using cameras commits an infraction and shall be ~~fin~~penalized under G.S. 14-3.1.
 7 Any operator of a motor vehicle who shall otherwise intentionally cover any number or
 8 registration renewal sticker on a registration plate with any material that makes the number or
 9 registration renewal sticker illegible commits an infraction and shall be ~~fin~~penalized under
 10 G.S. 14-3.1. Any operator of a motor vehicle who covers any registration plate with any frame
 11 or transparent clear or color-tinted cover that makes a number or letter on the plate, the State
 12 name on the plate, or a number or month on the registration renewal sticker on the plate
 13 illegible commits an infraction and shall be penalized under G.S. 14-3.1. ~~Any operator of a~~
 14 ~~motor vehicle who covers the State name, year sticker, or month sticker on a registration plate~~
 15 ~~with a license plate frame commits an infraction and shall be fined under G.S. 14-3.1. Nothing~~
 16 ~~in this subsection shall prohibit the use of transparent covers that do not prevent or interfere~~
 17 ~~with the taking of a clear photograph of a registration plate by a traffic control or toll collection~~
 18 ~~system using cameras."~~

19 **SECTION 4.** G.S. 20-64.2 is repealed.

20 **SECTION 5.** G.S. 20-79 reads as rewritten:

21 "**§ 20-79. Dealer license plates.**

22 (a) How to Get a Dealer Plate. – The Division may issue a person licensed under
 23 Article 12 of this Chapter the appropriate classification of dealer license plate. A person
 24 eligible for a dealer license plate may obtain one by filing an application with the Division and
 25 paying the required fee. An application must be filed on a form provided by the Division. The
 26 required fee is the amount set by G.S. 20-87(7).

27 (b) Number of Plates. – A dealer who was licensed under Article 12 of this Chapter for
 28 the previous 12-month period ending December 31 may obtain the number of dealer license
 29 plates allowed by the following table; the number allowed is based on the number of motor
 30 vehicles the dealer sold during the relevant 12-month period and the average number of
 31 qualifying sales representatives the dealer employed during that same 12-month period:

<u>Vehicles Sold In Relevant</u>	<u>Maximum Number of Plates</u>
<u>12-Month Period</u>	
Fewer than 12	<u>4</u> 3
At least 12 but less than 25	<u>4</u> 6
At least 25 but less than 37	<u>5</u> 7
At least 37 but less than 49	<u>6</u> 8
49 or more	At least 6 <u>8</u> , but no more than 4 <u>5</u> times the average number of qualifying sales representatives employed by the dealer during the relevant 12-month period.

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 44 A dealer who was not licensed under Article 12 of this Chapter for part or all of the
 45 previous 12-month period ending December 31 may obtain the number of dealer license plates
 46 that equals four times the number of qualifying sales representatives employed by the dealer on
 47 the date the dealer files the application. A "qualifying sales representative" is a sales
 48 representative who works for the dealer at least 25 hours a week on a regular basis and is
 49 compensated by the dealer for this work.

50 A dealer who sold fewer than 49 motor vehicles the previous 12-month period ending
 51 December 31 but has sold at least that number since January 1 may apply for additional dealer

1 license plates at any time. The maximum number of dealer license plates the dealer may obtain
2 is the number the dealer could have obtained if the dealer had sold at least 49 motor vehicles in
3 the previous 12-month period ending December 31.

4 A dealer who applies for a dealer license plate must certify to the Division the number of
5 motor vehicles the dealer sold in the relevant period. Making a material misstatement in an
6 application for a dealer license plate is grounds for the denial, suspension, or revocation of a
7 dealer's license under G.S. 20-294.

8 A dealer engaged in the alteration and sale of specialty vehicles may apply for up to two
9 dealer plates in addition to the number of dealer plates that the dealer would otherwise be
10 entitled to under this section.

11 This subsection does not apply to manufacturers licensed under Article 12 of this Chapter.

12 (c) Form and Duration. – A dealer license plate is subject to G.S. 20-63, except for the
13 requirement that the plate display the registration number of a motor vehicle and the
14 requirement that the plate be a "First in Flight" plate. A dealer license plate must have a
15 distinguishing symbol identifying the plate as a dealer license plate. The symbol may vary
16 depending upon the classification of dealer license plate issued. The Division must provide
17 suitably reduced sized license plates for motorcycle dealers and manufacturers.

18 A dealer license plate is issued for a period of one year. The Division shall vary the
19 expiration dates of dealer registration renewals so that an approximately equal number expires
20 at the end of each month, quarter, or other period consisting of one or more months. A dealer
21 license plate may be transferred from one vehicle to another. When the Division issues a dealer
22 plate, it may issue a registration that expires at the end of any monthly interval. When one of
23 the following occurs, a dealer must surrender to the Division all dealer license plates issued to
24 the dealer:

- 25 (1) The dealer surrenders the license issued to the dealer under Article 12 of this
26 Chapter.
- 27 (2) The Division suspends or revokes the license issued to the dealer under
28 Article 12 of this Chapter.
- 29 (3) The Division rescinds the dealer license plates because of a violation of the
30 restrictions on the use of a dealer license plate.

31 To obtain a dealer license plate after it has been surrendered, the dealer must file a new
32 application for a dealer license plate and pay the required fee for the plate.

33 (d) Restrictions on Use. – A dealer license plate may be displayed only on a motor
34 vehicle that meets all of the following requirements:

- 35 (1) Is part of the inventory of the dealer.
- 36 (2) Is not consigned to the dealer.
- 37 (3) Is covered by liability insurance that meets the requirements of Article 9A of
38 this Chapter.
- 39 (4) Is not used by the dealer in another business in which the dealer is engaged.
- 40 (5) Is driven on a highway by a person who meets one of the following
41 descriptions:
 - 42 a. Has a demonstration permit to test-drive the motor vehicle and
43 carries the demonstration permit while driving the motor vehicle.
 - 44 b. Is an officer or sales representative of the dealer and is driving the
45 vehicle for a business purpose of the dealer.
 - 46 c. Is an employee of the dealer and is driving the vehicle in the course
47 of employment.
 - 48 d. Is an employee of the dealer or of a contractor of the dealer and is
49 driving the vehicle within a 20-mile radius of a place where the
50 vehicle is being repaired or otherwise prepared for sale.

1 e. Is an employee of the dealer or of a contractor of the dealer and is
2 transporting the vehicle to or from a vehicle auction or to the dealer's
3 established salesroom.

- 4 (6) A copy of the registration card for the dealer plate issued to the dealer is
5 carried by the person operating the motor vehicle or, if the person is
6 operating the motor vehicle in this State, the registration card is maintained
7 on file at the dealer's address listed on the registration card, and the
8 registration card must be able to be produced within 24 hours upon request
9 of any law enforcement officer.

10 A dealer may issue a demonstration permit for a motor vehicle to a person licensed to drive
11 that type of motor vehicle. A demonstration permit authorizes each person named in the permit
12 to drive the motor vehicle described in the permit for up to 96 hours after the time the permit is
13 issued. A dealer may, for good cause, renew a demonstration permit for one additional 96-hour
14 period.

15 A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the disposal
16 of a person except as authorized by this subsection.

17 (e) Sanctions. – The following sanctions apply when a motor vehicle displaying a
18 dealer license plate is driven in violation of the restrictions on the use of the plate:

- 19 (1) The individual driving the motor vehicle is responsible for an infraction and
20 is subject to a penalty of ~~fifty dollars (\$50.00)~~ one hundred dollars
21 (\$100.00).
22 (2) The dealer to whom the plate is issued is subject to a civil penalty imposed
23 by the Division of ~~two hundred dollars (\$200.00)~~ two hundred fifty dollars
24 (\$250.00).
25 (3) The Division may rescind all dealer license plates issued to the dealer whose
26 plate was displayed on the motor vehicle.

27 A penalty imposed under subdivision (1) of this subsection is payable to the county where
28 the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision
29 (2) of this subsection shall be credited to the Highway Fund as nontax revenue.

30 (f) Transfer of Dealer Registration. – No change in the name of a firm, partnership or
31 corporation, nor the taking in of a new partner, nor the withdrawal of one or more of the firm,
32 shall be considered a new business; but if any one or more of the partners remain in the firm, or
33 if there is change in ownership of less than a majority of the stock, if a corporation, the business
34 shall be regarded as continuing and the dealers' plates originally issued may continue to be
35 used.

36 (g) Penalties. – The clear proceeds of all civil penalties, civil forfeitures, and civil fines
37 that are collected by the Department of Transportation pursuant to this section shall be remitted
38 to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

39 (h) Definition. – For purposes of this section, the term "dealer" means a person who is
40 licensed under Article 12 of this Chapter."

41 **SECTION 6.** G.S. 20-79.2 reads as rewritten:

42 "**§ 20-79.2. Transporter plates.**

43 (a) Who Can Get a Plate. – ~~A person engaged in a business requiring the limited~~
44 ~~operation of a motor vehicle for any of the following purposes may obtain a transporter plate~~
45 ~~authorizing the movement of the vehicle for the specific purpose.~~ The Division may issue a
46 transporter plate authorizing the limited operation of a motor vehicle in the circumstances listed
47 in this subsection. A person who receives a transporter plate must have proof of financial
48 responsibility that meets the requirements of Article 9A of this Chapter. The person to whom a
49 transporter plate may be issued and the circumstances in which the vehicle bearing the plate
50 may be operated are as follows:

- 1 (1) To a business or a dealer to facilitate the manufacture, construction,
2 rebuilding, or delivery of new or used truck cabs or bodies between
3 manufacturer, dealer, seller, or purchaser.
- 4 (2) To a financial institution that has a recorded lien on a motor vehicle to
5 repossess a-the motor vehicle.
- 6 (3) To a dealer or repair facility to pick up and deliver a motor vehicle that is to
7 be repaired-repaired, is to undergo a safety or emissions inspection, or is to
8 otherwise be prepared for sale by a dealer, to road-test the vehicle, if it is
9 repaired-repaired or inspected within a 10-mile20-mile radius of the place
10 where it is repaired-repaired or inspected, and to deliver the vehicle to the
11 dealer. A repair facility may not receive more than two transporter plates for
12 this purpose.
- 13 (4) To a business that has at least 10 registered vehicles to move a motor vehicle
14 that is owned by the business and is a replaced vehicle offered for sale.
- 15 (5) To a dealer or a business that contracts with a dealer and has a business
16 privilege license to take a motor vehicle either to or from a motor vehicle
17 auction where the vehicle will be or was offered for sale. The title to the
18 vehicle, a bill of sale, or written authorization from the dealer or auction
19 must be inside the vehicle when the vehicle is operated with a transporter
20 plate.
- 21 (6) To a business or dealer to road-test a repaired truck whose GVWR is at least
22 15,000 pounds when the test is performed within a 10-mile radius of the
23 place where the truck was repaired and the truck is owned by a person who
24 has a fleet of at least five trucks whose GVWRs are at least 15,000 pounds
25 and who maintains the place where the truck was repaired.
- 26 (7) To a business or dealer to move a mobile office, a mobile classroom, or a
27 mobile or manufactured ~~home.~~ home, or to transport a newly manufactured
28 travel trailer, fifth-wheel trailer, or camping trailer between a manufacturer
29 and a dealer. Any transporter plate used under this subdivision may not be
30 used on the power unit.
- 31 (8) To a business to drive a motor vehicle that is registered in this State and is at
32 least ~~25~~ 35 years old to and from a parade or another public event and to
33 drive the motor vehicle in that event. A person who owns ~~a motor vehicle~~
34 ~~that is at least 25 years old~~ one of these motor vehicles is considered to be in
35 the business of collecting those vehicles.
- 36 (9) To a dealer to drive a motor vehicle that is part of the inventory of a dealer
37 to and from a motor vehicle trade show or exhibition or to, during, and from
38 a parade in which the motor vehicle is used.
- 39 (10) To drive special mobile equipment in any of the following circumstances:
40 a. From the manufacturer of the equipment to a facility of a dealer.
41 b. From one facility of a dealer to another facility of a dealer.
42 c. From a dealer to the person who buys the equipment from the dealer.
- 43 (b) How to Get a Plate. – A ~~person~~ business or a dealer may obtain a transporter plate
44 by filing an application with the Division and paying the required fee. An application must be
45 on a form provided by the Division and contain the information required by the Division. The
46 fee for a transporter plate is one-half the fee set in G.S. 20-87(5) for a passenger motor vehicle
47 of not more than 15 passengers.
- 48 (b1) Number of Plates. – The total number of ~~transporter and Dealer-Transporter or~~
49 ~~dealer plates~~ issued to a dealer may not exceed the total number of ~~dealer~~ plates that can be
50 issued to the dealer under G.S. 20-79(b). ~~This restriction does not apply to a person who is not~~

1 ~~a dealer.~~ Transporter plates issued to a dealer shall bear the words "Dealer-Transporter." This
2 subsection does not apply to a person who is not a dealer.

3 (b2) Sanctions. – The following sanctions apply when a motor vehicle displaying a
4 "Dealer-Transporter" or "Transporter" license plate is driven in violation of the restrictions on
5 the use of the ~~plate:plate~~ or of the requirement to have proof of financial responsibility:

6 (1) The individual driving the motor vehicle is responsible for an infraction and
7 is subject to a penalty of ~~fifty dollars (\$50.00).~~ one hundred dollars
8 (\$100.00).

9 (2) The ~~dealer~~ dealer or business to whom the plate is issued is subject to a civil
10 penalty imposed by the Division of ~~two hundred dollars (\$200.00).~~ two
11 hundred fifty dollars (\$250.00) per occurrence.

12 (3) The Division may rescind all dealer license ~~plates-plates,~~ dealer transporter
13 plates, or transporter plates issued to the dealer or business whose plate was
14 displayed on the motor vehicle.

15 (4) A person who sells, rents, leases, or otherwise provides a transporter plate to
16 another person in exchange for the money or any other thing of value is
17 guilty of a Class I felony. A conviction for a violation of this subdivision is
18 considered a felony involving moral turpitude for purposes of G.S. 20-294.

19 A penalty imposed under subdivision (1) of this subsection is payable to the county where
20 the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision
21 (2) of this subsection shall be credited to the Highway Fund as nontax revenue. A law
22 enforcement officer having probable cause to believe that a transporter plate is being used in
23 violation of this section may seize the plate.

24 (c) Form, Duration, and Transfer. – ~~A transporter plate is a type of commercial license~~
25 ~~plate. A transporter plate issued to a dealer is issued on a fiscal year basis. A transporter plate~~
26 ~~issued to a person who is not a dealer is issued on a calendar year basis. A transporter plate is~~
27 ~~subject to G.S. 20-63, except for the requirement that the plate display the registration number~~
28 ~~of a motor vehicle and the requirement that the plate be a "First in Flight" plate. A transporter~~
29 ~~plate shall have a distinguishing symbol identifying the plate as a transporter plate. The symbol~~
30 ~~may vary depending upon the classification of transporter plate issued. A transporter plate is~~
31 ~~issued for a period of one year. The Division shall vary the expiration dates of transporter~~
32 ~~registration renewals so that an approximately equal number expires at the end of each month,~~
33 ~~quarter, or other period consisting of one or more months. When the Division issues a~~
34 ~~transporter plate, it may issue a registration that expires at the end of any monthly interval.~~
35 ~~During the year for which it is issued, a person-business or dealer may transfer a transporter~~
36 ~~plate from one vehicle to another as long as the vehicle is driven only for a purpose authorized~~
37 ~~by subsection (a) of this section. The Division may- must rescind a transporter plate that is~~
38 ~~displayed on a motor vehicle driven for a purpose that is not authorized by subsection (a) of~~
39 ~~this section.~~

40 (d) County. – A county may obtain one transporter plate, without paying a fee, by filing
41 an application with the Division on a form to be provided by the Division. A transporter plate
42 issued pursuant to this subsection may only be used to transport motor vehicles as part of a
43 program established by the county to receive donated motor vehicles and make them available
44 to low-income individuals.

45 If a motor vehicle is operated on the highways of this State using a transporter plate
46 authorized by this section, all of the following requirements shall be met:

47 (1) The driver of the vehicle shall have in his or her possession the certificate of
48 title for the motor vehicle, which has been properly reassigned by the
49 previous owner to the county or the affected donor program.

50 (2) The vehicle shall be covered by liability insurance that meets the
51 requirements of Article 9A of this Chapter.

1 The form and duration of the transporter plate shall be as provided in subsection (c) of this
2 section.

3 (e) Any vehicle being operated on the highways of this State using a transporter plate
4 shall have proof of financial responsibility that meets the requirement of Article 9A of this
5 Chapter."

6 **SECTION 7.** G.S. 20-79.7(a) reads as rewritten:

7 "(a) Fees. – Upon request, the Division shall provide and issue free of charge ~~one~~
8 ~~registration plate~~ a single Legion of Valor, 100% Disabled Veteran, and Ex-Prisoner of War
9 registration plate to a recipient of a Legion of Valor award, a 100% disabled veteran, and an
10 ex-prisoner of war. ~~war each year. The preceding special registration plates are subject to the~~
11 regular motor vehicle registration fees in G.S. 20-88, if the registered weight of the vehicle is
12 greater than 6,000 pounds. All other special registration plates, including additional Legion of
13 Valor, 100% Disabled Veteran, and Ex-Prisoner of War plates, plates are subject to the regular
14 motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the
15 following amount:

16"

17 **SECTION 8.** G.S. 20-85.1 reads as rewritten:

18 "**§ 20-85.1. Registration by mail; one-day title service; fees.**

19 (a) The owner of a vehicle registered in North Carolina may renew that vehicle
20 registration by mail. ~~A postage and handling fee of one dollar (\$1.00) per vehicle to be~~
21 ~~registered shall be charged for this service.~~

22 (b) The Commissioner and the employees of the Division designated by the
23 Commissioner may prepare and deliver upon request a certificate of title, charging a fee of
24 seventy-five dollars (\$75.00) for one-day title service, in lieu of the title fee required by
25 G.S. 20-85(a). The fee for one-day title service must be paid by cash or by certified check. This
26 fee shall be credited to the Highway Trust Fund.

27 (c) ~~The fee collected under subsection (a) shall be credited to the Highway Fund. The~~
28 ~~fee collected under subsection (b) shall be credited to the Highway Trust Fund."~~

29 **SECTION 9.** G.S. 20-88.02 reads as rewritten:

30 "**§ 20-88.02. Registration of logging vehicles.**

31 Upon receipt of an application on a form prescribed by it, the Division shall register ~~trucks,~~
32 ~~tractor trucks, trailers, and semitrailers~~ trucks and tractor trucks used exclusively in connection
33 with logging ~~operations in a separate category.~~ operations, as provided in section 4483(e) of the
34 Internal Revenue Code and 26 C.F.R. § 41.4483-6 for the collection of the federal heavy
35 vehicle use tax. For the purposes of this section, "logging" shall mean the harvesting of timber
36 and transportation from a forested site to places of sale.

37 Fees for the registration of vehicles under this section shall be the same as those ordinarily
38 charged for the type of vehicle being registered."

39 **SECTION 10.** G.S. 20-118(c) reads as rewritten:

40 "**§ 20-118. Weight of vehicles and load.**

41 ...

42 (c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

43 (1) Two consecutive sets of tandem axles may carry a gross weight of 34,000
44 pounds each without penalty provided the overall distance between the first
45 and last axles of the consecutive sets of tandem axles is 36 feet or more.

46 (2) When a vehicle is operated in violation of G.S. 20-118(b)(1), 20-118(b)(2),
47 or 20-118(b)(3), but the gross weight of the vehicle or combination of
48 vehicles does not exceed that permitted by G.S. 20-118(b)(3), the owner of
49 the vehicle shall be permitted to shift the load within the vehicle, without
50 penalty, from one axle to another to comply with the weight limits in the
51 following cases:

- 1 a. Where the single-axle load exceeds the statutory limits, but does not
2 exceed 21,000 pounds.
- 3 b. Where the vehicle or combination of vehicles has tandem axles, but
4 the tandem-axle weight does not exceed 40,000 pounds.
- 5 (3) When a vehicle is operated in violation of G.S. 20-118(b)(4) the owner of
6 the vehicle shall be permitted, without penalty, to shift the load within the
7 vehicle from one axle to another to comply with the weight limits where the
8 single-axle weight does not exceed the posted limit by 2,500 pounds.
- 9 (4) A truck or other motor vehicle shall be exempt from such light-traffic road
10 limitations provided for pursuant to G.S. 20-118(b)(4), when transporting
11 supplies, material or equipment necessary to carry out a farming operation
12 engaged in the production of meats and agricultural crops and livestock or
13 poultry by-products or a business engaged in the harvest or processing of
14 seafood when the destination of such vehicle and load is located solely upon
15 said light-traffic road.
- 16 (5) The light-traffic road limitations provided for pursuant to subdivision (b)(4)
17 of this section do not apply to a vehicle while that vehicle is transporting
18 only the following from its point of origin on a light-traffic road to either one
19 of the two nearest highways that is not a light-traffic ~~road~~road. If that
20 vehicle's point of origin is a non-light-traffic road and that road is blocked by
21 light-traffic roads from all directions and is not contiguous with other
22 non-light-traffic roads, then the road at point of origin is treated as a
23 light-traffic road for purposes of this subdivision:
- 24 a. Processed or unprocessed seafood transported from boats or any
25 other point of origin to a processing plant or a point of further
26 distribution.
- 27 b. Meats or agricultural crop products transported from a farm to first
28 market.
- 29 c. Forest products originating and transported from a farm or from
30 woodlands to first market without interruption or delay for further
31 packaging or processing after initiating transport.
- 32 d. Livestock or poultry transported from their point of origin to a
33 processing plant or first market.
- 34 e. Livestock by-products or poultry by-products transported from their
35 point of origin to a rendering plant.
- 36 f. Recyclable material transported from its point of origin to a
37 scrap-processing facility for processing. As used in this subpart, the
38 terms "recyclable material" and "processing" have the same meaning
39 as in G.S. 130A-290(a).
- 40 g. Garbage collected by the vehicle from residences or garbage
41 dumpsters if the vehicle is fully enclosed and is designed specifically
42 for collecting, compacting, and hauling garbage from residences or
43 from garbage dumpsters. As used in this subpart, the term "garbage"
44 does not include hazardous waste as defined in G.S. 130A-290(a),
45 spent nuclear fuel regulated under G.S. 20-167.1, low-level
46 radioactive waste as defined in G.S. 104E-5, or radioactive material
47 as defined in G.S. 104E-5.
- 48 h. Treated sludge collected from a wastewater treatment facility.
- 49 i. Apples when transported from the orchard to the first processing or
50 packing point.

- 1 j. Trees grown as Christmas trees from the field, farm, stand, or grove
2 to first processing point.
- 3 (6) A truck or other motor vehicle shall be exempt from such light-traffic road
4 limitations provided by G.S. 20-118(b)(4) when such motor vehicles are
5 owned, operated by or under contract to a public utility, electric or telephone
6 membership corporation or municipality and such motor vehicles are used in
7 connection with installation, restoration or emergency maintenance of utility
8 services.
- 9 (7) A wrecker may tow any disabled truck or other motor vehicle or
10 combination of vehicles to a place for repairs, parking, or storage within 50
11 miles from the point that the vehicle was disabled and may tow a truck,
12 tractor, or other replacement vehicle to the site of the disabled vehicle
13 without being in violation of G.S. 20-118 provided that the wrecker and
14 towed vehicle or combination of vehicles otherwise meet all requirements of
15 this section.
- 16 (8) A firefighting vehicle operated by any member of a municipal or rural fire
17 department in the performance of his duties, regardless of whether members
18 of that fire department are paid or voluntary and any vehicle of a voluntary
19 lifesaving organization, when operated by a member of that organization
20 while answering an official call shall be exempt from such light-traffic road
21 limitations provided by G.S. 20-118(b)(4).
- 22 (9) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 12.
- 23 (10) Fully enclosed motor vehicles designed specifically for collecting,
24 compacting and hauling garbage from residences, or from garbage
25 dumpsters shall, when operating for those purposes, be allowed a single axle
26 weight not to exceed 23,500 pounds on the steering axle on vehicles
27 equipped with a boom, or on the rear axle on vehicles loaded from the rear.
28 This exemption shall not apply to vehicles operating on interstate highways,
29 vehicles transporting hazardous waste as defined in G.S. 130A-290(a)(8),
30 spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive
31 waste as defined in G.S. 104E-5(9a), or radioactive material as defined in
32 G.S. 104E-5(14).
- 33 (11) A truck or other motor vehicle shall be exempt for light-traffic road
34 limitations issued under subdivision (b)(4) of this section when transporting
35 heating fuel for on-premises use at a destination located on the light-traffic
36 road.
- 37 (12) Subsections (b) and (e) of this section do not apply to a vehicle that meets all
38 of the conditions set out below:
- 39 a. Is hauling agricultural crops from the farm where the crop is grown
40 to any market within 150 miles of that farm.
- 41 b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
- 42 b1. Does not operate on an interstate highway or exceed any posted
43 bridge weight limits during transportation or hauling of agricultural
44 products.
- 45 c. Does not exceed a single-axle weight of 22,000 pounds, a
46 tandem-axle weight of 42,000 pounds, or a gross weight of 90,000
47 pounds.
- 48 (13) Vehicles specifically designed for fire fighting that are owned by a
49 municipal or rural fire department. This exception does not apply to vehicles
50 operating on interstate highways.

- 1 (14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all
 2 of the conditions below, but all other enforcement provisions of this Article
 3 remain applicable:
 4 a. Is hauling aggregates from a distribution yard or a State-permitted
 5 production site located within a North Carolina county contiguous to
 6 the North Carolina State border to a destination in another state
 7 adjacent to that county as verified by a weight ticket in the driver's
 8 possession and available for inspection by enforcement personnel.
 9 b. Does not operate on an interstate highway or exceed any posted
 10 bridge weight limits.
 11 c. Does not exceed 69,850 pounds gross vehicle weight and 53,850
 12 pounds per axle grouping for tri-axle vehicles. For purposes of this
 13 subsection, a tri-axle vehicle is a single power unit vehicle with a
 14 three consecutive axle group on which the respective distance
 15 between any two consecutive axles of the group, measured
 16 longitudinally center to center to the nearest foot, does not exceed
 17 eight feet. For purposes of this subsection, the tolerance provisions of
 18 subsection (h) of this section do not apply, and vehicles must be
 19 licensed in accordance with G.S. 20-88.
 20 d. Repealed by Session Laws 2001-487, s. 10, effective December 16,
 21 2001.

- 22 (15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle
 23 combination that meets all of the conditions below, but all other enforcement
 24 provisions of this Article remain applicable:
 25 a. Is hauling wood residuals, including wood chips, sawdust, mulch, or
 26 tree bark from any site; is hauling raw logs to first market; ~~or~~ is
 27 transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings
 28 from a site that does not have a certified scale for weighing the
 29 ~~vehicle-vehicle~~; or is hauling animal waste products from the animal
 30 waste storage site to a farm or field.
 31 b. Does not operate on an interstate highway, a posted light-traffic road,
 32 except as provided by subdivision (c)(5) of this section, or exceed
 33 any posted bridge weight limits.
 34 c. Does not exceed a maximum gross weight 4,000 pounds in excess of
 35 what is allowed in subsection (b) of this section.
 36 d. Does not exceed a single-axle weight of more than 22,000 pounds
 37 and a tandem-axle weight of more than 42,000 pounds.

38"

39 **SECTION 11.** G.S. 20-130.1 reads as rewritten:

40 **"§ 20-130.1. Use of red or blue lights on vehicles prohibited; exceptions.**

41 (a) It is unlawful for any person to install or activate or operate a red light in or on any
 42 vehicle in this State. As used in this subsection, unless the context requires otherwise, "red
 43 light" means an operable red light not sealed in the manufacturer's original package which: (i)
 44 is designed for use by an emergency vehicle or is similar in appearance to a red light designed
 45 for use by an emergency vehicle; and (ii) can be operated by use of the vehicle's battery,
 46 vehicle's electrical system, or a dry cell battery. As used in this subsection, the term "red light"
 47 shall also mean any forward facing red light installed on a vehicle after initial manufacture of
 48 the vehicle.

49 (b) The provisions of subsection (a) of this section do not apply to the following:

- 50 (1) A police car;
 51 (2) A highway patrol car;

- 1 (3) A vehicle owned by the Wildlife Resources Commission and operated
2 exclusively for law-enforcement purposes;
- 3 (4) An ambulance;
- 4 (5) A vehicle used by an organ procurement organization or agency for the
5 recovery and transportation of blood, human tissues, or organs for
6 transplantation;
- 7 (6) A fire-fighting vehicle;
- 8 (7) A school bus;
- 9 (8) A vehicle operated by any member of a municipal or rural fire department in
10 the performance of his duties, regardless of whether members of that fire
11 department are paid or voluntary;
- 12 (9) A vehicle of a voluntary lifesaving organization (including the private
13 vehicles of the members of such an organization) that has been officially
14 approved by the local police authorities and which is manned or operated by
15 members of that organization while answering an official call;
- 16 (10) A vehicle operated by medical doctors or anesthetists in emergencies;
- 17 (11) A motor vehicle used in law enforcement by the sheriff, or any salaried rural
18 policeman in any county, regardless of whether or not the county owns the
19 vehicle;
- 20 (11a) A vehicle operated by the State Fire Marshal or his representatives in the
21 performance of their duties, whether or not the State owns the vehicle;
- 22 (12) A vehicle operated by any county fire marshal, assistant fire marshal, or
23 emergency management coordinator in the performance of his duties,
24 regardless of whether or not the county owns the vehicle;
- 25 (13) A light required by the Federal Highway Administration;
- 26 (14) A vehicle operated by a transplant coordinator who is an employee of an
27 organ procurement organization or agency when the transplant coordinator is
28 responding to a call to recover or transport human tissues or organs for
29 transplantation;
- 30 (15) A vehicle operated by an emergency medical service as an emergency
31 support vehicle; ~~and~~
- 32 (16) A State emergency management ~~vehicle.~~vehicle; and
- 33 (17) An Incident Management Assistance Patrol vehicle operated by the
34 Department of Transportation, when using rear-facing red lights while
35 stopped for the purpose of providing assistance or incident management.
- 36 (c) It is unlawful for any person to possess a blue light or to install, activate, or operate
37 a blue light in or on any vehicle in this State, except for a publicly owned vehicle used for law
38 enforcement purposes or any other vehicle when used by law enforcement officers in the
39 performance of their official duties. As used in this subsection, unless the context requires
40 otherwise, "blue light" means any forward facing blue light installed on a vehicle after initial
41 manufacture of the vehicle; or an operable blue light which:
 - 42 (1) Is not (i) being installed on, held in inventory for the purpose of being
43 installed on, or held in inventory for the purpose of sale for installation on a
44 vehicle on which it may be lawfully operated or (ii) installed on a vehicle
45 which is used solely for the purpose of demonstrating the blue light for sale
46 to law enforcement personnel;
 - 47 (1a) Is designed for use by an emergency vehicle, or is similar in appearance to a
48 blue light designed for use by an emergency vehicle; and
 - 49 (2) Can be operated by use of the vehicle's battery, the vehicle's electrical
50 system, or a dry cell battery.

1 (c1) The provisions of subsection (c) of this section do not apply to the possession and
2 installation of an inoperable blue light on a vehicle that is inspected by and registered with the
3 Department of Motor Vehicles as a specially constructed vehicle and that is used primarily for
4 participation in shows, exhibitions, parades, or holiday/weekend activities, and not for general
5 daily transportation. For purposes of this subsection, "inoperable blue light" means a
6 blue-colored lamp housing or cover that does not contain a lamp or other mechanism having
7 the ability to produce or emit illumination.

8 (d) Repealed by Session Laws 1999-249, s. 1.

9 (e) Violation of subsection (a) or (c) of this section is a Class 1 misdemeanor."

10 **SECTION 12.** G.S. 20-157(f) reads as rewritten:

11 "(f) When an authorized emergency vehicle as described in subsection (a) of this section
12 or any public service vehicle is parked or standing within 12 feet of a roadway and is giving a
13 warning signal by appropriate light, the driver of every other approaching vehicle shall, as soon
14 as it is safe and when not otherwise directed by an individual lawfully directing traffic, do one
15 of the following:

16 (1) Move the vehicle into a lane that is not the lane nearest the parked or
17 standing authorized emergency vehicle or public service vehicle and
18 continue traveling in that lane until safely clear of the authorized emergency
19 vehicle. This paragraph applies only if the roadway has at least two lanes for
20 traffic proceeding in the direction of the approaching vehicle and if the
21 approaching vehicle may change lanes safely and without interfering with
22 any vehicular traffic.

23 (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate
24 the vehicle at a reduced speed and be prepared to stop until completely past
25 the authorized emergency vehicle or public service vehicle. This paragraph
26 applies only if the roadway has only one lane for traffic proceeding in the
27 direction of the approaching vehicle or if the approaching vehicle may not
28 change lanes safely and without interfering with any vehicular traffic.

29 For purposes of this section, "public service vehicle" means a vehicle that is being used to assist
30 motorists or law enforcement officers with wrecked or disabled vehicles, or is a vehicle being
31 used to restore electric utility service due to an unplanned event, and is operating an
32 amber-colored flashing light authorized by G.S. 20-130.2. Violation of this subsection shall be
33 negligence per se."

34 **SECTION 13.** G.S. 20-161(a) reads as rewritten:

35 "(a) No person shall park or leave standing any vehicle, whether attended or unattended,
36 upon the ~~paved or~~ main-traveled portion of any highway or highway bridge ~~outside municipal~~
37 ~~corporate limits~~ with the speed limit posted less than 45 miles per hour unless the vehicle is
38 disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the
39 vehicle upon the paved or main traveled portion of the highway or highway bridge. This
40 subsection shall not apply to a solid waste vehicle stopped on a highway while engaged in
41 collecting garbage as defined in G.S. 20-118(c)(5)g. or recyclable material as defined in
42 G.S. 130A-290(a)(26)."

43 **SECTION 14.** G.S. 20-161 is amended by adding a new subsection to read:

44 "(a1) No person shall park or leave standing any vehicle, whether attended or unattended,
45 upon the paved or main-traveled portion of any highway or highway bridge with the speed limit
46 posted 45 miles per hour or greater unless the vehicle is disabled to such an extent that it is
47 impossible to avoid stopping and temporarily leaving the vehicle upon the paved or
48 main-traveled portion of the highway or highway bridge. This subsection shall not apply to a
49 solid waste vehicle stopped on a highway while engaged in collecting garbage as defined in
50 G.S. 20-118(c)(5)g. or recyclable material as defined in G.S. 130A-290(a)(26)."

51 **SECTION 15.** G.S. 20-161(b) reads as rewritten:

1 "(b) No person shall park or leave standing any vehicle upon the shoulder of a public
2 highway ~~outside municipal corporate limits~~ unless the vehicle can be clearly seen by
3 approaching drivers from a distance of 200 feet in both directions and does not obstruct the
4 normal movement of traffic."

5 **SECTION 16.** G.S. 20-294(2) reads as rewritten:

6 "**§ 20-294. Grounds for denying, suspending or revoking licenses.**

7 The Division may deny, suspend, or revoke a license issued under this Article for any one
8 or more of the following grounds:

9 ...

10 (2) Willfully and intentionally failing to comply with this Article, Article 15 of
11 this Chapter, or G.S. 20-52.1, 20-75, 20-79.1, 20-79.2, 20-108, 20-109, or a
12 rule adopted by the Division under this Article."

13 **SECTION 17.** G.S. 160A-300.1(c1) reads as rewritten:

14 "(c1) The duration of the yellow light change interval at intersections where traffic control
15 photographic systems are in use shall be no less than the yellow light change interval duration
16 specified ~~in the Design Manual developed by the Signals and Geometries Section of the North~~
17 ~~Carolina Department of Transportation~~ on the traffic signal plan of record signed and sealed by
18 a professional engineer, licensed in accordance with the provisions of Chapter 89C of the
19 General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic
20 Control Devices."

21 **SECTION 18.** G.S. 160A-300.2(e), as enacted by Section 3 of S.L. 2001-286,
22 reads as rewritten:

23 "(e) The duration of the yellow light change interval at intersections where traffic control
24 photographic systems are in use shall be no less than the yellow light change interval duration
25 specified ~~in the Design Manual developed by the Signals and Geometries Section of the North~~
26 ~~Carolina Department of Transportation~~ on the traffic signal plan of record signed and sealed by
27 a professional engineer, licensed in accordance with the provisions of Chapter 89C of the
28 General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic
29 Control Devices."

30 **SECTION 19.** G.S. 160A-300.3(e), as enacted by Section 4 of S.L. 2001-286,
31 reads as rewritten:

32 "(e) The duration of the yellow light change interval at intersections where traffic control
33 photographic systems are in use shall be no less than the yellow light change interval duration
34 specified ~~in the Design Manual developed by the Signals and Geometries Section of the North~~
35 ~~Carolina Department of Transportation~~ on the traffic signal plan of record signed and sealed by
36 a professional engineer, licensed in accordance with the provisions of Chapter 89C of the
37 General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic
38 Control Devices."

39 **SECTION 20.** G.S. 160A-303(b1)(4) reads as rewritten:

40 "(4) Is left on any public street or highway for longer than seven ~~days~~ days or is
41 determined by law enforcement to be a hazard to the motoring public."

42 **SECTION 21.** Section 25.10 of S.L. 2009-451, as added by Section 20 of S.L.
43 2009-575, reads as rewritten:

44 "**DMV TO MOVE EMISSIONS INSPECTION PROGRAM CALL CENTER TO**
45 **NORTH CAROLINA**

46 "**SECTION 25.10.** The Department of Transportation, Division of Motor Vehicles, shall
47 replace the current out-of-state contractors handling questions ~~from service station operators~~
48 about the State's ~~emissions inspection~~ program with State employees at an existing Division of
49 Motor Vehicles call center within the State. The Department of Transportation, Division of
50 Motor Vehicles, is authorized to create up to 15 new receipt-supported positions to replace the
51 current out-of-state contractors."

1 **SECTION 22.** Sections 21 and 22 of this act are effective when it becomes law.
2 The remainder of this act becomes effective December 1, 2010, and applies to offenses
3 committed on or after that date.