

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

SESSION LAW 2018-74  
SENATE BILL 145

AN ACT TO MAKE CHANGES TO THE TRANSPORTATION LAWS OF THE STATE.

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.**

...

(f) ~~A-~~Except as otherwise provided in subsection (g) of this section, a trainee registration, license, or certificate is not required under this Chapter ~~for~~for any of the following:

- (1) Any person, partnership, association, or corporation that performs appraisals of property owned by that person, partnership, association, or corporation for the sole use of that person, partnership, association, or ~~corporation;~~ corporation.
- (2) Any court-appointed commissioner who conducts an appraisal pursuant to a judicially ordered evaluation of ~~property;~~ property.



- (3) Any person to qualify as an expert witness for court or administrative agency testimony, if otherwise ~~qualified;~~qualified.
- (4) A person who appraises standing timber so long as the appraisal does not include a determination of value of any ~~land;~~land.
- (5) Any person employed by a lender in the performance of appraisals with respect to which federal regulations do not require a licensed or certified ~~appraiser; and~~appraiser.
- (6) A person who performs ad valorem tax appraisals and is certified by the Department of Revenue under G.S. 105-294 or ~~G.S. 105-296; however, any~~ G.S. 105-296.
- (7) A person who prepares a Right-of-Way Claim Report pursuant to G.S. 136-19.6.

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

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

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

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

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

- (1) Responsiveness. – The Department shall structure the Program to gather citizen input and shall commit to quickly addressing structural problems and other road hazards on State-maintained roads. Citizens may report potholes, drainage issues, culvert blockages, guardrail repairs, damaged or missing signs, malfunctioning traffic lights, highway debris, or shoulder damage to the Department of Transportation by calling a toll-free telephone number designated by the Department or submitting an online work request through a Web site link designated by the Department. Beginning January 1, 2016, upon receiving a citizen report in accordance with this subdivision, the Department shall either address the reported problem or identify a solution to the reported problem. Excluding potholes, which shall be repaired within two business days of the date the report is received, the Department of Transportation shall properly address (i) safety-related citizen reports no later than 10 business days after the date the report is received and (ii) non-safety-related citizen reports no later than 15 business days after the date the report is received. The Department shall determine, in its discretion, whether a citizen report is safety-related or non-safety-related. The Department shall transmit information received about potholes or other problems on roads not maintained by the State to the appropriate locality within two business days of receiving the citizen report. The Department shall ~~provide post~~ provide post a monthly report ~~to all of the following to the Department's performance dashboard Web site~~ on the number of citizen reports received under this subdivision for the

month immediately preceding the monthly report, the number of citizen reports fully addressed within the time frames set forth in this subdivision for the month immediately preceding the monthly report, the number of citizen reports addressed outside of the time frames set forth in this subdivision for the month immediately preceding the monthly report, and the number of citizen reports not fully addressed for the month immediately preceding the ~~report; report.~~

- a. ~~The Joint Legislative Transportation Oversight Committee.~~
- b. ~~The Fiscal Research Division of the General Assembly.~~
- c. ~~The chairs of the House of Representatives Appropriations Committee on Transportation.~~
- d. ~~The chairs of the Senate Appropriations Committee on the Department of Transportation.~~

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

...."

**SECTION 2.(b)** This section is effective when it becomes law, except that the report required under G.S. 136-18.05(b)(1), as amended by this section, shall continue to be provided monthly to the Joint Legislative Transportation Oversight Committee, the Fiscal Research Division of the General Assembly, the chairs of the House of Representatives Appropriations Committee on Transportation, and the chairs of the Senate Appropriations Committee on the Department of Transportation, until it is posted to the Department's performance dashboard Web site.

## **REPEAL OF BIENNIAL REPORT ON OFF-PREMISE SIGN REGULATORY PROGRAM**

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

## CHANGE TO DOT OUTSOURCING AND PROJECT DELIVERY REPORTS

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

### "§ 136-12.3. Outsourcing and project delivery reports.

...

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

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

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

...

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

...."

## REPEAL OF ANNUAL CONSTRUCTION PROGRAM AND RELATED REPORTING REQUIREMENTS

SECTION 5. G.S. 136-44.4 is repealed.

## CHANGE TO ANNUAL HIGHWAY CONSTRUCTION AND MAINTENANCE REPORT

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

"(a) The Department of Transportation shall, ~~on or before the tenth day after the convening of each regular session of the General Assembly of North Carolina, make a full printed, detailed report to the General Assembly, showing the construction and maintenance work and the cost of the same, receipts of license fees, and disbursements of the Department of Transportation, and such other data as may be of interest in connection with the work of the Department of Transportation.~~ shall report to the Joint Legislative Transportation Oversight Committee by March 1 of each year on how the previous fiscal year's funds for maintenance and construction were allocated and expended. The report shall include expenditures of both State and federal funds and shall be in sufficient detail that the county can be identified. A full account of each road project shall be kept by and under the direction of the Department of Transportation or its representatives, to ascertain at any time the expenditures and the liabilities against all projects; also records of contracts and force account work. The account records, together with all supporting documents, shall be open at all times to the inspection of the Governor or road authorities of any county, or their authorized representatives, and copies thereof shall be furnished such officials upon request."

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

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

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

**"§ 20-302. Rules and regulations.**

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

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

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

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

- (1) The applicant is a current or former member of an active or reserve component of the Armed Forces of the United States and was issued a military license that authorized the applicant to operate a vehicle that is representative of the class and type of commercial motor vehicle for which the applicant seeks to be licensed and whose military occupational specialty or rating are eligible for waiver, as allowed by the Federal Motor Carrier Safety Administration.
- (2) The applicant is or was, within the year prior to the date of application, regularly employed in a military position requiring operation of a motor vehicle representative of the class of commercial motor vehicle for which the applicant seeks to be licensed.
- (3) The applicant meets the qualifications listed in subdivision (2) of subsection (c1) of this section."

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

### **DMV MAY SHARE DRIVER MEDICAL RECORDS WITH STATE AND FEDERAL AUTHORITIES**

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

"(e) Restrictions. – The Division may impose any restriction it finds advisable on a drivers license. It is unlawful for the holder of a restricted license to operate a motor vehicle without complying with the restriction and is the equivalent of operating a motor vehicle without a license. If any applicant shall suffer from any physical or mental disability or disease that affects his or her operation of a motor vehicle, the Division may require to be filed with it a certificate of the applicant's condition signed by a medical authority of the applicant's community designated by the Division. The Division may, in its discretion, require the certificate to be completed and submitted after a license or renewal has been issued based on the applicant's performance during a road test administered by the Division. Upon submission, the certificate shall be reviewed in accordance with the procedure set forth in G.S. 20-9(g)(3). This certificate shall in all cases be treated as ~~confidential~~confidential and subject to release under G.S. 20-9(g)(4)h. Nothing in this subsection shall be construed to prevent the Division from refusing to issue a license, either restricted or unrestricted, to any person deemed to be incapable of safely operating a motor vehicle based on information observed or received by the Division,

including observations during a road test and medical information submitted about the applicant. An applicant may seek review pursuant to G.S. 20-9(g)(4) of a licensing decision made on the basis of a physical or mental disability or disease. This subsection does not prohibit deaf persons from operating motor vehicles who in every other way meet the requirements of this section."

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

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

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

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

### **PART III. SPECIAL REGISTRATION PLATES**

#### **AUTHORIZE THE DIVISION TO PRODUCE AN "ORDER OF THE EASTERN STAR PRINCE HALL AFFILIATED" SPECIAL REGISTRATION PLATE**

**SECTION 11.(a)** G.S. 20-79.4(b) reads as rewritten:

"(b) Types. – The Division shall issue the following types of special registration plates:

...

(j) Order of the Eastern Star Prince Hall Affiliated. – Issuable to an active member of the Order of the Eastern Star Prince Hall Affiliated in accordance with G.S. 20-81.12. The plate shall bear the Order of the Eastern Star Prince Hall Affiliated logo.

...."

**SECTION 11.(b)** G.S. 20-79.7 reads as rewritten:

"§ 20-79.7. Fees for special registration plates and distribution of the fees.

...

(a1) Fees. – All other special registration plates are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
...	
North Carolina Sheriffs' Association Operation Coming Home	\$30.00
<u>Order of the Eastern Star Prince Hall Affiliated</u> Outer Banks Preservation Association	<u>\$20.00</u>

(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) of this section among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the Clean Water Management Trust Fund (CWMTF), which is established under G.S. 113A-253, and the Parks and Recreation Trust Fund, which is established under G.S. 113-44.15, as follows:

<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>CWMTF</u>	<u>PRTF</u>
...				
Operation Coming Home				
<u>Order of the Eastern Star Prince</u> <u>Hall Affiliated</u>	<u>\$10</u>	<u>\$10</u>	<u>\$0</u>	<u>\$0</u>
Order of the Long Leaf Pine	\$10	\$10	\$0	\$0
...."				

**SECTION 11.(c)** G.S. 20-81.12 reads as rewritten:

**"§ 20-81.12. Collegiate insignia plates and certain other special plates.**

...

**(b159) Order of the Eastern Star Prince Hall Affiliated.** – The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of "Order of the Eastern Star Prince Hall Affiliated" plates to The Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of North Carolina and Jurisdiction, Inc.

...."

**SECTION 11.(d)** The Revisor of Statutes is authorized to alphabetize, number, and renumber the special registration plates listed in G.S. 20-79.4(b) to ensure that all the special registration plates are listed in alphabetical order and numbered accordingly.

**SECTION 11.(e)** If House Bill 223, 2017 Regular Session, becomes law, then Section 3.5 of that act is repealed.

**SECTION 11.(f)** This section becomes effective February 1, 2019.

**AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE AN "ALPHA PHI ALPHA FRATERNITY" SPECIAL REGISTRATION PLATE**

**SECTION 12.(a)** G.S. 20-63(b1)(47) is reenacted as it existed immediately before its repeal.

**SECTION 12.(b)** G.S. 20-79.4(b)(6) is reenacted as it existed immediately before its repeal.

**SECTION 12.(c)** The Alpha Phi Alpha Fraternity special registration plate listed as expired in G.S. 20-79.7(a1) and (b) is reenacted as it existed immediately before its repeal.

**SECTION 12.(d)** The additional fee amount for the Alpha Phi Alpha Fraternity special registration plate listed under G.S. 20-79.7(a1), as reenacted by this section, is modified to thirty dollars (\$30.00). The Revisor of Statutes shall reorganize the table accordingly.

**SECTION 12.(e)** The distribution of fees for the Alpha Phi Alpha Fraternity special registration plate listed under G.S. 20-79.7(b), as reenacted by this section, is modified to ten

dollars (\$10.00) for the Special Registration Plate Account (SRPA) and twenty dollars (\$20.00) for the Collegiate and Cultural Attraction Plate Account (CCAPA). The Revisor of Statutes shall reorganize the table accordingly.

**SECTION 12.(f)** G.S. 20-81.12(b39) is reenacted as it existed immediately before its repeal and reads as rewritten:

"(b39) Alpha Phi Alpha Fraternity. – The Division ~~must receive 300 or more applications for the Alpha Phi Alpha Fraternity plate before the plate may be developed.~~ The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of the Alpha Phi Alpha Fraternity plates to the ~~Association of North Carolina Alphas~~ (ANCA) ~~Educational Foundation~~ Education Consortium of North Carolina, Inc., for scholarships for the benefit of African-American males ~~in ANCA~~ attending accredited North Carolina colleges and universities."

**SECTION 12.(g)** This section becomes effective February 1, 2019.

**INCREASE FEE FOR WILDLIFE RESOURCES SPECIAL REGISTRATION PLATE, AS REQUESTED BY THE WILDLIFE COMMISSION**

**SECTION 13.** G.S. 20-79.7 reads as rewritten:

"§ 20-79.7. Fees for special registration plates and distribution of the fees.

...  
 (a1) Fees. – All other special registration plates are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
...	
Wildlife Resources	\$ <del>20.00</del> \$30.00

(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) of this section among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the Clean Water Management Trust Fund (CWMTF), which is established under G.S. 113A-253, and the Parks and Recreation Trust Fund, which is established under G.S. 113-44.15, as follows:

<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>CWMTF</u>	<u>PRTF</u>
...				
Wildlife Resources	\$10	\$ <del>10</del> \$20	\$0	\$0
...."				

**INCREASE FEE FOR INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS SPECIAL REGISTRATION PLATE, AS REQUESTED BY THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS**

**SECTION 14.(a)** G.S. 20-79.4(b)(104) reads as rewritten:

"(104) International Association of Fire Fighters. – The plate authorized by this subdivision shall bear the logo of the International Association of Fire Fighters. The Division may not issue the plate unless it receives at least 300 applications for the plate. The plate is issuable to one of the ~~following:~~ following in accordance with G.S. 20-81.12:

- a. A person who presents proof of active membership in the International Association of Fire Fighters for the year in which the license plate is sought.



b. The surviving spouse of a person who was a member of the International Association of Fire Fighters, so long as the surviving spouse continues to renew the plate and does not remarry."

**SECTION 14.(b)** G.S. 20-79.7 reads as rewritten:

**"§ 20-79.7. Fees for special registration plates and distribution of the fees.**

...  
 (a1) Fees. – All other special registration plates are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
...	
Harley Owners' Group	\$20.00
<u>International Association of Fire Fighters</u>	<u>\$20.00</u>
I Support Teachers	

...  
 (b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) of this section among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the Clean Water Management Trust Fund (CWMTF), which is established under G.S. 113A-253, and the Parks and Recreation Trust Fund, which is established under G.S. 113-44.15, as follows:

<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>CWMTF</u>	<u>PRTF</u>
...				
In-State College Insignia	\$10	\$15	\$0	\$0
<u>International Association of Fire Fighters</u>	<u>\$10</u>	<u>\$10</u>	<u>\$0</u>	<u>\$0</u>
I Support Teachers – Expired July 1, 2016				

...."

**SECTION 14.(c)** G.S. 20-81.12 reads as rewritten :

**"§ 20-81.12. Collegiate insignia plates and certain other special plates.**

...  
 (b160) International Association of Fire Fighters. – The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of "International Association of Fire Fighters" plates to the Professional Firefighters of North Carolina Charitable Fund.

...."

**ORDER OF THE LONG LEAF PINE PLATE EXEMPT FROM APPLICATION REQUIREMENT**

**SECTION 14.5.** G.S. 20-81.12(b140) reads as rewritten:

"(b140) Order of the Long Leaf Pine. – The Order of the Long Leaf Pine plate is not subject to the provisions of G.S. 20-79.3A or ~~G.S. 20-79.8~~G.S. 20-79.8, including the minimum number of applications required under G.S. 20-63(b1). The Division shall transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of Order of the Long Leaf Pine plates to the General Fund."

**PART IV. OTHER CHANGES**

**CDL EXEMPTION FOR OPERATORS OF FIREFIGHTING OR EMERGENCY EQUIPMENT**

**SECTION 15.** G.S. 20-37.16(e)(2) reads as rewritten:

"(2) Any vehicle when used as firefighting or emergency equipment for the purpose of preserving life or property or to execute ~~emergency~~-governmental ~~functions-functions~~, including, but not limited to, necessary maintenance, training, or required operation for official business of the department."

**REPEAL REQUIREMENT THAT SIGNS BE ERECTED ON HIGHWAYS ENTERING THE STATE INDICATING THAT HIGHWAYS ARE PATROLLED BY UNMARKED POLICE VEHICLES**

**SECTION 16.** G.S. 20-190.2 is repealed.

**DEFINITION OF OWNER AND SECURITY INTEREST CLARIFICATIONS FOR MANUFACTURED HOMES**

**SECTION 16.3.(a)** G.S. 20-58.4(e1) reads as rewritten:

"(e1) If the vehicle is a manufactured home, the owner may proceed in accordance with subsection (e) of this section or may, in the alternative, provide the Division with a sworn affidavit by the owner that the debt has been satisfied and that either:

- (1) After diligent inquiry, the owner has been unable to determine the identity or the current location of the secured creditor or its successor in interest; or
- (2) The secured creditor has not responded within 30 days to a written request from the owner to release the secured creditor's security interest.

For purposes of this subsection, the term "owner" shall mean any of the following: i) the owner of the manufactured home; ii) the owner of real property on which the manufactured home is affixed; or iii) a title insurance company as insurer of an insured owner of real property on which the manufactured home is affixed."

**SECTION 16.3.(b)** G.S. 20-58.3A(g) reads as rewritten:

"(g) The Division shall not be subject to a claim under Article 31 of Chapter 143 of the General Statutes related to the renewal of the perfection of a security interest or the failure to acknowledge or give effect to an expired perfection of a security interest on a certificate of title for a manufactured home pursuant to this section if the claim is based on reliance by the Division on any application for renewal submitted to the Division by a third party pursuant to this section or based on the automatic expiration of a perfection of a security interest pursuant to this section."

**SECTION 16.3.(c)** This section becomes effective October 1, 2018.

**CERTIFICATE OF TITLE REQUIREMENTS FOR IMPROVEMENT PERMITS FOR MANUFACTURED HOMES**

**SECTION 16.4.(a)** G.S. 153A-357(e) reads as rewritten:

"(e) No permit shall be issued pursuant to subdivision (1) of subsection (a) of this section where the cost of the work is thirty thousand dollars (\$30,000) or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residential dwelling unit, unless the name, physical and mailing address, telephone number, facsimile number, and electronic mail address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a) is conspicuously set forth in the permit or in an attachment thereto. The building permit may contain the lien agent's electronic mail address. The lien agent information for each permit issued pursuant to this subsection shall be maintained by the inspection department in the same manner and in the same location in which it maintains its record of building permits issued. Where the improvements to a real property leasehold are limited to the purchase, transportation, and setup of a manufactured home, as defined in G.S. 143-143.9(6), ~~for which there is a current certificate of title~~, the purchase price of the

manufactured home shall be excluded in determining whether the cost of the work is thirty thousand dollars (\$30,000) or more."

**SECTION 16.4.(b)** G.S. 160A-417(d) reads as rewritten:

"(d) No permit shall be issued pursuant to subdivision (1) of subsection (a) of this section where the cost of the work is thirty thousand dollars (\$30,000) or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residential dwelling unit, unless the name, physical and mailing address, telephone number, facsimile number, and electronic mail address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a) is conspicuously set forth in the permit or in an attachment thereto. The building permit may contain the lien agent's electronic mail address. The lien agent information for each permit issued pursuant to this subsection shall be maintained by the inspection department in the same manner and in the same location in which it maintains its record of building permits issued. Where the improvements to a real property leasehold are limited to the purchase, transportation, and setup of a manufactured home, as defined in G.S. 143-143.9(6), ~~for which there is a current certificate of title,~~ the purchase price of the manufactured home shall be excluded in determining whether the cost of the work is thirty thousand dollars (\$30,000) or more."

#### **STATIC WEIGHING OF READY-MIXED CONCRETE TRUCKS**

**SECTION 16.5.** G.S. 20-118 is amended by adding a new subsection to read:

"(l) A vehicle or vehicle combination that hauls unhardened ready-mixed concrete may be weighed with weigh in motion scales, but the vehicle or vehicle combination must be weighed static, allowing the drum to come to a complete stop."

#### **SPECIAL REGISTRATION PLATES/STATE AND NATIONAL MOTTOS PLATE REVISIONS**

**SECTION 16.10.** G.S. 20-63(b), as amended by Section 34.27(a) of S.L. 2018-5, reads as rewritten:

"(b) Every license plate must display the registration number assigned to the vehicle for which it is issued, the name of the State of North Carolina, which may be abbreviated, and the year number for which it is issued or the date of expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for 7,000 pounds through 26,000 pounds must bear the word "weighted," unless the plate is a special registration plate authorized in G.S. 20-79.4.

A registration plate issued by the Division for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less shall be, at the option of the owner, either (i) a "First in Flight" plate, (ii) a "First in Freedom" plate, or (iii) a "National/State Mottos" plate. A "First in Flight" plate shall have the words "First in Flight" printed at the top of the plate above all other letters and numerals. The background of the "First in Flight" plate shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane flying slightly upward and to the right. A "First in Freedom" plate shall have the words "First in Freedom" printed at the top of the plate above all other letters and numerals. The background of the "First in Freedom" plate may include an image chosen by the Division that is representative of the Mecklenburg Declaration of 1775 or the Halifax Resolves of 1776. A "National/State Mottos" plate shall ~~(i) be a white plate, (ii) have above all other letters and numerals the~~ have in words the motto of the United States "In God We Trust" printed at the top of the plate above all other letters and numerals and have in words the State motto "To Be Rather Than To Seem". ~~in gold lettering over a The~~

~~background of the "National/State Mottos" plate shall include an image chosen by the Division that is representative of the containing the American flag, American Flag, (iii) have the letters and numerals of the plate number in dark blue lettering, (iv) have below the plate number "North Carolina" printed in light blue bold Arial Black capitalized font, and (v) have at the bottom of the plate the State motto "To Be Rather Than To Seem" printed in dark blue lettering matching the North Carolina flag and italicized."~~

**PART V. EFFECTIVE DATE**

**SECTION 17.** Except as otherwise provided, this act becomes effective July 1, 2018.  
In the General Assembly read three times and ratified this the 15<sup>th</sup> day of June, 2018.

s/ Bill Rabon  
Presiding Officer of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 10:41 a.m. this 25<sup>th</sup> day of June, 2018