

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 1029

Short Title: DOT/DMV Legislative Requests. (Public)

Sponsors: Representatives Torbett and Iler (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Transportation

May 30, 2018

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE TRANSPORTATION LAWS OF THE STATE, AS  
RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT  
COMMITTEE.

The General Assembly of North Carolina enacts:

**PART I. DEPARTMENT OF TRANSPORTATION**

**DOT PROPERTY ACQUISITIONS/RIGHT-OF-WAY CLAIM REPORT**

**SECTION 1.(a)** G.S. 136-19.6 reads as rewritten:

**"§ 136-19.6. ~~Appraisal-waiver valuation.~~ Right-of-Way Claim Report**

(a) Intent. – It is the intent of the General Assembly to provide the Department of Transportation with the resources and flexibility necessary to accelerate the time in which projects are completed while maintaining fairness to affected property owners and other citizens of this State. It is the belief of the General Assembly that providing the Department with the flexibility allowed under subsection (b) of this section will help toward achieving this intent. Therefore, the Department is encouraged to utilize the flexibility provided in subsection (b) of this section for all acquisitions of land in which the ~~value estimate~~ of the acquisition is ~~estimated~~ at ten thousand dollars (\$10,000) or less.

(b) Permissive Exception to Appraisal. – When the Department acquires land, and except as otherwise required by federal law, an appraisal is not required if the Department ~~determines that the anticipated value of estimates that~~ the proposed acquisition is ~~estimated at~~ forty thousand dollars (\$40,000) or less, based on a review of data available to the Department at the time the Department begins the acquisition process. If the Department ~~determines that an appraisal is unnecessary,~~ estimates the acquisition to be forty thousand dollars (\$40,000) or less, the Department may prepare ~~an appraisal-waiver valuation a~~ Right-of-Way Claim Report instead of an appraisal. The owner of the land to be acquired may request the Department provide an appraisal for any right-of-way claim of ten thousand dollars (\$10,000) or more. The Department may contract with a qualified third party to prepare an appraisal-waiver valuation a Right-of-Way Claim Report. Any person performing an appraisal-waiver valuation preparing a Right-of-Way Claim Report must have a sufficient understanding of the local real estate market to be qualified to perform the appraisal-waiver valuation market.

...."

**SECTION 1.(b)** G.S. 93E-1-3 reads as rewritten:

**"§ 93E-1-3. When registration, license, or certificate not required.**



- 1 ...
- 2 (f) ~~A-Except as otherwise provided in subsection (g) of this section, a trainee registration,~~  
 3 license, or certificate is not required under this Chapter ~~for~~~~for any of the following:~~
- 4 (1) Any person, partnership, association, or corporation that performs appraisals  
 5 of property owned by that person, partnership, association, or corporation for  
 6 the sole use of that person, partnership, association, or  
 7 ~~corporation;~~corporation.
- 8 (2) Any court-appointed commissioner who conducts an appraisal pursuant to a  
 9 judicially ordered evaluation of ~~property;~~property.
- 10 (3) Any person to qualify as an expert witness for court or administrative agency  
 11 testimony, if otherwise ~~qualified;~~qualified.
- 12 (4) A person who appraises standing timber so long as the appraisal does not  
 13 include a determination of value of any ~~land;~~land.
- 14 (5) Any person employed by a lender in the performance of appraisals with  
 15 respect to which federal regulations do not require a licensed or certified  
 16 ~~appraiser;~~ and appraiser.
- 17 (6) A person who performs ad valorem tax appraisals and is certified by the  
 18 Department of Revenue under G.S. 105-294 or ~~G.S. 105-296;~~ however, any  
 19 G.S. 105-296.
- 20 (7) A person who prepares a Right-of-Way Claim Report pursuant to  
 21 G.S. 136-19.6.

22 (g) Notwithstanding any provision of subsection (f) of this section to the contrary, any  
 23 person who is registered, licensed, or certified under this Chapter and who performs any of the  
 24 activities set forth in subdivisions (1) through (5) of ~~this~~-subsection (f) of this section must  
 25 comply with all of the provisions of this Chapter. The provisions of this Chapter shall not apply  
 26 to certified real estate appraisers who perform a broker price opinion or comparative market  
 27 analysis pursuant to G.S. 93E-1-3(c), as long as the appraiser is licensed as a real estate broker  
 28 by the North Carolina Real Estate Commission and does not refer to himself or herself as an  
 29 appraiser in the broker price opinion or comparative market analysis."  
 30

## 31 DOT REPORT PROGRAM TO POST TO WEB/REDUCTION IN NUMBER OF 32 REPORTS

33 SECTION 2.(a) G.S. 136-18.05 reads as rewritten:

### 34 "§ 136-18.05. Establishment of "DOT Report" Program.

35 ...

36 (b) Establishment and Components. – To achieve the intent set forth in subsection (a) of  
 37 this section, the Department shall establish and implement the "DOT Report" Program  
 38 (Program). The Program shall include the following components:

- 39 (1) Responsiveness. – The Department shall structure the Program to gather  
 40 citizen input and shall commit to quickly addressing structural problems and  
 41 other road hazards on State-maintained roads. Citizens may report potholes,  
 42 drainage issues, culvert blockages, guardrail repairs, damaged or missing  
 43 signs, malfunctioning traffic lights, highway debris, or shoulder damage to the  
 44 Department of Transportation by calling a toll-free telephone number  
 45 designated by the Department or submitting an online work request through a  
 46 Web site link designated by the Department. Beginning January 1, 2016, upon  
 47 receiving a citizen report in accordance with this subdivision, the Department  
 48 shall either address the reported problem or identify a solution to the reported  
 49 problem. Excluding potholes, which shall be repaired within two business  
 50 days of the date the report is received, the Department of Transportation shall  
 51 properly address (i) safety-related citizen reports no later than 10 business

1 days after the date the report is received and (ii) non-safety-related citizen  
 2 reports no later than 15 business days after the date the report is received. The  
 3 Department shall determine, in its discretion, whether a citizen report is  
 4 safety-related or non-safety-related. The Department shall transmit  
 5 information received about potholes or other problems on roads not  
 6 maintained by the State to the appropriate locality within two business days  
 7 of receiving the citizen report. The Department shall ~~provide~~ post a monthly  
 8 report ~~to all of the following to the Department's performance dashboard Web~~  
 9 site on the number of citizen reports received under this subdivision for the  
 10 month immediately preceding the monthly report, the number of citizen  
 11 reports fully addressed within the time frames set forth in this subdivision for  
 12 the month immediately preceding the monthly report, the number of citizen  
 13 reports addressed outside of the time frames set forth in this subdivision for  
 14 the month immediately preceding the monthly report, and the number of  
 15 citizen reports not fully addressed for the month immediately preceding the  
 16 ~~report~~ report.

17 a. ~~The Joint Legislative Transportation Oversight Committee.~~

18 b. ~~The Fiscal Research Division of the General Assembly.~~

19 e. ~~The chairs of the House of Representatives Appropriations Committee~~  
 20 ~~on Transportation.~~

21 d. ~~The chairs of the Senate Appropriations Committee on the Department~~  
 22 ~~of Transportation.~~

23 (1a) Efficiency. – The Department shall adopt procedures in all stages of the  
 24 construction process to streamline project delivery, including consolidating  
 25 environmental review processes, expediting multiagency reviews,  
 26 accelerating right-of-way acquisitions, and pursuing design build and other  
 27 processes to collapse project stages. By December 1, 2015, the Department  
 28 shall establish a baseline unit pricing structure for transportation goods used  
 29 in highway maintenance and construction projects and set annual targets for  
 30 three years based on its unit pricing. In forming the baseline unit prices and  
 31 future targets, the Department shall collect data from each Highway Division  
 32 on its expenditures on transportation goods during the 2015-2016 fiscal year.  
 33 Beginning January 1, 2016, no Highway Division shall exceed a ten percent  
 34 (10%) variance over a baseline unit price set for that year in accordance with  
 35 this subdivision. The Department of Transportation shall institute quarterly  
 36 annual tracking to monitor pricing variances. The ten percent (10%) maximum  
 37 variance set under this subdivision is intended to account for regional  
 38 differences requiring varying product mixes. If a Highway Division exceeds  
 39 the unit pricing threshold, the Department shall submit a report to the Joint  
 40 Legislative Transportation Oversight Committee, the Fiscal Research  
 41 Division of the General Assembly, the chairs of the House of Representatives  
 42 Appropriations Committee on Transportation, and the chairs of the Senate  
 43 Appropriations Committee on the Department of Transportation no later than  
 44 the fifteenth day of February following the end of the quarter calendar year on  
 45 why the variance occurred and what steps are being taken to bring the  
 46 Highway Division back into compliance. In order to drive savings, unit pricing  
 47 may be reduced annually as efficiencies are achieved.

48 ...."

49 **SECTION 2.(b)** This section is effective when it becomes law, except that the report  
 50 required under G.S. 136-18.05(b)(1), as amended by this section, shall continue to be provided  
 51 monthly to the Joint Legislative Transportation Oversight Committee, the Fiscal Research

1 Division of the General Assembly, the chairs of the House of Representatives Appropriations  
2 Committee on Transportation, and the chairs of the Senate Appropriations Committee on the  
3 Department of Transportation, until it is posted to the Department's performance dashboard Web  
4 site.

5  
6 **REPEAL OF BIENNIAL REPORT ON OFF-PREMISE SIGN REGULATORY**  
7 **PROGRAM**

8 **SECTION 3.** G.S. 136-12.1 is repealed.  
9

10 **CHANGE TO DOT OUTSOURCING AND PROJECT DELIVERY REPORTS**

11 **SECTION 4.** G.S. 136-12.3 reads as rewritten:

12 **"§ 136-12.3. Outsourcing and project delivery reports.**

13 ...  
14 (b) Outsourcing Report. – For each Highway Division, the Department shall provide a  
15 detailed ~~biannual~~ report on all payments made to private contractors for preconstruction  
16 activities. In order to compare internal costs incurred with payments made to private contractors,  
17 and except as otherwise provided in this subsection, the Department shall include project-specific  
18 expenses incurred by division, regional, or central staff. The Department shall not include  
19 expenses incurred for central business units that support and oversee outsourcing functions. The  
20 information in the first report submitted under this subsection shall be used to establish a baseline  
21 to use for setting future preconstruction outsourcing targets. The Department shall submit the  
22 ~~reports-report~~ required under this subsection to the Joint Legislative Transportation Oversight  
23 Committee by ~~September 1~~ and March 1 of each year.

24 (c) Project Delivery Report. – For each Highway Division, the Department shall provide  
25 a detailed annual report in accordance with the following requirements:

- 26 ...  
27 (2) For each project, the report shall indicate the status of all of the following  
28 phases:  
29 a. Planning ~~a~~ and design in progress.  
30 b. Right-of-way acquisition in progress.  
31 c. Project let for construction.  
32 d. Construction substantially complete and traffic using facility.

33 ...  
34 (d) Combined Report. – The Department may combine the reports required to be  
35 submitted by ~~March 1~~ under subsections (b) and (c) of this section into a single report.  
36 ...."

37  
38 **REPEAL OF ANNUAL CONSTRUCTION PROGRAM AND RELATED REPORTING**  
39 **REQUIREMENTS**

40 **SECTION 5.** G.S. 136-44.4 is repealed.  
41

42 **CHANGE TO ANNUAL HIGHWAY CONSTRUCTION AND MAINTENANCE**  
43 **REPORT**

44 **SECTION 6.** G.S. 136-12(a) reads as rewritten:

45 "(a) The Department of Transportation shall, ~~on or before the tenth day after the convening~~  
46 ~~of each regular session of the General Assembly of North Carolina, make a full printed, detailed~~  
47 ~~report to the General Assembly, showing the construction and maintenance work and the cost of~~  
48 ~~the same, receipts of license fees, and disbursements of the Department of Transportation, and~~  
49 ~~such other data as may be of interest in connection with the work of the Department of~~  
50 ~~Transportation, shall report to the Joint Legislative Transportation Oversight Committee by~~  
51 March 1 of each year on how the previous fiscal year's funds for maintenance and construction

1 were allocated and expended. The report shall include expenditures of both State and federal  
2 funds and shall be in sufficient detail that the county can be identified. A full account of each  
3 road project shall be kept by and under the direction of the Department of Transportation or its  
4 representatives, to ascertain at any time the expenditures and the liabilities against all projects;  
5 also records of contracts and force account work. The account records, together with all  
6 supporting documents, shall be open at all times to the inspection of the Governor or road  
7 authorities of any county, or their authorized representatives, and copies thereof shall be  
8 furnished such officials upon request."  
9

## 10 **AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES ON PASSENGER-ONLY** 11 **FERRIES**

12 **SECTION 7.** G.S. 18B-108 reads as rewritten:

### 13 **"§ 18B-108. Sales on ~~trains~~ trains and ferries.**

14 (a) Trains. – Alcoholic beverages may be sold on railroad trains in this State upon  
15 compliance with Article 2C of Chapter 105 of the General Statutes. Malt beverages, unfortified  
16 wine, and fortified wine may be sold and delivered by any wholesaler or retailer licensed in this  
17 State to an officer or agent of a rail line that carries at least 60,000 passengers annually.

18 (b) Ferries. – Alcoholic beverages may be sold on passenger-only ferries established  
19 pursuant to Article 6 of Chapter 136 of the General Statutes upon compliance with Article 2C of  
20 Chapter 105 of the General Statutes. Malt beverages, unfortified wine, and fortified wine may be  
21 sold and delivered by any wholesaler or retailer licensed in this State to an officer or agent of the  
22 Department of Transportation for sale on passenger-only ferries."  
23

## 24 **PART II. DIVISION OF MOTOR VEHICLES**

### 25 **REMOVE THE MAILING REQUIREMENT FOR DEALER MANUALS**

26 **SECTION 8.** G.S. 20-302 reads as rewritten:

#### 27 **"§ 20-302. Rules and regulations.**

28 The Commissioner may make such rules and regulations, not inconsistent with the provisions  
29 of this Article, as he shall deem necessary or proper for the effective administration and  
30 enforcement of this Article, provided that the Commissioner shall make a copy of such rules and  
31 regulations shall be mailed to each motor vehicle dealer licensee available on a Web site  
32 maintained by the Division or the Department of Transportation 30 days prior to the effective  
33 date of such rules and regulations."  
34  
35

### 36 **DMV MAY ALLOW TRANSITIONING MILITARY TRUCK DRIVERS CERTAIN CDL** 37 **WAIVERS/CREDIT FOR MILITARY SERVICE TRUCK OPERATIONS**

38 **SECTION 9.(a)** G.S. 20-37.13 is amended by adding a new subsection to read:

39 "(c3) The Division may waive the knowledge and skills test for a qualified military  
40 applicant who has been issued a military license that authorizes the holder to operate a motor  
41 vehicle representative of the class and endorsements for which the applicant seeks to be licensed.  
42 The applicant must certify and provide satisfactory evidence on the date of application that the  
43 applicant meets all of the following requirements:

44 (1) The applicant is a current or former member of an active or reserve component  
45 of the Armed Forces of the United States and was issued a military license  
46 that authorized the applicant to operate a vehicle that is representative of the  
47 class and type of commercial motor vehicle for which the applicant seeks to  
48 be licensed and whose military occupational specialty or rating are eligible for  
49 waiver, as allowed by the Federal Motor Carrier Safety Administration.

50 (2) The applicant is or was, within the year prior to the date of application,  
51 regularly employed in a military position requiring operation of a motor

1 vehicle representative of the class of commercial motor vehicle for which the  
2 applicant seeks to be licensed.

3 (3) The applicant meets the qualifications listed in subdivision (2) of subsection  
4 (c1) of this section."

5 **SECTION 9.(b)** This section becomes effective October 1, 2018.

6  
7 **DMV MAY SHARE DRIVER MEDICAL RECORDS WITH STATE AND FEDERAL**  
8 **AUTHORITIES**

9 **SECTION 10.(a)** G.S. 20-7(e) reads as rewritten:

10 "(e) Restrictions. – The Division may impose any restriction it finds advisable on a drivers  
11 license. It is unlawful for the holder of a restricted license to operate a motor vehicle without  
12 complying with the restriction and is the equivalent of operating a motor vehicle without a  
13 license. If any applicant shall suffer from any physical or mental disability or disease that affects  
14 his or her operation of a motor vehicle, the Division may require to be filed with it a certificate  
15 of the applicant's condition signed by a medical authority of the applicant's community  
16 designated by the Division. The Division may, in its discretion, require the certificate to be  
17 completed and submitted after a license or renewal has been issued based on the applicant's  
18 performance during a road test administered by the Division. Upon submission, the certificate  
19 shall be reviewed in accordance with the procedure set forth in G.S. 20-9(g)(3). This certificate  
20 shall in all cases be treated as ~~confidential~~ confidential and subject to release under  
21 G.S. 20-9(g)(4)h. Nothing in this subsection shall be construed to prevent the Division from  
22 refusing to issue a license, either restricted or unrestricted, to any person deemed to be incapable  
23 of safely operating a motor vehicle based on information observed or received by the Division,  
24 including observations during a road test and medical information submitted about the applicant.  
25 An applicant may seek review pursuant to G.S. 20-9(g)(4) of a licensing decision made on the  
26 basis of a physical or mental disability or disease. This subsection does not prohibit deaf persons  
27 from operating motor vehicles who in every other way meet the requirements of this section."

28 **SECTION 10.(b)** G.S. 20-9(g)(4)h. reads as rewritten:

29 "h. All records and evidence collected and compiled by the Division and  
30 the reviewing board shall not be considered public records within the  
31 meaning of Chapter 132 of the General Statutes of North Carolina and  
32 may be made available to the public only upon an order of a court of  
33 competent jurisdiction. An applicant or licensee may obtain, without a  
34 court order, a copy of records and evidence collected and compiled  
35 under this subdivision about the applicant or licensee by submitting a  
36 written request to the Division, signing any release forms required by  
37 the Division, and remitting the required fee set by the Division. All  
38 information furnished by, about, or on behalf of an applicant or  
39 licensee under this section shall be without prejudice and shall be for  
40 the use of the Division, the reviewing board or the court in  
41 administering this section and shall not be used in any manner as  
42 evidence, or for any other purposes in any trial, civil or  
43 ~~criminal~~ criminal, except as authorized in this sub-subdivision. The  
44 prohibition on release and use under this sub-subdivision applies  
45 without regard to who authored or produced the information collected,  
46 compiled, and used by the Division under this subdivision. The  
47 Division may, as it deems necessary, release information collected  
48 under this subdivision to any other State or federal government agency  
49 for purposes of determining an individual's ability to safely operate a  
50 commercial motor vehicle or to obtain a commercial drivers license."

51 **SECTION 10.(c)** G.S. 20-37.13A(a) reads as rewritten:

1       "(a) Medical Qualifications Standards Applicable to Commercial Drivers. – All  
2 commercial drivers license holders and applicants for commercial drivers licenses must meet the  
3 medical qualifications standards set forth in 49 C.F.R. § 391.41. As allowed under  
4 G.S. 20-9(g)(4)h., the Division may release information it deems necessary to any other State or  
5 federal government agency for purposes of determining an individual's ability to safely operate  
6 a commercial motor vehicle or to obtain a commercial drivers license."  
7

8       **PART III. EFFECTIVE DATE**

9               **SECTION 11.** Except as otherwise provided, this act becomes effective July 1, 2018.