

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 879\*

Short Title: Commercial Drivers License Changes. (Public)

Sponsors: Representatives Cole; Lucas and Wray.

Referred to: Transportation, if favorable, Finance.

March 31, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE RECIPROCITY TO COMMERCIAL DRIVERS LICENSE  
3 HOLDERS FROM MEXICO, TO EXPAND THE DEFINITION OF CONVICTION FOR  
4 OUT-OF-STATE VIOLATIONS, TO EXPAND THE DEFINITION OF EMPLOYER  
5 WITH REGARDS TO COMMERCIAL DRIVERS LICENSES, TO ADD A  
6 DISQUALIFYING VIOLATION TO COMMERCIAL DRIVERS LICENSES, TO  
7 INCREASE CIVIL PENALTIES, TO EXPAND EMPLOYER REPORTING  
8 RESPONSIBILITIES, AND TO MODIFY REQUIREMENTS FOR CONVICTIONS TEN  
9 YEARS OLD OR OLDER.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 20-4.01(4a)b. reads as rewritten:

12 "b. Out-of-State. When referring to an offense committed outside North  
13 Carolina, the term means any of the following:

- 14 1. An unvacated adjudication of guilt.
- 15 2. A determination that a person has violated or failed to comply  
16 with the law in a court of original jurisdiction or an  
17 authorized administrative tribunal.
- 18 3. An unvacated forfeiture of bail or collateral deposited to  
19 secure the person's appearance in court.
- 20 4. A violation of a condition of release without bail, regardless  
21 of whether or not the penalty is rebated, suspended, or  
22 probated.
- 23 5. A final conviction of a criminal offense, including a no  
24 contest plea.
- 25 6. Any prayer for judgment continued, including any payment  
26 of a fine or court costs, if the offender holds a commercial  
27 drivers license or if the offense occurs in a commercial motor  
28 vehicle."

29 **SECTION 2.** G.S. 20-4.01(7b) reads as rewritten:

30 "(7b) Employer. – Any person who owns or leases a commercial motor vehicle or  
31 assigns a person to drive a commercial motor ~~vehicle~~ vehicle and would be  
32 subject to the alcohol and controlled substance testing provisions of 49  
33 C.F.R. § 382 and also includes any consortium or third-party administrator  
34 administering the alcohol and controlled substance testing program on behalf  
35 of owner-operators subject to the provisions of 49 C.F.R. § 382."

36 **SECTION 3.** G.S. 20-17.4 is amended by adding a new subsection to read:



1       "(c1) Life. – A person shall be disqualified from driving a commercial motor vehicle for  
2 life, without the possibility of reinstatement, if that person has had a commercial drivers license  
3 reinstated in the past and is convicted of another major disqualifying offense as defined in 49  
4 C.F.R. § 383.51(b)."

5           **SECTION 4.** G.S. 20-36 reads as rewritten:

6       "**§ 20-36. Ten-year-old convictions not considered.**

7       Except for offenses occurring in a commercial motor vehicle, offenses by the holder of a  
8 commercial drivers license involving noncommercial motor vehicle, or a second failure to  
9 submit to a chemical test when charged with an implied-consent offense, as defined in  
10 G.S. 20-16.2, that occurred while the person was driving a commercial motor vehicle, no  
11 conviction of any other violation of the motor vehicle laws shall be considered by the Division  
12 in determining whether any person's driving privilege shall be suspended or revoked or in  
13 determining the appropriate period of suspension or revocation after 10 years has elapsed from  
14 the date of that conviction."

15           **SECTION 5.** G.S. 20-37.12(d) reads as rewritten:

16       "(d) Any person who is not a resident of this State, who has been issued a commercial  
17 drivers license by his state of residence, or who holds a valid Mexican Licencia Federal de  
18 Conductor, who has that license in his immediate possession, whose privilege to drive any  
19 motor vehicle is not suspended, revoked, or cancelled, and who has not been disqualified from  
20 driving a commercial motor vehicle shall be permitted without further examination or licensure  
21 by the Division to drive a commercial motor vehicle in this State."

22           **SECTION 6.** G.S. 20-37.19(b) reads as rewritten:

23       "(b) No employer shall knowingly allow, permit, or authorize a driver to drive a  
24 commercial motor vehicle during any period:

- 25           (1) In which the driver has had his commercial driver license suspended,  
26           revoked, or cancelled by any state, is currently disqualified from driving a  
27           commercial vehicle, or is subject to an out-of-service order in any state; or  
28           (2) In which the driver has more than one driver license.  
29           (3) In which the driver, the commercial motor vehicle being operated, or the  
30 motor carrier operation, is subject to an out-of-service order."

31           **SECTION 7.** G.S. 20-37.21(a) reads as rewritten:

32       "(a) Any person who drives a commercial motor vehicle in violation of G.S. 20-37.12  
33 shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined not less than two  
34 hundred fifty dollars (\$250.00) for a first offense and not less than five hundred dollars  
35 (\$500.00) for a second or subsequent offense. In addition, ~~upon conviction,~~ the person shall be  
36 subject to a civil penalty of ~~not less than one thousand one hundred dollars (\$1,100) for the first~~  
37 ~~offense and not more than two thousand seven hundred fifty dollars (\$2,750) for a second or~~  
38 ~~subsequent offense.~~ pursuant to the provisions of 49 C.F.R. § 383.53(b)."

39           **SECTION 8.** Sections 1, 2, and 5 of this act are effective when this act becomes  
40 law. The remainder of this act becomes effective December 1, 2009, and applies to offenses  
41 committed on or after that date.