

1 **Chapter 20.**
2 **Motor Vehicles.**

3 Article 1.

4 Division of Motor Vehicles.

5 **§ 20-1. Division of Motor Vehicles established.**

6 The Division of Motor Vehicles of the Department of Transportation is established. This
7 Chapter sets out the powers and duties of the Division. (1941, c. 36, s. 1; 1949, c. 1167; 1973,
8 c. 476, s. 193; 1975, c. 716, s. 5; c. 863; 1987, c. 827, s. 2; c. 847, s. 1; 1995 (Reg. Sess., 1996),
9 c. 756, s. 1.)

10
11 **§ 20-2. Commissioner of Motor Vehicles; rules.**

12 (a) Commissioner and Assistants. – The Division of Motor Vehicles shall be
13 administered by the Commissioner of Motor Vehicles, who shall be appointed by and serve at
14 the pleasure of the Secretary of the Department of Transportation. The Commissioner shall be
15 paid an annual salary to be fixed by the General Assembly in the Current Operations
16 Appropriations Act and allowed his traveling expenses as allowed by law.

17 In any action, proceeding, or matter of any kind, to which the Commissioner of Motor
18 Vehicles is a party or in which he may have an interest, all pleadings, legal notices, proof of
19 claim, warrants for collection, certificates of tax liability, executions, and other legal
20 documents, may be signed and verified on behalf of the Commissioner of Motor Vehicles by
21 the Assistant Commissioner of Motor Vehicles or by any director or assistant director of any
22 section of the Division of Motor Vehicles or by any other agent or employee of the Division so
23 authorized by the Commissioner of Motor Vehicles.

24 (b) Rules. – The Commissioner may adopt rules to implement this Chapter. Chapter
25 150B of the General Statutes governs the adoption of rules by the Commissioner. (1941, c. 36,
26 s. 2; 1945, c. 527; 1955, c. 472; 1975, c. 716, s. 5; 1983, c. 717, s. 5; 1983 (Reg. Sess., 1984), c.
27 1034, s. 164; 1991, c. 477, s. 4.)

28
29 **§ 20-3. Organization of Division.**

30 The Commissioner, subject to the approval of the Secretary of the Department of
31 Transportation, shall organize and administer the Division in such manner as he may deem
32 necessary to conduct the work of the Division. (1941, c. 36, s. 3; 1975, c. 716, s. 5.)

33
34 **§ 20-3.1. Purchase of additional airplanes.**

35 The Division of Motor Vehicles shall not purchase additional airplanes without the express
36 authorization of the General Assembly. (1963, c. 911, s. 1 1/2; 1971, c. 198; 1975, c. 716, s. 5.)

37
38 **§ 20-4:** Repealed by Session Laws 2002-190, s. 4, effective January 1, 2003.

39
40 **§ 20-4.01. Definitions.**

41 Unless the context requires otherwise, the following definitions apply throughout this
42 Chapter to the defined words and phrases and their cognates:

43 (1a) Alcohol. – Any substance containing any form of alcohol, including ethanol,
44 methanol, propanol, and isopropanol.

45 (1b) Alcohol Concentration. – The concentration of alcohol in a person,
46 expressed either as:

47 a. Grams of alcohol per 100 milliliters of blood; or

48 b. Grams of alcohol per 210 liters of breath.

49 The results of a defendant's alcohol concentration determined by a chemical
50 analysis of the defendant's breath or blood shall be reported to the

1 hundredths. Any result between hundredths shall be reported to the next
2 lower hundredth.

3 (1c) All-Terrain Vehicle or ATV. – A motorized off-highway vehicle designed to
4 travel on three or four low-pressure tires, having a seat designed to be
5 straddled by the operator and handlebars for steering control.

6 (1d) Business District. – The territory prescribed as such by ordinance of the
7 Board of Transportation.

8 (2) Canceled. – As applied to drivers' licenses and permits, a declaration that a
9 license or permit which was issued through error or fraud, or to which G.S.
10 20-15(a)(3) applies, is void and terminated.

11 (2a) Class A Motor Vehicle. – A combination of motor vehicles that meets either
12 of the following descriptions:

13 a. Has a combined GVWR of at least 26,001 pounds and includes as
14 part of the combination a towed unit that has a GVWR of at least
15 10,001 pounds.

16 b. Has a combined GVWR of less than 26,001 pounds and includes as
17 part of the combination a towed unit that has a GVWR of at least
18 10,001 pounds.

19 (2b) Class B Motor Vehicle. – Any of the following:

20 a. A single motor vehicle that has a GVWR of at least 26,001 pounds.

21 b. A combination of motor vehicles that includes as part of the
22 combination a towing unit that has a GVWR of at least 26,001
23 pounds and a towed unit that has a GVWR of less than 10,001
24 pounds.

25 (2c) Class C Motor Vehicle. – Any of the following:

26 a. A single motor vehicle not included in Class B.

27 b. A combination of motor vehicles not included in Class A or Class B.

28 (3) Repealed by Session Laws 1979, c. 667, s. 1.

29 (3a) Chemical Analysis. – A test or tests of the breath, blood, or other bodily
30 fluid or substance of a person to determine the person's alcohol
31 concentration or presence of an impairing substance, performed in
32 accordance with G.S. 20-139.1, including duplicate or sequential analyses.

33 (3b) Chemical Analyst. – A person granted a permit by the Department of Health
34 and Human Services under G.S. 20-139.1 to perform chemical analyses.

35 (3c) Commercial Drivers License (CDL). – A license issued by a state to an
36 individual who resides in the state that authorizes the individual to drive a
37 class of commercial motor vehicle. A "nonresident commercial drivers
38 license (NRCDL)" is issued by a state to an individual who resides in a
39 foreign jurisdiction.

40 (3d) Commercial Motor Vehicle. – Any of the following motor vehicles that are
41 designed or used to transport passengers or property:

42 a. A Class A motor vehicle that has a combined GVWR of at least
43 26,001 pounds and includes as part of the combination a towed unit
44 that has a GVWR of at least 10,001 pounds.

45 b. A Class B motor vehicle.

46 c. A Class C motor vehicle that meets either of the following
47 descriptions:

48 1. Is designed to transport 16 or more passengers, including the
49 driver.

50 2. Is transporting hazardous materials and is required to be
51 placarded in accordance with 49 C.F.R. Part 172, Subpart F.

1 d. Repealed by Session Laws 1999, c. 330, s. 9, effective December 1,
2 1999.

3 (4) Commissioner. – The Commissioner of Motor Vehicles.

4 (4a) Conviction. – A conviction for an offense committed in North Carolina or
5 another state:

6 a. In-State. When referring to an offense committed in North Carolina,
7 the term means any of the following:

- 8 1. A final conviction of a criminal offense, including a no
9 contest plea.
- 10 2. A determination that a person is responsible for an infraction,
11 including a no contest plea.
- 12 3. An unvacated forfeiture of cash in the full amount of a bond
13 required by Article 26 of Chapter 15A of the General
14 Statutes.
- 15 4. A third or subsequent prayer for judgment continued within
16 any five-year period.
- 17 5. Any prayer for judgment continued if the offender holds a
18 commercial drivers license or if the offense occurs in a
19 commercial motor vehicle.

20 b. Out-of-State. When referring to an offense committed outside North
21 Carolina, the term means any of the following:

- 22 1. An unvacated adjudication of guilt.
- 23 2. A determination that a person has violated or failed to comply
24 with the law in a court of original jurisdiction or an
25 authorized administrative tribunal.
- 26 3. An unvacated forfeiture of bail or collateral deposited to
27 secure the person's appearance in court.
- 28 4. A violation of a condition of release without bail, regardless
29 of whether or not the penalty is rebated, suspended, or
30 probated.
- 31 5. A final conviction of a criminal offense, including a no
32 contest plea.
- 33 6. Any prayer for judgment continued, including any payment
34 of a fine or court costs, if the offender holds a commercial
35 drivers license or if the offense occurs in a commercial motor
36 vehicle.

37 (4b) Crash. – Any event that results in injury or property damage attributable
38 directly to the motion of a motor vehicle or its load. The terms collision,
39 accident, and crash and their cognates are synonymous.

40 (5) Dealer. – Every person engaged in the business of buying, selling,
41 distributing, or exchanging motor vehicles, trailers, or semitrailers in this
42 State, and having an established place of business in this State.

43 The terms "motor vehicle dealer," "new motor vehicle dealer," and "used
44 motor vehicle dealer" as used in Article 12 of this Chapter have the meaning
45 set forth in G.S. 20-286.

46 (5a) Dedicated natural gas vehicle. – A four-wheeled motor vehicle that meets
47 each of the following requirements:

48 a. Is made by a manufacturer primarily for use on public streets, roads,
49 and highways and meets National Highway Traffic Safety
50 Administration standards included in 49 C.F.R. § 571.

- 1 b. Has not been modified from original manufacturer specifications
2 with regard to power train or any manner of powering the vehicle.
3 c. Is powered solely by natural gas.
4 d. Is rated at not more than 8,500 pounds unloaded gross vehicle
5 weight.
6 e. Has a maximum speed capability of at least 65 miles per hour.
7 (5b) Disqualification. – A withdrawal of the privilege to drive a commercial
8 motor vehicle.
9 (6) Division. – The Division of Motor Vehicles acting directly or through its
10 duly authorized officers and agents.
11 (7) Driver. – The operator of a vehicle, as defined in subdivision (25). The terms
12 "driver" and "operator" and their cognates are synonymous.
13 (7a) Electric Personal Assistive Mobility Device. – A self-balancing nontandem
14 two-wheeled device, designed to transport one person, with a propulsion
15 system that limits the maximum speed of the device to 15 miles per hour or
16 less.
17 (7b) Employer. – Any person who owns or leases a commercial motor vehicle or
18 assigns a person to drive a commercial motor vehicle and would be subject
19 to the alcohol and controlled substance testing provisions of 49 C.F.R. § 382
20 and also includes any consortium or third-party administrator administering
21 the alcohol and controlled substance testing program on behalf of
22 owner-operators subject to the provisions of 49 C.F.R. § 382.
23 (8) Essential Parts. – All integral and body parts of a vehicle of any type
24 required to be registered hereunder, the removal, alteration, or substitution of
25 which would tend to conceal the identity of the vehicle or substantially alter
26 its appearance, model, type, or mode of operation.
27 (9) Established Place of Business. – Except as provided in G.S. 20-286, the
28 place actually occupied by a dealer or manufacturer at which a permanent
29 business of bargaining, trading, and selling motor vehicles is or will be
30 carried on and at which the books, records, and files necessary and incident
31 to the conduct of the business of automobile dealers or manufacturers shall
32 be kept and maintained.
33 (10) Explosives. – Any chemical compound or mechanical mixture that is
34 commonly used or intended for the purpose of producing an explosion and
35 which contains any oxidizing and combustive units or other ingredients in
36 such proportions, quantities, or packing that an ignition by fire, by friction,
37 by concussion, by percussion, or by detonator of any part of the compound
38 or mixture may cause such a sudden generation of highly heated gases that
39 the resultant gaseous pressures are capable of producing destructible effects
40 on contiguous objects or of destroying life or limb.
41 (11) Farm Tractor. – Every motor vehicle designed and used primarily as a farm
42 implement for drawing plows, mowing machines, and other implements of
43 husbandry.
44 (11a) For-Hire Motor Carrier. – A person who transports passengers or property
45 by motor vehicle for compensation.
46 (12) Foreign Vehicle. – Every vehicle of a type required to be registered
47 hereunder brought into this State from another state, territory, or country,
48 other than in the ordinary course of business, by or through a manufacturer
49 or dealer and not registered in this State.
50 (12a) Fuel cell electric vehicle. – A four-wheeled motor vehicle that meets each of
51 the following requirements:

- 1 a. Is made by a manufacturer primarily for use on public streets, roads,
2 and highways and meets National Highway Traffic Safety
3 Administration standards included in 49 C.F.R. § 571.
4 b. Has not been modified from original manufacturer specifications
5 with regard to power train or any manner of powering the vehicle.
6 c. Uses hydrogen and a fuel cell to produce electricity on board to
7 power an electric motor to propel the vehicle.
8 d. Is rated at not more than 8,500 pounds unloaded gross vehicle
9 weight.
10 e. Has a maximum speed capability of at least 65 miles per hour.
11 (12b) Golf Cart. – A vehicle designed and manufactured for operation on a golf
12 course for sporting or recreational purposes and that is not capable of
13 exceeding speeds of 20 miles per hour.
14 (12c) Gross Combination Weight Rating (GCWR). – Defined in 49 C.F.R. §
15 390.5.
16 (12d) Gross Combined Weight (GCW). – The total weight of a combination
17 (articulated) motor vehicle, including passengers, fuel, cargo, and
18 attachments.
19 (12e) Gross Vehicle Weight (GVW). – The total weight of a vehicle, including
20 passengers, fuel, cargo, and attachments.
21 (12f) Gross Vehicle Weight Rating (GVWR). – The value specified by the
22 manufacturer as the maximum loaded weight a vehicle is capable of safely
23 hauling. The GVWR of a combination vehicle is the GVWR of the power
24 unit plus the GVWR of the towed unit or units. When a vehicle is
25 determined by an enforcement officer to be structurally altered in any way
26 from the manufacturer's original design in an attempt to increase the hauling
27 capacity of the vehicle, the GVWR of that vehicle shall be deemed to be the
28 greater of the license weight or the total weight of the vehicle or
29 combination of vehicles for the purpose of enforcing this Chapter. For the
30 purpose of classification of commercial drivers license and skills testing, the
31 manufacturer's GVWR shall be used.
32 (12g) Hazardous Materials. – Any material that has been designated as hazardous
33 under 49 U.S.C. § 5103 and is required to be placarded under Subpart F of
34 Part 172 of Title 49 of the Code of Federal Regulations, or any quantity of a
35 material listed as a select agent or toxin under Part 73 of Title 42 of the Code
36 of Federal Regulations.
37 (13) Highway. – The entire width between property or right-of-way lines of every
38 way or place of whatever nature, when any part thereof is open to the use of
39 the public as a matter of right for the purposes of vehicular traffic. The terms
40 "highway" and "street" and their cognates are synonymous.
41 (14) House Trailer. – Any trailer or semitrailer designed and equipped to provide
42 living or sleeping facilities and drawn by a motor vehicle.
43 (14a) Impairing Substance. – Alcohol, controlled substance under Chapter 90 of
44 the General Statutes, any other drug or psychoactive substance capable of
45 impairing a person's physical or mental faculties, or any combination of
46 these substances.
47 (15) Implement of Husbandry. – Every vehicle which is designed for agricultural
48 purposes and used exclusively in the conduct of agricultural operations.
49 (15a) Inoperable Vehicle. – A motor vehicle that is substantially disassembled and
50 for this reason is mechanically unfit or unsafe to be operated or moved upon
51 a public street, highway, or public vehicular area.

1 (16) Intersection. – The area embraced within the prolongation of the lateral
2 curblines or, if none, then the lateral edge of roadway lines of two or more
3 highways which join one another at any angle whether or not one such
4 highway crosses the other.

5 Where a highway includes two roadways 30 feet or more apart, then
6 every crossing of each roadway of such divided highway by an intersecting
7 highway shall be regarded as a separate intersection. In the event that such
8 intersecting highway also includes two roadways 30 feet or more apart, then
9 every crossing of two roadways of such highways shall be regarded as a
10 separate intersection.

11 (17) License. – Any driver's license or any other license or permit to operate a
12 motor vehicle issued under or granted by the laws of this State including:

- 13 a. Any temporary license or learner's permit;
- 14 b. The privilege of any person to drive a motor vehicle whether or not
15 such person holds a valid license; and
- 16 c. Any nonresident's operating privilege.

17 (18) Local Authorities. – Every county, municipality, or other territorial district
18 with a local board or body having authority to adopt local police regulations
19 under the Constitution and laws of this State.

20 (19) Manufacturer. – Every person, resident, or nonresident of this State, who
21 manufactures or assembles motor vehicles.

22 (20) Manufacturer's Certificate. – A certification on a form approved by the
23 Division, signed by the manufacturer, indicating the name of the person or
24 dealer to whom the therein-described vehicle is transferred, the date of
25 transfer and that such vehicle is the first transfer of such vehicle in ordinary
26 trade and commerce. The description of the vehicle shall include the make,
27 model, year, type of body, identification number or numbers, and such other
28 information as the Division may require.

29 (21) Metal Tire. – Every tire the surface of which in contact with the highway is
30 wholly or partly of metal or other hard, nonresilient material.

31 (21a) Moped. – A type of passenger vehicle as defined in G.S. 105-164.3.

32 (21b) Motor Carrier. – A for-hire motor carrier or a private motor carrier.

33 (22) Motorcycle. – A type of passenger vehicle as defined in G.S. 20-4.01(27).

34 (23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle
35 designed to run upon the highways which is pulled by a self-propelled
36 vehicle. This shall not include mopeds as defined in G.S. 20-4.01(27)d1.

37 (24) Nonresident. – Any person whose legal residence is in some state, territory,
38 or jurisdiction other than North Carolina or in a foreign country.

39 (24a) Offense Involving Impaired Driving. – Any of the following offenses:

- 40 a. Impaired driving under G.S. 20-138.1.
- 41 b. Any offense set forth under G.S. 20-141.4 when conviction is based
42 upon impaired driving or a substantially similar offense under
43 previous law.
- 44 c. First or second degree murder under G.S. 14-17 or involuntary
45 manslaughter under G.S. 14-18 when conviction is based upon
46 impaired driving or a substantially similar offense under previous
47 law.
- 48 d. An offense committed in another jurisdiction which prohibits
49 substantially similar conduct prohibited by the offenses in this
50 subsection.

- 1 e. A repealed or superseded offense substantially similar to impaired
2 driving, including offenses under former G.S. 20-138 or G.S. 20-139.
3 f. Impaired driving in a commercial motor vehicle under G.S. 20-138.2,
4 except that convictions of impaired driving under G.S. 20-138.1 and
5 G.S. 20-138.2 arising out of the same transaction shall be considered
6 a single conviction of an offense involving impaired driving for any
7 purpose under this Chapter.
8 g. Habitual impaired driving under G.S. 20-138.5.

9 A conviction under former G.S. 20-140(c) is not an offense involving
10 impaired driving.

11 (25) Operator. – A person in actual physical control of a vehicle which is in
12 motion or which has the engine running. The terms "operator" and "driver"
13 and their cognates are synonymous.

14 (25a) Out of Service Order. – A declaration that a driver, a commercial motor
15 vehicle, or a motor carrier operation is out-of-service.

16 (26) Owner. – A person holding the legal title to a vehicle, or in the event a
17 vehicle is the subject of a chattel mortgage or an agreement for the
18 conditional sale or lease thereof or other like agreement, with the right of
19 purchase upon performance of the conditions stated in the agreement, and
20 with the immediate right of possession vested in the mortgagor, conditional
21 vendee or lessee, said mortgagor, conditional vendee or lessee shall be
22 deemed the owner for the purpose of this Chapter. For the purposes of this
23 Chapter, the lessee of a vehicle owned by the government of the United
24 States shall be considered the owner of said vehicle.

25 (27) Passenger Vehicles. –

26 a. Excursion passenger vehicles. – Vehicles transporting persons on
27 sight-seeing or travel tours.

28 b. For hire passenger vehicles. – Vehicles transporting persons for
29 compensation. This classification shall not include vehicles operated
30 as ambulances; vehicles operated by the owner where the costs of
31 operation are shared by the passengers; vehicles operated pursuant to
32 a ridesharing arrangement as defined in G.S. 136-44.21; vehicles
33 transporting students for the public school system under contract
34 with the State Board of Education or vehicles leased to the United
35 States of America or any of its agencies on a nonprofit basis; or
36 vehicles used for human service or volunteer transportation.

37 c. Common carriers of passengers. – Vehicles operated under a
38 certificate of authority issued by the Utilities Commission for
39 operation on the highways of this State between fixed termini or over
40 a regular route for the transportation of persons for compensation.

41 c1. Child care vehicles. – Vehicles under the direction and control of a
42 child care facility, as defined in G.S. 110-86(3), and driven by an
43 owner, employee, or agent of the child care facility for the primary
44 purpose of transporting children to and from the child care facility, or
45 to and from a place for participation in an event or activity in
46 connection with the child care facility.

47 d. Motorcycles. – Vehicles having a saddle for the use of the rider and
48 designed to travel on not more than three wheels in contact with the
49 ground, including motor scooters and motor-driven bicycles, but
50 excluding tractors and utility vehicles equipped with an additional
51 form of device designed to transport property, three-wheeled vehicles

1 while being used by law-enforcement agencies and mopeds as
2 defined in subdivision d1 of this subsection.

3 d1. Moped. – Defined in G.S. 105-164.3.

4 d2. Motor home or house car. – A vehicular unit, designed to provide
5 temporary living quarters, built into as an integral part, or
6 permanently attached to, a self-propelled motor vehicle chassis or
7 van. The vehicle must provide at least four of the following facilities:
8 cooking, refrigeration or icebox, self-contained toilet, heating or air
9 conditioning, a portable water supply system including a faucet and
10 sink, separate 110-125 volt electrical power supply, or an LP gas
11 supply.

12 d3. School activity bus. – A vehicle, generally painted a different color
13 from a school bus, whose primary purpose is to transport school
14 students and others to or from a place for participation in an event
15 other than regular classroom work. The term includes a public,
16 private, or parochial vehicle that meets this description.

17 d4. School bus. – A vehicle whose primary purpose is to transport school
18 students over an established route to and from school for the
19 regularly scheduled school day, that is equipped with alternately
20 flashing red lights on the front and rear and a mechanical stop signal,
21 that is painted primarily yellow below the roofline, and that bears the
22 plainly visible words "School Bus" on the front and rear. The term
23 includes a public, private, or parochial vehicle that meets this
24 description.

25 e. U-drive-it passenger vehicles. – Passenger vehicles included in the
26 definition of U-drive-it vehicles set forth in this section.

27 f. Ambulances. – Vehicles equipped for transporting wounded, injured,
28 or sick persons.

29 g. Private passenger vehicles. – All other passenger vehicles not
30 included in the above definitions.

31 h. Low-speed vehicle. A four-wheeled electric vehicle whose top speed
32 is greater than 20 miles per hour but less than 25 miles per hour.

33 (28) Person. – Every individual, firm, partnership, association, corporation,
34 governmental agency, or combination thereof of whatsoever form or
35 character.

36 (28a) Plug-in electric vehicle. – A four-wheeled motor vehicle that meets each of
37 the following requirements:

38 a. Is made by a manufacturer primarily for use on public streets, roads,
39 and highways and meets National Highway Traffic Safety
40 Administration standards included in 49 C.F.R. § 571.

41 b. Has not been modified from original manufacturer specifications
42 with regard to power train or any manner of powering the vehicle.

43 c. Is rated at not more than 8,500 pounds unloaded gross vehicle
44 weight.

45 d. Has a maximum speed capability of at least 65 miles per hour.

46 e. Draws electricity from a battery that has all of the following
47 characteristics:

48 1. A capacity of not less than four kilowatt hours.

49 2. Capable of being recharged from an external source of
50 electricity.

- 1 (29) Pneumatic Tire. – Every tire in which compressed air is designed to support
2 the load.
- 3 (29a) Private Motor Carrier. – A person who transports passengers or property by
4 motor vehicle in interstate commerce and is not a for-hire motor carrier.
- 5 (30) Private Road or Driveway. – Every road or driveway not open to the use of
6 the public as a matter of right for the purpose of vehicular traffic.
- 7 (31) Property-Hauling Vehicles. –
- 8 a. Vehicles used for the transportation of property.
- 9 b., c. Repealed by Session Laws 1995 (Regular Session, 1996), c. 756, s.
10 4.
- 11 d. Semitrailers. – Vehicles without motive power designed for carrying
12 property or persons and for being drawn by a motor vehicle, and so
13 constructed that part of their weight or their load rests upon or is
14 carried by the pulling vehicle.
- 15 e. Trailers. – Vehicles without motive power designed for carrying
16 property or persons wholly on their own structure and to be drawn by
17 a motor vehicle, including "pole trailers" or a pair of wheels used
18 primarily to balance a load rather than for purposes of transportation.
- 19 f. Repealed by Session Laws 1995 (Regular Session, 1996), c. 756, s.
20 4.
- 21 (31a) Provisional Licensee. – A person under the age of 18 years.
- 22 (32) Public Vehicular Area. – Any area within the State of North Carolina that
23 meets one or more of the following requirements:
- 24 a. The area is used by the public for vehicular traffic at any time,
25 including by way of illustration and not limitation any drive,
26 driveway, road, roadway, street, alley, or parking lot upon the
27 grounds and premises of any of the following:
- 28 1. Any public or private hospital, college, university, school,
29 orphanage, church, or any of the institutions, parks or other
30 facilities maintained and supported by the State of North
31 Carolina or any of its subdivisions.
- 32 2. Any service station, drive-in theater, supermarket, store,
33 restaurant, or office building, or any other business,
34 residential, or municipal establishment providing parking
35 space whether the business or establishment is open or closed.
- 36 3. Any property owned by the United States and subject to the
37 jurisdiction of the State of North Carolina. (The inclusion of
38 property owned by the United States in this definition shall
39 not limit assimilation of North Carolina law when applicable
40 under the provisions of Title 18, United States Code, section
41 13).
- 42 b. The area is a beach area used by the public for vehicular traffic.
- 43 c. The area is a road used by vehicular traffic within or leading to a
44 gated or non-gated subdivision or community, whether or not the
45 subdivision or community roads have been offered for dedication to
46 the public.
- 47 d. The area is a portion of private property used by vehicular traffic and
48 designated by the private property owner as a public vehicular area in
49 accordance with G.S. 20-219.4.
- 50 (32a) Recreational Vehicle. – A vehicular type unit primarily designed as
51 temporary living quarters for recreational, camping, or travel use that either

1 has its own motive power or is mounted on, or towed by, another vehicle.
2 The basic entities are camping trailer, fifth-wheel travel trailer, motor home,
3 travel trailer, and truck camper.

4 a. Motor home. – As defined in G.S. 20-4.01(27)d2.

5 b. Travel trailer. – A vehicular unit mounted on wheels, designed to
6 provide temporary living quarters for recreational, camping, or travel
7 use, and of a size or weight that does not require a special highway
8 movement permit when towed by a motorized vehicle.

9 c. Fifth-wheel trailer. – A vehicular unit mounted on wheels designed
10 to provide temporary living quarters for recreational, camping, or
11 travel use, of a size and weight that does not require a special
12 highway movement permit and designed to be towed by a motorized
13 vehicle that contains a towing mechanism that is mounted above or
14 forward of the tow vehicle's rear axle.

15 d. Camping trailer. – A vehicular portable unit mounted on wheels and
16 constructed with collapsible partial side walls that fold for towing by
17 another vehicle and unfold at the campsite to provide temporary
18 living quarters for recreational, camping, or travel use.

19 e. Truck camper. – A portable unit that is constructed to provide
20 temporary living quarters for recreational, camping, or travel use,
21 consisting of a roof, floor, and sides and is designed to be loaded
22 onto and unloaded from the bed of a pickup truck.

23 (32b) Regular Drivers License. – A license to drive a commercial motor vehicle
24 that is exempt from the commercial drivers license requirements or a
25 noncommercial motor vehicle.

26 (33) a. Flood Vehicle. – A motor vehicle that has been submerged or
27 partially submerged in water to the extent that damage to the body,
28 engine, transmission, or differential has occurred.

29 b. Non-U.S.A. Vehicle. – A motor vehicle manufactured outside of the
30 United States and not intended by the manufacturer for sale in the
31 United States.

32 c. Reconstructed Vehicle. – A motor vehicle of a type required to be
33 registered hereunder that has been materially altered from original
34 construction due to removal, addition or substitution of new or used
35 essential parts; and includes glider kits and custom assembled
36 vehicles.

37 d. Salvage Motor Vehicle. – Any motor vehicle damaged by collision
38 or other occurrence to the extent that the cost of repairs to the vehicle
39 and rendering the vehicle safe for use on the public streets and
40 highways would exceed seventy-five percent (75%) of its fair retail
41 market value, whether or not the motor vehicle has been declared a
42 total loss by an insurer. Repairs shall include the cost of parts and
43 labor. Fair market retail values shall be as found in the NADA
44 Pricing Guide Book or other publications approved by the
45 Commissioner.

46 e. Salvage Rebuilt Vehicle. – A salvage vehicle that has been rebuilt for
47 title and registration.

48 f. Junk Vehicle. – A motor vehicle which is incapable of operation or
49 use upon the highways and has no resale value except as a source of
50 parts or scrap, and shall not be titled or registered.

- 1 (33a) Relevant Time after the Driving. – Any time after the driving in which the
2 driver still has in his body alcohol consumed before or during the driving.
- 3 (33b) Reportable Crash. – A crash involving a motor vehicle that results in one or
4 more of the following:
5 a. Death or injury of a human being.
6 b. Total property damage of one thousand dollars (\$1,000) or more, or
7 property damage of any amount to a vehicle seized pursuant to G.S.
8 20-28.3.
- 9 (33c) Reserve components of the Armed Forces of the United States. – The
10 organizations listed in Title 10 United States Code, section 10101, which
11 specifically includes the Army and Air National Guard.
- 12 (34) Resident. – Any person who resides within this State for other than a
13 temporary or transitory purpose for more than six months shall be presumed
14 to be a resident of this State; but absence from the State for more than six
15 months shall raise no presumption that the person is not a resident of this
16 State.
- 17 (35) Residential District. – The territory prescribed as such by ordinance of the
18 Department of Transportation.
- 19 (36) Revocation or Suspension. – Termination of a licensee's or permittee's
20 privilege to drive or termination of the registration of a vehicle for a period
21 of time stated in an order of revocation or suspension. The terms
22 "revocation" or "suspension" or a combination of both terms shall be used
23 synonymously.
- 24 (37) Road Tractors. – Vehicles designed and used for drawing other vehicles
25 upon the highway and not so constructed as to carry any part of the load,
26 either independently or as a part of the weight of the vehicle so drawn.
- 27 (38) Roadway. – That portion of a highway improved, designed, or ordinarily
28 used for vehicular travel, exclusive of the shoulder. In the event a highway
29 includes two or more separate roadways the term "roadway" as used herein
30 shall refer to any such roadway separately but not to all such roadways
31 collectively.
- 32 (39) Safety Zone. – Traffic island or other space officially set aside within a
33 highway for the exclusive use of pedestrians and which is so plainly marked
34 or indicated by proper signs as to be plainly visible at all times while set
35 apart as a safety zone.
- 36 (40) Security Agreement. – Written agreement which reserves or creates a
37 security interest.
- 38 (41) Security Interest. – An interest in a vehicle reserved or created by agreement
39 and which secures payments or performance of an obligation. The term
40 includes but is not limited to the interest of a chattel mortgagee, the interest
41 of a vendor under a conditional sales contract, the interest of a trustee under
42 a chattel deed of trust, and the interest of a lessor under a lease intended as
43 security. A security interest is "perfected" when it is valid against third
44 parties generally.
- 45 (41a) Serious Traffic Violation. – A conviction of one of the following offenses
46 when operating a commercial or other motor vehicle:
47 a. Excessive speeding, involving a single charge of any speed 15 miles
48 per hour or more above the posted speed limit.
49 b. Careless and reckless driving.

- 1 c. A violation of any State or local law relating to motor vehicle traffic
2 control, other than a parking violation, arising in connection with a
3 fatal accident.
- 4 d. Improper or erratic lane changes.
- 5 e. Following the vehicle ahead too closely.
- 6 f. Driving a commercial motor vehicle without obtaining a commercial
7 drivers license.
- 8 g. Driving a commercial motor vehicle without a commercial drivers
9 license in the driver's possession.
- 10 h. Driving a commercial motor vehicle without the proper class of
11 commercial drivers license or endorsements for the specific vehicle
12 group being operated or for the passenger or type of cargo being
13 transported.
- 14 (42) Solid Tire. – Every tire of rubber or other resilient material which does not
15 depend upon compressed air for the support of the load.
- 16 (43) Specially Constructed Vehicles. – Motor vehicles required to be registered
17 under this Chapter and that fit within one of the following categories:
- 18 a. Replica vehicle. – A vehicle, excluding motorcycles, that when
19 assembled replicates an earlier year, make, and model vehicle.
- 20 b. Street rod vehicle. – A vehicle, excluding motorcycles, manufactured
21 prior to 1949 that has been materially altered or has a body
22 constructed from nonoriginal materials.
- 23 c. Custom-built vehicle. – A vehicle, including motorcycles,
24 reconstructed or assembled by a nonmanufacturer from new or used
25 parts that has an exterior that does not replicate or resemble any other
26 manufactured vehicle. This category also includes any motorcycle
27 that was originally sold unassembled and manufactured from a kit or
28 that has been materially altered or that has a body constructed from
29 nonoriginal materials.
- 30 (44) Special Mobile Equipment. – Defined in G.S. 105-164.3.
- 31 (44a) Specialty Vehicles. – Vehicles of a type required to be registered under this
32 Chapter that are modified from their original construction for an educational,
33 emergency services, or public safety use.
- 34 (45) State. – A state, territory, or possession of the United States, District of
35 Columbia, Commonwealth of Puerto Rico, a province of Canada, or the
36 Sovereign Nation of the Eastern Band of the Cherokee Indians with tribal
37 lands, as defined in 18 U.S.C. § 1151, located within the boundaries of the
38 State of North Carolina. For provisions in this Chapter that apply to
39 commercial drivers licenses, "state" means a state of the United States and
40 the District of Columbia.
- 41 (46) Street. – A highway, as defined in subdivision (13). The terms "highway"
42 and "street" and their cognates are synonymous.
- 43 (47) Suspension. – Termination of a licensee's or permittee's privilege to drive or
44 termination of the registration of a vehicle for a period of time stated in an
45 order of revocation or suspension. The terms "revocation" or "suspension" or
46 a combination of both terms shall be used synonymously.
- 47 (48) Truck Tractors. – Vehicles designed and used primarily for drawing other
48 vehicles and not so constructed as to carry any load independent of the
49 vehicle so drawn.
- 50 (48a) U-drive-it vehicles. – The following vehicles that are rented to a person, to
51 be operated by that person:

- 1 a. A private passenger vehicle other than the following:
2 1. A private passenger vehicle of nine-passenger capacity or less
3 that is rented for a term of one year or more.
4 2. A private passenger vehicle that is rented to public school
5 authorities for driver-training instruction.
6 b. A property-hauling vehicle under 7,000 pounds that does not haul
7 products for hire and that is rented for a term of less than one year.
8 c. Motorcycles.
- 9 (48b) Under the Influence of an Impairing Substance. – The state of a person
10 having his physical or mental faculties, or both, appreciably impaired by an
11 impairing substance.
- 12 (48c) Utility Vehicle. – Vehicle designed and manufactured for general
13 maintenance, security, recreational, and landscaping purposes, but does not
14 include vehicles designed and used primarily for the transportation of
15 persons or property on a street or highway.
- 16 (49) Vehicle. – Every device in, upon, or by which any person or property is or
17 may be transported or drawn upon a highway, excepting devices moved by
18 human power or used exclusively upon fixed rails or tracks; provided, that
19 for the purposes of this Chapter bicycles shall be deemed vehicles and every
20 rider of a bicycle upon a highway shall be subject to the provisions of this
21 Chapter applicable to the driver of a vehicle except those which by their
22 nature can have no application. This term shall not include a device which is
23 designed for and intended to be used as a means of transportation for a
24 person with a mobility impairment, or who uses the device for mobility
25 enhancement, is suitable for use both inside and outside a building, including
26 on sidewalks, and is limited by design to 15 miles per hour when the device
27 is being operated by a person with a mobility impairment, or who uses the
28 device for mobility enhancement. This term shall not include an electric
29 personal assistive mobility device as defined in G.S. 20-4.01(7a).
- 30 (50) Wreckers. – Vehicles with permanently attached cranes used to move other
31 vehicles; provided, that said wreckers shall be equipped with adequate
32 brakes for units being towed. (1973, c. 1330, s. 1; 1975, cc. 94, 208; c. 716,
33 s. 5; c. 743; c. 859, s. 1; 1977, c. 313; c. 464, s. 34; 1979, c. 39; c. 423, s. 1;
34 c. 574, ss. 1-4; c. 667, s. 1; c. 680; 1981, c. 606, s. 3; c. 792, s. 2; 1983, c.
35 435, s. 8; 1983 (Reg. Sess., 1984), c. 1101, ss. 1-3; 1985, c. 509, s. 6; 1987,
36 c. 607, s. 2; c. 658, s. 1; 1987 (Reg. Sess., 1988), c. 1069; c. 1105, s. 1; c.
37 1112, ss. 1-3; 1989, c. 455, ss. 1, 2; c. 727, s. 219(1); c. 771, ss. 1, 18; 1991,
38 c. 449, s. 2; c. 726, ss. 1-4; 1991 (Reg. Sess., 1992), c. 1015, s. 1; 1993 (Reg.
39 Sess., 1994), c. 761, s. 22; 1995, c. 191, s. 1; 1995 (Reg. Sess., 1996), c. 756,
40 ss. 2-4; 1997-379, s. 5.1; 1997-443, s. 11A.8; 1997-456, s. 27; 1998-149, s.
41 1; 1998-182, ss. 1, 1.1, 26; 1998-217, s. 62(e); 1999-330, s. 9; 1999-337, s.
42 28(c)-(e); 1999-406, s. 14; 1999-452, ss. 1-5; 2000-155, s. 9; 2000-173, s.
43 10(c); 2001-212, s. 2; 2001-341, ss. 1, 2; 2001-356, ss. 1, 2; 2001-441, s. 1;
44 2001-487, ss. 50(a), 51; 2002-72, s. 19(b); 2002-98, ss. 1-3; 2003-397, s. 1;
45 2005-282, s. 1; 2005-349, ss. 1-3; 2006-253, s. 8; 2007-56, s. 4; 2007-382,
46 ss. 2, 3; 2007-455, s. 1; 2007-493, s. 1; 2008-156, s. 1; 2009-274, s. 1;
47 2009-405, ss. 1, 4; 2009-416, ss. 1, 2; 2010-129, s. 1; 2011-95, s. 1;
48 2011-206, s. 1.)