

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 533
SENATE BILL 1074

AN ACT ENABLING NORTH CAROLINA TO JOIN THE DRIVERS LICENSE COMPACT, MAKING TECHNICAL AND CLARIFYING CHANGES TO THE MOTOR VEHICLE LAWS, AND ESTABLISHING NEW OFFENSES CONCERNING THE WRONGFUL ISSUANCE OF A DRIVERS LICENSE OR A SPECIAL IDENTIFICATION CARD.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new Article 1C to read as follows:

"ARTICLE 1C.

"Drivers License Compact.

"§ 20-4.21. Title of Article.

This Article is the Drivers License Compact and may be cited by that name.

"§ 20-4.22. Commissioner may make reciprocity agreements, arrangements, or declarations.

The Commissioner may execute or make agreements, arrangements, or declarations to implement this Article.

"§ 20-4.23. Legislative findings and policy.

(a) Findings. – The General Assembly and the states that are members of the Drivers License Compact find that:

- (1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.
- (2) The violation of a law or an ordinance relating to the operation of a motor vehicle is evidence that the violator engages in conduct that is likely to endanger the safety of persons and property.
- (3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles in whichever jurisdiction the vehicle is operated.

(b) Policy. – It is the policy of the General Assembly and of each of the states that is a member of the Drivers License Compact to:

- (1) Promote compliance with the laws, ordinances, and administrative rules and regulations of a member state relating to the operation of motor vehicles.
- (2) Make the reciprocal recognition of licenses to drive and the eligibility for a license to drive more just and equitable by making consideration

of overall compliance with motor vehicle laws, ordinances, and administrative rules and regulations a condition precedent to the continuance or issuance of any license that authorizes the holder of the license to operate a motor vehicle in a member state.

"§ 20-4.24. Reports of convictions; effect of reports.

(a) Reports. – A state that is a member of the Drivers License Compact shall report to another member state of the compact a conviction for any of the following:

- (1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle.
- (2) Driving a motor vehicle while impaired.
- (3) A felony in the commission of which a motor vehicle was used.
- (4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

If the laws of a member state do not describe the listed violations in precisely the words used in this subsection, the member state shall construe the descriptions to apply to offenses of the member state that are substantially similar to the ones described.

A state that is a member of the Drivers License Compact shall report to another member state of the compact a conviction for any other offense or any other information concerning convictions that the member states agree to report.

(b) Effect. – A state that is a member of the Drivers License Compact shall treat a report of a conviction received from another member state of the compact as a report of the conduct that resulted in the conviction. For a conviction required to be reported under subsection (a), a member state shall give the same effect to the report as if the conviction had occurred in that state. For a conviction that is not required to be reported under subsection (a), a member state shall give the effect to the report that is required by the laws of that state. G.S. 20-23 governs the effect in this State of convictions that are not required to be reported under subsection (a).

"§ 20-4.25. Review of license status in other states upon application for license in member state.

Upon application for a license to drive, the licensing authority of a state that is a member of the Drivers License Compact must determine if the applicant has ever held, or currently holds, a license to drive issued by another member state. The licensing authority of the member state where the application is made may not issue the applicant a license to drive if:

- (1) The applicant has held a license, but it has been revoked for a violation and the revocation period has not ended. If the revocation period is for more than one year and it has been at least one year since the license was revoked, the licensing authority may allow the applicant to apply for a new license if the laws of the licensing authority's state permit the application.
- (2) The applicant currently holds a license to drive issued by another member state and does not surrender that license.

"§ 20-4.26. Effect on other laws or agreements.

Except as expressly required by the provisions of this Article, this Article does not affect the right of a member state to the Drivers License Compact to apply any of its other laws relating to licenses to drive to any person or circumstance, nor does it invalidate or prevent any driver license agreement or other cooperative arrangement between a member state and a state that is not a member.

"§ 20-4.27. Effect on other State driver license laws.

To the extent that this Article conflicts with general driver licensing provisions in this Chapter, this Article prevails. Where this Article is silent, the general driver licensing provisions apply.

"§ 20-4.28. Administration and exchange of information.

The head of the licensing authority of each member state is the administrator of the Drivers License Compact for that state. The administrators, acting jointly, have the power to formulate all necessary procedures for the exchange of information under this compact. The administrator of each member state shall furnish to the administrator of each other member state any information or documents reasonably necessary to facilitate the administration of this compact.

"§ 20-4.29. Withdrawal from Drivers License Compact.

A member state may withdraw from the Drivers License Compact. A withdrawal may not become effective until at least six months after the heads of all other member states have received notice of the withdrawal. Withdrawal does not affect the validity or applicability by the licensing authorities of states remaining members of the compact of a report of a conviction occurring prior to the withdrawal.

"§ 20-4.30. Construction and severability.

This Article shall be liberally construed to effectuate its purposes. The provisions of this Article are severable; if any part of this Article is declared to be invalid by a court, the invalidity does not affect other parts of this Article that can be given effect without the invalid provision. If the Drivers License Compact is declared invalid by a court in a member state, the compact remains in full force and effect in the remaining member states and in full force and effect for all severable matters in that member state."

Sec. 2. G.S. 20-7(b) reads as rewritten:

"(b) Every application for a drivers license shall be made upon the approved form furnished by the Division. The Division may require an applicant for a drivers license to present at least two forms of identification approved by the Commissioner. The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity."

Sec. 3. Effective January 1, 1995, G.S. 20-7(c), as amended by the 1993 Session Laws, reads as rewritten:

"(c) Application and Tests. – To obtain a drivers license from the Division, a person must complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, and demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. ~~To~~ The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity.

To obtain an endorsement, a person must demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required. The Division shall note an endorsement on the face of a drivers license.

To demonstrate physical and mental ability, a person must pass an examination. The examination may include road tests, vision tests, oral tests, and, in the case of literate applicants, written tests, as the Division may require. The tests must ensure that an applicant recognizes the handicapped international symbol of access, as defined in G.S. 20-37.5. The Division may not require a person who applies to renew a license that has not expired to take a written test or a road test unless one or more of the following applies:

- (1) The person has been convicted of a traffic violation since the person's license was last issued.
- (2) The applicant suffers from a mental or physical condition that impairs the person's ability to drive a motor vehicle.

~~Provided, however, that persons~~ The Division may not require a person who is at least 60 years of age and over, when being examined as herein provided, shall not be required ~~old to parallel park a motor vehicle as part of any such examination. a road test."~~

Sec. 4. G.S. 20-9(h) reads as rewritten:

"(h) The Division shall not issue a ~~driver's~~ drivers license to an applicant who is ~~the holder of any currently holds a license to drive issued by another state, district or territory of the United States and currently in force, state~~ unless the applicant surrenders such license or licenses; ~~provided, this section shall not apply to nonresident military personnel or members of their household. the license."~~

Sec. 5. G.S. 20-17.4 is amended by adding a new subsection to read:

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

Sec. 6. G.S. 20-23 reads as rewritten:

"§ 20-23. ~~Suspending~~ Revoking resident's license upon conviction in another state.

The Division is ~~authorized to suspend or may~~ revoke the license of any resident of this State upon receiving notice of the person's conviction as ~~defined in G.S. 20-24(e) of such person in another state of the offenses hereinafter enumerated which, if committed in this State, would be grounds for the suspension or revocation of the license of an operator. The provisions of this section shall apply only for the offenses as an offense set forth in G.S. 20-26(a)."~~

Sec. 7. G.S. 20-24(a) reads as rewritten:

"(a) License. – A court that convicts a person of an offense that requires revocation of the person's drivers license shall require the person to give the court any regular or commercial drivers license issued to that person. A court that convicts a person of an offense that requires disqualification of the person but would not require revocation of a regular drivers license issued to that person shall require the person to give the court any Class A or Class B regular drivers license and any commercial drivers license issued to that person.

The clerk of court shall accept a drivers license required to be given to the court under this subsection. A clerk of court who receives a drivers license shall give the person whose license is received a copy of a dated receipt for the license. The receipt must be on a form approved by the Commissioner. A revocation or disqualification for which a license is received under this subsection is effective as of the date on the receipt for the license.

The clerk of court shall ~~send to notify the Division of a any~~ license received under this ~~subsection, subsection~~ either by forwarding to the Division the license, a record of the conviction for which the license was received, and the original dated receipt for the ~~license. license~~ or by electronically sending to the Division the information on the license, the record of conviction, and the receipt given for the license. The clerk of court must forward the required items unless the Commissioner has given the clerk of court approval to notify the Division electronically. If the clerk of court notifies the Division electronically, the clerk of court must destroy a license received after sending to the Division the required information. The clerk of court shall ~~send these items to notify~~ the Division within 30 days after entry of the conviction for which the license was received."

Sec. 8. G.S. 20-34.1 reads as rewritten:

"§ 20-34.1. ~~Unlawful to issue licenses for anything of value except prescribed fees. Violations for wrongful issuance of a drivers license or a special identification card.~~

(a) ~~It shall be unlawful for any~~ An employee of the Division or of an agent of the Division of Motor Vehicles to charge or accept who does any of the following commits a Class J felony:

- (1) Charges or accepts any money or other thing of value value, except the fees prescribed by law required fee, for the issuance of a driver's license, and the drivers license or a special identification card.
- (2) Knowing it is false, accepts false proof of identification submitted for a drivers license or a special identification card.
- (3) Knowing it is false, enters false information concerning a drivers license or a special identification card in the records of the Division.

(b) Defenses Precluded. – The fact that the Division does not issue a license is not issued or a special identification card after said an employee or an agent of the Division charges or accepts money or other another thing of value shall not constitute for its issuance is not a defense to a criminal action under this section. In a prosecution under this section it shall not be It is not a defense to a criminal action under this section to show that the person giving the money or other thing of value or the person receiving who received or was intended to receive the license or intended to receive the same is entitled to a license under the Uniform Driver's License Act. Any person violating this section shall be guilty of a felony and upon conviction shall be punished by imprisonment in the State's prison for not more than five years or by a fine of not more than five thousand dollars (\$5,000) or by both such fine and imprisonment. special identification card was eligible for it.

(c) Dismissal. – An employee of the Division who violates this section shall be dismissed from employment and may not hold any public office or public employment in this State for five years after the violation. If a person who violates this section is an employee of the agent of the Division, the Division shall cancel the contract of the agent unless the agent dismisses that person. A person dismissed by an agent because of a violation of this section may not hold any public office or public employment in this State for five years after the violation."

Sec. 9. G.S. 20-62 is repealed.

Sec. 10. 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 USC U.S.C. 2311(i)) and federal-aid primary system highways designated by the United States Secretary of Transportation provided that any semitrailer in excess of 48 feet in length shall not be permitted unless 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 41 feet; and provided that 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 ~~22 inches~~ 30 inches from the surface as measured with the vehicle empty and on a level surface."

Sec. 11. G.S. 20-118(e) reads as rewritten:

"(e) Penalties. –

(1) Except as provided in ~~G.S. 20-118(e)(2), subdivision (2) of this subsection, for each violation of the single-axle or tandem-axle weight limits as provided in G.S. 20-118(b)(1), 20-118(b)(2), and 20-118(b)(4), the owner or registrant of the vehicle shall pay to set in subdivision (b)(1), (b)(2), or (b)(4) of this section, the Department of Transportation shall assess a civil penalty against the owner or registrant of the vehicle in accordance with the following schedule: for the first 1,000 pounds or any part thereof, four cents (4¢) per pound; for the next 1,000 pounds or any part thereof, six cents (6¢) per pound; and for each additional pound, ten cents (10¢) per pound. The foregoing schedule of These penalties shall apply separately to each weight limit violated. In all cases of violation of the weight limitation, the penalty shall be computed and assessed on each pound of weight in excess of the maximum permitted in G.S. 20-118(b)(1), 20-118(b)(2), and 20-118(b)(4) permitted.~~

(2) For ~~each a violation of the single-axle or tandem-axle weight limit as provided in G.S. 20-118(b)(1) and 20-118(b)(2) by vehicles limits set in subdivision (b)(1) or (b)(2) of this section by a motor vehicle that is transporting processed and or unprocessed seafood from boats or any other point of origin to a processing plant or a point of further distribution, meats and or agricultural crop products originating from a~~

~~farm, or farm to first market, unprocessed forest products originating from a farm or from woodlands to first market, or livestock or poultry by-products from their point of origin to a rendering plant, or that is fully enclosed motor vehicles enclosed, is designed specifically for collecting, compacting and hauling garbage from residences, residences or from garbage dumpsters when operating for those purposes, dumpsters, and is being operated for that purpose, the owner or registrant of the vehicle shall pay to the Department of Transportation shall assess a civil penalty which equals against the owner or registrant of the vehicle equal to the amount produced by applying one-half of the rate indicated in the schedule in G.S. 20-118(e)(1) subdivision (1) of this subsection to the weight in pounds on each axle in excess of the maximum weight in pounds allowed under G.S. 20-118(b)(1) and 20-118(b)(2). allowed.~~

- (3) ~~Except as provided in G.S. 20-118(e)(4), subdivision (4) of this subsection, for each a violation of any an axle-group weight limit as provided in G.S. 20-118(b)(3), set in subdivision (b)(3) of this section, the owner or registrant shall pay the Department of Transportation shall assess a civil penalty against the owner or registrant of the motor vehicle in accordance with the following schedule: for the first 2,000 pounds or any part thereof, two cents (2¢) per pound, pound; for the next 3,000 pounds or any part thereof, four cents (4¢) per pound; for each pound in excess of 5,000 pounds, ten cents (10¢) per pound. The schedule of These penalties shall apply separately to each axle-group weight limit violated. The penalty shall be assessed on each pound of weight in excess of the maximum permitted in G.S. 20-118(b)(3). permitted.~~
- (4) ~~For each a violation of any weight limit as provided in G.S. 20-118(b)(3) by vehicles set in subdivision (b)(3) of this section by a motor vehicle transporting processed and unprocessed seafood from boats or any other point of origin to a processing plant or a point of further distribution, meats and agricultural crop products originating from a farm or forest products originating from a farm or woodlands to first market, or livestock or poultry by-products from point of origin to a rendering plant, or fully enclosed motor vehicles designed specifically for collecting, compacting and hauling garbage from residences, or from garbage dumpsters when operating for those purposes, the owner or registrant shall pay to described in subdivision (2) of this subsection, the Department of Transportation shall assess a civil penalty which equals against the owner or registrant of the motor vehicle equal to the amount produced by applying one-half of the rate indicated in the schedule in G.S. 20-118(e)(3) subdivision (3) of this subsection to the weight in pounds on each axle group in excess of the maximum weight in pounds allowed under G.S. 20-118(b)(3). allowed.~~

- (5) The civil penalties provided in this section shall constitute the sole penalty for violations of ~~G.S. 20-118(b)(1), 20-118(b)(2), 20-118(b)(3), 20-118(b)(4), 20-118(i), and 20-118(j)~~, the weight limits in this section and violators thereof shall not be subject to criminal action except as provided in G.S. 20-96 and as provided in G.S. 136-72 for any vehicle or combination of vehicles exceeding the safe load carrying capacity for bridges on the State Highway System as established and posted by the Department of Transportation."

Sec. 12. Effective January 1, 1995, G.S. 20-7(b) is repealed.

Sec. 13. G.S. 136-55.1 reads as rewritten:

"§ 136-55.1. Notice of abandonment.

(a) At least 60 days prior to any action by the Department of Transportation abandoning a segment of road and removing the same from the State highway system for maintenance, except roads abandoned on request of the county commissioners under G.S. 136-63, the Department of Transportation shall notify by registered mail or personal delivery all owners of property adjoining the section of road to be abandoned whose whereabouts can be ascertained by due diligence. Said notice shall describe the section of road which is proposed to be abandoned and shall give the date, place and time of the Department of Transportation meeting at which the action abandoning said section of road is to be taken.

(b) In keeping with its overall zoning scheme and long-range plans regarding the extraterritorial jurisdiction area, a municipality may keep open and assume responsibility for maintenance of a road within one mile of its corporate limits once it is abandoned from the State highway system."

Sec. 14. G.S. 136-63 reads as rewritten:

"§ 136-63. Change or abandonment of roads.

(a) The board of county commissioners of any county may, on its own motion or on petition of a group of citizens, request the Board of Transportation to change or abandon any road in the secondary system when the best interest of the people of the county will be served thereby. The Board of Transportation shall thereupon make inquiry into the proposed change or abandonment, and if in its opinion the public interest demands it, shall make such change or abandonment. If the change or abandonment shall affect a road connecting with any street of a city or town, the change or abandonment shall not be made until the street-governing body of the city or town shall have been duly notified and given opportunity to be heard on the question. Any request by a board of county commissioners or street-governing body of a city refused by the Board of Transportation may be presented again upon the expiration of 12 months.

(b) In keeping with its overall zoning scheme and long-range plans regarding the extraterritorial jurisdiction area, a municipality may keep open and assume responsibility for maintenance of a road within one mile of its corporate limits once it is abandoned from the State highway system."

Sec. 15. Section 8 of this act becomes effective December 1, 1993. Sections 3 and 12 of this act become effective January 1, 1995. The remaining sections of this act are effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives