

Transportation

See full summary documents for additional detail

Limited Provisional License Modification.

SL 2023-13 (S157)

S.L. 2023-13 does the following:

- Reduces the minimum amount of time a teen must hold a Level 1 limited learner's permit before applying for a Level 2 limited provisional license under graduated drivers licensing.
- Provides that when a vehicle driven by an unsupervised Level 2 limited provisional licensee has a family/household member passenger under the age of 21, the vehicle can also have one non-family/non-household member passenger under the age of 21 when that passenger is a student being driven directly to or from school.

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

Civilian Traffic Investigators.

SL 2023-52 (H140)

S.L. 2023-52 allows municipalities to hire civilian traffic investigators to investigate car crashes involving only property damage. Civilian traffic investigators have no power to arrest and do not replace current law enforcement officials. Civilian traffic investigators may write reports that are admissible in court, but not carry weapons or perform arrests.

This act became effective June 23, 2023.

Clarify Definition of Property-Hauling Vehicles – North Carolina Farm Act of 2023.

SL 2023-63 (S582), Sec. 3

Section 3 of S.L. 2023-63 provides that a fifth-wheel trailer, recreational vehicle, semitrailer, or trailer used exclusively or primarily to transport vehicles in connection with motorsports competition events is not considered a property-hauling vehicle.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

Farm Equipment Defense for Stop Light Inductive Loops – North Carolina Farm Act of 2023.

SL 2023-63 (S582), Sec. 3.1

Section 3.1 of S.L. 2023-63 creates a statutory defense for the operator of farm equipment or machinery who runs a red light using an inductive loop to activate the traffic signal if all the following conditions are met:

- The operator brought the farm equipment or machinery to a complete stop at the light.
- No other vehicle that was entitled to have the right-of-way was sitting at, traveling through, or approaching the intersection.
- No pedestrians were attempting to cross at or near the intersection.
- The farm equipment or machinery operator waited at least three minutes at the intersection before entering.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023.

Amend Rule 4/Acceptance of Service - Part II.

SL 2023-97 (S91)

Part II of S.L. 2023-97, as amended by Section 8 of S.L. 2023-114, creates offenses for unauthorized street takeovers such as blocking traffic to perform stunts or contests.

This Part became effective December 1, 2023, and applies to offenses committed on or after that date.

Clarify Motor Vehicle Dealer Laws.

SL 2023-116 (H447)

S.L. 2023-116 makes the following changes to North Carolina laws related to motor vehicle dealers and manufacturers:

- Provides additional requirements and prohibitions for manufacturers regarding availability of vehicles and parts to dealers and dealer control over sales and business decisions.
- Prohibits manufacturers from unreasonably interfering with dealer websites and prohibits manufacturers from using their websites to negotiate directly with customers or in a way that provides unequal visibility to its dealers.
- Provides additional requirements for manufacturers with regard to allocation of vehicles to dealers.
- Regulates sales of add-on products by manufacturers to retail customers.

- Clarifies provision regarding retail rates for warranty work reimbursed by manufacturers.
- Extends existing grandfather provisions allowing certain manufacturer incentive programs.
- Requires the Division of Motor Vehicles to determine whether entering settlement agreements or consent orders with dealer and manufacturer licensees for violations of licensing laws would promote interests of justice and administrative efficiency.
- For conditionally delivered vehicles, requires the purchaser to notify the insurer that financing has been approved and clarifies that the purchaser is solely responsible for obtaining insurance on the vehicle.
- Requires publication of notice of a manufacturer's application for a dealer license in the North Carolina Register and that the hearing determining whether the manufacturer qualifies for a license be held no earlier than 30 days from the date of publication.

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

Prohibition on State or Regional Emissions Standards for New Motor Vehicles – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 12.6

Section 12.6 of S.L. 2023-134 prohibits any agency of the State from adopting and enforcing standards relating to control of emissions from new motor vehicles or new motor vehicle engines, including requirements that mandate the sale or purchase of "zero-emission vehicles," or electric vehicles. These prohibitions, however, do not affect requirements for the State's vehicle emissions testing and maintenance program.

This section became effective October 3, 2023.

Reduce Emissions Inspections Requirements – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 12.7

Section 12.7.(a) of S.L. 2023-134 modifies the age of vehicles subject to emissions inspections requirements by: (i) eliminating the requirement for vehicles older than the three most recent model years to those within 20 years of the current model year; and (ii) requiring inspections for those within 20 years of the current model year and earlier than the 2017 model year.

Section 12.7.(b) eliminates emissions inspection requirements in 18 counties (Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lincoln, New Hanover, Randolph, Rowan, Union, and Wake), and require inspections for Mecklenburg County only.

Section 12.7.(c) requires that, no later than July 1, 2024, the Department of Environmental Quality must prepare and submit to the United States Environmental Protection Agency (USEPA) for approval a proposed North Carolina State Implementation Plan amendment based on the change to the motor vehicle emissions testing program set forth in Sections 12.7.(a) and 12.7.(b).

Section 12.7.(c) became effective July 1, 2023. Sections 12.7.(a) and 12.7.(b) become effective on the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that USEPA has approved an amendment to the SIP submitted as required by Section 12.7.(c).

Automated External Defibrillator Report – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.6A

Section 41.6A of S.L. 2023-134 requires the North Carolina Department of Transportation to submit a report on the status of automated external defibrillator (AED) purchases and installations.

This section became effective July 1, 2023.

Roadside Environmental – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.8

Section 41.8 of S.L. 2023-134 specifies the amounts the North Carolina Department of Transportation must spend on Roadside Environmental for the 2023-2025 fiscal biennium, and enacts laws that regulate the use of plants and seeds in State Parks and on State highway right-of-way.

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

Ferry Maintenance Report – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.11B

Section 41.11B of S.L. 2023-134 requires the Ferry Division of the Department of Transportation to report on the use of funds appropriated for marine and facilities maintenance for each year of the 2023-2025 fiscal biennium, including (i) the projects on which the funds were used, (ii) the amount of funds used for each project, (iii) whether the work on the project was performed by a contractor or by the Ferry Division, and (iv) the name of the contracting company for all work performed by a contractor. The report must be submitted to the chairs of the Joint Legislative Transportation Oversight Committee, the chairs of the House and Senate Transportation Appropriations Committees, and the Fiscal Research Division on June 30, 2024, and June 30, 2025.

This section became effective July 1, 2023.

Ferry Maintenance Capacity Study – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.11E

Section 41.11E of S.L. 2023-134 directs the Ferry Division of the North Carolina Department of Transportation to study increasing in-house capacity for vessel maintenance.

Modify Low-Speed Vehicle Definition – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.11H

Section 41.11H of S.L. 2023-134 expands the definition of low-speed vehicle to include a four-wheeled vehicle propelled by a gasoline engine. The current definition of low-speed vehicle is limited to electric vehicles.

This section became effective October 1, 2023.

S-Line Annual Report – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.12

Section 41.12 of S.L. 2023-134 directs the North Carolina Department of Transportation to submit an annual report on the S-Line rail corridor reconstruction project.

This section became effective July 1, 2023.

Passenger Rail Fleet Plan and Cost Estimates – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.13

Section 41.13 of S.L. 2023-134 requires the Department of Transportation to report on its passenger rail fleet plan to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division by December 31, 2023.

This section became effective July 1, 2023.

Extend Duration of Licenses and Allow Unlimited Remote License Renewal – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.14

Section 41.14 of S.L. 2023-134 extends the duration of original and renewed drivers licenses from eight to sixteen years for licensees between the ages of 18 and 65, requires the Division of Motor Vehicles (DMV) to offer remote renewal of drivers licenses and remote conversion of full provisional drivers licenses if certain statutory requirements are met, and removes from those statutory requirements the condition that the most recent remote renewal or conversion be in person.

This section becomes effective July 1, 2024.

Study on Department of Motor Vehicles Mail Flow and Routing – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.14A

Section 41.14A of S.L. 2023-134 requires the Division of Motor Vehicles to study the flow and routing of mail related to the Division's provision of services and other business and report its findings and recommendations no later than January 15, 2024.

This section became effective October 3, 2023.

Division of Motor Vehicles Privatization Study – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.14C

Section 41.14C of S.L. 2023-134 requires the Legislative Services Officer and Joint Legislative Transportation Oversight Committee to issue a request for proposals by November 1, 2023, and select a consultant by January 1, 2024, to study the feasibility and advisability of further privatizing and modernizing the Division of Motor Vehicles. The Department of Transportation is required to transfer \$125,000 from the Highway Fund to the General Assembly for consultant selection and retention, and the consultant is required to report the findings of the study and any legislative recommendations to the chairs of the Joint Legislative Transportation Oversight Committee, the chairs of the House and Senate Transportation Appropriations Committees, and the Fiscal Research Division by May 1, 2024.

This section became effective October 3, 2023.

Increase Electric and Hybrid Vehicle Fees – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.14D

Section 41.14D of S.L. 2023-134 increases the additional registration fee for electric vehicles and creates a new additional registration fee for plug-in hybrid vehicles.

This section becomes effective January 1, 2024, and applies to vehicles registered on or after that date.

Authorize the Division of Motor Vehicles to Implement Transaction Fees on Electronic Payments – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.14E

Section 41.14E of S.L. 2023-134 requires the Division of Motor Vehicles (DMV), Department of Transportation, to develop a plan for adding a fee to transactions where it accepts electronic

payment to offset any service charge DMV pays for electronic payment service and to submit the plan to the chairs of the Joint Legislative Transportation Oversight Committee, the chairs of the House and Senate Transportation Appropriations Committees, and the Fiscal Research Division by January 1, 2024. This section also authorizes DMV to charge a transaction fee of up to 2% of the electronic payment beginning July 1, 2024.

The directive to DMV became effective October 3, 2023. The provision authorizing DMV to add a transaction fee of up to 2% for electronic payments becomes effective July 1, 2024.

Authorize Issuance of Oversize Permits for Movement of Sheds and Other Structures up to 16 Feet Wide – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 41.14G

Section 41.14G of S.L. 2023-134 authorizes the Department of Transportation to issue oversize permits for the movement of sheds and other structures up to 16 feet in width.

This section became effective October 1, 2023.

Enact New Transportation Commerce Tax – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 42.19

Section 42.19 of S.L. 2023-134 creates a new excise tax applicable to the gross receipts derived from each ride using a for-hire ground transportation service provider, such as Uber, Lyft, or a taxi service. The rate is 1.5% for exclusive ride service and 1% for shared ride service. The proceeds of the tax are credited to the Highway Fund.

This section becomes effective July 1, 2025, and applies to for-hire ground transport services occurring on or after that date.

Modify the Application of Riparian Buffer Rules Regarding Airport Facilities; Modify Certain Provisions of the Floodplain Regulation Statutes to Direct the Department of Public Safety to Issue Floodplain Permits for Certain Airport Projects – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 21-22

Sections 21 and 22 of S.L. 2023-137 modify the application of riparian buffer rules and modify certain provisions of the floodplain regulation statutes to allow certain airport projects to receive necessary permits and authorizations to proceed.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. These sections became effective on October 10, 2023.

Increase Allowable Vehicle Height by Six Inches to Fourteen Feet – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 52

Section 52 of S.L. 2023-137 raises the maximum allowable vehicle height for vehicles that are permissible on State highways by six inches, to 14 feet.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on December 1, 2023, and applies to offenses committed on or after that date.

Automatic License Plate Readers in State Right-of-Way Pilot – Various Changes to Criminal and Civil Laws.

SL 2023-151 (S409), Sec. 5

Section 5 of S.L. 2023-151 establishes a pilot program for placement of automatic license plate reader systems in State right-of-way and makes various changes to existing laws that relate to automatic license plate reader systems.

This section has various effective dates. Please see the full summary for more details.