

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1074
House Committee Substitute Favorable 7/22/93

Short Title: Drivers License Compact.

(Public)

Sponsors:

Referred to:

May 6, 1993

1 A BILL TO BE ENTITLED
2 AN ACT ENABLING NORTH CAROLINA TO JOIN THE DRIVERS LICENSE
3 COMPACT, MAKING TECHNICAL AND CLARIFYING CHANGES TO THE
4 MOTOR VEHICLE LAWS, AND ESTABLISHING NEW OFFENSES
5 CONCERNING THE WRONGFUL ISSUANCE OF A DRIVERS LICENSE OR A
6 SPECIAL IDENTIFICATION CARD.

7 The General Assembly of North Carolina enacts:

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

10 **"ARTICLE 1C.**

11 **"DRIVERS LICENSE COMPACT.**

12 **"§ 20-4.21. Title of Article.**

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

14 **"§ 20-4.22. Commissioner may make reciprocity agreements, arrangements, or**
15 **declarations.**

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

18 **"§ 20-4.23. Legislative findings and policy.**

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

- 21 (1) The safety of their streets and highways is materially affected by the
22 degree of compliance with state laws and local ordinances relating to
23 the operation of motor vehicles.

- 1 (2) The violation of a law or an ordinance relating to the operation of a
2 motor vehicle is evidence that the violator engages in conduct that is
3 likely to endanger the safety of persons and property.
- 4 (3) The continuance in force of a license to drive is predicated upon
5 compliance with laws and ordinances relating to the operation of
6 motor vehicles in whichever jurisdiction the vehicle is operated.
- 7 (b) Policy. – It is the policy of the General Assembly and of each of the states
8 that is a member of the Drivers License Compact to:
- 9 (1) Promote compliance with the laws, ordinances, and administrative
10 rules and regulations of a member state relating to the operation of
11 motor vehicles.
- 12 (2) Make the reciprocal recognition of licenses to drive and the eligibility
13 for a license to drive more just and equitable by making consideration
14 of overall compliance with motor vehicle laws, ordinances, and
15 administrative rules and regulations a condition precedent to the
16 continuance or issuance of any license that authorizes the holder of the
17 license to operate a motor vehicle in a member state.

18 **"§ 20-4.24. Reports of convictions; effect of reports.**

- 19 (a) Reports. – A state that is a member of the Drivers License Compact shall
20 report to another member state of the compact a conviction for any of the following:
- 21 (1) Manslaughter or negligent homicide resulting from the operation of a
22 motor vehicle.
- 23 (2) Driving a motor vehicle while impaired.
- 24 (3) A felony in the commission of which a motor vehicle was used.
- 25 (4) Failure to stop and render aid in the event of a motor vehicle accident
26 resulting in the death or personal injury of another.

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

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

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

41 **"§ 20-4.25. Review of license status in other states upon application for license in**
42 **member state.**

43 Upon application for a license to drive, the licensing authority of a state that is a
44 member of the Drivers License Compact must determine if the applicant has ever held,

1 or currently holds, a license to drive issued by another member state. The licensing
2 authority of the member state where the application is made may not issue the applicant
3 a license to drive if:

4 (1) The applicant has held a license, but it has been revoked for a violation
5 and the revocation period has not ended. If the revocation period is for
6 more than one year and it has been at least one year since the license
7 was revoked, the licensing authority may allow the applicant to apply
8 for a new license if the laws of the licensing authority's state permit the
9 application.

10 (2) The applicant currently holds a license to drive issued by another
11 member state and does not surrender that license.

12 **"§ 20-4.26. Effect on other laws or agreements.**

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

18 **"§ 20-4.27. Effect on other State driver license laws.**

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

22 **"§ 20-4.28. Administration and exchange of information.**

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

29 **"§ 20-4.29. Withdrawal from Drivers License Compact.**

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

35 **"§ 20-4.30. Construction and severability.**

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

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

43 "(b) Every application for a drivers license shall be made upon the approved form
44 furnished by the Division. The Division may require an applicant for a drivers license

1 to present at least two forms of identification approved by the Commissioner. The
2 Division may copy the identification presented or hold it for a brief period of time to
3 verify its authenticity."

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

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

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

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

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

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

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

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

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

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

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

42 "**§ 20-23. ~~Suspending~~Revoking resident's license upon conviction in another state.**

43 The Division ~~is authorized to suspend or may~~ revoke the license of any resident of this
44 State upon receiving notice of the person's conviction as defined in G.S. 20-24(e) of

1 such person in another state of the offenses hereinafter enumerated which, if committed in
 2 this State, would be grounds for the suspension or revocation of the license of an operator. The
 3 provisions of this section shall apply only for the offenses as an offense set forth in G.S. 20-
 4 26(a)."

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

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

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

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

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

31 "**§ 20-34.1. Unlawful to issue licenses for anything of value except prescribed fees.**
 32 **Violations for wrongful issuance of a drivers license or a special**
 33 **identification card.**

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

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

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

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

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

20 Sec. 10. G.S. 20-115.1(b) reads as rewritten:

21 "(b) Motor vehicle combinations consisting of a semitrailer of not more than 53
22 feet in length and a truck tractor may be operated on the interstate highways (except
23 those exempted by the United States Secretary of Transportation pursuant to 49 USC
24 U.S.C. 2311(i)) and federal-aid primary system highways designated by the United
25 States Secretary of Transportation provided that any semitrailer in excess of 48 feet in
26 length shall not be permitted unless the distance between the kingpin of the trailer and
27 the rearmost axle or a point midway between the two rear axles, if the two rear axles are
28 a tandem axle, does not exceed 41 feet; and provided that any semitrailer in excess of 48
29 feet is equipped with a rear underride guard of substantial construction consisting of a
30 continuous lateral beam extending to within four inches of the lateral extremities of the
31 semitrailer and located not more than ~~22 inches~~ 30 inches from the surface as measured
32 with the vehicle empty and on a level surface."

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

34 "(e) Penalties. –

35 (1) Except as provided in ~~G.S. 20-118(e)(2)~~, subdivision (2) of this
36 subsection, for each violation of the single-axle or tandem-axle weight
37 limits as provided in G.S. 20-118(b)(1), 20-118(b)(2), and 20-118(b)(4), the
38 ~~owner or registrant of the vehicle shall pay to set in subdivision (b)(1),~~
39 (b)(2), or (b)(4) of this section, the Department of Transportation shall
40 assess a civil penalty against the owner or registrant of the vehicle in
41 accordance with the following schedule: for the first 1,000 pounds or
42 any part thereof, four cents (4¢) per pound; for the next 1,000 pounds
43 or any part thereof, six cents (6¢) per pound; and for each additional
44 pound, ten cents (10¢) per pound. The foregoing schedule of These

1 penalties shall apply separately to each weight limit violated. In all
2 cases of violation of the weight limitation, the penalty shall be
3 computed and assessed on each pound of weight in excess of the
4 maximum permitted in G.S. 20-118(b)(1), 20-118(b)(2), and 20-118(b)(4).
5 permitted.

6 (2) For ~~each a~~ violation of the single-axle or tandem-axle weight limit as
7 provided in G.S. 20-118(b)(1) and 20-118(b)(2) by vehicles limits set in
8 subdivision (b)(1) or (b)(2) of this section by a motor vehicle that is
9 transporting processed and or unprocessed seafood from boats or any
10 other point of origin to a processing plant or a point of further
11 distribution, meats and or agricultural crop products originating from a
12 farm, or farm to first market, unprocessed forest products originating
13 from a farm or from woodlands to first market, or livestock or poultry
14 by-products from their point of origin to a rendering plant, or that is
15 fully enclosed motor vehicles enclosed, is designed specifically for
16 collecting, compacting compacting, and hauling garbage from
17 residences, residences or from garbage dumpsters when operating for
18 those purposes, dumpsters, and is being operated for that purpose, the
19 owner or registrant of the vehicle shall pay to the Department of
20 Transportation shall assess a civil penalty which equals against the
21 owner or registrant of the vehicle equal to the amount produced by
22 applying one-half of the rate indicated in the schedule in G.S. 20-
23 118(e)(1) subdivision (1) of this subsection to the weight in pounds on
24 each axle in excess of the maximum weight in pounds allowed under
25 G.S. 20-118(b)(1) and 20-118(b)(2). allowed.

26 (3) Except as provided in G.S. 20-118(e)(4), subdivision (4) of this
27 subsection, for each a violation of any an axle-group weight limit as
28 provided in G.S. 20-118(b)(3), set in subdivision (b)(3) of this section,
29 the owner or registrant shall pay the Department of Transportation shall
30 assess a civil penalty against the owner or registrant of the motor
31 vehicle in accordance with the following schedule: for the first 2,000
32 pounds or any part thereof, two cents (2¢) per pound, pound; for the
33 next 3,000 pounds or any part thereof, four cents (4¢) per pound; for
34 each pound in excess of 5,000 pounds, ten cents (10¢) per pound. The
35 schedule of These penalties shall apply separately to each axle-group
36 weight limit violated. The penalty shall be assessed on each pound of
37 weight in excess of the maximum permitted in G.S. 20-118(b)(3).
38 permitted.

39 (4) For ~~each a~~ violation of any weight limit as provided in G.S. 20-
40 118(b)(3) by vehicles set in subdivision (b)(3) of this section by a
41 motor vehicle transporting processed and unprocessed seafood from
42 boats or any other point of origin to a processing plant or a point of
43 further distribution, meats and agricultural crop products originating
44 from a farm or forest products originating from a farm or woodlands to

1 first market, or livestock or poultry by products from point of origin to
2 a rendering plant, or fully enclosed motor vehicles designed
3 specifically for collecting, compacting and hauling garbage from
4 residences, or from garbage dumpsters when operating for those
5 purposes, the owner or registrant shall pay to described in subdivision
6 (2) of this subsection, the Department of Transportation shall assess a
7 civil penalty which equals against the owner or registrant of the motor
8 vehicle equal to the amount produced by applying one-half of the rate
9 indicated in the schedule in G.S. 20-118(e)(3) subdivision (3) of this
10 subsection to the weight in pounds on each axle group in excess of the
11 maximum weight in pounds allowed under G.S. 20-118(b)(3) allowed.
12 (5) The civil penalties provided in this section shall constitute the sole
13 penalty for violations of G.S. 20-118(b)(1), 20-118(b)(2), 20-118(b)(3),
14 20-118(b)(4), 20-118(i), and 20-118(j), the weight limits in this section
15 and violators thereof shall not be subject to criminal action except as
16 provided in G.S. 20-96 and as provided in G.S. 136-72 for any vehicle
17 or combination of vehicles exceeding the safe load carrying capacity
18 for bridges on the State Highway System as established and posted by
19 the Department of Transportation."

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

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

22 **"§ 136-55.1. Notice of abandonment.**

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

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

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

37 **"§ 136-63. Change or abandonment of roads.**

38 (a) The board of county commissioners of any county may, on its own motion or
39 on petition of a group of citizens, request the Board of Transportation to change or
40 abandon any road in the secondary system when the best interest of the people of the
41 county will be served thereby. The Board of Transportation shall thereupon make
42 inquiry into the proposed change or abandonment, and if in its opinion the public
43 interest demands it, shall make such change or abandonment. If the change or
44 abandonment shall affect a road connecting with any street of a city or town, the change

1 or abandonment shall not be made until the street-governing body of the city or town
2 shall have been duly notified and given opportunity to be heard on the question. Any
3 request by a board of county commissioners or street-governing body of a city refused
4 by the Board of Transportation may be presented again upon the expiration of 12
5 months.

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

10 Sec. 15. Section 8 of this act becomes effective December 1, 1993. Sections
11 3 and 12 of this act become effective January 1, 1995. The remaining sections of this
12 act are effective upon ratification.