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Motor Vehicles

More than sixty bills dealing with motor vehicles or highway safety were considered during the 1999 session of the General Assembly. Less than half of these were enacted into law, and some of those were of a technical nature of primary interest to automobile dealers and government officials who regulate the various aspects of the automobile and trucking industries. This chapter summarizes the motor vehicle legislation that is of general public interest or historical significance.

As has been the case in the last several sessions, the most important motor vehicle legislation deals with strengthening and clarifying North Carolina's impaired driving laws. While the remainder of the changes consist mostly of fine-tuning a law that already seems to meet with the approval of the motoring public, the General Assembly made significant changes in driver's license law, rules of the road, and seat belt requirements. These subjects are discussed in detail in this chapter.

Impaired Driving

The decade of the 1990s has produced many changes in the statutes regulating impaired drivers. Among them are:

- lowering the level of alcohol in the blood necessary to prove a violation from 0.10 to 0.08,
- requiring a mandatory thirty-day jail sentence for Level One offenders,
- creating a felony for habitual impaired driving,
- raising the zero tolerance age for drivers from eighteen to twenty-one,
- imposing a driver's license revocation for failure to complete an alcohol treatment program,
- lengthening the immediate, pretrial revocation from ten to thirty days,
- establishing a zero tolerance level for commercial drivers and drivers of school buses and child-care vehicles,
- revising vehicle forfeiture laws mandating pretrial seizure and forfeiture of vehicles driven by repeat offending impaired drivers,

- doubling of the maximum fines for impaired drivers.

In addition prosecutors have begun to charge more serious offenses when death occurs in impaired driving incidents, and as this chapter is written, the North Carolina Supreme Court is reviewing a conviction of first-degree murder based on an impaired driving violation. The decade represents an increasingly aggressive effort by the state to prevent and deter people from driving while impaired, to severely punish those who do, and to mandate treatment for those convicted. The 1999 session of the legislature continued that trend.

S.L. 1999-406 (H 1135) contains several provisions modifying components of the impaired driving statutes. It establishes a new, lower set of per se levels applicable to people previously convicted of impaired driving, and it makes those levels enforceable by the Division of Motor Vehicles (DMV) instead of by the criminal court system. It mandates the use of ignition interlock devices for many repeat offenders and imposes a more severe punishment on persons under twenty-one who possess alcohol. It changes the vehicle seizure and forfeiture laws to make them more likely to result in forfeitures. S.L. 1999-330 (H 303) adds another provision prohibiting the transportation of alcoholic beverages, this time by drivers of commercial vehicles.

S.L. 1999-406 was initially recommended by the Governor's Task Force on Driving While Impaired, which is chaired by Lieutenant Governor Dennis Wicker. In addition to the matters that are included in the enacted legislation, the task force recommended changes to make the results of Horizontal Gaze Nystagmus tests admissible and to prohibit the possession of any alcoholic beverage in the passenger area of a motor vehicle. Both those changes were deleted from the final bill by the legislature. The complete ban on possession of alcohol is a requirement of federal law to remain eligible for certain highway construction funds and must be in place by October 1, 2000. The failure to have such a law in place by then can result in the loss of approximately \$5 million initially, and that figure can rise to almost \$11 million in later years.

Lower Per Se Levels for Repeat Offenders

In 1982, immediately before the Safe Roads Act of 1983, North Carolina had one per se offense in the impaired driving arena, a 0.10 offense that was equivalent to driving under the influence. The Safe Roads Act retained that offense and added two more—zero tolerances (in essence a per se level of 0.01) for drivers under eighteen and for those with limited driving privileges. In 1988 a 0.04 per se level for commercial vehicles was added. Later sessions added zero tolerances for drivers transporting alcohol, school buses, child-care vehicles, and commercial vehicles. S.L. 1999-406 continues that trend, adding three more categories of drivers subject to low per se levels.

The law amends G.S. 20-19 to impose new conditions on a person whose license is restored following various impaired driving offenses. The first time a driver's license is restored after a conviction for impaired driving (or for a similar offense committed out of state or on federal lands), the Division of Motor Vehicles must condition the restoration on the person not operating the vehicle if he or she has an alcohol concentration greater than 0.04. The condition remains in effect for three years. If it is the person's second or subsequent restoration, the per se level is reduced to zero for the same three-year period. If the person's license is restored after a permanent revocation, the per se level is zero and the condition applies for seven years.

If a person's license is revoked for convictions of certain other offenses—for example, Driving While Impaired (DWI) in a commercial vehicle, the underage twenty-one zero tolerance offense, felony death by vehicle, manslaughter, or similar convictions in other state or federal courts—the per se level imposed upon the person's restored license is anything greater than 0.00. The condition applies for three years, unless the revocation was permanent or for violation of the underage driver offense. For permanent revocations the period is seven years, and for drivers under age twenty-one it is until the driver reaches twenty-one.

Any person subject to these new lower, per se levels must agree, as a condition of receiving a driver's license, to take a chemical analysis under G.S. 20-16.2 and -139.1 if requested to do so by an officer who has probable cause to believe the driver is violating the condition. The person must also agree to accompany the officer to the test site. If the test reveals that the condition is violated,

the officer must submit an affidavit to the DMV and the DMV must revoke any conditional restoration of license and impose an additional one-year revocation.

The DMV must provide the motorist with a hearing to review the decision in the county where the violation occurred. The motorist may appeal the DMV's decision to superior court for a discretionary review of whether the DMV followed proper procedure and made findings of fact sufficient to support the revocation. That court may not issue a stay of a DMV revocation order unless it finds that the motorist is likely to succeed on the merits and will suffer irreparable harm. The new law specifically provides that a reading from an interlock ignition device is not sufficient to support a revocation under this section.

These new provisions are effective July 1, 2000.

Ignition Interlocks

Ignition interlock devices are instruments attached to motor vehicles that require the driver to submit to a breath test before and during the operation of the vehicle. A failure to pass the breath test will prevent the vehicle from being started or from continuing to be driven. Individuals using the devices, in addition to passing a breath test, must activate the device using a prearranged code. These devices have been authorized as a condition of restoration of a revoked license for impaired driving or as a condition of a limited privilege. S.L. 1999-406 mandates that they be used in certain cases, in part to respond to the federal requirement dictating the impoundment, immobilization, or installation of an ignition interlock system on all motor vehicles owned by repeat offenders.

Specifically the new law applies to a person whose license was revoked for an impaired driving conviction under G.S. 20-138.1 if the person had an alcohol concentration of 0.16 or more or had another conviction of an offense involving impaired driving in the seven years preceding the date of the current offense. The restriction requires the person to operate only a vehicle with an interlock device. That person must personally activate the device before starting the vehicle and may not drive with an alcohol concentration of 0.04 or more. This condition lasts for one year (although, as noted above, the lower per se level of 0.04 applies for three years) if the original revocation is one year, three years if the revocation is for four years, and seven years if the revocation is permanent. A violation of any of the conditions applicable to the use of the interlock device, unlike a violation of the new lower per se levels, constitutes the crime of driving while license revoked. Judicial officials finding probable cause for this charge must require surrender of the driver's license pending trial. Upon conviction, any remaining time left on the original revocation is activated, and an additional year is added. The person, however, receives credit for any time the license is held by a court pending trial. The statute provides also that the person's license can be revoked for a violation of an interlock condition, although it is not clear in the statute what kind of information is sufficient to support that revocation in the absence of a provision for reporting that information except as part of a criminal case. In those cases the DMV must hold a hearing, and appeal is to the superior court under G.S. 20-25. This law is effective July 1, 2000.

In a related change, limited driving privileges for first offenders convicted of impaired driving must require the person convicted to drive a vehicle equipped with an ignition interlock device if his or her alcohol concentration was 0.16 or higher. This is effective July 1, 2000.

Ignition interlock devices are provided by private vendors licensed by the DMV, and the offender bears the costs of installation and maintenance. The devices record all readings taken along with the time of the reading.

Alcosensor Admissibility

As noted, several statutes make it a per se violation of the law to drive with any alcohol in one's body. One method of proving that alcohol is present in a person's body is to ask the person to submit to a test using a portable breath-testing instrument. The legislature has not found these instruments (the one used in North Carolina is an Alcosensor) to be precise enough to allow

prosecutors to rely on them to prove that a person has a specific alcohol concentration (for instance, 0.05 instead of 0.04). But when the issue is the presence or absence of alcohol, the legislature has greater faith in them. Accordingly the General Assembly made these tests admissible in charges against underage persons violating the zero tolerance law applicable to them. S.L. 1999-406 makes the same provision for prosecutions involving violations of the zero tolerance provisions of all limited privileges issued under G.S. 20-179.3 for impaired driving.

Other Zero Tolerance Changes

Last session the legislature added zero tolerance offenses for drivers of commercial vehicles, school buses, and child-care vehicles. Those particular statutes were written in such a way as to require that the state have an Intoxilyzer test or a blood test under G.S. 20-16.2 to prove a violation of the offense. That is in contrast to the zero tolerance offense for persons under twenty-one, which allows multiple means of proof of the presence of alcohol. S.L. 1999-406 amends both new offenses to make them consistent with the underage zero tolerance laws and to allow any proof of alcohol, including Alcosensor test results, to prove that the offense has been committed.

Vehicle Forfeiture Changes

In 1997 the legislature enacted strict, mandatory vehicle forfeiture laws in impaired driving cases. In 1998 it enacted a significant number of amendments to that law to correct problems in its administration. S.L. 1999-406 contains a few more amendments to the law. First, it expands the coverage of the law. The law applies to persons charged with the most serious impaired driving offenses whose licenses have, at the time of the offenses, been revoked for previous impaired driving incidents. The amendment includes among those revocations a revocation entered by another state for an offense that would support a seizure/forfeiture if committed in this state. Second, it amends the definition of innocent owners. An *innocent owner* is a person who was not driving the seized vehicle and who can demonstrate his or her innocence in the transaction. If the owner can prove his or her innocence, he or she may recover possession of the vehicle. The original law allowed a person to show innocence by demonstrating that, although he or she knew the driver had a revoked license, the driving occurred without his or her permission. This amendment requires a would-be innocent owner to show that he or she contacted a law enforcement officer to file a report about the unauthorized use and agreed to prosecute the driver. Finally, the law clarifies how an innocent owner can demonstrate his or her financial responsibility. To obtain possession of a seized vehicle, an innocent owner must, among other things, prove that he or she has insurance or similar financial responsibility for the vehicle. Problems have arisen with regard to vehicles registered in some other state because the original statute required proof that satisfied North Carolina motor vehicle laws. The amendment makes it clear that an innocent owner may satisfy this requirement by showing financial responsibility in a manner consistent with the laws of the state in which the vehicle is registered.

Civil Revocations

The Safe Roads Act of 1983 allowed an immediate pretrial civil revocation of the driver's license of any person who "flunked" a breath or blood test or who refused to submit to a test. In 1998 the legislature amended that statute. One unintended change was corrected by S.L. 1999-406. Until last year's amendment, a person's license was revoked under this law for a specified period (originally at least ten days and recently increased to thirty). The revocation began immediately when the person was served with a revocation order by the magistrate or clerk. However, the thirty-day period did not begin to run until the person had surrendered his or her driver's license or demonstrated that he or she did not have one. The revocation continued until the license had been surrendered, the thirty-day period had passed, and the person had paid the appropriate court costs. Thus the revocation could last much longer than thirty days if the person revoked either did not

surrender his or her license or did not pay the court costs. The 1998 amendment deleted the license surrender requirement. S.L. 1999-406 restores the law to its pre-1998 status.

Commercial Vehicle Transportation of Alcohol

S.L. 1999-330 also changes the impaired driving statutes. It adds a new offense making it unlawful to drive a commercial motor vehicle on a highway or in a public vehicular area while possessing an alcoholic beverage in the passenger area of the vehicle. The law does not apply to alcohol possessed by passengers in excursion passenger vehicles, for-hire passenger carriers, common carriers of passengers, or motor homes. Unlike other prohibitions on transporting alcohol, this law applies to alcohol in its original, unopened container. Consequently it is an offense to have an unopened liquor or wine bottle or an unopened beer can or bottle in the passenger area of a commercial motor vehicle while it is being driven. Violation of this offense is an infraction, punishable by a penalty of up to \$100, pursuant to G.S. 20-176.

Driver's License Law

Graduated Licenses

In 1997 North Carolina enacted and implemented a new "graduated" driver's license system for persons under eighteen years of age. Now three levels of licensing apply to this age group: a limited learner's permit, followed by a limited provisional license, followed by a full provisional license. The stated purpose of this new system, as contained in G.S. 20-11, is to ensure that a person under eighteen years of age has both driving instruction and experience before obtaining a regular driver's license. Any person under age eighteen who desires to obtain a permit or license pursuant to G.S. 20-11 but who does not have a high school diploma or its equivalent must have a driving eligibility certificate signed by the school principal or other proper school official.

S.L. 1999-243 (S 57) adds a new G.S. 20-11(n1) (known as "Lose Control, Lose Your License"), which provides that certain behaviors resulting in disciplinary action require revocation of the driver's license or permit. The following behaviors are listed: possession or sale of an alcoholic beverage or an illegal controlled substance on school property, possession or use on school property of a weapon or firearm, or a physical assault on a teacher or other school personnel on school property. Upon being notified by the proper school authority that a person no longer meets the requirements for a driving eligibility certificate under G.S. 20-11(n), the DMV *must* revoke the permit or license on the tenth calendar day after mailing a revocation notice. G.S. 20-13.2(c1) provides that a revocation because of ineligibility for a driving eligibility certificate under this act is for one year or until the driver's eighteenth birthday. The DMV will restore the driver's permit or license before the person's eighteenth birthday if he or she submits a high school diploma or its equivalent or a driving eligibility certificate as required by G.S. 20-11(n). S.L. 1999-243 applies only to conduct on or after July 1, 2000. This law is discussed in detail in Chapter 9 (Elementary and Secondary Education).

G.S. 20-11 was further amended by S.L. 1999-276 (H 1263) to provide that a person under the age of eighteen who has a license issued by the federal government (and becomes a resident of North Carolina) may obtain a limited provisional license or a full provisional license "if the person has completed a driver education program substantially equivalent to the driver education program that meets the requirements of the State Superintendent of Public Instruction." Prior to this amendment an in-state course was apparently required.

More Revocations

For decades driver's license suspensions and revocations were imposed solely for traffic offenses. However, this started to change a few years ago with the enactment of G.S. 110-142.2,

authorizing revocation for those failing to make timely child support payments. (As noted above, a student's permit or license can now be revoked for certain disruptive behaviors.) S.L. 1999-257 (S 17) adds a new provision to G.S. 20-13.2 and G.S. 20-17 (mandatory revocation of license) to provide that conviction of the following offenses requires license revocation:

1. malicious use of explosive or incendiary device, G.S. 14-49(b)(b1);
2. conspiracy to injure or damage by use of explosive or incendiary device, G.S. 14-50;
3. making a false report concerning a destructive device, G.S. 14-69.1(c);
4. perpetrating a hoax concerning a destructive device in a public building, G.S. 14-69.1(c);
5. possessing or carrying a dynamite cartridge, bomb, grenade, mine, or powerful explosive on educational property, G.S. 14-269.2(b1);
6. causing, encouraging, or aiding a minor to possess or carry a dynamite cartridge, bomb, grenade, mine, or powerful explosive on educational property, G.S. 14-269.2(c1).

While discouraging child support delinquency, misconduct in school, and certain criminal activity is certainly in the public interest, this type of legislation is a sharp departure from the previous North Carolina practice regarding license revocations. However, now that the ice has been broken, more such legislation probably can be expected in the future.

Commercial Vehicles

Somewhat stricter provisions apply to the operators of commercial motor vehicles than to other vehicle drivers. For example, an alcohol concentration of 0.04 constitutes impaired driving in a commercial vehicle, while the same driver might not be guilty of an offense in the family car unless the alcohol concentration reached 0.08. The stricter standards for commercial drivers are enhanced by S.L. 1999-330, which creates a separate and higher schedule of driver's license point values for violations while operating a commercial vehicle, G.S. 20-16(c). The following list shows the points assessed for violations while operating a commercial motor vehicle as compared to other vehicles:

- (a) passing a stopped school bus, 8 (5 for noncommercial vehicles);
- (b) railway or highway crossing violation, 6 (probably 2);
- (c) reckless driving, 5 (4);
- (d) hit and run, property damage, 5 (4);
- (e) following too close, 5 (4);
- (f) driving on wrong side of the road, 5 (4);
- (g) illegal passing, 5 (4);
- (h) running stop sign, 4 (3);
- (i) speeding in excess of 55 mph, 4 (3);
- (j) failure to yield right-of-way, 4 (3);
- (k) running red light, 4 (3);
- (l) no driver's license, 4 (3);
- (m) failure to stop for siren, 4 (3);
- (n) driving through safety zone, 4 (3);
- (o) no liability insurance, 4 (3);
- (p) failure to report accident, 4 (3);
- (q) speeding in school zone, 4 (3);
- (r) possessing alcoholic beverages in vehicle, 4 (2);
- (s) all other moving violations, 3 (2);
- (t) littering, 1 (1).

This act also adds a new G.S. 20-16A to provide that a commercial driver who commits an offense for which points may be assessed pursuant to the new schedule of point values for commercial vehicles may be assessed double the amount of any fine or penalty authorized by the statute violated. Thus the driver of a commercial vehicle who made an illegal passing movement in violation of G.S. 20-150 might have to pay a penalty of \$200 rather than the maximum penalty of \$100 authorized for other drivers by G.S. 20-176.

Unlawful Use of License

G.S. 20-30 contains a list of activities that violate the North Carolina driver's license law. S.L. 1999-299 (H 1022) adds a new subdivision (9) to this statute making it unlawful to "present, display, or use a driver's license or learner's permit that contains a false or fictitious name in the commission or attempted commission of a felony." While most driver's license violations are Class 2 misdemeanors under the provisions of G.S. 20-35, a violation of new G.S. 20-30(9) is a Class I felony. This act also amends G.S. 20-37.8, making it a Class I felony to present, display, or use a special identification card that contains a false or fictitious name in the commission or attempted commission of a felony. (This kind of card is usually acquired by a person who does not have a driver's license.)

Motor Vehicle Registration

Special license plates, which were originally intended for vehicles driven by major statewide officeholders, have become an increasingly popular phenomenon in recent years. These plates are now available to many diverse groups, including military retirees, National Guard members, registers of deeds, and members of square dance clubs. Additional special plates were authorized by the 1999 General Assembly. S.L. 1999-450 (H 1246) provides for a new animal lovers plate, which is issued for an additional fee of \$20 (over and above the usual cost of a plate), with the proceeds used to create a statewide program promoting the spaying and neutering of dogs and cats. Other new plates include ones for the International Association of Firefighters, University Health Systems of Eastern Carolina, and Kids First. See S.L. 1999-1314 (H 1090), S.L. 1999-403 (S 285), and S.L. 1999-277 (S 235). These special license plate acts all add provisions to G.S. 20-79.4.

S.L. 1999-220 (H 486) rewrites G.S. 20-84, which pertains to permanent registration plates. This statute now specifies that the DMV may issue a permanent registration plate for \$6, upon proof of ownership and financial responsibility, to owners of motor vehicles that qualify under the statute. Permanent registration plates are issued primarily to various government agencies, but other entities can qualify also, such as orphanages, civil air patrols, incorporated rescue squads, churches (if vehicle is used to transport individuals to services), and other listed private organizations.

Equipment Violations

Seat Belts

S.L. 1999-183 (S 65) rewrites provisions of G.S. 20-135.2A (seat belt use) and G.S. 20-137.1 (child restraint system) to clarify and enhance statutes that have been law since the 1980s. As amended G.S. 20-135.2A provides that each front seat occupant of a passenger motor vehicle who is age sixteen or older, as well as the driver, must have the seat belt properly fastened when the vehicle is in forward motion on a street or highway. Any driver or passenger violating this provision has committed an infraction punishable by a penalty of \$25 but may not be assessed court costs. New G.S. 20-137.1 (child restraints) provides that every driver transporting a passenger under sixteen years of age (formerly twelve) must have the passenger secured in a child passenger restraint system or a seat belt that meets federal standards. However, "a child under five years of age and less than 40 pounds in weight" must be put in a weight-appropriate child passenger restraint system (child car seat). If a vehicle equipped with an active passenger-side air bag has a rear seat, the child must be put in the rear seat. The apparent purpose of this provision is to prevent injuries and deaths to small children caused by air bag deployment. A violation of G.S. 20-137.1 is also punished by a penalty not to exceed \$25, even when more than one child under sixteen years of age was not properly secured.

Blue Lights

The only other equipment provision enacted this year was S.L. 1999-249 (S 172), which rewrites G.S. 20-130.1 concerning the use of blue lights on motor vehicles. For many years North Carolina law has restricted the use of blue lights to “vehicles used primarily for law enforcement purposes.” Despite this fairly clear language, violations continue to occur. As rewritten G.S. 20-130.1 makes it unlawful for any person to “possess a blue light or to install, activate, or operate a blue light in or on any vehicle in this state except for a publicly owned vehicle used for law enforcement purposes.” Unlike most rules of the road violations, which are infractions only, a violation of this provision is a Class 1 misdemeanor.

Rules of the Road

Funeral Processions

North Carolina law traditionally has left the regulation of funeral processions to local governments. G.S. 20-169 expressly states that “local authorities . . . shall have no power or authority to alter any speed limitations . . . or to enact or enforce any rules or regulations contrary to the provisions of this article . . . except that local authorities shall have power . . . to regulate the use of highways by processions or assemblages.” The 1999 General Assembly changed this long-standing policy through enactment of S.L. 1999-441 (H 247) to codify the rules of the road with regard to funeral processions.

New G.S. 20-157.1 provides that each vehicle in a funeral procession must be operated with its headlights on and its hazard warning signal lamps illuminated. The operator in the lead vehicle must comply with all traffic control signals, but when the lead vehicle has crossed an intersection in compliance with traffic control signals, then all vehicles in the funeral procession may proceed through the intersection without stopping.

Drivers proceeding in the opposite direction of the procession may yield by reducing speed or by stopping completely off the roadway while meeting the procession. Vehicles proceeding in the same direction as the procession may not pass or attempt to pass the procession unless the street has been marked for two or more lanes proceeding in the same direction as the procession. Also drivers may not knowingly drive between vehicles in a funeral procession. G.S. 20-157.1 has a rather unusual provision that allows local governments to enact ordinances that prevail over the provisions of the state statute. Normally, provisions of the State Motor Vehicle Law prevail over local ordinances.

School Buses

As is the case in other states, school buses in North Carolina are required to stop before crossing a railroad track. S.L. 1999-274 (H 1054) amends G.S. 20-142.3 to extend this requirement to stop to *school activity buses*, which are usually considered to be vehicles that transport students to and from events other than regular classroom work. The stop must take place within fifty feet but not less than fifteen feet from the nearest rail, and the driver must listen and look in both directions along the track before proceeding. School activity buses, as well as school buses, must cross the track in a gear that allows the driver to make the crossing without changing gears, and the driver may not change gears during the crossing.

Transitways

S.L. 1999-350 (H 1085) adds a new G.S. 20-146.2(a1) to authorize the State Department of Transportation (and cities) to designate one or more travel lanes as “transitways.” Transitways are reserved for *public transportation vehicles*. Provisions similar in nature have been implemented in some of the country’s large metropolitan areas, but this appears to be a first for North Carolina.

Highway Work Zones

S.L. 1999-330 is mostly concerned with commercial vehicle highway safety, as noted above in sections of this chapter dealing with impaired driving and driver's license law. However, it also amends G.S. 20-141(j2), which makes it unlawful to exceed the posted speed limit in a designated highway work zone. The changes include an increased penalty of \$250 that will be imposed in addition to other G.S. Chapter 20 penalties. For example, a motorist who drives through a work zone at more than fifteen mph over the limit would be fined both for a work zone speeding violation and a violation of G.S. 20-141(j1). The new law requires that an officer issuing a citation for a work zone violation must indicate the vehicle speed and the posted speed in the work zone, and the clerk of court will forward this information to the Division of Motor Vehicles for the purpose of imposing driver's license points and penalties.

Liability Insurance

The Motor Vehicle Safety and Financial Responsibility Act of 1953 originally required automobile owners to furnish "proof of financial responsibility" in the amount of \$5,000 because of bodily injury or death of one person in any one accident, in the amount of \$10,000 because of bodily injury to or death of two or more persons, and in the amount of \$1,000 because of damage to property. These amounts have been gradually increased over the years, and S.L 1999-228 (S 756) amends G.S. 20-279.1(11) and other sections to increase these amounts to \$30,000 because of injury or death to one person, \$60,000 because of injury or death to more than one person, and \$25,000 for damage to property. The usual method of furnishing financial responsibility is to have an automobile liability insurance policy, but a security deposit is occasionally used as permitted in G.S. 20-279.5. S.L. 1999-228 becomes effective July 1, 2000, and applies to new or renewal policies written to become effective on or after that date.

Other Motor Vehicle Legislation

Two very important enactments concerning motor vehicles are discussed in other chapters of this publication. One of these, S.L. 1999-328 (S 953), concerns a new motor vehicles emissions testing and maintenance program affecting about half the counties of the state. This act is discussed in Chapter 10 (Environment, Natural Resources, and Solid Waste). The other enactment, S.L. 1999-437 (S 830), adds to G.S. Chapter 20 a new article 15B entitled the "North Carolina Motor Vehicle Repair Act." The new repair act is discussed in Chapter 6 (Courts and Civil Procedure).

Bills That Failed to Pass

As is the case in most sessions of the General Assembly, several interesting motor vehicle proposals were not enacted. These failed bills can be significant because they often reappear a session or so later, sometimes with considerably more support. The following are among those that failed to pass in 1999.

1. H 1203 would have amended G.S. 20-140.4 (motorcycle helmets) to exempt from the helmet requirements any motorcycle operator at least twenty-one years of age who has had a motorcycle license endorsement for more than twelve months.
2. H 815 would have amended G.S. 20-158 to allow left turns on a red light if a vehicle on a one-way street was turning at an intersection with another one-way street. The turning vehicle would have to come to a complete stop and yield the right-of-way to pedestrians and other traffic before proceeding into the intersection.

3. H 1190 would have amended G.S. 20-79.4 to authorize the DMV to issue Desert Storm license plates to any veteran of the armed forces who served in Saudi Arabia or Kuwait in 1991, provided he or she was still in the military or had received an honorable discharge. Since dozens of these special plates have been authorized, it is not clear why this particular proposal failed to pass.
4. H 786 would have amended G.S. 20-141.4 to create the new offense of “felony death by commercial motor vehicle.” This act would have made felony cases out of what are now misdemeanor death by vehicle cases. For example, it would be a felony if a person were killed while the commercial vehicle was passing a stopped school bus, following too closely, driving on the wrong side of the road, running a stop sign or red light, speeding in a school zone, or numerous other listed offenses. H 786, while it did not pass, represents another move toward stricter requirements for drivers of commercial vehicles than for other drivers.

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