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## Motor Vehicles

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The 2002 session dealt with relatively few motor vehicle law issues. For the first time in well over a decade, there were no bills enacted that changed the law of impaired driving. For the most part the bills that were enacted were technical in nature and made minor adjustments to existing laws. This chapter will summarize those having a substantive impact. Unless otherwise noted, all acts are already effective.

### **Toll Roads**

The most significant policy decision affecting motor vehicles did not involve a legal matter. S.L. 2002-133 (H 644) authorizes the construction and operation of toll roads and bridges. To manage these projects, it establishes the North Carolina Turnpike Authority. In recent history the state has not operated any toll roads or bridges, although some ferries charge fees. The new law specifies that the roads and bridges constructed under this authority are “highways” and “public vehicular areas” and thus the rules of the road, driver’s license, and other motor vehicle laws apply to users traveling on them.

The authority may construct and operate three projects; one of them must be located in whole or in part in Mecklenburg County, and one must be located in some other county. The third project is not restricted to a particular location. The authority may plan three more projects but may not construct them without additional legislative approval.

### **Graduated Driver’s License Changes**

In 1997 the legislature, at the urging of the Child Fatality Task Force, enacted a graduated driver’s license system. Under this system young drivers must progress through a series of increasingly permissive restrictions before they may drive unaccompanied at any time. The middle level of this progression prohibits drivers under eighteen from driving between 9:00 P.M. and 5:00 A.M. unless they are accompanied by a supervising driver. S.L. 2002-73 (H 1546), also proposed by the task force, modifies that restriction to require that the driver transport no more than one passenger under twenty-one unless the passengers are the driver’s siblings. Violation of

these restrictions is not negligence per se or contributory negligence, does not result in driver's license or insurance points, and may not be admitted in any action except a prosecution under this section.

In a related change, S.L. 2002-159 (S 1217) amends the statutes pertaining to provisional licensees and learner's permits. Some of these licenses and permits expire on the driver's eighteenth birthday. If this date falls on a weekend or state holiday, the driver may not be able to obtain a regular license without a gap in license coverage. The new law extends the provisional license or learner's permit for five additional workdays in this situation.

## **Two-Wheeled Mobility Devices**

As new types of vehicles have become available, the motor vehicle laws have been modified to regulate the use of the devices. S.L. 2002-98 (S 1144) is an example. Recently persons who must walk long distances have begun using two-wheeled, upright devices for transportation. Postal workers and law enforcement officers walking a beat are typical examples. S.L. 2002-98 defines *electric personal assistive mobility devices* as "self-balancing nontandem two-wheeled devices, designed to transport one person, with a propulsive system that limits the maximum speed . . . to 15 miles per hour or less." These devices are not vehicles and thus are not subject to the vast majority of regulations in the motor vehicle law. They are subject to a new set of regulations applicable only to them. The regulations generally treat persons using the devices as pedestrians, but some exceptions exist. The devices may be operated on highways with speed limits of 25 mph or less. They also may be operated on sidewalks and bike paths. Municipalities may regulate, but not prohibit, the use of these devices.

## **Mopeds**

Unlike the mobility devices, mopeds (bicycles with small motors) are treated as vehicles and are subject to many of the rules of the road, such as the impaired driving statutes. The initial definition of mopeds has included only vehicles with motors that could not propel the vehicle at speeds greater than 20 mph on level surfaces. S.L. 2002-170 (H 1516) raises that speed to 30 mph.

## **Open Container Sunset**

In 2000 the legislature made it an infraction for any person in a vehicle that is being driven to possess an opened container with any alcoholic beverage in it. This provision was scheduled to expire on September 30, 2002. S.L. 2002-25 (H 1488) extends this sunset to September 30, 2006.

## **Driving without Reclaiming License**

G.S. 20-28 makes it a crime to drive if one's license has been revoked. Conviction of driving while license revoked carries a reduced punishment if the revocation is a civil revocation (CVR—the immediate pretrial revocation executed for those who fail a breath or blood test when charged with impaired driving). The reduced punishment is administered if the person drives after serving the CVR's minimum revocation period. (A CVR can last indefinitely if the person fails to surrender his or her license or pay the applicable court costs.) In 1983, when the CVR statute was enacted, the minimum revocation periods were either ten or thirty days, depending on when the license was revoked. Several years ago the General Assembly extended these periods to thirty and forty-five days but did not modify the special punishment section in G.S. 20-28 to reflect this

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change. S.L. 2002-159 amends G.S. 20-28 to make the minimum revocation periods in this statute the same as in the CVR statute, thirty and forty-five days.

### **Special License Plates**

The motor vehicle laws authorize numerous kinds of special license plates. S.L. 2002-134 (H 1745) changes some of these laws. It removes from the World War II and Korean Conflict Veterans' special plates program a requirement that at least three hundred people apply for the plates before the plates can be issued. It also authorizes the Division of Motor Vehicles to issue special license plates for Aviation Maintenance Technicians, N.C. Agribusiness, and the Sweet Potato, upon receipt of three hundred applications within any of these categories. The special plates carry an additional fee of from \$10 to \$25, depending on the particular license plate.

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