

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 691
Judiciary I Committee Substitute Adopted 5/9/89

Short Title: Commercial Driver License.

(Public)

Sponsors:

Referred to:

March 30, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A COMMERCIAL DRIVER LICENSE SYSTEM,
ENDORSEMENTS TO A COMMERCIAL DRIVER LICENSE, AND
DISQUALIFYING OFFENSES FOR A COMMERCIAL DRIVER LICENSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-4.01 reads as rewritten:

"§ 20-4.01. Definitions.

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

(0.1) Alcohol. —~~Ethyl~~ Any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.

(0.2) Alcohol Concentration. — The concentration of alcohol in a person, expressed either as:

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

b. Grams of alcohol per 210 liters of breath.

(1) Business District. — The territory prescribed as such by ordinance of the Board of Transportation.

(2) Canceled. — As applied to drivers' licenses and permits, a declaration that a license or permit which was issued through error or fraud is void and terminated.

(3) Repealed by Session Laws 1979, c. 667, s. 1, effective January 1, 1981.

- 1 (3a) Chemical Analysis. – A test of the breath or blood of a person to
2 determine his alcohol concentration, performed in accordance with
3 G.S. 20-139.1. The term ‘chemical analysis’ includes duplicate or
4 sequential analyses when necessary or desirable to insure the integrity
5 of test results.
- 6 (3b) Chemical Analyst. – A person granted a permit by the Department of
7 Human Resources under G.S. 20-139.1 to perform chemical analyses.
- 8 (3c) ~~Commercial Motor Vehicle. – A vehicle: (a) which requires the driver
9 to possess a valid Class A or Class B driver’s license, or a similar
10 driver’s license issued by another state; or (b) which is a school bus,
11 school activity bus, church bus, farm bus, ambulance, volunteer
12 transportation vehicle, activity bus operated for a nonprofit
13 organization when the activity bus is operated for a nonprofit purpose,
14 or a fire fighting vehicle or combination of vehicles when operated by
15 any volunteer member of a municipal or rural fire department in the
16 performance of his duty~~ Commercial Driver License. – A license
17 issued in accordance with the requirements of this Chapter to an
18 individual which authorizes that individual to drive a class of
19 commercial motor vehicle. A ‘nonresident commercial driver license’
20 is issued by a state to an individual who resides in a foreign
21 jurisdiction.
- 22 (3d) Commercial Motor Vehicle. – A motor vehicle designed or used to
23 transport passengers or property:
- 24 a. If the vehicle has a gross vehicle weight rating of 26,001 or
25 more pounds or a lesser rating as determined by federal or State
26 regulation;
- 27 b. If the vehicle is designed to transport 16 or more passengers,
28 including the driver; or
- 29 c. If the vehicle is transporting hazardous materials and is required
30 to be placarded in accordance with 49 C.F.R. part 172, subpart
31 F.
- 32 (4) Commissioner. – The Commissioner of Motor Vehicles.
- 33 (5) Dealer. – Every person engaged in the business of buying, selling,
34 distributing, or exchanging motor vehicles, trailers or semitrailers in
35 this State, having an established place of business in this State and
36 being subject to the tax levied by G.S. 105-89.
- 37 The terms ‘motor vehicle dealer,’ ‘new motor vehicle dealer,’ and
38 ‘used motor vehicle dealer’ shall have the meaning set forth in G.S. 20-
39 286.
- 40 (5a) Disqualification. – A withdrawal of the privilege to drive a commercial
41 motor vehicle.
- 42 (6) Division. – The Division of Motor Vehicles acting directly or through
43 its duly authorized officers and agents.

- 1 (7) Driver. – The operator of a vehicle, as defined in subdivision (25). The
2 terms ‘driver’ and ‘operator’s and their cognates are synonymous.
- 3 (7a) Employer. – Any person who owns or leases a commercial motor
4 vehicle or assigns a person to drive a commercial motor vehicle.
- 5 (8) Essential Parts. – All integral and body parts of a vehicle of any type
6 required to be registered hereunder, the removal, alteration, or
7 substitution of which would tend to conceal the identity of the vehicle
8 or substantially alter its appearance, model, type, or mode of operation.
- 9 (9) Established Place of Business. – Except as provided in G.S. 20-286,
10 the place actually occupied by a dealer or manufacturer at which a
11 permanent business of bargaining, trading, and selling motor vehicles
12 is or will be carried on and at which the books, records, and files
13 necessary and incident to the conduct of the business of automobile
14 dealers or manufacturers shall be kept and maintained.
- 15 (10) Explosives. – Any chemical compound or mechanical mixture that is
16 commonly used or intended for the purpose of producing an explosion
17 and which contains any oxidizing and combustive units or other
18 ingredients in such proportions, quantities, or packing that an ignition
19 by fire, by friction, by concussion, by percussion, or by detonator of
20 any part of the compound or mixture may cause such a sudden
21 generation of highly heated gases that the resultant gaseous presses
22 [pressures] are capable of producing destructible effects on contiguous
23 objects or of destroying life or limb.
- 24 (11) Farm Tractor. – Every motor vehicle designed and used primarily as a
25 farm implement for drawing plows, mowing machines, and other
26 implements of husbandry.
- 27 (11a) Foreign Jurisdiction. – Any jurisdiction other than a state of the
28 United States.
- 29 (12) Foreign Vehicle. – Every vehicle of a type required to be
30 registered hereunder brought into this State from another state,
31 territory, or country, other than in the ordinary course of business,
32 by or through a manufacturer or dealer and not registered in this
33 State.
- 34 (12a) Gross Vehicle Weight Rating. – The ~~gross vehicle weight is the value~~
35 specified by the manufacturer as the maximum loaded weight of a
36 single or combination vehicle, or registered gross weight,
37 whichever is greater. ~~or declared weight of the vehicle. If no weight is~~
38 registered or declared, then the gross vehicle weight is the actual weight
39 of the vehicle.The gross vehicle weight rating, or GVWR, of a
40 combination vehicle is the GVWR of the power unit plus the
41 GVWR of the towed unit or units.
- 42 (12b) Hazardous Materials. – Materials as defined in Section 103 of the
43 Hazardous Materials Transportation Act, 49 App. U.S.C. § 1801 et
44 seq., as amended.

- 1 (13) Highway. – The entire width between property or right-of-way
2 lines of every way or place of whatever nature, when any part
3 thereof is open to the use of the public as a matter of right for the
4 purposes of vehicular traffic. The terms 'highway' and 'street' and
5 their cognates are synonymous.
- 6 (14) House Trailer. – Any trailer or semitrailer designed and equipped
7 to provide living or sleeping facilities and drawn by a motor
8 vehicle.
- 9 (14a) Impairing Substance. – Alcohol, controlled substance under
10 Chapter 90 of the General Statutes, any other drug or psychoactive
11 substance capable of impairing a person's physical or mental
12 faculties, or any combination of these substances.
- 13 (15) Implement of Husbandry. – Every vehicle which is designed for
14 agricultural purposes and used exclusively in the conduct of
15 agricultural operations.
- 16 (16) Intersection. – The area embraced within the prolongation of the
17 lateral curblines or, if none, then the lateral edge of roadway lines
18 of two or more highways which join one another at any angle
19 whether or not one such highway crosses the other.
20 Where a highway includes two roadways 30 feet or more apart,
21 then every crossing of each roadway of such divided highway by an
22 intersecting highway shall be regarded as a separate intersection. In the
23 event that such intersecting highway also includes two roadways 30
24 feet or more apart, then every crossing of two roadways of such
25 highways shall be regarded as a separate intersection.
- 26 (17) License. – Any driver's license or any other license or permit to
27 operate a motor vehicle issued under or granted by the laws of this
28 State including:
29 a. Any temporary license or learner's permit;
30 b. The privilege of any person to drive a motor vehicle whether or
31 not such person holds a valid license; and
32 c. Any nonresident's operating privilege.
- 33 (18) Local Authorities. – Every county, municipality, or other territorial
34 district with a local board or body having authority to adopt local
35 police regulations under the Constitution and laws of this State.
- 36 (19) Manufacturer. – Every person, resident, or nonresident of this
37 State, who manufactures or assembles motor vehicles.
- 38 (20) Manufacturer's Certificate. – A certification on a form approved by
39 the Division, signed by the manufacturer, indicating the name of
40 the person or dealer to whom the therein-described vehicle is
41 transferred, the date of transfer and that such vehicle is the first
42 transfer of such vehicle in ordinary trade and commerce. The
43 description of the vehicle shall include the make, model, year, type

- 1 of body, identification number or numbers, and such other
2 information as the Division may require.
- 3 (21) Metal Tire. – Every tire the surface of which in contact with the
4 highway is wholly or partly of metal or other hard, nonresilient
5 material.
- 6 (21a) Moped. – A type of passenger vehicle as defined in G.S. 20-
7 4.01(27).
- 8 (22) Motorcycle. – A type of passenger vehicle as defined in G.S. 20-
9 4.01(27).
- 10 (23) Motor Vehicle. – Every vehicle which is self-propelled and every
11 vehicle designed to run upon the highways which is pulled by a
12 self-propelled vehicle. This shall not include mopeds as defined in
13 G.S. 20-4.01(27)d1.
- 14 (24) Nonresident. – Any person whose legal residence is in some state,
15 territory, or jurisdiction other than North Carolina or in a foreign
16 country.
- 17 (24a) Offense Involving Impaired Driving. – Any of the following
18 offenses:
- 19 a. Impaired driving under G.S. 20-138.1.
- 20 b. Death by vehicle under G.S. 20-141.4 when conviction is based
21 upon impaired driving or a substantially equivalent offense
22 under previous law.
- 23 c. Second degree murder under G.S. 14-17 or involuntary
24 manslaughter under G.S. 14-18 when conviction is based upon
25 impaired driving or a substantially equivalent offense under
26 previous law.
- 27 d. An offense committed in another jurisdiction substantially
28 equivalent to the offenses in subparagraphs a through c.
- 29 e. A repealed or superseded offense substantially equivalent to
30 impaired driving, including offenses under former G.S. 20-138
31 or G.S. 20-139.
- 32 f. Impaired driving in a commercial motor vehicle under G.S. 20-
33 138.2, except that convictions of impaired driving under G.S.
34 20-138.1 and G.S. 20-138.2 arising out of the same transaction
35 shall be considered a single conviction of an offense involving
36 impaired driving for any purpose under this Chapter.
37 A conviction under former G.S. 20-140(c) is not an offense
38 involving impaired driving.
- 39 (25) Operator. – A person in actual physical control of a vehicle which
40 is in motion or which has the engine running. The terms 'operator'
41 and 'driver' and their cognates are synonymous.
- 42 (25a) Out of Service Order. – A temporary prohibition against driving a
43 commercial motor vehicle.

- 1 (26) Owner. – A person holding the legal title to a vehicle, or in the
2 event a vehicle is the subject of a chattel mortgage or an agreement
3 for the conditional sale or lease thereof or other like agreement,
4 with the right of purchase upon performance of the conditions
5 stated in the agreement, and with the immediate right of possession
6 vested in the mortgagor, conditional vendee or lessee, said
7 mortgagor, conditional vendee or lessee shall be deemed the owner
8 for the purpose of this Chapter. For the purposes of this Chapter,
9 the lessee of a vehicle owned by the government of the United
10 States shall be considered the owner of said vehicle.
- 11 (27) Passenger Vehicles. –
- 12 a. Excursion passenger vehicles. – Vehicles transporting persons
13 on sight-seeing or travel tours.
- 14 b. For hire passenger vehicles. – Vehicles transporting persons for
15 compensation. This classification shall not include vehicles
16 operated as ambulances; vehicles operated by the owner where
17 the costs of operation are shared by the passengers; vehicles
18 operated on behalf of any employer pursuant to a ridesharing
19 arrangement as defined in G.S. 136-44.21; vehicles transporting
20 students for the public school system under contract with the
21 State Board of Education or vehicles leased to the United States
22 of America or any of its agencies on a nonprofit basis; or
23 vehicles used for human service or volunteer transportation.
- 24 c. Common carriers of passengers. – Vehicles operated under a
25 franchise certificate issued by the Utilities Commission for
26 operation on the highways of this State between fixed termini
27 or over a regular route for the transportation of persons or property
28 for compensation.
- 29 d. Motorcycles. – Vehicles having a saddle for the use of the rider
30 and designed to travel on not more than three wheels in contact
31 with the ground, including motor scooters and motor-driven
32 bicycles, but excluding tractors and utility vehicles equipped
33 with an additional form of device designed to transport
34 property, three-wheeled vehicles while being used by law-
35 enforcement agencies and mopeds as defined in subdivision d1
36 of this subsection.
- 37 d1. Moped. – Vehicles having two or three wheels and operable
38 pedals and equipped with a motor which does not exceed 50
39 cubic centimeters piston displacement and cannot propel the
40 vehicle at a speed greater than 20 miles per hour on a level
41 surface.
- 42 e. U-drive-it passenger vehicles. – Vehicles rented or leased to be
43 operated by the lessee. This shall not include vehicles of nine-
44 passenger capacity or less which are leased for a term of one

- 1 year or more to the same person or vehicles leased or rented to
2 public school authorities for driver-training instruction.
- 3 f. Ambulances. – Vehicles equipped for transporting wounded,
4 injured, or sick persons.
- 5 g. Private passenger vehicles. – All other passenger vehicles not
6 included in the above definitions.
- 7 (28) Person. – Every individual, firm, partnership, association,
8 corporation, governmental agency, or combination thereof of
9 whatsoever form or character.
- 10 (29) Pneumatic Tire. – Every tire in which compressed air is designed to
11 support the load.
- 12 (30) Private Road or Driveway. – Every road or driveway not open to
13 the use of the public as a matter of right for the purpose of
14 vehicular traffic.
- 15 (31) Property-Hauling Vehicles. –
- 16 a. Exempt for-hire vehicles. – Vehicles used for the transportation
17 of property for hire but not licensed as common carriers or
18 contract carriers of property under franchise certificates or
19 permits issued by the Utilities Commission or by the Interstate
20 Commerce Commission; provided, that the term 'for hire' shall
21 include every arrangement by which the owner of a vehicle
22 uses, or permits such vehicle to be used, for the transportation
23 of the property of another for compensation, subject to the
24 following exemptions:
- 25 1. The transportation of farm crops or products, including
26 logs, bark, pulp, and tannic acid wood delivered from
27 farms and forest to the first or primary market, and the
28 transportation of wood chips from the place where wood
29 has been converted into chips to their first or primary
30 market.
 - 31 2. The transportation of perishable foods which are still
32 owned by the grower while being delivered to the first or
33 primary market by an operator who has not more than
34 one truck, truck-tractor, or trailer in a for-hire operation.
 - 35 3. The transportation of merchandise hauled for
36 neighborhood farmers incidentally and not as a regular
37 business in going to and from farms and primary
38 markets.
 - 39 4. The transportation of T.V.A. or A.A.A. phosphate and/or
40 agricultural limestone in bulk which is furnished as a
41 grant of aid under the United States Agricultural
42 Adjustment Administration.
 - 43 5. The transportation of fuel for the exclusive use of the
44 public schools of the State.

- 1 6. Vehicles whose sole operation in carrying the property
2 of others is limited to the transportation of the United
3 States mail pursuant to a contract, or the extension or
4 renewal of such contract.
- 5 7. Vehicles leased for a term of one year or more to the
6 same person when used exclusively by such person in
7 transporting his own property.
- 8 b. Common carrier of property vehicles. – Vehicles used for the
9 transportation of property certified by the Utilities Commission
10 or the Interstate Commerce Commission as common carriers.
- 11 c. Private hauler vehicles. – Vehicles used for the transportation of
12 property not falling within one of the above-defined
13 classifications; provided, self-propelled vehicles equipped with
14 permanent living and sleeping facilities used for camping
15 activities shall be classified as private passenger vehicles.
- 16 d. Semitrailers. – Vehicles without motive power designed for
17 carrying property or persons and for being drawn by a motor
18 vehicle, and so constructed that part of their weight or their load
19 rests upon or is carried by the pulling vehicle.
- 20 e. Trailers. – Vehicles without motive power designed for carrying
21 property or persons wholly on their own structure and to be
22 drawn by a motor vehicle, including 'pole trailers' or a pair of
23 wheels used primarily to balance a load rather than for purposes
24 of transportation.
- 25 f. Contract carrier of property vehicles. – Vehicles used for the
26 transportation of property under a franchise permit of a
27 regulated contract carrier issued by the Utilities Commission or
28 the Interstate Commerce Commission.
- 29 (31a) Provisional Licensee. – A person under the age of 18 years.
- 30 (32) Public Vehicular Area. – Any area within the State of North
31 Carolina that is generally open to and used by the public for
32 vehicular traffic, including by way of illustration and not limitation
33 any drive, driveway, road, roadway, street, alley, or parking lot
34 upon the grounds and premises of:
- 35 a. Any public or private hospital, college, university, school,
36 orphanage, church, or any of the institutions, parks or other
37 facilities maintained and supported by the State of North
38 Carolina or any of its subdivisions; or
- 39 b. Any service station, drive-in theater, supermarket, store,
40 restaurant, or office building, or any other business, residential,
41 or municipal establishment providing parking space for
42 customers, patrons, or the public; or
- 43 c. Any property owned by the United States and subject to the
44 jurisdiction of the State of North Carolina. (The inclusion of

1 property owned by the United States in this definition shall not
2 limit assimilation of North Carolina law when applicable under
3 the provisions of Title 18, United States Code, section 13.)

4 The term 'public vehicular area' shall also include any beach area used
5 by the public for vehicular traffic as well as any road opened to
6 vehicular traffic within or leading to a subdivision for use by
7 subdivision residents, their guests, and members of the public, whether
8 or not the subdivision roads have been offered for dedication to the
9 public. The term 'public vehicular area' shall not be construed to mean
10 any private property not generally open to and used by the public.

- 11 (33) (a) Flood Vehicle.-A motor vehicle that has been submerged or
12 partially submerged in water to the extent that damage to the body,
13 engine, transmission, or differential has occurred.
- 14 (b) Non-U.S.A. Vehicle.-A motor vehicle manufactured outside of
15 the United States and not intended by the manufacturer for sale
16 in the United States.
- 17 (c) Reconstructed Vehicle.-A motor vehicle of a type required to be
18 registered hereunder that has been materially altered from
19 original construction due to removal, addition or substitution of
20 new or used essential parts; and includes glider kits and custom
21 assembled vehicles.
- 22 (d) Salvage Motor Vehicle.-Any motor vehicle damaged by
23 collision or other occurrence to the extent that the cost of
24 repairs to the vehicle and rendering the vehicle safe for use on
25 the public streets and highways would exceed seventy-five
26 percent (75%) of its fair retail market value. Repairs shall
27 include the cost of parts and labor. Fair market retail values
28 shall be as found in the NADA pricing Guide Book or other
29 publications approved by the Commissioner.
- 30 (e) Salvage Rebuilt Vehicle.-A salvage vehicle that has been rebuilt
31 for title and registration.
- 32 (f) Junk Vehicle.-A motor vehicle which is incapable of operation
33 or use upon the highways and has no resale value except as a
34 source of parts or scrap, and shall not be titled or registered.
- 35 (33a) Relevant Time after the Driving. – Any time after the driving in
36 which the driver still has in his body alcohol consumed before or
37 during the driving.
- 38 (34) Resident. – Any person who resides within this State for other than
39 a temporary or transitory purpose for more than six months shall be
40 presumed to be a resident of this State; but absence from the State
41 for more than six months shall raise no presumption that the person
42 is not a resident of this State.
- 43 (35) Residential District. – The territory prescribed as such by ordinance
44 of the Department of Transportation.

- 1 (36) Revocation or Suspension. – Termination of a licensee's or
2 permittee's privilege to drive or termination of the registration of a
3 vehicle for a period of time stated in an order of revocation or
4 suspension. The terms 'revocation' or 'suspension' or a
5 combination of both terms shall be used synonymously.
- 6 (37) Road Tractors. – Vehicles designed and used for drawing other
7 vehicles upon the highway and not so constructed as to carry any
8 part of the load, either independently or as a part of the weight of
9 the vehicle so drawn.
- 10 (38) Roadway. – That portion of a highway improved, designed, or
11 ordinarily used for vehicular travel, exclusive of the shoulder. In
12 the event a highway includes two or more separate roadways the
13 term 'roadway' as used herein shall refer to any such roadway
14 separately but not to all such roadways collectively.
- 15 (39) Safety Zone. – Traffic island or other space officially set aside
16 within a highway for the exclusive use of pedestrians and which is
17 so plainly marked or indicated by proper signs as to be plainly
18 visible at all times while set apart as a safety zone.
- 19 (40) Security Agreement. – Written agreement which reserves or creates
20 a security interest.
- 21 (41) Security Interest. – An interest in a vehicle reserved or created by
22 agreement and which secures payments or performance of an
23 obligation. The term includes but is not limited to the interest of a
24 chattel mortgagee, the interest of a vendor under a conditional
25 sales contract, the interest of a trustee under a chattel deed of trust,
26 and the interest of a lessor under a lease intended as security. A
27 security interest is 'perfected' when it is valid against third parties
28 generally.
- 29 (41a) Serious Traffic Violation. – A conviction when operating a
30 commercial motor vehicle of:
- 31 (1) Excessive speeding, involving a single charge of any speed 15
32 miles per hour or more above the posted speed limit;
- 33 (2) Careless and reckless driving;
- 34 (3) Following the vehicle ahead too closely;
- 35 (4) Improper lane changes;
- 36 (5) A violation of any State or local law relating to motor vehicle
37 traffic control, other than a parking violation, arising in
38 connection with a fatal accident.
- 39 (42) Solid Tire. – Every tire of rubber or other resilient material which
40 does not depend upon compressed air for the support of the load.
- 41 (43) Specially Constructed Vehicles. – Vehicles of a type required to be
42 registered hereunder not originally constructed under a distinctive
43 name, make, model, or type by a generally recognized

- 1 manufacturer of vehicles and not materially altered from their
2 original construction.
- 3 (44) Special Mobile Equipment. – Every truck, truck-tractor, industrial
4 truck, trailer, or semitrailer on which have been permanently
5 attached cranes, mills, well-boring apparatus, ditch-digging
6 apparatus, air compressors, electric welders, or any similar type
7 apparatus or which have been converted into living or office
8 quarters, or other self-propelled vehicles which were originally
9 constructed in a similar manner which are operated on the highway
10 only for the purpose of getting to and from a nonhighway job and
11 not for the transportation of persons or property or for hire. This
12 shall also include trucks on which special equipment has been
13 mounted and used by American Legion or Shrine Temples for
14 parade purposes, trucks or vehicles privately owned on which fire-
15 fighting equipment has been mounted and which are used only for
16 fire-fighting purposes, and vehicles on which are permanently
17 mounted feed mixers, grinders, and mills although there is also
18 transported on the vehicle molasses or other similar type feed
19 additives for use in connection with the feed-mixing, grinding, or
20 milling process.
- 21 (45) State. – A state, territory, or possession of the United States,
22 District of Columbia, Commonwealth of Puerto Rico, or a province
23 of Canada.
- 24 (46) Street. – A highway, as defined in subdivision (13). The terms
25 'highway' and 'street' and their cognates are synonymous.
- 26 (47) Suspension. – Termination of a licensee's or permittee's privilege to
27 drive or termination of the registration of a vehicle for a period of
28 time stated in an order of revocation or suspension. The terms
29 'revocation' or 'suspension' or a combination of both terms shall be
30 used synonymously.
- 31 (48) Truck Tractors. – Vehicles designed and used primarily for
32 drawing other vehicles and not so constructed as to carry any load
33 independent of the vehicle so drawn.
- 34 (48a) Under the Influence of an Impairing Substance. – The state of a
35 person having his physical or mental faculties, or both, appreciably
36 impaired by an impairing substance.
- 37 (49) Vehicle. – Every device in, upon, or by which any person or
38 property is or may be transported or drawn upon a highway,
39 excepting devices moved by human power or used exclusively
40 upon fixed rails or tracks; provided, that for the purposes of this
41 Chapter bicycles shall be deemed vehicles and every rider of a
42 bicycle upon a highway shall be subject to the provisions of this
43 Chapter applicable to the driver of a vehicle except those which by
44 their nature can have no application. This term shall not include a

1 device which is designed for and intended to be used as a means of
2 transportation for a person with a mobility impairment, is suitable
3 for use both inside and outside a building, and whose maximum
4 speed does not exceed 12 miles per hour when the device is being
5 operated by a person with a mobility impairment.

6 (50) Wreckers. – Vehicles with permanently attached cranes used to
7 move other vehicles; provided, that said wreckers shall be equipped
8 with adequate brakes for units being towed."

9 Sec. 2. Chapter 20 of the General Statutes is amended by adding a new
10 article to read.

11 **"ARTICLE 2C.**

12 **"COMMERCIAL DRIVER'S LICENSE ACT.**

13 **"§ 20-37.10. Title of Article.**

14 This Article may be cited as the Commercial Driver's License Act.

15 **"§ 20-37.11. Purpose.**

16 The purpose of this Article is to implement the federal Commercial Motor
17 Vehicle Safety Act of 1986, Title XII of Pub. Law 99-570, and reduce or prevent
18 commercial motor vehicle accidents, fatalities, and injuries by:

19 (a) Permitting commercial drivers to hold one license;

20 (b) Disqualifying commercial drivers who have committed certain serious
21 traffic violations, or other specified offenses; and

22 (c) Strengthening commercial driver licensing and testing standards.

23 To the extent that this Article conflicts with general driver licensing provisions,
24 this Article prevails. Where this Article is silent, the general driver licensing provisions
25 apply.

26 **"§ 20-37.12. Commercial driver license required.**

27 (a) On or after April 1, 1992, no person shall operate a commercial motor
28 vehicle on the highways of this State unless he has first been issued and is in immediate
29 possession of a commercial driver license with applicable endorsements valid for the
30 vehicle he is driving; provided, a person may operate a commercial motor vehicle after
31 being issued and while in possession of a commercial driver learner's permit and while
32 accompanied by the holder of a commercial driver license valid for the vehicle being
33 driven.

34 (b) No person shall drive a commercial motor vehicle on the highways of this
35 State while his driving privilege is revoked, suspended, cancelled, subject to a
36 disqualification, or in violation of an out-of-service order.

37 (c) No person who drives a commercial motor vehicle shall have more than
38 one driver's license.

39 (d) Any person who is not a resident of this State, who has been issued a
40 commercial driver's license by his state of residence, who has that license in his
41 immediate possession, whose privilege to drive any motor vehicle is not suspended,
42 revoked, or cancelled, and who has not been disqualified from driving a commercial
43 motor vehicle, shall be permitted without further examination or licensure by the
44 Division to drive a commercial motor vehicle in this State.

1 (e) Any person who takes up residence in this State on a permanent basis is
2 exempt from the provisions of this section for 30 days from the date residence is
3 established if he is properly licensed to operate a commercial motor vehicle in the
4 jurisdiction of which he is a former resident. The Commissioner may establish by rule
5 the conditions under which the test requirements for a commercial driver's license may
6 be waived for any person applying for a license pursuant to this subsection.

7 **"§ 20-37.13. Commercial driving license qualification standards.**

8 (a) No person shall be issued a commercial driver license unless he:

9 (1) Is a resident of this State;

10 (2) Is 21 years of age;

11 (3) Has passed a knowledge and skills test for driving a commercial
12 motor vehicle which complies with minimum federal standards
13 established by federal regulation enumerated in 49 CFR, part 383,
14 subparts G and H;

15 (4) Has satisfied all other requirements of the Commercial Motor
16 Vehicle Safety Act in addition to other requirements of this
17 Chapter or federal regulation.

18 The tests shall be prescribed and conducted by the Division of Motor Vehicles.
19 Provided, a person who is at least 18 years of age may be issued a commercial driver
20 license if he is exempt from, or not subject to, the age requirements of the federal Motor
21 Carrier Safety Regulations contained in 49 CFR, part 391 as adopted by the Division.

22 (b) The Division may permit a person, including an agency of this or another
23 state, an employer, a private driver training facility, or an agency of local government to
24 administer the skills test specified by this section, provided:

25 (1) The test is the same as that administered by the Division; and

26 (2) The third party has entered into an agreement with the Division
27 which complies with the requirements of 49 CFR, part 383.75.
28 The Division may charge a fee to applicants for third-party
29 testing authority in order to investigate the applicant's
30 qualifications and to monitor their program as required by
31 federal law.

32 (c) Prior to April 1, 1992, the Division may waive the skills test for applicants
33 licensed at the time they apply for a commercial driver's license if:

34 (1) The applicant has not, and certifies that he has not, at any time
35 during the two years immediately preceding the date of
36 application:

37 a. Had more than one driver's license, except during the 10-day
38 period beginning on the date he is issued a driver's license, or
39 unless, prior to December 31, 1989, he was required to have
40 more than one license by a State law enacted prior to June 1,
41 1986;

42 b. Had any driver's license or driving privilege suspended,
43 revoked, or cancelled;

- 1 c. Had any convictions involving any kind of motor vehicle for
2 the offenses listed in G.S. 20-17; and
- 3 d. Been convicted of a violation of State or local laws relating to
4 motor vehicle traffic control, other than a parking violation,
5 which violation arose in connection with any reportable traffic
6 accident; and
- 7 (2) The applicant certifies, and provides satisfactory evidence, that
8 he is regularly employed in a job requiring the operation of a
9 commercial motor vehicle, and he either:
- 10 a. Has previously taken and successfully completed a skills test
11 which was administered by a state with a classified licensing
12 and testing system and that test was behind the wheel in a
13 vehicle representative of the class and, if applicable, the type of
14 commercial motor vehicle for which the applicant seeks to be
15 licensed; or
- 16 b. Has operated for at least two years immediately preceding the
17 application date, a vehicle representative of the class and, if
18 applicable, the type of commercial motor vehicle for which the
19 applicant seeks to be licensed.

20 (d) A commercial driver license or learner's permit shall not be issued to a
21 person while he is subject to a disqualification from driving a commercial motor
22 vehicle, or while his driver license is suspended, revoked, or cancelled in any state; nor
23 shall a commercial driver license be issued by any other state unless he first surrenders
24 all other driver licenses, which must be returned to the issuing states for cancellation.

25 (e) A commercial driver learner's permit may be issued to an individual who
26 holds a valid Class C driver license who has passed the necessary tests required for that
27 license. The permit is valid for a period not to exceed six months and may be renewed
28 or reissued only once within a two-year period.

29 **"§ 20-37.14. Nonresident commercial driver license.**

30 The Division may issue a nonresident commercial driver license, or NRCDL, to a
31 resident of a foreign jurisdiction if the United States Secretary of Transportation has
32 determined that the commercial motor vehicle testing and licensing standards in the
33 foreign jurisdiction do not meet the testing standards established in 49 CFR, part 383.
34 The word 'Nonresident' must appear on the face of the NRCDL. An applicant must
35 surrender any NRCDL issued by another state. Prior to issuing a NRCDL, the Division
36 shall establish the practical capability of revoking, suspending, or cancelling the
37 NRCDL and disqualifying that person with the same conditions applicable to the
38 commercial driver license issued to a resident of this State.

39 **"§ 20-37.15. Application for commercial driver license.**

40 (a) The application for a commercial driver license must include the
41 following:

- 42 (1) The full name, current mailing address and residence address of
43 the applicant;

- 1 (2) A physical description of the person including sex, height, eye
- 2 and hair color;
- 3 (3) Date of birth;
- 4 (4) The applicant's social security number;
- 5 (5) The applicant's signature;
- 6 (6) The applicant's color photograph;
- 7 (7) Certifications including those required by 49 CFR, part
- 8 383.71(a);
- 9 (8) A consent to release driving record information; and
- 10 (9) Any other information required by the Division.

11 The application must be accompanied by a nonrefundable application fee of

12 thirty dollars (\$30.00).

13 (b) When the holder of a commercial driver license changes his name,

14 mailing address, or residence address, an application for a duplicate shall be made as

15 provided in G.S. 20-7.1 and a fee paid as provided in G.S. 20-14.

16 **"§ 20-37.16. Content of license; classifications and endorsements; fees.**

17 (a) The commercial driver license must be marked 'Commercial Driver

18 License' or 'CDL' and shall, to the maximum extent practicable, be tamper proof. It

19 must include:

- 20 (1) The person's name and residential address;
- 21 (2) The person's color photograph;
- 22 (3) A physical description of the person including sex, height, eye
- 23 color, and hair color;
- 24 (4) The person's date of birth;
- 25 (5) The person's social security number or any number or identifier
- 26 deemed appropriate by the Division;
- 27 (6) The person's signature;
- 28 (7) The class of commercial motor vehicle or vehicles which the
- 29 person is authorized to drive together with any endorsements or
- 30 restrictions;
- 31 (8) The name of this State; and
- 32 (9) The dates between which the license is valid.

33 (b) Commercial driver licenses may be issued with the following

34 classifications, endorsements, and restrictions; the holder of a valid commercial driver

35 license may drive all vehicles in the class for which that license is issued, and all lesser

36 classes of vehicles except motorcycles. Vehicles which require an endorsement shall

37 not be driven unless the proper endorsement appears on the license.

38 Class A - Any combination of vehicles with a gross vehicle weight rating,

39 GVWR, of 26,001 pounds or more, provided the GVWR of the vehicle or vehicles

40 being towed is in excess of 10,000 pounds.

41 Class B - Any single vehicle with a GVWR of 26,001 pounds or more, and any

42 such vehicle towing a vehicle not in excess of 10,000 pounds.

1 Class C - Any single vehicle with a GVWR of less than 26,001 pounds or any
2 such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds
3 comprising:

- 4 (1) Vehicles designed to transport 16 or more passengers, including
5 the driver; and
- 6 (2) Vehicles used in the transportation of hazardous materials
7 which requires the vehicle to be placarded under 49 CFR, part
8 172, subpart F.

9 (c) Endorsements and restrictions will be noted on the license when
10 appropriate in the following categories:

- 11 (1) 'H' - Authorizes the driver to drive a vehicle transporting
12 hazardous materials.
- 13 (2) 'K' - Restricts the driver to vehicles not equipped with
14 airbrakes.
- 15 (3) 'T' - Authorizes driving double trailers.
- 16 (4) 'P' - Authorizes driving vehicles carrying passengers.
- 17 (5) 'N' - Authorizes driving tank vehicles.
- 18 (6) 'X' - Represents a combination of hazardous materials and tank
19 vehicle endorsements.
- 20 (7) 'M' - Authorizes driving a motorcycle.
- 21 (8) 'S' - Authorizes driving a school bus.

22 (d) The fee for issuance of a Class A, B, or C commercial driver license is
23 fifty dollars (\$50.00). Any person applying for a special endorsement or renewal under
24 subsection (c) of this section shall pay an additional five dollars (\$5.00) for each
25 endorsement.

26 (e) The requirements for a commercial driver license do not apply to vehicles
27 used for personal use such as recreational vehicles. A commercial driver license is also
28 waived for the following classes of vehicles as permitted by regulation of the United
29 States Department of Transportation:

- 30 (1) Vehicles owned or operated by the Department of Defense,
31 including the National Guard, while they are driven by active
32 duty military personnel, or members of the National Guard
33 when on active duty, in the pursuit of military purposes;
- 34 (2) Any vehicle when used as firefighting or emergency equipment
35 for the purpose of preserving life or property or to execute
36 emergency governmental functions; and
- 37 (3) Farm vehicles that meet all of the following criteria:
 - 38 a. Controlled and operated by the farmer and used exclusively for
39 farm use;
 - 40 b. Used to transport either agricultural products, farm machinery,
41 or farm supplies, both to or from a farm;
 - 42 c. Not used in the operations of a common or contract motor
43 carrier; and
 - 44 d. Used within 150 miles of the farmer's farm.

1 **"§ 20-37.17. Record check and notification of license issuance.**

2 Before issuing a commercial driver license, the Division shall obtain driving
3 record information from the Commercial Driver License Information System (CDLIS),
4 the National Driver Register, and from each state in which the person has been licensed.

5 Within 10 days after issuing a commercial driver license, the Division shall
6 notify CDLIS of the issuance of the commercial driver license, providing all
7 information necessary to ensure identification of the person.

8 **"§ 20-37.18. Notification required by driver.**

9 (a) Any driver holding a commercial driver license issued by this State who is
10 convicted of violating any State law or local ordinance relating to motor vehicle traffic
11 control in any other state, other than parking violations, shall notify the Division in the
12 manner specified by the Division within 30 days of the date of the conviction.

13 (b) Any driver holding a commercial driver license issued by this State who is
14 convicted of violating any State law or local ordinance relating to motor vehicle traffic
15 control in this or any other state, other than parking violations, shall notify his employer
16 in writing of the conviction within 30 days of the date of conviction.

17 (c) Any driver whose commercial driver license is suspended, revoked, or
18 cancelled by any state, or who loses the privilege to drive a commercial motor vehicle in
19 any state for any period, including being disqualified from driving a commercial motor
20 vehicle, or who is subject to an out-of-service order, shall notify his employer of that
21 fact before the end of the business day following the day the driver received notice of
22 that fact.

23 (d) Any person who applies to be a commercial motor vehicle driver shall
24 provide the employer, at the time of the application, with the following information for
25 the 10 years preceding the date of application:

26 (1) A list of the names and addresses of the applicant's previous
27 employers for which the applicant was a driver of a commercial
28 motor vehicle;

29 (2) The dates between which the applicant drove for each
30 employer; and

31 (3) The reason for leaving that employer.

32 The applicant shall certify that all information furnished is true and complete. Any
33 employer may require an applicant to provide additional information.

34 **"§ 20-37.19. Employer responsibilities.**

35 (a) Each employer shall require the applicant to provide the information
36 specified in G.S. 20-37.18(c).

37 (b) No employer shall knowingly allow, permit, or authorize a driver to drive
38 a commercial motor vehicle during any period:

39 (1) In which the driver has had his commercial driver license
40 suspended, revoked, or cancelled by any state, is currently
41 disqualified from driving a commercial vehicle, or is subject to
42 an out-of-service order in any state; or

43 (2) In which the driver has more than one driver license.

44 **"§ 20-37.20. Notification of traffic convictions.**

1 Within 10 days after receiving a report of the conviction of any nonresident
2 holder of a commercial driver license for any violation of State law or local ordinance
3 relating to motor vehicle traffic control, other than parking violations, committed in a
4 commercial vehicle, the Division shall notify the driver licensing authority in the
5 licensing state of the conviction.

6 **"§ 20-37.21. Penalties.**

7 (a) Any person who drives a commercial motor vehicle in violation of G.S.
8 20-37.12 shall be guilty of a misdemeanor and, upon conviction, shall be fined not less
9 than two hundred fifty dollars (\$250.00) for a first offense and not less than five
10 hundred dollars (\$500.00) for a second or subsequent offense.

11 (b) Any person who violates G.S. 20-37.18 shall have committed an
12 infraction and, upon being found responsible, shall pay a penalty of not less than one
13 hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

14 (c) Any employer who violates G.S. 20-37.19 shall have committed an
15 infraction and, upon being found responsible, shall pay a penalty of not less than five
16 hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000).

17 **"§ 20-37.22. Rule making authority.**

18 The Division may adopt any rules necessary to carry out the provisions of this
19 Article.

20 **"§ 20-37.23. Authority to enter agreements.**

21 The Commissioner shall have the authority to execute or make agreements,
22 arrangements, or declarations to carry out the provisions of this Article."

23 Sec. 3. Article 2 of Chapter 20 of the General Statutes is amended by adding
24 a new section to read:

25 **"§ 20-17.4. Disqualification and cancellation of a commercial driver license.**

26 (a) Any person is disqualified from driving a commercial motor vehicle for a
27 period of not less than one year if convicted of a first violation of:

- 28 (1) G.S. 20-138.1 or G.S. 138.2(a)(1) - Driving a commercial motor
29 vehicle while subject to an impairing substance;
- 30 (2) G.S. 20-138.2(a)(2) - Driving a commercial motor vehicle while
31 the alcohol concentration of the person's blood or breath is 0.04 or
32 more;
- 33 (3) G.S. 20-166(a) - Felonious hit and run involving a commercial
34 motor vehicle driven by the person;
- 35 (4) Using a commercial motor vehicle in the commission of any
36 felony; or
- 37 (5) Refusal to submit to a chemical test to determine the driver's
38 alcohol concentration while driving a commercial motor
39 vehicle.

40 If any of the above violations occurred while transporting a hazardous material
41 required to be placarded, the person is disqualified for a period of not less than three
42 years.

43 (b) A person is disqualified for life if convicted of two or more violations of
44 any of the offenses specified in subsection (a) of this section, or any combination of

1 those offenses, arising from two or more separate incidents. The Division may issue
2 regulations establishing guidelines, including conditions, under which a disqualification
3 for life under this paragraph may be reduced to 10 years.

4 (c) A person is disqualified from driving a commercial motor vehicle for life
5 if that person uses a commercial motor vehicle in the commission of any felony
6 involving the manufacture, distribution, or dispensing of a controlled substance, or
7 possession with intent to manufacture, distribute, or dispense a controlled substance.

8 (d) A person is disqualified from driving a commercial motor vehicle for a
9 period of not less than 60 days if convicted of two serious traffic violations, or 120 days
10 if convicted of three serious traffic violations, committed in a commercial motor vehicle
11 arising from separate incidents occurring within a three-year period.

12 (e) After suspending, revoking, or cancelling a commercial driver license, the
13 Division shall update its records to reflect that action within 10 days. After suspending,
14 revoking, or cancelling a nonresident commercial driver's privileges, the Division shall
15 forthwith notify the licensing authority of the State which issued the commercial driver
16 license or commercial driver instruction permit."

17 Sec. 4. G.S. 20-28 is amended by adding a new subsection to read:

18 "(c) Any person whose commercial driver license has been suspended or revoked
19 or who has been disqualified from operating a commercial motor vehicle as provided in
20 this Chapter who shall drive a commercial motor vehicle upon the highways or public
21 vehicular areas of this State while such license is under suspension, revocation, or
22 disqualification shall be guilty of a misdemeanor. Upon receipt of a record of a
23 violation of this section, the Division shall impose an additional disqualification period
24 equal to the period for which the driver was suspended, revoked, or disqualified when
25 he violated this section."

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

27 "(a) Except as otherwise provided in this ~~Article~~Chapter, no person shall operate a
28 motor vehicle on a highway unless such person is a resident of this State and has first
29 been licensed by the Division under the provisions of this Article or Article 2C for the
30 type or class of vehicle being driven. ~~Drivers'~~Driver's licenses shall be classified under
31 this Article as follows:

32 (1) Class 'A' which entitles a licensee to drive any vehicle or
33 combination of vehicles, ~~with a gross vehicle weight rating~~
34 (GVWR) of 26,001 pounds or more, provided the GVWR of the
35 vehicle or vehicle being towed are in excess of 10,000 pounds and
36 are exempt from Article 2C of this Chapter. A Class A license
37 entitles the licensee to operate Class B and C vehicles except
38 motorcycles, ~~including all vehicles under Classes "B" or "C."~~

39 (2) Class 'B' which entitles a licensee to drive a single vehicle
40 ~~weighing over 30,000 pounds gross vehicle weight, any such~~
41 ~~vehicle towing a vehicle weighing 10,000 pounds gross vehicle~~
42 ~~weight or less, a single vehicle designed to carry more than 12~~
43 ~~passengers and all vehicles under Class "C."~~with a GVWR of
44 26,001 pounds or more, any such vehicle towing a single vehicle

1 not in excess of 10,000 pounds provided the towed vehicle is
2 exempt from Article 2C of this Chapter. A Class "B" license does
3 not entitle the licensee to operate Class C vehicles except drive a
4 motorcycles.

- 5 (3) Class 'C' which entitles a licensee to drive a single vehicle
6 ~~weighing 30,000 pounds gross vehicle weight or less; any such~~
7 ~~vehicle towing a vehicle weighing 10,000 pounds gross vehicle~~
8 ~~weight or less; a church bus, farm bus, volunteer transportation~~
9 ~~vehicle, or activity bus operated for a nonprofit organization when~~
10 ~~the activity bus is operated for a nonprofit purpose; and a fire-~~
11 ~~fighting vehicle or combination of vehicles (regardless of gross~~
12 ~~vehicle weight) when operated by any volunteer member of a~~
13 ~~municipal or rural fire department in the performance of his duty.~~
14 with a GVWR of less than 26,001 pounds or any such vehicle
15 towing another vehicle with a GVWR not in excess of 10,000
16 pounds, both of which are exempt from Article 2C. A Class "C" license
17 does not entitle the licensee to drive a motorcycle. A Class
18 "C" license does not entitle the licensee to drive a vehicle designed
19 to carry more than 12 passengers unless this subsection or G.S. 20-
20 218(a) specifically entitles him to do so.

21 Any unusual vehicle shall be assigned by the Commissioner to the most appropriate
22 class under this subsection or Article 2C with suitable special restrictions if they appear
23 to be necessary.

24 Any person who takes up residence in this State on a permanent basis is exempt
25 from the provisions of this subsection for 30 days from the date that residence is
26 established, if he is properly licensed in the jurisdiction of which he is a former
27 resident."

28 Sec. 6. G.S. 20-218(a) reads as rewritten:

29 "(a) No person shall drive or operate a school bus over the public roads of North
30 Carolina while the same is occupied by children unless said person shall be fully
31 trained in the operation of motor vehicles, and shall furnish to the superintendent of the
32 schools of the county in which said bus shall be operated a certificate from any
33 representative duly designated by the Commissioner of Motor Vehicles, and the chief
34 mechanic in charge of school buses in said county showing that he has been examined
35 by a representative duly designated by the Commissioner of Motor Vehicles, and said
36 chief mechanic in charge of school buses in said county and that he is a fit and
37 competent person to operate or drive a school bus over the public roads of the State.
38 ~~Notwithstanding the provisions of G.S. 20-7(a)(3), the~~ The driver of a school bus or school
39 activity bus must be at least 16-18 years of age and hold a driver's license of Class 'A', 'B',
40 or 'C' commercial driver's license and a school bus driver's certificate, and the driver of a
41 school activity bus must hold a driver's license of Class "C" and a school bus driver's certificate
42 or a driver's license of Class "A" or Class "B".

43 Sec. 7. G.S. 20-9(a) reads as rewritten:

1 "(a) A Class 'C' license shall not be issued to any person under 16 years of age
2 and no Class "A" ~~A~~, or Class "B" ~~B~~, or "C" ~~C~~ commercial driver license shall be issued to
3 any person under ~~18~~21 years of age except as provided in G.S. 20-37.13(a) and G.S. 20-
4 218(a). An endorsement to transport hazardous materials shall not be issued to any
5 person under 21 years of age."

6 Sec. 8. G.S. 20-10 reads as rewritten:

7 **"§ 20-10. Age limits for drivers of public passenger-carrying vehicles.**

8 It shall be unlawful for any person, whether licensed under this Article or not, who is
9 under the age of ~~18~~21 years to drive a motor vehicle while in use as a public passenger-
10 carrying vehicle. For purposes of this section, an ambulance when operated for the
11 purpose of transporting persons who are sick, injured, or otherwise incapacitated shall
12 not be treated as a public passenger-carrying vehicle.

13 No person 14 years of age or under, whether licensed under this Article or not, shall
14 operate any road machine, farm tractor or motor driven implement of husbandry on any
15 highway within this State. Provided any person may operate a road machine, farm
16 tractor, or motor driven implement of husbandry upon a highway adjacent to or running
17 in front of the land upon which such person lives when said person is actually engaged
18 in farming operations."

19 Sec. 9. G.S. 20-30 is amended by adding a new subdivision to read:

20 "(8) To possess more than one commercial driver license. Any commercial driver
21 license other than the most recently issued is subject to immediate seizure by any law
22 enforcement officer or judicial official."

23 Sec. 10. G.S. 20-26(a) reads as rewritten:

24 "(a) The Division shall keep a record of test, proceedings and orders pertaining to
25 all driver's licenses granted, refused, suspended or revoked. The Division shall keep
26 records of convictions as defined in G.S. 20-24(c) occurring outside North Carolina
27 only for the offenses of exceeding a stated speed limit of 55 miles per hour or more by
28 more than 15 miles per hour, driving while license suspended or revoked, careless and
29 reckless driving, engaging in prearranged speed competition, engaging willfully in
30 speed competition, hit-and-run driving resulting in damage to property, unlawfully
31 passing a stopped school bus, illegal transportation of alcoholic beverages, and the
32 offenses included in G.S. 20-17. Provided, the Division shall also record convictions
33 for speeding in excess of 15 miles per hour over the posted speed limit occurring
34 outside of North Carolina if the vehicle involved is a commercial motor vehicle."

35 Sec. 11. G.S. 20-24(c) reads as rewritten:

36 "(c) For the purpose purposes of this Article-Chapter, the term 'conviction' when
37 referring to offenses committed in North Carolina shall mean: (i) a final conviction of a
38 criminal offense including a no contest plea, or (ii) a determination that a person is
39 responsible for an infraction--including a no contest plea, (iii) Also for the purpose of this
40 Article-an order of forfeiture of cash in the full amount of a bond required by Article 26
41 of Chapter 15A of the General Statutes, which forfeiture has not been vacated, shall be
42 equivalent to a conviction-, or (iv) In addition to the foregoing provisions and for the purpose
43 of this Article, a third or subsequent prayer for judgment continued within any five-year
44 period shall be considered as a final conviction-and to this end all orders entering prayers

1 for judgment continued entered by the courts shall be reported to the division of Motor
2 Vehicles.

3 For the purposes of this Chapter, the term 'conviction' when referring to offenses
4 committed outside of the State of North Carolina shall mean an unvacated adjudication
5 of guilt, or a determination that a person has violated or failed to comply with the law in
6 a court of original jurisdiction or an authorized administrative tribunal; an unvacated
7 forfeiture of bail or collateral deposited to secure the person's appearance in court; or a
8 violation of a condition of release without bail, regardless of whether or not the penalty
9 is rebated, suspended, or probated."

10 Sec. 12. G.S. 20-17(4) reads as rewritten:

11 "(4) ~~Failure to stop and render aid as required under the laws of this State in the~~
12 ~~event of a motor vehicle accident in violation of G.S. 20-166(a) or (b)."~~

13 Sec. 13. Chapter 20 of the General Statutes is amended by adding a new
14 section to read:

15 "**§ 20-138.2. Impaired driving in commercial vehicle.**

16 (a) Offense.—A person commits the offense of impaired driving in a
17 commercial motor vehicle if he drives a commercial motor vehicle upon any highway,
18 any street, or any public vehicular area within the State:

19 (1) While appreciably under the influence of an impairing
20 substance; or

21 (2) After having consumed sufficient alcohol that he has, at any
22 relevant time after the driving, an alcohol concentration of 0.04
23 or more.

24 (b) Defense Precluded.—The fact that a person charged with violating this
25 section is or has been legally entitled to use alcohol or a drug is not a defense to a
26 charge under this section.

27 (c) Pleading.—To charge a violation of this section, the pleading is sufficient if
28 it states the time and place of the alleged offense in the usual form and charges the
29 defendant drove a commercial motor vehicle on a highway, street, or public vehicular
30 area while subject to an impairing substance.

31 (d) Implied Consent Offense.—An offense under this section is an implied
32 consent offense subject to the provisions of G.S. 20-16.2.

33 (e) Punishment; Effect When Impaired Driving Offense Also Charged.—The
34 offense in this section is a misdemeanor punishable by a fine of not less than one
35 hundred dollars (\$100.00), up to two years imprisonment, or both. This offense is not a
36 lesser included offense of impaired driving under G.S. 20-138.1, but if a person is
37 convicted under this section and of an offense involving impaired driving under G.S.
38 20-138.1 arising out of the same transaction, the aggregate punishment imposed by the
39 Court may not exceed the maximum punishment applicable to the offense involving
40 impaired driving under G.S. 20-138.1.

41 (f) Limited Driving Privilege.—A person convicted of the offense of impaired
42 driving under this section is not eligible for a limited driving privilege to operate a
43 commercial motor vehicle. If a person is convicted under this section and under G.S.
44 20-138.1, he may be considered for a limited driving privilege for a noncommercial

1 motor vehicle if he meets the requirements of G.S. 20-179.3(b). Such a privilege shall
 2 be for the purposes specified in G.S. 20-179.3(a) and issued according to the procedure
 3 in G.S. 20-179.3(d) and subsections (f) through (k).

4 If a person is convicted under this section and he had a blood alcohol
 5 concentration below 0.10, he is nonetheless eligible to apply for a Class C
 6 noncommercial license.

7 (g) The provisions of G.S. 20-139.1 shall apply to the offense of impaired
 8 driving in a commercial motor vehicle."

9 Sec. 14. G.S. 20-16.2(a)(4) reads as rewritten:

10 "(a) (4) ~~If any test reveals an alcohol concentration of 0.10 or more, his~~
 11 His driving privilege will be revoked immediately for at least 10
 12 ~~days-if:~~

13 a. The test reveals an alcohol concentration of 0.10 or more; or

14 b. He was driving a commercial motor vehicle and the test reveals
 15 an alcohol concentration of 0.04 or more."

16 Sec. 15. G.S. 20-16.2(i)(2) reads as rewritten:

17 "(2) That his license will be revoked for at least 10 days if:

18 a. ~~the~~ The test reveals an alcohol concentration of 0.10 or more;
 19 ~~and or~~

20 b. He was driving a commercial motor vehicle and the test results
 21 reveal an alcohol concentration of 0.04 or more."

22 Sec. 16. G.S. 20-16.5(b) reads as rewritten:

23 "(b) Revocations for Persons Who Refuse Chemical Analyses or Have Alcohol
 24 Concentrations of 0.10 or More After Driving a Motor Vehicle or of 0.04 or More After
 25 Driving a Commercial Vehicle. – A person's driver's license is subject to revocation
 26 under this section if:

27 (1) A charging officer has reasonable grounds to believe that the
 28 person has committed an offense subject to the implied-consent
 29 provisions of G.S. 20-16.2;

30 (2) The person is charged with that offense as provided in G.S. 20-
 31 16.2(a);

32 (3) The charging officer and the chemical analyst comply with the
 33 procedures of G.S. 20-16.2 and G.S. 20-139.1 in requiring the
 34 person's submission to or procuring a chemical analysis; and

35 (4) The person:

36 a. Willfully refuses to submit to the chemical analysis; ~~or~~

37 b. Has an alcohol concentration of 0.10 or more within a relevant
 38 time after the driving; or

39 c. Has an alcohol concentration of 0.04 or more at any relevant
 40 time after the driving of a commercial vehicle."

41 Sec. 17. G.S. 20-16.5(b1)(2) reads as rewritten:

42 "(2) He has, ~~;~~

43 a. ~~at any relevant time after the driving, a~~ An alcohol concentration
 44 of 0.10 or more at any relevant time after driving; and or

1 b. An alcohol concentration of 0.04 or more at any relevant time
2 after driving a commercial motor vehicle; and "

3 Sec. 18. G.S. 20-16.5(j) reads as rewritten:

4 "(j) Costs. – Unless the magistrate or judge orders the revocation rescinded, a
5 person whose license is revoked under this section must pay a fee of twenty-five dollars
6 (\$25.00) as costs for the action before his license may be returned under subsection (h);
7 provided, however, if the revocation is pursuant to G.S. 20-16.5(b)(4)c. or G.S. 20-
8 16.5(b1)(2)b., the fee shall be fifty dollars (\$50.00). The costs collected under this
9 section go to the State."

10 Sec. 19. G.S. 20-26 is amended by adding a new subsection to read:

11 "(b1) The registered or declared weight set forth on the vehicle registration card or
12 a certified copy of the Division record sent by the Division of Criminal Information or
13 otherwise is admissible in any judicial or administrative proceeding and shall be **prima**
14 **facie** evidence of the registered or declared weight."

15 Sec. 20. Chapter 1112 of the 1987 Session Laws is repealed.

16 Sec. 21. Sections 1 through 19 of this act shall become effective September 1,
17 1990. Section 20 of this act shall become effective June 1, 1989.