

2003NC Legislative Session

Current transportation related bills impacting NC DOT before the legislature

6/3/2003

Bill No.	Date	Title	Status	Sponsor	Description
<u>S426</u> GS 136-63	3/17/03	An Act to remove County Commissioners from the procedure for abandonment of roadways located in the Municipalities.	Introduced Ref. To com. on Transp.	Senator Hartsell	The Department of Transportation may abandon right-of-way of roads in municipalities. If the municipality objects to the abandonment the Board of Transportation shall make the final decision.
<u>S235</u> GS 105-187.5 One time Rental Car Tax Election Exception	2/27/03	An act that allows a retailer that leases motor vehicles and that has paid the Highway Use Tax on the motor vehicles to pay an additional gross receipts tax on the motor vehicles.	2/26 Introduced Ref. To Comm on Transp. To Gov. 3/25 <u>Ratified and Signed 3/28</u> <u>Ch SL 2003-5</u>	Hoyle & Berger	Short Term Leases or Rents of motor vehicles may pay use tax of 8% in the lease or rental payments. Long Term (one year or greater) is 3%. This bill allows the use tax to be paid as a one-time purchase category of 3% of the value not to exceed \$1,500.
<u>S442</u> GS 143-129 (h)	3/17/03	Charlotte Procurement Practices	Introduced Ref. To Com on St. Govt., Local Govt. ,and Veteran Affairs	Dannelly	City may contract for purchase, lease, or equip. for Public Transportation services for the same or more favorable terms of any contract entered into by any government entity authorized upon having completed a formal bid or competitive procurement.
<u>H147</u>	2/27/03	Left Turn on Red	3/19/03 Com. sub. Fav'ble. Passed 2 nd & 3 rd reading. 5/1 to Senate Com on Judiciary II. Re-Ref to Rules & Oper. Withdrawn and Re-Ref to Comm. Judiciary II	Gulley and 51 others	If the vehicle is in the leftmost lane of travel on a one-way street that intersects with another one-way street with traffic traveling from the turning driver's right to the turning driver's left then the vehicle may enter the intersection and make a left turn into the extreme left-hand lane lawfully available to traffic. The turning vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection. THERE APPEARS TO BE SOME CONFUSION ON WHICH COMMITTEE SHOULD CONSIDER THIS LAW.

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Bill No.	Date	Title	Status	Sponsor	Description
S38 H23 GS 136-18	2/13/03	Fixed Guideway Transit Safety - LOGO rules – 511 Traveler System- HOV lanes and Transit way rules.	Intro. 3/19 3/25 passed 2 nd & 3 rd Reading. 3/27 To House Comm on Transp. Reported favorable 5/29 Sub. adopted	Gulley - Carpenter	Oversee safety of fixed guideway systems not regulated by the Federal Railroad Administration.
S35 H22 GS 136-182	2/13/03	DOT Resurfacing/ Secondary Road Fund Use	Transp Comm substitute- adopted 3/27 4/14 on Cal 4/22 to House on Transp.	Crawford	If all state maintained roads have been paved or if environmental permits or rights-of-way cannot be approved then the funds may be used for safety improvements on the paved or unpaved secondary roads in the county.
S2 GS 20-9 (g) (2)	2/10/03	A bill to allow certain applicants for driver's license's to submit medical certificates from out-of-state physicians.	Introduced 3/12 Rept Fav. Placed on Cal Enacted 4/19 Gov Signed 4/21 Ch SL 2003-14	R.C. Soles Jr.	A division shall not issue a license pursuant to this section unless the applicant has submitted to a physical examination by a physician or surgeon duly licensed to practice medicine.
S524	3/25/03	Aggregates & Asphalt Tax Uniformity	3/24 filed 3/25 ref com on finance	Rand	Equalize the sales tax on aggregates and on asphalt.
S526	3/25/03	Relocation of Roadway	3/25 Ref to com on Transp.	Hartsell	Owner of land losing access because of relocation of roadway by the DOT may petition for opening of a cartway or like easement by instituting a Special proceeding pursuant to G.S. 136-68

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S527	3/24	Death by Vehicle	3/25 ref to com on Judiciary II	Hartsell	Death by vehicle a Class I Felony for death of another person while: <ul style="list-style-type: none"> • Driving impaired and passing a stopped school bus • Reckless driving • Driving on the wrong side of the road • Running a stop light or stop sign • Speeding 15 mph over speed limit • Speeding in a school zone.
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Bill No.	Date	Title	Status	Sponsor	Description
H643	3/24	Railroads to pay some Non-betterment costs	3/24 Filed 3/25 ref to com on Public Utilities		A railroad corporation shall pay the nonbetterment costs of relocation of water and sewer lines that are within existing railroad rights-of-way, that are owned by a sanitary district, and that have to be relocated as a part of a rail transportation improvement project.
H644	3/24	Halifax Northhampton Airport	3/24 Filed 3/25 ref to com on Appropriation	Allen	An act to appropriate funds to the Aviation Division of the Department of Transportation for a Halifax-Northhampton Airport Authority Local Match.
H651	3/24	Durham Traffic Circle	5/21 Rept. Fav. To Gov. 3/25 <u>Ratified and Signed</u> <u>5/27</u> <u>Ch SL 2003-85</u>	Crawford Luebke Michaux Miller	Traffic Control Measures delegated to the City Manager or designee to make determinations regarding routine transportation decisions. (Durham wants a traffic Circle)
S0038	2/12	DOT Transit Safety Oversight	2/12 filed 3/19 Rep. Fav. 3/25 passed 2 nd & 3 rd reading. 3/27 to house Comm on Transp. 5/29 Passed 2 nd & 3 rd reading	Sen. Gulley – Carpenter	Oversee the safety of fixed guideway transit systems in the state not regulated by the Federal Railroad Administration.
H21	2/13/03	Highway Trust Fund Federal-aid Match	3/31 placed on cal. 4/1/03 pass 2 nd & 3 rd to 4/02 to Sen Transp. Com. 5/14 Rept. Fav. To Com. on Appro.	Crawford	An Act to amend the Highway Trust Fund to authorize the use of Highway Trust Fund Funds to match Federal-aid highway funds, as recommended by the joint Legislative Transportation Oversight Committee.

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Bill No.	Date	Title	Status	Sponsor	Description
H26	2/13/03	Camera Defeating License Covers Illegal	3/31 Rept. Fav. Com Sub. Cal 4/22 to com on transp. Passed House 4/22 sent to Sen Com on Transp.	Miller	An Act to clarify that devices designed to cover registration plates to prevent the taking of a clear photograph by traffic control systems using cameras are unlawful.
S643	3/31/03	Double Penalties for Traffic Offenders	4/01 Ref to Com on Finance	Brock	To double the penalties for motor vehicle offenders. Increase maximum penalty from \$100 to \$200. Applies to offenses committed on or after Dec. 1, 2003.
S723	4/02/03	I-40 Billboard Moratorium	4/03 ref. to Com on Agriculture/ Environment/Natural Resources	Garrou	Reinstate the moratorium on further billboards along I-40 from Orange-Alamance Co. line to the corporate limits of Wilmington.
S762	4/02/03	Regulate Public Transp. Liability	4/03 Ref to Com on Judiciary I	Gulley	Clarify that Public Transportation Authorities and Regional Transp. Authorities. are included in the State Tort Claims Act
S763	4/02/03	NC Clean Vehicles	4/03 ref. to Com on Agriculture/ Environment/Natural Resources	Gully Lucas	Establish a low vehicle emissions program that is the functional equivalent to the low emissions vehicle program established under California law to motor vehicles of model year 2007 and thereafter.
S787	4/02/03	No Motor Fuel Sales Limit	4/03 Ref to Com on Commerce	Reeves, Bingham, Dalton, and Kerr	No person shall limit the amount of fuel sold or offered for sale from a motor fuel pump to any one customer to a quantity less than the entire supply that is owned or possessed by the seller punishable as a Class 2 misdemeanor
S804	4/02/03	DMV-Driver License and Vehicle registration extensions	4/03 Ref to Com on Finance	Rand	DMV to issue driver's licenses valid for up to eight years and vehicle registrations for up to two years.
S841	4/02/03	Accelerate US 74 Improvements	4/03 ref to com on Appro/Base Budget	Shubert Apodaca Pittenger Purcell Weinstein Ballentine, Rucho	An Act to enhance the prosperity of the people of the State of North Carolina by accelerating the completion of an Interstate Quality Highway along the general route of US Highway 74 linking Asheville to Charlotte to Wilmington..

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Bill No.	Date	Title	Status	Sponsor	Description
S864	4/02/03	MPO/RTO Trans. Planning Funds	4/03 Ref to Com on Approp/Base Budget	Clodfelter Gulley	An Act to appropriate funds for the planning activities of recently created rural transportation planning organizations. To authorize MPO in non-attainment areas to apply for state funds to avoid air quality conformity lapses and to appropriate funds for that purpose, and to authorize local governments in non-attainment areas to apply for planning funds and to appropriate funds for that purpose.
S945	4/02/03	Timely Environment Reviews	4/03 ref. to Com on Agriculture/ Environment/Natural Resources	Hoyle, Swindell, Stevens, Rucho, Clodfelter, Garrou	An Act to provide that the Secretary of Environmental Resources shall modify the permit process for certain air quality permits, shall conduct a thorough review of the environmental permit programs to identify impediments to the timely issuance of permits by the Department of Env. And Nat. Resources, and shall make recommendations for modifications of these programs in order to enhance economic development.
S1008	4/02/03	Va-NC High Speed Rail	4/03 to Comm on Transp. 4/16 Withdrawn, Re-Ref Com Rules & Oper. Substitute adopted, passed 2 nd & 3 rd Reading. 5/01 to House Com on Transp. Rept. Fav. & Re-Ref to Comm. on Rules, Calender, & Operations	Gulley Swindell,	An Act to reestablish the Virginia-North Carolina Interstate High Speed Rail Commission. The Commission to study establishment of an Interstate High-Speed Rail Compact. Authority to hold regular scheduled meetings in both North Carolina and Virginia.
H0706	3/26/03	Charlotte Transit Procurement	3/27 Com on Local Govt. Rept. Fav. Placed on Cal 4/10. Passed 2 nd & 3 rd reading. To Sen 4/14 5/28 Amend Passed 2 nd & 3 rd reading.	Saunders	An Act Amending The Charter of the City of Charlotte to allow the city to purchase apparatus, supplies, materials or equipment for public transportation purposes from persons or entities that have recently met state bidding law requirements and provided apparatus, supplies, materials or equipment to the federal government, State of North Carolina, or any another state.
H963	4/08	Hit and Run	4/9 Ref to Com on Judiciary III. 4/30 Fav Com Substitute Amend adopted and passed.5/1 passed 2 nd & 3 rd Reading. Passed Senate 5/5. Re - Ref to Sen. Com on Judiciary II	Warner Decker Pate	To provide that a person convicted of leaving the scene of an accident involving injury or death shall lose their license for a period of five years. Amend: Penalties apply unless there is a greater penalty in another law.

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Bill No.	Date	Title	Status	Sponsor	Description
H965	4/08	Failure to yield causing Death or Injury	Ref. Com. on Judiciary III. Amend adopted and passed. 5/1 Sent to the Senate Comm. on Judiciary II.	Hill, Church, Pate	Penalties for persons who cause injury or death when failing to yield the right-of-way under certain circumstances shall be fined \$1,000 and license suspended for six months.
S1010	4/02/03	Cash Balance to critical needs	4/03 Ref to Com on Approp/Base Budget	Holloman Hoyle, Swindell, Jenkins, Metcalf, Pittenger Queen, Reeves, Weinstein	<p>Allow the cash balances in the Trust Fund to be used to meet crucial transportation needs and to reaffirm the intent of the General Assembly that proceeds from the issuance of bonds under authority of the state Highway Bond Act of 1996 shall be used for the purposes stated in that act, and for no other purpose.</p> <p>Obligate \$300 m FY 2004 ; \$400 million FY 2005 of the cash balance of the Highway Trust Fund for the following purposes:</p> <ul style="list-style-type: none"> • \$630 million for highway system preservation, • modernization, • maintenance, • signs,signals, traffic control devices and resurfacing of roadways. <p>\$70 million for:</p> <ul style="list-style-type: none"> • Regional Public Transit • Rural and Urban public transportation facilities • Regional transportation and air quality initiatives <p>Rail system track improvements and equipment, and other ferry, bicycle, and pedestrian improvements.</p>
S1015	4/02/03	The Good Roads Restoration Act	4/03/03 Ref to Com on Approp/Base Budget	Apodaca , Berger, Ballentine, Brock, Carpenter,F orrester, Foxx, Garwood, Hartsell, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens	<p>The Department may use up to \$300,000,000 in fiscal year 2004 and up to \$400,000,000 in fiscal year 2005 of the cash balance of the Highway Trust Fund for highway system preservation and maintenance and resurfacing of roadways. All funds pursuant to this subsection shall be expended under the distribution formula in the Trust Fund bill (G.S. 136-17.2A). The DOT shall certify to the Joint Legislative Transportation Oversight Committee that the use of these funds will not delay any Trust Fund projects. The Department shall transport annually beginning in 2004 to the Joint Legislative Transportation Oversight Committee on the status and projected completion of all Transportation Improvement Program projects</p>

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S717	4/2	Governor's Budget Bill	4/2 to Approp/Base Budget Com	Garrou Dalton Hagan	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">2003-04</td> <td style="width: 33%; text-align: center;">Hwy Fund</td> <td style="width: 33%; text-align: right;">2004-05</td> </tr> <tr> <td>\$1,350,930,000</td> <td></td> <td style="text-align: right;">\$1,373,080,000</td> </tr> <tr> <td colspan="3" style="text-align: center;">Total Maintenance Declines</td> </tr> <tr> <td>\$596,982,883</td> <td></td> <td style="text-align: right;">\$ 572,304,548</td> </tr> <tr> <td colspan="3" style="text-align: center;">Total Construction Increase</td> </tr> <tr> <td>\$ 124,700,000</td> <td></td> <td style="text-align: right;">\$ 125,690,000</td> </tr> <tr> <td colspan="3" style="text-align: center;">Hwy Trust Fund</td> </tr> <tr> <td>\$1,010,039,000</td> <td></td> <td style="text-align: right;">\$1,049,071,000</td> </tr> <tr> <td colspan="3" style="text-align: center;">Total</td> </tr> <tr> <td>\$2,360,969,000</td> <td></td> <td style="text-align: right;">\$2,422,151,000</td> </tr> </table>	2003-04	Hwy Fund	2004-05	\$1,350,930,000		\$1,373,080,000	Total Maintenance Declines			\$596,982,883		\$ 572,304,548	Total Construction Increase			\$ 124,700,000		\$ 125,690,000	Hwy Trust Fund			\$1,010,039,000		\$1,049,071,000	Total			\$2,360,969,000		\$2,422,151,000
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H979	4/08	Constitution on Transp. Funding	4/09 Ref to Com on Rules, Calendar and Operations of the House	Cole, Bowie, Capps, Culp, Decker, Fox, Frye, Gillespie	Amend the Constitution to limit the Governor for reducing or diverting funds appropriated by the General Assembly for Transportation Purposes. In exercising powers contained in this section Highway Funds or Highway Trust Funds shall not be used for non transportation purposes unless the Governor has exhausted all other sources of revenue of the State including the surplus remaining in the treasury at the beginning of a fiscal period.																														
H729	3/27	An Act to prohibit the Department of Transportation from installing any additional stoplights on Highway 70 from Garner to Morehead City	3/27 Ref to Com on Transp. 4/23 Rept Fav. Re-Ref to Rules, Cal, and Operations of HOUSE	Gorman LaRogue Wainwright K. Williams	NC DOT will not erect any additional stoplights on US 70 from Garner to Morehead City. The Dept. shall use other control solutions such as turnouts, crossovers unless the DOT has secured a study by an independent traffic engineer that certifies the stoplight as essential.																														

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Bill No.	Date	Title	Status	Sponsor	Description
S552	3/26	Photographic Speed Measuring System	3/27 introduced, placed on Cal 4/29 4/17 Fav. Com. Substitute adopted. 4/30 Re-Ref to Com. on Finance	Donnelly, Clodfelter	A photographic speed measuring system that works in conjunction with photographic, video, or electronic camera to automatically measure speed and provide digital images of violators.
H627 H466 S291 (All the Same)	3/20	Greensboro Construct Roads Outside City Limit	3/24 Com on Local Govt. Rept Fav Com substitute. Re-Ref Com on Transp Passed 2 nd & 3 rd Reading. To Sen 4/14 Com on St. Govt. & Vet Affairs. 4/29 Passed Senate – sent to House Com. on Local Govt. II	Adams, Bowie, Jeffus, Jones	A city may appropriate funds not otherwise limited as to use by law to construct roadways in areas outside its corporate limits and outside its extraterritorial planning and zoning jurisdiction only if owned by and maintained by the Dept. Of Transportation.
H48	2/20	Cash Balance Transfer from Trust Fund	Ref to Com on Transp. 4/23 Four (4) Amendments Passed 3 rd reading and 5/05 sent to Sen Com on Approp & Base Budget.	Crawford Cole	The DOT may obligate \$300 million in FY04 and \$400 Million in FY05 of cash balance in Trust Fund for Hwy Maintenance and Regional Public Transit.

Other States' summary:

Gax tax increases in Ohio, Oklahoma, and Washington State. Ohio's Governor signed a transportation budget that contains \$580 million in new taxes. Included in the measure is a 4-cent gax tax hike over the next two years, a \$12 increase in drivers license fee, and increases in both permanent and temporary vehicle registrations.

In Washington a \$2.6 billion, 10 year transportation plan includes a 3 cent gas tax increase.