

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: Senate Bill 368 (Second Edition)

SHORT TITLE: Various Changes in Motor Vehicle Law.-AB

SPONSOR(S): Senator Jenkins

FISCAL IMPACT

Yes ()

No (X)

No Estimate Available ()

FY 2009-10

FY 2010-11

FY 2011-12

FY 2012-13

FY 2013-14

REVENUES:

EXPENDITURES: No additional costs expected for the implementation of this bill.

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Crime Control and Public Safety; Department of Transportation

EFFECTIVE DATE: Sections 1, 6, 15, 16, and 17 of this act are effective when this act becomes law. The remaining sections of this act become effective October 1, 2009, and apply to offenses committed on or after that date.

BILL SUMMARY:

This bill enacts the following:

- Clarifies the requirements for a retired State Highway Patrol special registration plate
- Provides for the recovery of civil penalties assessed by the Department of Crime Control and Public Safety
- Requires that all motor vehicles used in intrastate commerce weighing more than ten thousand pounds be marked
- Modifies the requirements for flags and lighting and when headlamps would be required to be used on loads that are projecting from the end or sides of a commercial motor vehicles or a motor vehicle weighing more than ten thousand pounds and engaged in commerce
- Requires safe tires on commercial motor vehicles are required by Part 393 of Title 49 of the Code of Federal Regulations
- Makes a change to the weight and size penalty provision to allow for the assessment of a civil penalty for only that amount of weight in excess of the permitted amount, to require the Department of Crime Control and Public Safety to assess civil fines for violations of the special permit requirements of G.S. 20-119, and to prevent motor carriers from operating vehicles that have been declared "out-of-service"

- Requires brakes as standard equipment for semitrailers being pulled by tractor trucks and other pull units
- Requires that owners of motorcycles maintain in good working order directional signals installed by the manufacture
- Modifies the seat belt exemption provided for garbage and recycling truck operators and passengers to comply with federal law
- Prohibits the operation of a digital video disc player at any point forward of the back of a driver's seat while operating a motor vehicle
- Increases the cap on the maximum allowable supervisory personnel in the State Highway Patrol from twenty-one percent to twenty-three percent
- Ensures that proceeds from lease of property owned by the State Highway Patrol as part of the VIPER project is used to construct, maintain, and support the project, as requested by the State Highway Patrol.

Sections 1, 6, 15, 16, and 17 of this act are effective when this act becomes law. The remaining sections of this act become effective October 1, 2009, and apply to offenses committed on or after that date.

ASSUMPTIONS AND METHODOLOGY:

This proposed bill addresses numerous changes to several statutes; however, these changes are not anticipated to have a substantial fiscal impact. A few of these changes are discussed below.

Department of Crime Control and Public Safety

The Department of Crime Control and Public Safety (CCPS) staff reported that they do not anticipate any fiscal impact as a result of Section 15 of the proposed bill becoming law. Section 15 changes the proportion of supervisory personnel of the State Highway Patrol actually serving as uniformed highway patrolmen from twenty-one percent (21%) to twenty-three percent (23%). This Section does not commit the State to any new expenses, it simply allows the State Highway Patrol to move monies within their existing budget.

Department of Transportation - Division of Motor Vehicles

The Division of Motor Vehicles does not anticipate any fiscal impact from this bill. This analysis is based on the Division's assessment that it 1) will not retain a copy or image of the identification/documentation presented for the issuance of the Retired State Highway Patrol plate; 2) will not revoke any Retired State Highway Patrol plate that was issued prior to this change, and 3) will not require identification/documentation for the renewal of an existing Retired State Highway Patrol plate.

SOURCES OF DATA: Department of Transportation and the Department of Crime Control and Public Safety

TECHNICAL CONSIDERATIONS: None

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