

Transportation

See full summary documents for additional detail

H92 - Cherokee Reg. Plate/Teaching Agreement.

Sec. 1: Eastern Band of Cherokee Special Registration Plate. (SL 2018-7)

Sec. 1 of S.L. 2018-7 authorizes the Division of Motor Vehicles (DMV) to produce a special registration plate for the Eastern Band of Cherokee Indians, a federally recognized tribe. The plate is issuable to any member of the Eastern Band of Cherokee Indians who presents a tribal identification card, and may bear a phrase or emblem representing the Eastern Band of Cherokee Indians. The plate is not subject to the special registration plate fee or the special plate approval process.

This section became effective June 13, 2018.

SECTION 1: SPECIAL REGISTRATION PLATE FOR THE EASTERN BAND OF CHEROKEE INDIANS

H223 - Special Plates/Handicapped Placard Renewal. (SL 2018-77)

S.L. 2018-77 makes the following changes to the law as it relates to special registration plates:

- Authorizes the Division of Motor Vehicles (Division) to issue a 100% Disabled Veteran motorcycle plate and a Partially Disabled Veteran motorcycle plate, and authorizes the Division to issue free of charge, upon request, a single 100% Disabled Veteran motorcycle plate.
- Authorizes the Division to produce new Alpha Phi Alpha and Order of the Eastern Star special registration plates.
- Reduces the number of applications required, from 300 to 100, before the Division develops a collegiate insignia plate for a public military college or university.
- Provides that handicap placards that expire after a person has reached 80 years of age do not have to be renewed and remain valid.
- Authorizes Secretaries of participating Departments to delegate budgetary decisions under a certain dollar threshold to their Chief Information Officers for the purpose of State information technology consolidation under the Department of Information Technology.

The new Alpha Phi Alpha and Order of the Eastern Star Prince Hall Affiliated plates will become effective February 1, 2019. The authorization for Department Secretaries to delegate certain budgetary decisions became effective July 1, 2018. The remainder of the act became effective June 25, 2018.

H619 - Clarify Motor Vehicle Dealer Laws. (SL 2018-27)

S.L. 2018-27 makes changes to North Carolina's Motor Vehicle Dealers and Manufacturers Licensing Law by:

- Prohibiting a vehicle manufacturer, factory branch, or distributor from coercing a motor vehicle dealer to change locations of or make substantial alteration to dealership facilities in certain circumstances.

- Clarifying that existing requirements, as specified by the vehicle manufacturer or distributors, regarding dealer warranty obligations and compensation apply to recall service performed by dealers.
- Amending existing requirements for dealership customer data protection.
- Prohibiting vehicles manufactures from establishing performance criteria for its dealers for purposes of terminating franchise agreements.
- Delaying the date for mandatory use of Loaner/Dealer (LD) license plates on service loaner vehicles under certain circumstances.

This act became effective June 22, 2018.

S99 - Appropriations Act of 2018.

Sec. 34.5: Toll Road and Lane Clarifications. (SL 2018-5)

Section 34.5 of S.L. 2018-5 clarifies toll revenue uses and revises amounts the North Carolina Department of Transportation (NCDOT) must make available for construction of projects using funding from toll revenue.

This section became effective on June 12, 2018. Modifications to toll revenue uses apply to revenues derived on or after that date. The HOT lane reporting requirement applies to projects whose contracts are advertised on or after that date.

S99 - Appropriations Act of 2018.

Sec. 34.6: Clarify STI Law. (SL 2018-5)

Section 34.6 of S. L. 2018-5 clarifies various funding aspects for transportation projects under Article 14B of Chapter 136, Strategic Prioritization Funding Plan for Transportation Investments (STI), including:

- Clarifying that project caps apply to a single project or group of projects, regardless of being contiguous for the purposes of Statewide Strategic Mobility Projects funding under STI law.
- Clarifying the disposition of allocated bonus funds for projects utilizing tolling, but tolls are not implemented or removed subsequently.
- Clarifying that certain federal program activities utilizing State funds to match federal Congestion Mitigation and Air Quality Improvement program funds are not subject to the prioritization criteria.
- Modifying the variance limitations for obligated funding for Statewide Strategic Mobility Projects, Regional Impact Projects, and Division Need Projects.
- Raises total State investment caps for Division Need Projects requested by the North Carolina Department of Transportation (NCDOT) in support of time-critical job creation opportunities, and requires NCDOT to report to the Joint Legislative Transportation Oversight Committee detailing these projects.

This section became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 34.7: STI/Additional Requirement For High Cost Projects. (SL 2018-5)

Sec. 34.7 of S.L. 2018-5, as amended by Sec. 7.5 of S.L. 2018-97, amends Article 14B of Chapter 136, Strategic Prioritization Funding Plan for Transportation Investments (STI), by adding additional requirements for high-costs projects, including light rail projects.

This section became effective June 12, 2018.

S99 - Appropriations Act of 2018.

Sec. 34.9: Extend Map Act Moratorium. (SL 2018-5)

Sec. 34.9 of S.L. 2018-5 extends the moratorium on transportation corridor official map adoptions until July 1, 2019.

This section became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 34.14: Replacement ROW for Utility Relocation. (SL 2018-5)

Sec. 34.14 of S.L. 2018-5 authorizes the Department of Transportation (DOT) to, upon agreement with a utility owner, acquire replacement right-of-way (ROW) and assign the easement rights to the ROW to the utility owner.

This section became effective July 1, 2018.

S99 - Appropriations Act of 2018.

Sec. 34.15: Unanticipated Bridge or Road Closure/Waiver of Bidding Requirements. (SL 2018-5)

Sec. 34.15 of S.L. 2018-5 defines the term "emergency" as it relates to the authority of the Department of Transportation to contract for construction, maintenance, or repair without complying with bidding requirements upon a determination of the Secretary of Transportation that an emergency exists.

This section became effective July 1, 2018.

CURRENT LAW: The Department of Transportation may enter into construction, maintenance, or repair contracts without complying with bidding requirements upon a determination of the Secretary of Transportation that an emergency exists and that it is not feasible or not in the public interest to comply with the bidding requirements. The term "emergency" was not previously defined as it relates to this authority under G.S. 136-28.1(e).

S99 - Appropriations Act of 2018.

Sec. 34.18: Zoning or Permit Request/Prohibit City from Requiring Waiver by School of Certain Rights and Requirements. (SL 2018-5)

Sec. 34.18 of S.L. 2018-5, as amended by Sec. 7.4 of S.L. 2018-97, prohibits including as a basis for denying a zoning or rezoning request from a school, the level of service of a road facility or facilities abutting or near the school within a city.

This section became effective June 12, 2018 and applies retroactively to August 1, 2017. Any ordinance, resolution, regulation, or policy in effect on or after August 1, 2017, that violates or is not consistent with the provisions of this section is null and void as of June 12, 2018.

S99 - Appropriations Act of 2018.

Sec. 34.27: Special Registration Plates/State and National Mottos. (SL 2018-5)

Sec. 34.27 of S.L. 2018-5, as amended by Sec. 16.10 of S.L. 2018-74, authorizes the issuance of a "National/State Mottos" license plate.

This section became effective July 1, 2018.

S145 - DOT/DMV Legislative Requests. (SL 2018-74)

S.L. 2018-74 makes various changes to transportation laws, and includes:

- Amendments to the North Carolina Department of Transportation (NCDOT or Department) property acquisition and right-of-way claim report laws with related changes to the North Carolina Appraisers Act.
- Revisions to various NCDOT reporting requirements (Sections 2 through 4, and 6).
- Repeal of NCDOT's annual construction program.
- Elimination of the mailing requirement for rules and regulations related to motor vehicle dealers and manufacturers.
- Authorization for the Division of Motor Vehicles to waive the commercial drivers license knowledge and skills test for certain trained and experienced military drivers.
- Authorization for the Division of Motor Vehicles to share confidential driver medical records with other state and federal agencies for limited purposes.
- Registration plate clarifications, fee increases, and plate authorizations. (Sections 11 through 14, and 16).
- Exemption of firefighting or emergency equipment operators from the CDL requirement.
- Repeal of the unmarked police vehicle signage law.
- Clarifications to manufactured home security interest and improvement permit laws.
- Clarification to weigh in motion requirements related to ready-mixed concrete trucks.

Section 2 of the act, amending DOT Report Program Requirements, became effective June 15, 2018, however, the reports must be provided to the General Assembly until the performance dashboard is updated with the information. Section 9, authorizing a CDL exemption for certain military drivers, becomes

effective October 1, 2018. Sections 11 and 12, authorizing new special registration plates, becomes effective February 1, 2019. The remainder of the act became effective July 1, 2018.

S411 - Various Motor Vehicle Law Revisions.

Electronic Lien Sys. Req. & Motor Veh. Dealer Law Revisions. (SL 2018-42)

Secs. 1 through 5 of S.L. 2018-42 make the following changes to motor vehicle dealer and titling laws:

- Requires all individuals and lienholders who conduct at least five motor vehicle transactions a year to use the electronic lien system.
- Makes various changes to laws related to the process of motor vehicle dealers transferring certain motor vehicles when a vehicle's statement of origin or certificate of title are unavailable.
- Delays the date dealers are required to start using LD plates for loaner vehicles from January 1, 2019, to January 1, 2021.
- Requires dealers issuing temporary registration plates to purchasers to deliver sales documents and fees to the Division within 20 days, rather than 10 working days.
- Requires new motor vehicles to be inspected prior to delivery to the purchaser, rather than prior to sale.

The provisions of these sections pertaining to motor vehicle dealers and transfers of vehicles become effective January 1, 2019. The remainder of these sections became effective June 22, 2018.

S411 - Various Motor Vehicle Law Revisions.

Secs. 6, 7, and 8: Motor Vehicle Taxes. (SL 2018-42)

Secs. 6, 7, and 8 of S.L. 2018-42 clarify the applicability of local and regional public transportation registration taxes and DMV fee adjustments on motor vehicles sold by a motor vehicle dealer by making clear that the applicable rate or fee is the one in effect on the date of sale, regardless of the date of submission of the title and registration application.

These sections became effective June 22, 2018, and apply to any tax or tax increase with an effective date on or after that date.

S412 - Abandoned Vehicles/Charities. (SL 2018-43)

S.L. 2018-43 does the following:

- Provides a process for used motor vehicle dealers to sell vehicles donated to charitable organizations when the donated vehicle is titled in this State but the title is not provided with the donation.
- Provides that a charitable organization is not required to register and title a vehicle that was donated to the organization solely for purposes of resale.
- Provides that willful and intentional failure to comply with the new statutory process is grounds for denying, suspending, placing on probation, or revoking a motor vehicle dealer's license.

- Exempts a charitable organization where a vehicle was donated to the organization solely for purposes of resale from the definition of motor vehicle dealer.
- Exempts a charitable organization from paying highway use tax for a title issued as the result of a transfer of a vehicle to the organization that was donated solely for purposes of resale.

This act became effective June 22, 2018.

S616 - Heroin & Opioid Prevention & Enforcement Act. (SL 2018-44)

S.L. 2018-44 does the following:

- Amends laws pertaining to the North Carolina Controlled Substances Act.
- Amends laws pertaining to the North Carolina Controlled Substances Reporting System Act.
- Establishes conditions and requirements for the release of information from the Controlled Substances Reporting System to local law enforcement.
- Revises and establishes penalties for certain violations.
- Expresses the intent to appropriate additional funds in the future for community-based substance use disorder treatment and recovery services, the purchase of overdose medications, Operation Medicine Drop, and a special agent position with the State Bureau of Investigation.
- Amends the statewide Telepsychiatry program that delivers mental health and substance abuse care.

This act has various effective dates. Please see the full summary for more detail.

S750 - Health in Local Confinement/Veterinarians Controlled Substances/Wendell Holmes Murphy Freeway/Tax Due Date. (SL 2018-76)

S.L. 2018-76 does the following:

- Addresses health issues in local confinement facilities.
- Ensures State prisons are full participants in the NC Health Information Exchange, known as NC HealthConnex.
- Amends the duties of law enforcement officers related to involuntary commitment.
- Amends the North Carolina Controlled Substances Act and the Controlled Substances Reporting System pertaining to the practice of veterinary medicine.
- Requires continuing education for veterinarians on the abuse of controlled substances.
- Includes the North Carolina Veterinary Medical Board on the Prescription Drug Abuse Advisory Committee.
- Amends various budget provisions.

This act has various effective dates. Please see the full summary for more detail.

S758 - Build NC Bond Act of 2018. (SL 2018-16)

S.L. 2018-16, The Build NC Bond Act of 2018, authorizes the issuance of up to \$3 billion in special indebtedness to create an additional funding source for Build NC Projects, which consists of Division Needs

Projects and Regional Impact Projects scheduled in accordance with the Strategic Transportation Investments law in Article 14B of Chapter 136 of the General Statutes.

This act becomes effective January 1, 2019 and expires December 31, 2028.