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Motor Vehicles

During the 2003 session, the General Assembly considered more than seventy-five bills concerning motor vehicle or highway safety law. Less than one-third of these were enacted, and most of those were of a technical nature of interest primarily to automobile dealers or government officials who regulate various aspects of the automotive and trucking industry. This chapter summarizes the year's motor vehicle legislation that is historically significant or of interest to the general public.

Driver's License Law

License Fee Increase

G.S. 20-7(i) sets the fee for regular (noncommercial) driver's licenses at a specified amount per year for each year the license is valid. Previously a Class A or B regular license was \$3.75 per year, a Class C (which most drivers possess) was \$2.50. Effective November 1, 2003, these amounts increased to \$4.25 for a Class A or B license and \$3.00 for a Class C license. Currently most licenses are renewed for a five-year period as provided by G.S. 20-7(f). Thus a person renewing a Class C regular license would pay a total of \$15.00 [S.L. 2003-284 (H 397), Sec. 36.1].

Military Driver's Licenses

S.L. 2003-152 (H 1159) adds new G.S. 20-7(q) providing for a military designation for driver's licenses that may be "granted to North Carolina residents on active duty and to their spouses and dependent children." A license with a military designation may be renewed by mail and as such is a permanent license that does not expire when the licensee returns to North Carolina. A license holder who renews by mail under this new provision is exempt from the vision test if he or she is a member of the U.S. armed forces or the National Guard [G.S. 20-7(r)]. This act also amends G.S. 20-39.1 to add "agents of the Department of Defense" to a list of law enforcement personnel that may be issued confidential or fictitious license plates and driver's licenses. Provisions of S.L. 2003-152 concerning licenses for military personnel and their families

become effective January 1, 2004, while the provisions relating to the issuance of confidential or fictitious plates and driver's licenses became effective June 4, 2003.

S.L. 2003-300 (S 936) authorizes the Governor to extend deadlines (and waive penalties and fees) to alleviate hardships created for deployed military personnel serving in Operation Iraqi Freedom. This authority allows the Governor to

1. extend for ninety days from the end of deployment the validity of a driver's license, and
2. waive penalties and fees under G.S. 20-309 for lapsed liability insurance, as long as the vehicle was not operated on the highways during the period the vehicle was uninsured.

This act was appropriately effective July 4, 2003.

Registration and Certificates of Title

Consumer Protection

S.L. 2003-258 (S 558) adds new subsection (a1) to G.S. 20-71.3 (Salvage Vehicles). This new statute provides that any motor vehicle declared a total loss by an insurance company must have its title and registration card marked "TOTAL LOSS CLAIM." In addition, a tamperproof permanent marker stating "TOTAL LOSS CLAIM VEHICLE" will be inserted in the vehicle's doorjamb, and it will be unlawful for any person to remove, tamper with, alter, or conceal this marker. A violation of this provision is a Class I felony, punishable by a fine of not less than \$5,000 for each offense.

S.L. 2003-258 also creates new G.S. 20-136.2, making it unlawful for any person to install or reinstall any "object in lieu of an airbag, other than an airbag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle." A violation of this provision is a Class 1 misdemeanor.

This act became effective December 1, 2003.

Special License Plates

Special license plates, originally intended for vehicles driven by major statewide officeholders, have in recent years become increasingly popular. These plates are now available to many diverse groups, including former prisoners of war, registers of deeds, and members of square dance clubs. The following additional license plates were authorized in 2003:

1. Paramedics. These may be issued to an emergency medical technician-paramedic as defined in G.S. 131E-155. Plates will include the Star of Life logo and the phrase "Professional Paramedic" [S.L. 2003-68 (S 295)].
2. N.C. Coastal Federation. These may be issued to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. Plates will include a phrase used by the N.C. Coastal Federation and an image that depicts the coastal area of the state [S.L. 2003-68 (S 295)].
3. Nurses. These may also be issued in accordance with G.S. 20-81.12 and will include the phrase "First in Nursing." An additional fee of \$25 must be paid for this plate, a portion of which will go to a special account to support nursing scholarships [S.L. 2003-11 (H 237)].
4. Alpha Kappa Alpha Sorority. These may be issued to the registered owner of any motor vehicle and will include the sorority's symbol and name [S.L. 2003-10 (H 482)].

Rules of the Road

Speeding and Speedometers

G.S. 20-123.2 provides that motor vehicles operated on the highway must be equipped with a properly functioning speedometer. A violation of this section, however, is only an infraction carrying a \$25 penalty, and no driver's license or insurance points are assessed. Most speeding violations (set out in G.S. 20-141) are infractions or misdemeanors carrying \$100 fines and result in the assessment of both driver's license and insurance points. G.S. 20-141 does not include exceptions for speeding offenders whose speedometers are not working properly. S.L. 2003-110 (H 510) adds new G.S. 20-141(o) providing that a violation of the aforementioned speedometer law shall be a lesser included offense of a violation of G.S. 20-141. In some cases this could allow a defendant charged with a speeding offense to plead guilty to a lesser offense carrying a small penalty and no driver's license or insurance points. S.L. 2003-110 was effective December 1, 2003; prosecutions for offenses committed before the effective date are not abated or affected by its enactment.

Speed-Measuring Cameras

In recent sessions, many local governments have been authorized to install cameras to aid in the detection of red-light violations. In a variation of this trend, S.L. 2003-280 (H 562) adds new G.S. 160A-300.4 to authorize Charlotte to use cameras to detect speeders on fourteen specified streets. The equipment used must be approved by the state and calibrated and tested in accordance with G.S. 8-50.3. A sworn officer must be present when the equipment is used. Violations are not prosecuted in criminal or infractions court but through a nonjudicial administrative hearing process. The vehicle's owner is responsible for a violation in the vehicle unless he or she provides evidence that someone else was in control of the vehicle. The owner may submit an affidavit indicating who was in control of the vehicle at the time of violation. All charging documents must be in English and Spanish, and persons answering phone inquiries must either speak Spanish or have someone available who can. The clear proceeds of penalties collected will go to the school fund. The law was effective July 1, 2003, and expires June 30, 2006.

Rush Hour Traffic Lanes

Sections of S.L. 2003-184 (S 38) add provisions to G.S. 20-146.2 authorizing high-occupancy vehicle lanes (HOVs) on both the state highway system and in municipalities. One of these provisions allows motorcycles, emergency vehicles, and vehicles designed to transport fifteen or more passengers to use the HOV lanes even if such vehicles do not have the minimum number of passengers on board. These amendments were effective December 1, 2003.

Impaired Driving Offenses

Immediate License Revocation

G.S. 20-16.5 provides for an immediate driver's license revocation in certain DWI cases, typically when the defendant has refused a chemical test or the test reveals a blood alcohol concentration of .08 or more. Usually the magistrate, who will be in possession of the revocation report, handles this matter soon after the defendant is arrested and takes or declines a chemical test. In cases in which a blood test is given, however, the revocation report may go to the clerk of superior court who then mails the defendant a revocation order by first class mail. The statute provides that this report must be filed by the officer making the charge. In some cases these officers fail to send a copy of the blood test results to the clerk. S.L. 2003-104 (S 619) addresses this situation by amending G.S. 20-16.5(f) to provide that "a properly executed report . . . may include a sworn statement by the charging officer along with an affidavit received directly by the

clerk from the chemical analyst.” The effect of this law is that the clerk may act to revoke a license even if the officer fails to present the affidavit to the clerk. This act became effective May 31, 2003.

DWI Blood Test

If a charging officer specifies that a blood test be the type of chemical analysis used in a DWI investigation, G.S. 20-139.1(c) provides that only a physician, registered nurse, or other qualified person may withdraw the blood sample. S.L. 2003-95 (S 449) adds wording to this section to provide that evidence “regarding the qualifications of the person who withdrew the blood sample may be provided at the trial by testimony of the charging officer or by affidavit of the person who withdrew the blood sample and shall be sufficient to constitute prima facie evidence regarding the person’s qualifications.” The act does not address whether the person withdrawing the blood may be subpoenaed and it does not limit its application to district court cases. S.L. 2003-95 became effective December 1, 2003.

Fees in Multiple Assessment Cases

S.L. 2003-396 (S 934) concerns situations in which one person has been charged with multiple DWI offenses. G.S. 20-17.6 requires that a person convicted of impaired driving (and certain other offenses) obtain a substance abuse assessment and complete any recommended treatment before he or she may be relicensed. (A person loses his or her license for at least a year for any DWI conviction.) When a person has more than one outstanding charge at a time, the question arises as to whether he or she should be assessed and treated for each separate charge. This act clarifies the manner in which these assessments are handled. For each charge for which a certificate of completion is required before a person is eligible for license reinstatement, a separate assessment fee is charged. However, the assessing agency need only perform one assessment. If treatment or education is ordered, the person only pays for the treatment or education once.

This act became effective October 1, 2003.

Bills That Failed to Pass

As is the case in most sessions of the General Assembly, several interesting motor vehicle bills were not enacted. These failed bills can be significant because they often reappear a session or two later, sometimes with considerably more support. Some of the more interesting failed proposals include:

1. H 26, which would have amended G.S. 20-63 to prohibit the use of license plate covers designed to interfere with the taking of a clear photograph of the plate by a traffic control system using cameras.
2. H 147, which would have amended G.S. 20-158 to provide for a penalty of up to \$1,000 for making a right turn on red without yielding the right-of-way to pedestrians. (Generally, failing to yield to a pedestrian is an infraction punishable by a fine not to exceed \$100.)
3. H 623, which would have prohibited a driver from using a cellular or other car phone unless it is equipped with an apparatus allowing the driver to talk and listen without holding the headset.
4. H 1106, which would have created the offenses of felony and misdemeanor “death by vehicle” of an unborn child.
5. S 643, which would have amended G.S. 20-176(b) to increase the penalty for an infraction from \$100 to \$200.

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